Universitat Autònoma de Barcelona

The Haskamot of Barcelona of 1354: A Historical, Legal, And Political Approach

Mario Macías López

Universitat Autònoma de Barcelona

The *Haskamot of Barcelona* of 1354: A Historical, Legal, And Political Approach

Mario Macías López

Juris Doctor Thesis

Supervisor: Pompeu Casanovas Romeu

Faculty of Law
Department of Political Science and Public Law
Autonomous University of Barcelona (UAB)

January 2022

Acknowledgements

This dissertation would have not been possible without the assistance and support of many people. Their wisdom and generosity have helped me to undertake my first steps as a researcher. I will always be indebted to them.

I sincerely thank Professor Pompeu Casanovas, my PhD director and my Supervisor during these years. His learned, inspiring, and patient guidance has spurred my intellectual growth. His views on history, society and human nature have had—and will have—a lonsgstanding impact on my work.

I am especially grateful to the members of the Institute of Law and Technology of the Autonomous University of Barcelona: Emma Teodoro, Jorge González, Andrea Guillén, Esther Zapater and Rebeca Varela (former member). Their friendship and support have been fundamental throughout this journey. They gave me the chance to start my career and to get acquainted with professional research.

I also acknowledge the valuable help of Professor Tomàs de Montagut (Pompeu Fabra University), who initiated me into archival research. This has certainly been of outmost importance in the development of the dissertation, and I am most grateful for it. I am likewise indebted to Professor Menachem Lorberbaum (Tel Aviv University), who accepted me as Visiting Researcher at Department of Philosophy and Talmud and supported my work in Israel, in difficult times. His kind advice has been indispensable to delve into the Jewish political tradition from the inside and not only from the Medieval Catalan legal tradition. I also thank Professor Wendy R. Simon (Abat Oliba University). She instructed me on the management of an academic journal and carefully reviewed this thesis. I appreciate the assistance of Professor Meritxell Blasco (University of Barcelona), whose counseling on how to approach the study of the Catalan Jewry was crucial during the first steps of my dissertation. Finally, I would like to thank Professor John Zeleznikow (La Trobe University, Australia) and Rabbi Chaim Cowen for assisting and reviewing my translation of the *Agreements of Barcelona* from Hebrew to English.

There is also a wide range of people alien to the academic world to whom I am indebted. Despite their likely unfamiliarity with the content of this thesis, their faith in me and their unconditional support has been an inexhaustible source of strength. Naomi, mom, dad: thanks! And thanks to all friends who have encouraged me to keep on working.

A hundred pages would not be enough to express my gratitude to all these people. These few lines are a poor tribute to their valuable help. If I have missed some names, I hope they will forgive my blunder. My gratitude to all of them too.

Abstract

The aim of this dissertation is to explore the contents of the *Agreements of Barcelona* in their historical and political context. The document was elaborated and signed by three good standing Jews from Catalonia and Valencia in 1354 as a response to the challenges and threats faced by the Catalan-Aragonese Jewry. They intended to create a common front to strengthen the position of the Jewish communities of the Crown of Aragon and to avoid their annihilation. This common front was to be led by a supra-communal assembly of delegates from Catalonia, Valencia, Mallorca and Aragon. The delegates would have been empowered to take care of the general affairs of the communities and to negotiate with the King and the Pope the concession of a number of bulls and privileges. The list of petitions that the drafters aimed to submit to the King and the Pope constitutes a detailed account of the social and legal distresses of the Catalan and Valencian Jewry. Each request shows a concern, a negative daily reality that conditioned the public and private life of the Jews. The study of these proposals can bring to light a complete portrait of the social situation of the Jews in the mid-fourteen century. On the other hand, the study of the articulation of the supra-communal assembly can add valuable information to our knowledge on the practical and theoretical foundations of the Jewish political tradition in Medieval Catalonia.

The dissertation is divided into two main parts. The first one consists of a historical commentary on each proposal addressed to the King. The second one approaches the theoretical and social grounds behind the production of the *Agreements,* as well as their implications for Catalan communal politics. Our work concludes with an English translation of the text of the *Agreements.*

Table of Contents

Part II: The *Agreements* and Jewish Authority

List of Figures and Tables

Figures

Tables

List of abbreviations

ACA: Arxiu de la Corona d'Aragó [Archive of the Crown of Aragon].

ACUR: *Arxiu Comarcal de l'Urgell* [Archive of Urgell]

ADB: *Arxiu Diocesà de Barcelona* [Diocesan Archive of Barcelona].

ADG: *Arxiu Diocesà de Girona* [Diocesan Archive of Girona].

AHCT: *Arxiu Històric Comarcal de Terrassa* [Historical Archive of Terrassa].

AJS: Association for Jewish Studies Review.

AMB: *Arxiu Municipal de Barcelona* [Barcelona Municipal Archive].

APV: *Arxiu Parroquial de Verdú* [Parrochial Archive of Verdú].

ARP: *Arxiu del Reial Patrimoni* [Archive of Royal Patrimony]

BNC: *Biblioteca Nacional de Catalunya* [National Library of Catalonia].

BT: Babylonian Talmud.

c.: *caja* [box].

Cfr.: *conferatur*[1].

CR: *Cartas Reales* [Royal Letters].

CSIC: *Consejo Superior de Investigaciones Científicas* [Spanish National Research Council].

d.: death.

Ed./Eds.: Editor/Editors.

f.: *full* [page].

fn.: footnote.

leg.: *legajo* [file].

LPT: *Llibre de Privilegis de Tàrrega* [Book of Privileges of Tàrrega].

Ms.: Manuscript.

n.: number.

p./pp.: page/pages

[1] We have used this acronym only for internal references.

reg.: register.

RP: *Recognoverunt Proceres.*

UB: *Universitat de Barcelona* [University of Barcelona].

UNED: *Universidad Nacional de Educación a Distancia* [National University of Distance Education].

Vol.: Volume.

Transliteration Rules[2]

א	Not transliterated
בּ	B
ב	V
גּ	G
ג	G
דּ	D
ד	D
ה	H
ו	V – when not a vowel
ז	Z
ח	Ḥ
ט	T
י	Y– when vowel and at end of words – I
פּ	K
כ, ך	Kh
ל	L
מ, ם	M
נ, ן	N
ס	S
ע	Not transliterated
פּ	P
פ, ף	F
צ, ץ	Ẓ
ק	K
ר	R
שׁ	Sh
שׂ	S
תּ	T
ת	T

[2] Transliteration criteria are in accordance with the *General Transliteration Rules* of the *Jewish Encyclopaedia* , second edition (Vol. I, p. 197).

Glossary of Hebrew, Latin, Catalan and Aragonese terms

Hebrew terms

Berurim (“ברורים”): Communal leaders. The word was often used as a synonym for *nemanim.*

Dina de-melkhuta dina (“דינא דמלכותא דינא”): *Halakhic* statement meaning that the law of the kingdom is a valid law. It refers to the validity of the non-Jewish rules of the kingdom or territory where the community is settled. The precise scope and limits of this precept have been a traditional matter of discussion among Jewish scholars.

Gemara (“גמרא”): Part of the Talmud that collects the discussions and commentaries of the Talmudic sages on the *Mishnah*.

Halakhah (“הלכה”): Jewish law, sum of all Jewish legal sources.

Haskalah (“השכלה”): Rationalistic intellectual movement that spread across Central Europe from the last decades of the eighteenth century to the last ones of the nineteenth century. It is also known as the Jewish Enlightenment.

Haskamot (“הסכמות”): Agreements. This expression was used in Medieval Catalonia to refer to communal ordinances.

Ḥerem and Niduy (“חרם ונדוי”): Jewish punishment based on the expulsion of the culprit from the community. It was one of the most common penalties among medieval Jewish communities.

Kahal/Kehillah (“קהילה”, “קהל”): Hebrew terms for community.

Kashrut (“כשרות”): Dietary Jewish rules.

Ketubah (“כתובה”): Marriage contract stating the duties and rights of the spouses and their families, as well as the economic aspects of the union.

Malshin (“מלשין”): Informer, a person who betrays the community accusing its members before gentile authorities or providing sensitive information.

Maskil (“משכיל”): Member of the *Haskalah.*

Mishnah (“משנה”): Collection of Jewish oral laws. According to tradition, the Mishnah was also revealed to Moses in the Sinai. The *Mishnah*, together with the *Gemarah*, is one of the parts of the Talmud.

Muqaddamin (“مقدّمين”, “מקדמין”): Arabic term widely used among Aragonese and Valencian communities to refer to communal leaders. Christian documentation uses the term *adelantats* o *adelantados.*

Nemanim (“נאמנים”): Communal leaders. The word was often used as a synonym for *berurim.*

Sanhedrin (“סנהדרין”): Judicial assemblies of elders that operated in ancient Israel.

Shelot ve-Teshuvot (“שאלות ותשובות”): Opinions or judgments given by halakhic experts as a reply (*teshuvah*) to a legal or moral question (*shelah*).

Sofer (“סופר”): Communal scribe. His attributions were similar to those of the Christian notaries.

Talmud (“תלמוד”): Legal text composed by the *Mishnah* and the *Gemarah.* There are two Talmudic compilations: the Talmud Babli (or Babylonian) and the Talmud Yerushalmi (or Palestinian).

Takanot ha-Kahal (“תקנות הקהל”): Communal ordinances. In fourteenth-century Catalonia, *takanot* was a synonym for *haskamot.*

Torah (“תורה”): First five books of Hebrew Bible. It corresponds to the Christian *Pentateuch.*

Tosafists (“בעלי התוספות”): Central European rabbis and scholars in the Late Middle Ages. The term—“תוספות” (“tosefot”: additions) and the verb “הוסיף” (“hosif”: “to add”)—probably originated because of their engagement in producing Halakhic commentaries

Catalan, Aragonese, and Latin terms

Açuna (also çuna, çunna or azuna. From the Arabic “السُنة”): Arabic-origin word often used in Christian documents to refer to the *Halakhah.*

Adelantats (also adelantados): see *muqaddamin.*

Aljama (from the Arabic “الجمع”, “assembly”): Administrative demarcation for Jewish and Muslim communities and settlements.

Batlle: Local representative of the king and administrator of the royal finances. His attributions were mainly tax-related and economic. He also had some judicial powers.

Batllia: Jurisdiction of a *batlle.*

Braç: The *braços* were the representatives of the three feudal orders—clergy, nobility and royal municipalities—at the *Corts*. The term literally means *arm.*

Call: Jewish neighborhood.

Canvi marítim: It was a sort of loan conceded to fund maritime commercial trips. If the merchant succeeded in his expedition, he had to return the money plus a special retribution. If he failed, he was just obliged to return the original amount of the loan.

Censal mort and violari: Credit contracts based on the purchase of the right to receive a periodical rent from another person.

Cena: It was a tax derived from the duty to provide the king—or feudal lord—and his suite with accommodation and supplies while they were in a town or village. Since the thirteenth century, this duty was often replaced by an economic contribution. The *cena* could be in *praesentia*—paid by the municipalities that hosted the king—or *in absentia*—paid by the rest of municipalities as a monetary regular tax.

Cisa: Indirect tax on certain products, such as wine.

Collecta: Tax area comprising a main *aljama* and its area of influence.

Constitutio: Legal rules promulgated by the king in the *Corts* after negotiating them with the *braços.*

Cort: Assemblies comprising the three Catalan estates (or *braços*) with which the king's policies were agreed.

Curia: Consultative assemblies held by the counts of Barcelona and their vassals before the dynastic union with Aragon. There were two kinds of *curia*: i) ordinary *curiae,* which were composed of the count's permanent advisors; ii) extraordinary *curiae,* which were attended by his vassals in case of need. They can be considered a precedent of the *Corts.*

Decretal: Rule or judgement issued by the Pope.

Donatiu: Extraordinary economic contribution agreed in the *Corts.*

Foc: Unit used to measure the population of a town. A *foc* (literally, *fire, fireplace*) corresponded to a house and its inhabitants—around four or five people.

Fogatge: Population estimate according to the number of *focs.*

Greuge: In Catalan, a *greuge* is an offence or outrage. This word also referred to the abuses committed by royal officials and other authority figures. A section of the *Cort* sessions was dedicated to the submission of *greuges* to the king by the *braços.*

Guidattico (or *guidatico* or *guiatge*): Safeguard issued by the king—or local lord—to travelers. For the Jews, the *guidatticos* were often a compulsory prerequisite for travelling.

Infant: A King's son.

Ius Commune: System of general laws and principles that emerged in eleventh-century Catholic Europe from the rediscovery of Roman Law.

Jurisdictio: This concept refers to the set of public attributions of a lord over his territories and vassals. It included, for example, the power to rule, to judge, and to collect taxes. The *jurisdictio* had a patrimonial nature and could be alienated.

Justicia: Valencian and Aragonese counterpart of the Catalan *veguer.*

Furs: Set of laws and privileges that ruled a municipality or kingdom.

Mà: The *mans* (literally, *hands*) were the three social classes in which the population of Catalan royal cities was divided. The division was inspired by the three orders or *braços.* From top to bottom, the hierarchy of the three *mans* was: *mà maior* (*major hand*), *mà mediocre* (*middle hand*) and *mà menor* (*minor hand*).

Maravedí (or morabitins): Valencian currency.

Parlament: A *parlament* was a *Cort* session with only one or two *braços.*

Pau i Treva: Feudal assemblies held between the tenth and thirteenth century to set limits to baronial wars. *Pau* (*peace*) comprised the list of goods, people and buildings—mills, roads, cattle, churches, etc.—that should be excluded from conflicts. *Treva* (*truce*) made reference to those days—usually religious festivities—in which combats were not allowed.

Pragmatica: Royal provision issued without intervention of the *Corts* in matters of Public Law.

Privilege: Rule enacted by the king or a baron that conceded a special legal treatment to a person, group of people, municipality, region, or kingdom.

Prohom: A *prohom* was a wealthy, well-considered and politically influent citizen. The *prohoms* used to control the most important local offices. They are comparable to the *patricians* or *bourgeoisies* of other medieval cities. **Ricos homines.**

Purga de Taula: Inquisitorial system monitored by the *Corts* to inquire on the abuses or crimes committed by royal officials.

Recognoverunt Proceres: Set of laws and privileges conceded to the city of Barcelona in 1284.

Regalia: Privative right or power inherent to the monarchy. The *regalias* were competences that the king had over his vassals and kingdoms regardless of the habitual jurisdictional limits. For example, Catalan kings could compel their baronial vassals to deploy their armies to repel an invasion.

Remença: Catalan serf.

Sou of Barcelona: Catalan currency.

Sou of Jaca: Aragonese currency. It was also a common currency in Lleida and its surroundings.

Universitat: Catalan local collective with self-government and representative attributions. In a wider sense, it was a synonym for municipality in the Late Middle Ages.

Usatges of Barcelona: Compilation of Catalan consuetudinary rules. Since the twelfth century, it was the main Catalan legal code. In 1251, James I formalized its primacy within the legal hierarchy.

Veguer: Royal representative at the local level in charge of maintaining public order. He was also the main judicial authority.

Vegueria: Jurisdiction of a *veguer.*

Introduction

The subject of this dissertation is the study of the *Agreements of Barcelona*. The topic is apparently simple; it can be summarized—as indeed we have—with a single short sentence. Nevertheless, this simple statement conceals a semantic content of great historiographical complexity, richness, and relevance that we would like to unveil. This historical event can also be described with few words: In 1354, some good standing Catalan and Valencian Jews met in Barcelona with the aim of uniting all the Catalan-Aragonese communities under a single leadership. Their objective was to create a sort of assembly of representatives commissioned to negotiate with the Pope and the King of Aragon a series of privileges and bulls to protect their weak, moribund**,** and threatened *aljamas*. However, this text is much more than a last desperate call to the Catalan, Valencian, Aragonese and Balearic Jewry to give up their differences and individual ambitions for the sake of survival. It is an open door to a detailed portrait of a reality, of a period of bewilderment, fears and turning points. It is a tool to unmask the complex and underlying networks of social, religious, legal and political interactions that shaped the Crown of Aragon.

The *Agreements of Barcelona* were discussed and signed in the midst of an age of great convulsion, anxiety and misery for the Crown. For almost a century, warfare had become a daily reality. The count-kings were in permanent conflict with all sorts of enemies outside and within their lands; the military expenses had diminished the unstable royal treasury leading to an endemic financial crisis and to permanently increasing tax pressure; two decades of bad sows had brought hunger and social unrest to the kingdoms of Aragon and the feudal nobility was always conjuring to protect their privileges. This difficult scenario was completed by the sudden and deadly arrival of the Black Death. In the summer of 1348, six years before the drafting of the *Agreements*, this mysterious and terrible mortality crossed the Pyrenees causing thousands of deaths and awaking the deepest fears of the Catalan society.

The Jews, as the quintessential marginalized and harassed religious minority in medieval Europe, remained at the epicenter of all these events. As we shall see in the upcoming pages, the miseries of the Catalan-Aragonese people were experienced with greater intensity by the Jewish communities. But the economic and agrarian shortcomings we have just mentioned cannot be compared to the effects of the plague. In addition to the ravages of the Black Death from a medical perspective, the Jews suffered the anger of their Christian neighbors, who saw in the pandemic the unequivocal signs of a divine punishment and the announcement of doomsday. Religious fanaticism and material shortages led the crowds to rise against the infidels and to assault their communities. As Baer noted, these were "the first large-scale anti-Jewish disorders" in the Crown of Aragon (Baer 2001, II: 24). Thus, the summer of 1348 brought a new bloody dimension to Christian-Jewish relationships. The drafters of

the *Agreements*, as well as the rest of their coreligionists, suffered the attacks and they might have been well aware of them when they wrote the *Agreements* of 1354.

Since Christianity had been consolidated across Europe, the Jews had been a socially excluded minority. As infidels who denied the truth of Christ, the Jewish people did not belong to the social and political community of faith, to the *Corpus Mysticum* of Christendom. Their existence was tolerated in obedience to a dogma. As Augustine of Hippo claimed, the Jews were ignorant and mistaken, but they had been graced by the Almighty with part of the Revelation and they are witnesses to the truth of Christ. For this reason, they could not be physically eradicated (Augustini 1841). In the Crown of Aragon, these ideological trends were coupled with other pragmatic rationales for tolerance. The Jewish population played its role in the socioeconomic life of the Crown as merchants, moneylenders, translators, artisans, physicians, scribes, diplomats, etc.

However, medieval societies did not remain static over the span of a thousand years. In the fourteenth century, violence against Jews increased and the first waves of assaults took place. The Church had hardened its position against the infidels, and the institutional relevance of the Jews within the political apparatus of the Crown had decreased. The measures foreseen in the *Agreements* aimed to protect the Jewish communities from this environment; they were a reaction to a wide range of dangers that threatened their continuity—none of the drafters ever realized how correct their fears were.

The internal situation of the communities was not much more peaceful nor hopeful. The idea of Jewish communities as places built as an unbreakable democratic and pure brotherhood guided by their wisest and most pious members is a historical myth. Many Catalan-Aragonese *aljamas* were dominated by social tensions, treacherous fights for power and hegemony, complicity with Christian powers—which used to be implicitly harmful for communal autonomy—, corruption scandals and class struggles. Royal interventions to maintain order within the communities—often according to its own interests—and avoid their collapse were not uncommon. This sociopolitical unrest was often matched by other dangers to the communal fabric and its solidarity ties, such as *malshinism* and conversions. The addition of these inner tensions also contributed to weaken the *aljamas*. The concerns regarding the lack of unity of the Jewish people are, indeed, constantly mentioned in the *Agreements.*

The drafters of the *Agreements* probably envisaged the project as a true and committed solution to the concatenation of difficult challenges faced by their coreligionists, but we should not be seized by a mythicizing enthusiasm. Although the *Agreements* were discovered and first edited and published in the mid-nineteenth century (Schorr 1852), they gained greater popularity in 1924 thanks to the publication of Louis Finkelstein's *Jewish self-Government in the Middle Ages* (Finkelstein 1924). In this book, Finkelstein provided a partial translation of the text, as well as a short comment introducing the *Agreements* as a democratic initiative resulting from the consensus of almost the entire Jewry of the Crown. Some years later, the German historian Yitzhak (then Fritz) Baer

published another edition of the text with less optimistic conclusions (Baer 1929: 348-358). He also defended his positions in posterior and more detailed studies (Baer 1929: 348-359 and 2001 [1945], II) and was supported by other scholars (Feliu 1987 and Riera 1987).

According to these authors, the *Agreements* were not a joint initiative, but a project led and launched by three Catalan and Valencian plutocrats and hierarchs: Cresques Salamo from Barcelona, a wealthy merchant and one of the most influential Catalan Jewish politicians; Moshe Natan, a polyvalent merchant close to the royal house, moneylender and one of the richest men in the Crown—and a poet too—; and Jahuda Alatzar, the undisputed autocrat of the *aljama* of Valencia and one of the most powerful men in that kingdom. As we shall argue later on, beyond the hypothetical real concerns for the common good of the Catalan-Aragonese Jewry, the three drafters designed the *Agreements* as a mechanism to ensure their political hegemony.

As a historical source, the *Agreements of Barcelona* are an insightful account of the situation of the mid-fourteenth century Catalan-Aragonese Jews, as well as of a reaction against an adverse environment. Nevertheless, they also were a legal text aimed at creating legal obligations, both indirect and direct. Basically, indirect obligations were generated by the privileges and bulls to be granted by the King and the Pope. Direct obligation would have emanated from the internal regulations for the delegates and the participating *aljamas*. The compulsory nature of the *Agreements* stemmed from the commitments acquired by the parties—as in a contractual relationship—, which included a system of penalties against infringers. As any other legal text, the *Agreements* were a product and an instrument of a political construction. Therefore, there is a political tradition behind them.

Throughout the Middle Ages, Judaism developed a solid political and legal tradition focused on the community (*kahal*). This progressive communal-centered construction of political theories and practices was, in general terms, the result of two elements. On one hand, diasporic Jewry relied on textual tradition—*Tanakh, Talmud* and other *Halakhic* writings—to ensure their socio-religious continuity and resist acculturation and assimilation. To a large extent, Judaism was—and still is—a *bibliocentric* culture. These social and cultural foundations favored the appearance of highly educated intellectual elites capable of elaborating deep legal and political theories. On the other hand, the *kahal* had been the only existing form of Jewish political and social organization for almost a thousand years. Unlike other religious minorities, like the *mudejars*—a political exception within medieval Islam[3]—, the Jewish tradition was inseparable from the notion of community. The community was therefore the epicenter of all legal and political debates about good government, law, the conflict between religious/secular rules and between adaptation/tradition, about the relationships between community and the gentile environment, etc.

[3] Indeed, Muslims who remained in Christian lands after the conquest were often considered by their coreligionists as second-class believers or even traitors to the Islamic community. See Miller (2008).

The main problem that the Jewish political tradition as a historiographical field poses is its lack of homogeneity. As a result of the Diaspora, the Jewish people scattered across Europe, Africa and Asia. They created hundreds of communities in places with very different political regimes, religions, socioeconomic dynamics, climates, needs and challenges. A Jewish community in Marrakech had little to do with one in Nuremberg. These differences could also operate within a single kingdom. They also lacked a central authority capable of ensuring a certain degree of uniformity. One of the direct consequences of this dispersion and of the lack of a central leadership was the development of an endless and varied set of political trends. Indeed, it is more accurate to speak of *political traditions* rather than of a single tradition, for it is not possible to offer a general view of medieval Jewish politics without falling into a manifest superficiality. Any analysis aiming to be insightful must be geographically bounded.

As we will discuss later, the *Agreements* were essentially a product of the Catalan Jewish tradition. Communal politics were characterized by a special eclecticism resulting from the intermediate position of Catalonia between Europe and the Muslim world. The birth of this tradition can be placed in the mid-thirteenth century. At that time, several popular uprisings supported by a new generation of intellectuals educated on the other side of the Pyrenees deposed the dynastic governments that used to rule the main *aljamas* of the Crown as little monarchies—probably an Arab-origin construction. The new regimes were composed of the Arabic sediment and the northern influxes. Broadly speaking, their main features were the attribution of a natural authority to the *kahal* as a public entity, the use of majority rule—understood as "deciding a matter according to the majority opinion" (Shilo 1974: 163)—as the preferable decision-making system and a realist approach to the dichotomy between secular and religious rules. Nevertheless, it is an ideal formulation. The real political life of the Catalan communities was constantly shaken by struggles and feuds between families and individual quests for communal hegemony—needless to say, if a party succeeded, it was the end of majority rule—, institutional monopolization by the upper classes, nepotism and external interferences. Although these elements are not necessary to understand the Catalan political tradition from a theoretical perspective, they are essential to understand its actual functioning.

Notwithstanding the importance of the theoretical and historical background of the *Agreements*, one of their most interesting traits is that they added a new element to this tradition: *Supra-communalism*. As noted above, the main objective of the agreements was to group all the *aljamas* of the Crown under the joint leadership of an assembly of representatives in charge of negotiating the requests to the King and the Pope—though the drafters probably aimed to create a permanent institution under their control. Unlike other Jewish traditions, such as that of the Rhineland, the Catalan-Aragonese Jewry did not develop real supra-communal trends. The only institution that more or less overcame the mere communal domain was the *collecta*, a construction composed by the main *aljama* and its area of influence. Despite the *collectas* originally being created by the Christian powers to facilitate tax collection, they soon became regional decision-

making centers. However, the relationship between the members of the *collecta* was asymmetrical, almost hierarchical. There was no real contact of that sort between the *aljamas* which were similar in size and influence. Therefore, the supra-communal assembly projected in the *Agreements* is an exception to the Catalan tradition. For this reason, the study of this dimension of the text will be one of our main targets.

The *Agreements* were a failure. The reluctance of the aljamas—whose causes we will analyze in the final chapter—to join the project precluded the creation of this supra-communal assembly. Although the drafters tried to achieve some privileges on their own, their successes were scarce, nominal, and did not have any real practical effect. Ultimately, this quest for unity did not have any impact on the political life of the Catalan-Aragonese Jewry, not even as a moralizing referent or mythicized story. They were immediately forgotten. The question that follows is thus unavoidable: What kind of interest can this historical anecdote arise? A number of reasons follow.

Firstly, the list of petitions that the drafters aimed to submit to the King and the Pope constitutes a detailed account of the social and legal distresses of the Catalan and Valencian Jewry. Each request shows a concern, a negative daily reality that conditioned the public and private life of the Jews. The study of these proposals can bring to light a complete portrait of the social situation of the Jews in the mid-fourteen century. However, this portrait should be drawn from a legal perspective. As already noted, the *Agreements* were a legal document aimed to have legal effects. The set of proposals reflects a complex underlying fabric composed of institutional apparatuses, legal processes and the entangled network of social relationships and constructions that emerged beyond legal formalism. Although the evident preeminence of the legal dimension apparently confines this portrait within the domain of a very specific field, this feature adds interest to the study of the *Agreements.*

Let us be more concise. Spanish, Catalan and international historiography have approached the study of the Catalan Jewry with great interest. There are dozens of works devoted to their social organization, literature, philosophy and politics. Even their legal production has been a recurrent object of inquiry. From a different perspective, some studies have analyzed the political and legal interaction of Jewish communities with the Christian powers, though often exclusively relying on Christian sources and focusing on the Catalan-Aragonese legal system.

In both cases, academic production has traditionally shown a partial vision of the wide and multilevel range of legal and social interactions. The reality of both legal systems was not that monolithic. Christian and Jewish constructions coexisted in a single space and time. The boundaries between Jewish legal autonomy and the implementation of Catalan law tended to be blurred. It is impossible to understand the nature of Jewish self-government if one of the two sides is neglected. One of our main objectives is to assemble these two dimensions into a single reality. It is our contention that the *Agreements* provide the necessary grounds to keep and develop this joint perspective.

The study of the *Agreements* can also be insightful from a more general historiographical perspective. The Swedish legal philosopher and historian Karl Olivecrona stated that legal systems do not arise from the literacy of positive rules or from the pretended undeniable truth of natural laws. They are the result and the reflection of an amalgam of ever-changing social constructions, models of authority and idiosyncrasies—often imperceptible to the group (Olivecrona 1971). The *Agreements of Barcelona*, as well as the whole Catalan and Jewish traditions, are not an exception. If we assume the unescapable interconnection between legal manifestations and historical context, it is evident that the *Agreements* are a very valuable historical source. They capture the specific concerns, anxieties and fears of the Catalan and Valencian Jewries in a dramatic turning point of their history. The legal nature of the document cannot be separated from its social dimension. Legal history is another useful tool to increase our general knowledge about the past.

The second point we would like to make has to do with the supra-communal element. The sections of the text dealing with the internal regime of the assembly of delegates are a sample of the functioning of the Jewish Catalan political tradition. In the last hundred years, the study of communal politics and institutional organization has progressively caught the attention of many Jewish historians and thinkers. Thanks to prominent figures like Naḥmanides, Adret or Nissim of Girona, the Catalan tradition is in the front line of these studies. However, these studies have tended to exclusively focus on textual analysis and have often disregarded the relationship between intellectual production and historical contexts. We consider that Jewish political conceptions cannot be approached as an isolated reality unconnected to the Catalan-Aragonese apparatus. Once again, the *Agreements* give us the chance to keep an overall perspective. Finally, the analysis of the articulation of the supra-communal assembly—its theoretical foundations, sources of inspiration, nature and outputs—can add new information to our knowledge about the Catalan Jewish tradition.

Objectives and structure

Objectives

This dissertation will therefore pursue two goals:

i) The study of the social context of the Catalan and Valencian Jewry in accordance with the contents of the *Agreements.* This objective will be accomplished through a detailed comment on the proposals addressed to the king. We consider that a thorough analysis of each request can bring to light a full portrait of the situation, anxieties and interactions with the ruling Christian powers of the Jewish communities in the mid-fourteenth century.

ii) To explore the Catalan political tradition in relation to the supra-communal assembly envisaged in the *Agreements.* In this part, we will focus on the

foundations of the Jewish political tradition, the external influences that reached Catalonia in the thirteenth century, and the development and implementation of the Catalan notions of communal authority and decision-making. This initial analysis will allow us to delve into the nature, antecedents, hypothetical functioning and objective of this assembly.

Unfortunately, we could not approach the proposals addressed to the Pope. The hindrances imposed by the global COVID-19 pandemic have restricted the access to certain sources that are fundamental for the study of these proposals—such as bull collections, papal correspondence, etc. The importance of this set of proposals should not be neglected. The Pope was the spiritual ruler of the whole Christendom. His decisions determined royal politics to a large extent and had a direct impact on Christian society. The papal monarchy played an important role in Jewish daily life. Many decisions adopted by the king concerning the Jews were, in fact, a transposition of religious decrees—such as the prohibition to hold public offices or the obligation to wear specific clothes. In addition, the new missionizing fervor that grew in the thirteenth century largely contributed to the violent fanaticism of the crowds. The anti-Jewish riots of 1348 can be approached as a direct consequence of these new trends.

Considering the material impossibility to address them with due rigor, we opted for suppressing these proposals. This decision has not hindered our research. Some petitions addressed to the king deal with the same topics, but from a different perspective. For example, the drafters begged the Pope to discredit the alleged miracles that encouraged the crowds to assault the Jewish communities (¶2). At the same time, they asked the king for further legal mechanisms to fight against the assailants (¶10). The drafters were thus fully aware of the respective fields of action of the king and of the Pope. The first could provide legal and physical protection; the second one could confer them spiritual coverage. These are two sides of a single problem, and they cannot be approached separately. For this reason, the role of the Church will be always present in this dissertation. In the last chapter—dedicated to the aftermaths of the *Agreements*—, we will include some brief considerations on these petitions. A detailed analysis of these sections will follow, subject to future work.

Structure

The thesis will be divided into two separate sections in accordance with our two main objectives. We will also include some independent chapters which will touch on general aspects of the *Agreements* and will contribute to ensure consistency between both parts. The resulting structure can be summarized as follows:

1. *State of the Art and Presentation.* In this initial chapter, we will introduce the contents and authors of the *Agreements*. We will also discuss the editions,

translations and studies on the texts. Finally, we will discuss the nature of the *Agreements* as a legal source.

2. *First Section.* The first part will be dedicated to the comment of the proposals addressed to the king. Each chapter will consist of a translation and individualized analysis of one—occasionally two—proposals. As already stated, our aim is to offer an integral vision of the interaction between the Christian powers and Jewish communities, as well as of the impact of the Catalan-Aragonese historical environment. Considering the diversity of topics tackled in this first range of sections, our approach will not be chronological—as it is common in historiographical works—, but thematic. We will rely on archival documentation and academic bibliography to mapping the historical context of the *Agreements.* This Section is composed of eleven chapters.

3. *Second Section.* In this second part, we will cover the political dimension of the *Agreements.* We will place them within the Catalan Jewish political tradition. We will accomplish this task starting with a discussion on the foundation of the Jewish political tradition and the external influences that shaped Catalan communal politics. We will then focus on the features, development and implementation of the conceptions of authority and decision-making processes in Catalonia. These initial inquiries will set the bases for the analysis of the nature, configuration and objectives of the supra-communal assembly envisaged by the drafters. This Section will be divided into three chapters:

    I. *The problem of communal authority.* In this first chapter, we will approach the foundations of the Jewish political tradition. We will then study its development in the Rhineland and in the Kingdom of France and its surrounding territories. The ideas that ruled communal organization in these lands had a strong influence on Catalan scholars.

    II. *The conception of communal authority in Catalonia and Valencia*. This chapter will focus on the traits and evolution of the Catalan tradition since the mid-thirteenth century to 1354. We will put emphasis on the changes in the political conceptions throughout this century, the theoretical bases—including the Ashkenazic influx and the differences between both traditions—, its implementation, and the interferences and influences of Christian powers on communal affairs.

    III. *The supra-Communal Question in the Agreements of 1354: Prospects and Possibilities.* Stemming from our previous analysis, we will approach the nature of the assembly. We will start introducing the vision of Louis Finkelstein, who apparently

linked the *Agreements* with the supra-communal tradition of France and the Rhineland. Then, we will discuss this tradition, as well as the scarce and tenuous supra-communal manifestations in the Crown of Aragon. In the final section, we will contrapose both traditions and will analyze the corresponding sections of the text in order to discover the true nature of the assembly.

4. *Consequences of the agreements.* This chapter will deal with the results of the *Agreements* and its consequences, as well as with the causes of its failure.

5. *Annex.* We have included an English translation of the text of the *Agreements of 1354*. Although the greatest part of the proposals will be translated alongside the dissertation, we will include a final full version, which will incorporate the petitions to the Pope. This final version will not include the prolegomenon. Like Finkelstein, we decided to exclude this part of the text because of the complexity of its style. We prefer to undertake this task in the near future in order to offer an integral and rigorous translation. On the other hand, the prolegomenon is not essential for the analysis of the proposals. Nevertheless, if a specific statement of the prolegomenon is needed for our argumentation, we will directly quote and translate it. Given the absence of full English editions of the text—Finkelstein published a partial, free and historically inaccurate version—, we deem this translation an added value to our work.

Cites, translations, transliterations and other technical issues

Sources for the study of the Agreements

The only known copy of the text of the *Agreements* is Ms. Reggio 32 (Neubauer 2237), f. 271-272v of the Bodleian Library (Oxford University). There are reasons to suspect that this Hebrew manuscript was written exclusively to circulate among the Jewish communities, while the text sent to the king was probably in Latin. However, this hypothetical Latin version is not mentioned in the *Agreements* and no other manuscript has been found.

Our intention was to travel to Oxford as a visitor researcher to study the original manuscript. We expected to carry out this stay in the summer of 2020. The sudden irruption of the global COVID-2019 pandemic and the subsequent restrictions on international flights prevented us from travelling to England. Therefore, we have been forced to rely on previously published editions of the text to carry out our research. In this regard, all quoted sections of the *Agreements* belong to Baer's transcription. We have also followed the numeration he proposed for the sections of the text, which will

be identified in our dissertation with the symbol ¶. Finkelstein's version has been used for comparative and support purposes.

Citation of primary sources

Two kinds of primary sources have been used in this thesis: archival documentation and edited sources.

Archival documentation is cited in accordance with the criteria of each archive. If the document has been already published in a documental digest, the archival reference will be followed by the name of the editor, the year of publication and the number given to the document by the author in brackets. For example:

> ACA, reg. 21, f. 32v [Jacobs (1894), 634; Régné (1978), 517; Baer (1929), 106].

Edited sources—especially treatises and literary works—are generally cited following the system author and date. There are, however, some exceptions:

a) Accounts of the *Peace and Truce assemblies.* These accounts are cited according to this pattern: *Pau i treva,* year/section of the text. For example:

> *Pau i Treva* of Lleida 1214/XXI.

Unless another source is expressly mentioned, all these references come from Gonzalvo (1994).

b) *Corts.* The system of citation is very similar to the one described above: *Cort* or *Parlament,* city where it was held, year/section of the text. For example:

> *Cort* of Barcelona 1283/XIV.

Unless another source is expressly mentioned, all these references stem from *Cortes de los antiguos reinos de Aragón y de Valencia y Principado de Cataluña (26 vol.*) (1896-1922). Madrid: Real Academia de la Historia.

c) *Usatges of Barcelona.* The contents of this Catalan legal code are cited following the classical system of enouncing the first word or syntagm in capital letters. For example:

> *DE COMPOSICIONE*

Unless another source is expressly mentioned, all these references belong to the work Bastardas (1991).

d) *Hebrew responsa.* In this dissertation, three authors or collections of *responsa* are quoted:

- Shlomo ben Adret. His *teshuvot* is cited as follows: Adret, volume: number of the *responsum*. For example: Adret II: 84.

- Meir of Rothenburg. His *teshuvot* is cited as follows: Meir, number of the *responsum, [edition]*. For example: Meir 886 [*Berlin*]; Meir 968 *[Prague]*.

- Kol Bo. The *responsa* from this anonymous collection is cited as follow: *Kol Bo,* number of the *responsum*. For example: *Kol Bo* 142.

e) *Talmud.* All Talmudic references proceed from the Babylonian—or *Babli*—Talmud. We have used the traditional system for quoting it: BT name of the treatise and number. For example: *BT Berakoth* 58a.

Translations:

Although Louis Finkelstein prepared a partial and free translation of the text—this is the only English translation ever published[4]—, we have carried out an integral translation of the *Agreements*—except for the introduction. In the first part of the dissertation, each chapter is preceded by a translation of the corresponding section of the *Agreements.*

Regarding primary sources—mainly in Medieval Catalan, Latin and Hebrew—, we have translated them all. We have given preference to already edited translations prepared by experts. The bibliographical references have expressly been pointed out. Our own translations are also indicated.

Kings and Popes:

All the names of kings, popes, and other historically relevant people have been translated to English whenever possible.

The numbering of the Catalan-Aragonese kings is a traditional matter of historiographical controversy. The Crown of Aragon was the result of a dynastic union between the territories of the Kingdom of Aragon and the Catalan counties under the leadership of the counts of Barcelona. The Barcelonian counts became then kings of the

[4] There is a Catalan (Feliu, E. 1987) and a Flemish (Pieters 2006) translation.

kingdom of Aragon and of the whole Crown. Scholars have not reached a consensus on whether the original Aragonese numeration was preserved after the union or if it was restarted.

Apparently, each kingdom used to numerate Catalan-Aragonese kings according to their own tradition. Peter *the Ceremonious*, for example, was Peter III in Catalonia, Peter IV in Aragon and Peter II in Valencia, although he used to sign his documents as *Pere Terç* (*Peter the Third*)[5]. Therefore, the three systems are correct—or at least they are not incorrect. The preference for one or another should depend on the focus of the historian. Since this thesis will be centered around Catalonia, we will use the Catalan numeration.

Transliterations:

Transliterations of Hebrew terms have been made according to the General Transliteration Rules of the *Encyclopaedia Judaica.* See *Transliteration Rules.*

[5] The tittle of the ordinations on the organization of the royal court that this king enacted in 1344 is a clear example: *Ordinacions fetes per lo Senyor en Pere terç rey d'Aragó sobre lo regiment de tots los officials de la sua cort*. See Bofarull (1847-1851, V).

Chapter 1: Presentation of the *Agreements* and state of play

In the first reference we made to the *Agreements of Barcelona* in our introduction, we described them as a *failed project.* Indeed, it was a completely failure. They did not just fail at producing any legal effect—which is the end goal of any legal project—, but they did not achieve any symbolic success either. They did not become a political referent for the following generations and did not contribute to instill a revolutionary sense of unity or brotherhood among Catalan-Aragonese Jewry. The scarce, ineffective and disjointed goals they reached were hardly relevant in later times and soon forgotten. Thus, what sort of interest can an unsuccessful legal project that is little more than a historical anecdote arise? As we expect to prove, there are many. But one of them, without doubt, is its ambition. Not just its ambition in relation with the difficult objectives they aimed to accomplish, but with the wide variety of issues they strived to manage.

The diversity of topics addressed in the agreements is what makes them a detailed portrait of the Jewish society and its context in the fourteenth century Crown of Aragon. However, it generates several difficulties that can jeopardize the study of the document. Most of them are related to the huge amount of information that an integral study can bring to light: the drafters tried to deal with the Church, the royal court and the communal institutions all in the same project. Notwithstanding the existing interrelation between all these social sectors, each of them was a single and unique apparatus with their own internal dynamics and inertias. Our research, however, will not cover this threefold interrelation, but just the interactions between the king and the communities, as well as between the communities themselves. Although the proposals addressed to the Pope will not be studied in the current dissertation—except for some punctual mentions—, the scope of our inquiry is complex. For that reason, our first priority and main obsession must be to establish an order. This is the purpose of this chapter: to find a path within the entelechy of Catalan-Aragonese politics. If some questions and elements remain unaddressed or unclear in the following pages, it is just because they will be thoroughly developed in posterior chapters.

Thus, our single objective now is to systematically present the *Agreements* according to a proposal of classification that we will follow in our ulterior analysis. That means that this first approximation to the contents of the *Agreements* will be totally expository. As for the division we will propose in this chapter, it deviates from the literalism of the text. We have opted for a classification entirely based on the recipients of the requests, which will ease the study of the specific measures the drafters aimed to obtain, as well as to deepen the socio-political context that dominated the relationship between those social groups.

The original text of the *Agreements* is currently preserved in the Bodleian Library, in Oxford[6]. The Galician *maskil* scholar and merchant Joshua (Osias) Herschel Schorr published the very first edition and comment on the text in the first number of the journal *He-Ḥalutz*[7] (*The Pioneer*) in 1852 (Schorr 1852: 20-35)—an annual publication managed by Schorr and distributed among *Haskalah* circles in Centre Europe between 1852 and 1859. The work, entitled "On the agreement that came from the communities of Spain in the year 1354, with an introduction and testimony"[8], included a brief introduction and the transcription of the text, with some explanatory footnotes. The two-page introduction that precedes the agreements was superficial, a general contextualization of Jewish society in the Iberian Peninsula during the period—with some mentions to the expulsion—and a synthesis of the proposals. Schorr's engagement in Iberian history was quite rudimentary and it is evident in his dissertation—for example, he did not take notice of the political context of the Iberian Peninsula and the existence of several kingdoms before *Spain* became a political and legal reality.

Two more editions of the manuscript were published during the first half of the twentieth century: one by Fritz [Itzhak] Baer in his archival compendium *Die Juden im Christlichen Spanien* (1929: 348-359), and the other by Louis Finkelstein in his book *Jewish self-Government in the Middle Ages* (1924: 328-335). Despite both authors having included an integral transcription of the documents, the approach and nature of these two works is different.

Baer's book is a digest of documents related to the Jews collected from a large list of Spanish historical archives. In fact, it is perhaps the most exhaustive documentary collection about the Jews in Christian Iberia ever compiled. In this case, the Hebrew text is not translated, neither analysed except for a few heading lines introducing the *Agreements*, as well as some explanatory notes. In his books *Studien zur Geschichte der Juden im Königreich Aragonien* (1965 [1913]: 123-126) and *History of the Jews in Christian Spain* (2001 [1945-1959], II: 24-28), Baer dedicated several pages to address the general features of the document and drafters' biography, although he did not conduct a deep analysis and did not tap into the legal dimensions and possibilities of the document. However, the amount of information he offers does not lack interest. For his part, Finkelstein's work is a compilation of some of the most important supra-communal *takanot* from Medieval Western Europe. The text of the *Agreements of Barcelona* is accompanied by an introductory study and a partial and free translation.

Two exhaustive works on the *Agreements of 1354* appeared later. The first one was co-published by the Catalan researchers Eduard Feliu and Jaume Riera in the journal *Calls*, in 1987 (Feliu 1987; Riera 1987). The article—"Els acords de Barcelona de 1354"—was composed by Feliu's full Catalan translation of the agreements and by a fifteen pages essay written by Riera. It also included a short documentary annex related to the outputs of the proposals.

[6] Ms. Reggio 32 (Neubauer 2237), f. 271.
[7] החלוץ
[8] "דברי הברית אשר באו בו איזה קהלות ספרד בשנת ה''א קט''ו (1354) עם הקדמה והעדות"

The second one is a small book by Bert Pieters written in Flemish and entitled *De Akkorden van Barcelona (1354). Historische en Kritische analyse* (Pieters 2006). Actually, less than a third part of the book is dedicated to the *Agreements*, while the rest presents the general context of the Catalan Jewry. The greatest virtue of this work is the edition of the text—including a facsimile version of the original manuscript—and the linguistic analysis. However, the book falls short of discerning the motivations behind the proposals.

Hence, the works by Baer, Finkelstein and Feliu/Riera have been the major contribution on that topic. It is possible to find short and superficial—sometimes almost anecdotic—references to the *Agreements of 1354* in a nearly endless list of works, which may include Abraham Neuman (Neuman 1944, I: 50), David Romano (Romano 1989), Menachem Elon (Elon 1993), David Niremberg (Niremberg 1996: 239-240 f.n., 244), Norman Roth (Roth, N. 2002 and 2019: 32-33), John Aberth (Aberth 2005: 144-145), Josep Xavier Muntané (Muntané 2010 and 2012: 105), Ben-Shalom (2012: 314), Paola Tartakoff (Tartakoff 2012 and 2015: 748) to name a few. However, none of them took these agreements as a matter of research and they did not attempt to go any deep in their study.

1. a. The signers

The text suggests that the *Agreements* were the result of a supra-communal encounter attended by the greatest part of the Catalan-Aragonese Jewry. Schorr (1852) and Finkelstein (1924: 101-102) assumed these views. However, Baer (2001, II: 24-28), and especially Feliu (1987) and Riera (1987), considered that they were produced only by the three signers of the document, who were three influent plutocrats from the communities of Barcelona, Valencia and Tàrrega. On his part, Pieters' position was closer to the original ideas held by Finkelstein and Schorr (Pieters 2006). This discussion will be approached in chapter 15. Nevertheless, we can advance here that the lack of documentation attesting the existence of such a massive gathering, as well as the absolute failure of the project, seem to support the theories of Baer, Feliu and Riera. For this reason, it is worth dedicating a couple of paragraphs to point out some of the elemental biographical highlights of the three signers—although we will develop them through the current contribution.

The life of Moshe Natan (משה נתן, sometimes written Moshe Nathan) has been studied in depth by Alsina and Feliu (1985), Pieters (2006: 74-75) and Muntané (2010). Natan was born in Tàrrega in 1290. He soon became a wealthy merchant and moneylender with close contacts with the royal family. His economic activities turned him into one of the richest men in Catalonia. He was also a respected *halakhist* and poet. Natan's wealthy economic position was severely challenged during the riots of 1348, when a

crowd of people assaulted the *call* of Tàrrega and burned his house and credit documents.

The biography of Jahuda Alatzar (יהודה אלעזר, sometimes written Jafuda Alatzar or Elazar) has been approached by Riera (1991), and to a lesser degree by Pieters (2006: 76-77), Lourie (1988). Alatzar was born in Valencia from a family which had been involved in the power struggles that shook this community during the first half of the fourteenth century. Although these inner fights were finally won by one of their rivals, Joan Sibili, Natan achieved an absolute power in the *aljama* after his death. Throughout the following decades, Alatzar ruled the community of Valencia as an indisputable autocrat. His power and wealth led him to stablish a close relationship with the royal house, especially with Queen Eleonor (d. 1375). In fact, he was eventually appointed honorary member of the royal house. Jahuda Alatzar died in 1377,

Cresques Salamo (קרשקש שלמה) is, perhaps, the most unknown of the three drafters. His biography has only been timidly addressed by Pieters (2006: 75-76). Salamo was a wealthy merchant with a great political influence in the *aljama* of Barcelona—where he was appointed secretary on several occasions (Rich 1999: 119)—and on Catalan Jewish politics as a whole—as attested by several documents that we will discuss later. He was probably the most committed drafter with the project (see Cfr. Chapter 16). Cresques Salamo died in 1356.

1. b. Prolegomenon

Let's turn to the contents of the *Agreements*. As it was usual in Jewish legal documents, the text starts with a poetical prolegomenon, which can be easily compared to the recitals that precede the articulation of rules in Civil Law systems. It is followed by a direct interpellation to the king, where the drafters praise his virtues and sense of justice. They also ask for his mediation with the Pope**.** Then, we find the legal contents. Their general order is established according to the recipients of the requests: the Pope, the King and the aljamas. However, there are many proposals that are beyond this organizational principle, resulting in an apparent disorder. For that reason, we have attempted to propose a more rigid division of the contents, also based on the recipients, but according to this sequence: King-Pope-*aljamas*.

The prolegomenon is a poetic composition with a double intention: on one hand, it is an introduction to the legal text. On the other hand, it is a literary contextualization of the situation of the Catalan-Aragonese *aljamas*, a justification of the necessity of approving these agreements. The style is difficult and old-fashioned. Erudition and formalism prevail over beauty. Finkelstein avoided translating it arguing that it was an impossible task (Finkelstein 1924: 336). Feliu, on his part, suggested that the difficulties to

understand this first part of the *Agreements* are a consequence of the lack of literary skills of the author (Feliu 1987: 146).

Neither Finkelstein nor Feliu speculate about the identity of the author; hence, they did not contribute anything that enables us to judge the writer's skills**.** Feliu proposed an interesting translation of the text, in which he suggested that almost every sentence was a paraphrase of a biblical verse—a usual technique in this kind of writings.

The author of the introduction is unknown. Baer attributed the authorship—or, at least, part of it—to Nissim ben Ruben of Girona (1320-1376), one of the leading Catalan intellectuals of the moment. Baer does not bring any evidence supporting this hypothesis, except for a presumed stylistic similarity with other works (Baer 2001, II: 26)**.** Notwithstanding the viability of this theory—nothing makes us think otherwise—, it seems to be no more than an intuition. In 1354, Nissim of Girona had accomplished a considerable reputation as a Talmudist. He had already written one of his capitals works, the *Aboda Zara* (Feldman 1965: 51), and he probably had started the production of his *Derashot* (religious sermons), which became one of the most remarkable contributions on Jewish political theology in this period (Blidstein 1990; Lorberbaum 2001).

Thus, Nissim was a consummate author, a thinker close to the peak of his intellectual maturity. If we supported Feliu's hypothesis of a clumsy writer lacking literary skills, we should immediately discard him as the author. But we do not validate this opinion. Although Nissim of Girona developed a high quality literary style far from the messy writing of the prolegomenon, he might have felt himself compelled to adopt the characteristics of legal prose out of respect for the traditions. At any rate, we lack of evidence to categorically accept or refuse any of these theories.

A second possibility we should consider is that the author was one of the drafters. We do not have any evidence of Alatzar's literary vocation. The same might apply to Cresques Salamo. A different case is that of Moshe Natan. In addition to his wide and prosperous commercial activities, he was a poet himself. His collection of moralizing poems and aphorisms, mostly compiled in his book *Toẓeot Ḥayyim*, although they could hardly be considered masterpieces of Catalan Hebrew literature, have certain literary quality[9]. Despite his works were praised by some Catalan authors (Alsina i Feliu 1985: 19-21), Natan was an amateur, a second-rate writer. Actually, Natan would fair badly if we compared his literary style with that of Nissim. It would not be strange at all if he considered himself capable of conferring a literary and intellectual dimension to the legal document.

There are two possibilities left, which cannot be rescued from the field of speculation. On one side, it could have been a collaborative work by Natan and Nissim. Perhaps, Nissim acted as an adviser or reviewer of Natan. On the other side, the author could

[9] A critical edition and translation into Catalan of this work was carried by Josep Xavier Muntané i Santiveri—see Muntané (2009).

have been an anonymous third person. Whoever the writer was, one thing is clear: he was an influential and reputable man. The reason lies in the legitimacy. The project was not unanimous, but the initiative of three plutocrats from three particular *aljamas*. One of the first goals pursued by the petitioners was to convince the rest of communities to join their federation. As it is stated in the text, many aljamas had already expressed their reluctance to do it. Therefore, it was indispensable to proove to all the communities that the wisest men of the Crown supported the *Agreements* as evidence of the convenience of the proposals. The appearance of legitimacy had to be also kept before the royal institutions in order to secure the approbation of the document. That might be the reason why the two notaries who attested the document were Christians—Marc Castanyera and Guillem Bernat de Simó—instead of Jewish *soferim.*

In general lines, the prolegomenon mourns for the suffering of the Jewish people in the exile and for how the situation deteriorated in recent times. The author puts emphasis—although in a veiled and diplomatic style—on the hostile attitude of some sectors of the clergy, who agitated the people's hatred against the Jews. He laments on how the fear has impelled many Jews to convert to Christianity —a phenomenon that used to massively take place in highly violent periods, like that of the Black Death. Similar complaints are intended against the informers, Jewish renegades or converts who have become tell-tales who made allegations—real or false—against their former coreligionists. It was not unusual among renegades to join the clergy, whose members really valued their knowledge about the *enemy* and their intellectual skills. Petrus Alfonsi (d. ca. 1140), Johannes Hispalensis (d. ca. 1180), Nicholas Donin (d. ca. 1263) and Pau Crestià (d. 1274) are well-known examples.

We wonder to what extent**,** when the text refers to traitors it is referring not just to the apostates—as Feliu understood it—, but also to the political rivals of the drafters within their *aljamas*[10]. They three aspired to secure and increase their power and authority as leading figures of Catalan-Aragonese Judaism—the accusations against Jahuda Alatzar alleged by the aljama of Valencia in 1370 evidence it[11]. This project would have been the legal tool to achieve this objective; its success would have legitimated them as the indisputable *princeps* of all the aljamas. Thus, anyone who opposed the agreements would be considered an enemy and a danger for all the communities—a recurring idea that appears in the proposals. However, it is impossible to deduce from such a literary and brief fragment and we do not possess enough documentation on the internal affairs of the *aljamas* as to categorically prove this hypothesis.

After the enumeration of sufferings and threatens, the author insists on the necessity of unity to face adversity. The imminence of the threats requires an immediate response, which is embodied in these *Agreements.* The prolegomenon ends with the promise of great benefits for those who join the project.

[10] The text literally says "ילדי עשׁפ" ("sons of treason"). Feliu (1987: 148) translated it as *renegats* ("renegades") and considered it was just referring to converts. However, the original text is ambiguous and might have a wider meaning.
[11] ACA, Reg. 1579, f. 102v-105v [Baer (1929), 302].

1. c. Interpellation

The prolegomenon is immediately followed by the text of the *Agreements*. However, there is still one previous step preceding the legal contents. It is a direct interpellation to the king, where the drafters recall his virtues, as well as their faithful submission to his power. At the same time, this part offers a synthesis of their sufferings and claims, just like the prolegomenon did.

The initial sentences of the paragraph combine diplomatic courtesy with hyperbolical tokens of respect and submission to the king. The drafters express his appreciation for the non-interrupted protection, goodness and hospitality that the Christian monarchs of the Crown have always provided with to the Jews. They reiterate their loyalty as the king's humblest servants and show their confidence in receiving a merciful response to their claims.

Then, they express their wish for the king's engagement in the project as an intercessor before the Pope, the *King of Nations.* The delegates expect from the Pope the enactment of some bulls and declarations aiming to appease the plebs' anger and to correct their theological mistakes and misunderstandings. They again mourn for the popular outbreaks of violence against the Jewish population during the periods of common sufferings, like hungers and pandemics. They want the Church to make people realize that the Jews are not responsible for those natural calamities and that the Christian dogma, as well as the Mosaic one, compels the believers to help each other. They must understand, the signatories say, the sinful nature of their actions, for which they will be punished by the almighty in the Day of the Lord.

This sort of reiterated second introduction proves that there were two versions of the text: one in Latin—currently lost—, probably the original, which was the one to be sent to the king, and the Hebrew version we are analyzing, conceived for internal diffusion[12]. Many elements support this hypothesis. First of all, the direct interpellation to the king, which implies that he himself—King Peter was able to read Latin (Abadal 1987: 157ff; Trench and Canellas 1988: 10; Belenber 2015: 43-44)—or one of his closest councelors was supposed to read the *Agreements*. Obviously Peter III was unable to read Hebrew, and it is hard to believe that the drafters would have entrusted the translation of such a sensitive document to a courtesan translator alien to the project. Secondly, we have already noted that the two men who attested the agreements were Christian notaries and not Jewish *soferim.* Therefore, they were supposed to be capable of understanding the

[12] Section ¶37 states:
"אבל כתבנו כל זה לזכרון דברים בעלמא מה שהיה בחדש טבת שנת קט"ו לפרט היצירה"
[We have written this entire *[document]* as an account of the things that happened in the month of Tebet of the year 5115 from the Creation of the World (our own translation)].

text. Finally, the existence of two introductions leads us to think that the first prolegomenon was exclusively composed for the Hebrew version, because it was solely indented for the *aljamas,* in contrast to the rest of the document.

1. d. Requests to the King

One previous note: all the requests of the document are addressed to the king. Despite the considerable degree of self-government autonomy conferred to the aljamas, all the Jews of the Crown were a *regalia*—at least, theoretically. Throughout our contribution, we will have the chance to observe how the king used to interfere on Jewish affairs. This might include the design of communal institutions, the composition of Judaic courts, the management of butcheries[13], etc. Even the scope of the *ketubot* (prenuptial agreements) was ultimately subjected to the monarch's will[14]. Therefore, the Jewish delegates did not possess the power to implement substantial changes on the administration of the *aljamas* or to straight address themselves to the Pope (Baer 2001, II: 33). Every single measure adopted in the *Agreements* had to be authorized by Peter III. This is the reason for which the textual receipt of the speech is the king.

However, beyond that first legal requirement we can differentiate between those proposed measures that could be directly adopted by the king—usually under the form of privileges—and those in which the role of the monarch was that of an intermediary or supervisor. Hence, when we say *requests to the king*, we are exclusively referring to the first group, to those whose enforcement directly depended on the kings' legal competences. The basic normative form required is the privilege.

The first remarkable element that comes to light after a first sight on the document is that the greatest part of these petitions pursued administrative objectives rather than physical protection. There are some exceptions, especially regarding to the violence exerted by civil servants. But when it comes to popular violence, the greatest part of the requests is addressed to the Pope. The reason is simple: the king already did everything possible to protect his Jews, because they belonged to the royal house in jurisdictional terms (Assis 2008: 9) and were a significant source of incomes and professionals. Notwithstanding the monarch's interest in defending the *aljamas* from any danger, the royal forces were not always capable of controlling the plebs when the outbreaks were massive and simultaneous across the Crown, as occurred in 1348. As far as the riots, they were usually incited by preachers and other religious figures. Only the Pope could achieve some success in discouraging the assailants and preventing the attacks.

[13] For communal institutions and Jewish courts, see chapter 2. For the butcheries, see, for example ACA, CR, Pedro III, c. 26, n 3622 [Assis (1993-1995, II), 830] and c. 14, n 1830 [Assis (1993-1995, II), 993].
[14] See, for example, ACA, CR, Pedro III, c. 12, n 1575 [Assis (1993-1995, II), 947].

These are the requests:

1. A privilege stating that the king would not appoint commissaries or inquisitors to investigate and judge Jewish issues, excepting if the communities themselves ask for their intervention (¶19). We can link this privilege with the claims of the drafters for a greater unity of the communities to fight against the *malshinim* (¶8).

2. A privilege forbidding inquisitorial processes against the Jews—that is, initiated *ex officio* by royal judicial authorities (¶20).

3. A privilege stating that court scribes and notaries could act as procedural representatives (¶21).

4. A privilege authorizing the Jewish communities to send delegates to the *Corts* (¶11).

5. A *constitution* against the participants in the assaults against the Jewish *calls* (¶10).

6. A privilege committing the king to not concede allocations on the taxes payed by the *aljamas* (¶16).

7. The abolition of the office of the "protector aljamarum judeorum nostre terre" (¶15).

8. A privilege allowing the Jews to change their residence to baronial domains (¶35).

9. A privilege preventing royal tax collectors from using violence against Jewish taxpayers (¶13).

10. A privilege against the royal officials who act as road blockers (¶17).

11. A privilege exempting the communities from paying the salaries of tax collectors (¶14).

12. A privilege exempting the Jewish communities from the obligation to provide royal officials with accommodation during their missions in the *calls* (¶18).

1. e. Requests to the Pope

As we have already noted, the demands to the Pope Innocent VI (r. 1352-1362) needed from the king's intervention. The role of the monarch was not limited to the previous acceptance of the proposals that the drafters aimed to raise to the bishop of Rome. Their objective was to obtain a compromise from Peter III to act as an intermediary. In general terms, the plan was to send an embassy made up of delegates from the aljamas to Avignon—the Curia see between 1309 and 1377—in order to negotiate the concession of these measures. However, the king's consent and the readiness of the communities to participate and to defray this delegation were not enough as to ensure the success of the task. It would have been absurd to expect the Pope to welcome a negotiation on equal footing with a group of Jews who intended to obtain a public admonishing of the clergy. The drafters needed the king's express support to their mission. If the delegates secured the favor of the king, the project could be presented to the Pope not as a Jewish issue, but as a national and royal initiative. The petitioners' concern for legitimation appears again, denoting their political experience and intelligence. They were familiarized with the internal political management of their respective communities, as well as with the complex ins and outs of the intrigues in the royal court. Therefore, they were really conscious of the steps that should be taken.

The main intention of that group of petitions was to stop the outbreaks of violence. The drama of 1348 was still alive in collective memory. That problem of popular animus was complex and had many faces, but the delegates had realized that only the Pope could have an influence upon people's attitudes and misconceptions toward their Jewish neighbors.

Although these demands will not be addressed in depth in this dissertation, it is useful to reproduce them here in order to offer an overall perspective of the contents of the *Agreements:*

1. A bull excommunicating the participants in anti-Jewish disorders or aggressions alleging false accusations (¶2).

2. A statement rejecting those miracles that incite violence against the Jews[15]. At the same time, they ask the Pope to declare heretic the preaching of these falsities (¶2).

[15] Miracles were often recorded by Christian sources—usually to evaluate their veracity—, which tended to provide positive and beatific views. For example, it is said that in 1371 a Jewish woman, after nine days of delivery, gave birth a black child. The child was baptized—we might suppose that without permission—and the holy water turned him white. The parents and eighty Jews decided then to convert in front of a crowd of Christians. Aside from the credibility of the miracle itself, it is hard to believe that the massive conversion was as peaceful as described. It seems probable that the crowds painted as passive witnesses actually forced the conversion. ADB, R. Gratiarum, 1370-1372, vol. IV, f. 100 r. També Campillo Mateu, Índex Gratiarum I (1363-1385), f. 37r [Valls i Pujols (2008), 143].

3. A ban on the constructions of towers and other structures around the calls with the aim of attacking their inhabitants during the Easter (¶3).

4. To limit the inquisitions for heresy against the Jews to those acts and assertions considered offensive or heretical by both religions (¶4).

5. Enlargement of procedural rights in case of inquisition trial (¶4).

6. If a repentant Christian decides to bring back what he stole during an assault, he must give it directly to the victim or to an intermediary priest (¶5).

1. f. Internal affairs

Which we place under this heading is somehow a hotchpotch which involves all the measures related to the creation of a supra-communal assembly in charge of implementing the *Agreements*. Once again, most of these proposals could only be enforced after the consent of the king. The degree of autonomy conferred to the aljamas was, of course, limited and the monarch was the final designer of communal self-government institutions as administrative entity. This set of measures includes:

1. To confer power to the delegates to elect representatives before the royal court, or before any baronial or ecclesiastical lord.

2. To create a common fund to face the damages of the assaults.

3. To obtain a privilege to force the *aljamas* to pay their contributions as if they were royal taxes.

4. To obtain a privilege to force the *aljamas* to defray the expenses of those privileges which benefit to the whole Jewry.

5. To forbid that any individual to obtain a privilege conferring him power over the contents of the *Agreements.*

6. To obtain a privilege validating the *Agreements* and allowing the delegates to impose penalties on the transgressors.

7. Only the delegates would be empowered to obtain privileges.

8. Definition of the system for electing the delegates.

9. To empower the delegates to negotiate the involvement of the Aragonese communities.

10. Delegates' duty to act with diligence and loyalty.

11. To authorize the delegates to obtain more privileges for the benefit of the communities.

12. Obligation of the communities to commit under an oath to respect the agreements and to punish the transgressors.

13. No expenditure ceiling for the delegates and obligation of the communities to defray them.

14. The delegates would be only accountable in their respective kingdoms.

15. Distribution of initial expenses.

An arguable objection to our classification is that there are not internal measures in a strict sense. That is to say, there are no measures intending to modify the internal functioning of the aljamas beyond the election of supra-communal delegates. In fact, there is just one mentioned in the text: the creation of a pooled fund to deal with economic damages in the event of lootings. But as the text itself states, this fund had already been created before the redaction of the agreements[16]. This part of the text seems merely informative**.** No more details about it have been preserved, and we don't know whether it was a project launched by the drafters or the result of a previous consensus reached by the *aljamas*. Nevertheless, some of the proposals we have classified into other groups would have had a great and deep impact on communal self-government, like the incensement of judiciary capacities or the freedom of mobility and residence. If we decided to place them under other headings is because of our analytic convenience.

In this sense, Finkelstein suggested that the *Agreements* were probably complemented with a second set of *takanot* with rules regarding intra-communal affairs. In his opinion, this lost text might have been similar to posterior supra-communal takanot, like those enacted in Toledo (1412) or Italy (1416-1418) (Finkelstein 1929: 102). However, there is no evidence of the existence of a second text. In fact, Finkelstein did not develop this point.

[16] See chapter 15.

1. g. The *Agreements* as a legal source: *takanot*?

The *Agreements of Barcelona* propose several measures to be implemented by the Catalan-Aragonese Jewry. This finality is especially clear in the sections dedicated to the creation and development of a supra-communal assembly. However, this is also true for the series of proposals addressed to the king and the Pope. Their achievement was entrusted to the delegates of the assembly, whose tasks and responsibilities are compiled along the text. Therefore, the *Agreements* were supposed to be binding for the signers. In other words, the *Agreements* are a legal document stemed from the Jewish tradition. Nevertheless, their classification within the traditional range of *Halakhic* sources has posed an academic debate.

The general trend among the authors we have mentioned at the beginning of the chapter was to consider them *takanot* without a shadow of a doubt. That is the case of Finkelstein, Baer or Neuman, for example. For their part, Feliu and Riera opted for a less risky terminology and referred to them as *acords* (*agreements*). The only scholar who has categorically rejected to consider them *takanot* is Bert Pieters (Pieters 2006: 102-103). It will be worth dedicate some lines to discuss his thesis and the legal classification of the *Agreements of 1354*.

Pieters largely based his opinion on the definition of *takanot ha-kahal* of the *Encyclopaedia Judaica* in its first edition[17]. As he states, this kind of *takanot* are usually a synonym for *communal ordinances*—"richtlijnen van de gemeenschap" (Pieters 2006: 102). He considers that the supra-communal nature of the *Agreements* does not meet this definition which puts the focus on the communal level. His reflection leads him to conclude that the *Agreements* cannot be classified as a legal source. They rather were a declaration of principles alien to the *halakhic* normative system.

Pieters' work is laudable for his attempt to export abroad the study of Catalan Jewry and for his comprehensive linguistic analysis. However, he did not appear to be interested in the legal dimension and implications of the *Agreements.* He was also careless about the legal and political context of the Jewish communities and of the Crown as a whole. In other words, his work does not discuss in depth the real nature and objectives of the *Agreements.* As a result, he did not deepen his research in that way.

It is quite likely that the drafters did not reflect on the formal classification of the *Agreements* within the communal or *halakhic* catalogue of legal sources. And the elemental normative instrument that the aljamas had to create public law rules was the

[17] It is the same definition used by Menachem Elon in his *The Principles of Jewish Law: "*The *takkanot ha-kahal* embrace the part of legislation in Jewish law which is enacted by the public or its representatives in contradistinction to the *takkanot* enacted by a halakhic authority, i.e., by the curt and halakhic scholars*"*—Elon (1974b: 655).

takanah. They have not many more formal options. In that sense, the *Agreements*—in the event of being enforced—would have generated public law obligations for all the *aljamas* and their inhabitants under the acquiescence of the king. Furthermore, the document sets several punitive clauses in order to protect the agreements and to punish offenders. Therefore, the general features of the *takanot* as a legal category were present in the *Agreements*.

The differences between the *Agreements* and the definition of the *Jewish Encyclopaedia* are not as contradictory as Pieters suggests. And, of course, they are not exclusive. Decentralization and diversity were one of the hallmarks of Medieval Judaism. Jewish people spread and settled along three continents. Despite their astonishing and mainly successful attempts to preserve their ancestral and common traditions, time and distance favored the appearance of subtle but important differences between communities. It was inevitable. Needless to say, these divergences affected the legal domain, where different traditions were developed. The definition of the *Jewish Encyclopaedia* is a generalist explanation that only aims to introduce the basic features of the concept. However, it should not be interpreted as a universal, rigid and set in stone statement.

There were, in fact, antecedents of *takanot* enacted beyond the purely communal level in Catalonia. The *collectes*[18], for example, agreed the distribution of tax impositions via the production of *takanot* which were binding for all the *aljamas* in the area (for an introduction, see Epstein 1968: 14-15).

Nevertheless, it is possible to introduce a nuance here. Among the Catalan communities of the fourteenth century, it was usual to combine the use of the term *takanot* with the term *haskamot* ("הסכמות"; literally, "agreements") to refer to communal enactments. Although both words were largely used as synonyms (Elazar and Cohen 1984: 173), perhaps the term *haskamot* reflects the nature of the documents with more clarity. Riera and Feliu probably noticed it, which would have led them to opt for the term *acords.* On his part, Pieters is right when he affirms that the *Agreements* were to be enacted out of the habitual channels for legal production. His position in this regard, however, appears to be a bit contradictory: if he argued that the *Agreements* were the result of a real supra-communal encounter, it is difficult to deny the normative nature of the text—especially considering that the production of regional *takanot* was not unknown for the Catalan communities.

For all these reasons, we consider that the *Agreements*—had they succeeded—, would have been of a similar legal nature to that of the *takanot ha-kahal.* Nonetheless, we consider that the term *agreements* or *haskamot* can help to better qualify the document. In fact, the verb "to agree" ("הסכים"), as well as the substantives "agreement", have a wide presence in the text, in contrast to the absence of the words *takanah* or *takanot.*

[18] The *collecta* was a regional organization composed of a main *aljama* and its area of influence. This political construction will be thoroughly discussed in chapter 15.

Part I: The *Agreements* and the King

Chapter 2: ¶19 The drafters claim against the appointment of royal judges *ad hoc*

עוד הסכמנו לחפיק חותם מאת אדננו המלך יר״ה שלא לעשות קומישריש לחקיר בשום דבר כנגר היהודים זולת האר־דינאריש ויען היהודים הם תשושי כה ואין צריך לתתנם ביד אדונים קשה וגם כי בזה ההוצאות מתרבות וללא תואלת לאדננו המלך יר״ה והיהודים הולכים ודלים, אלא אם כן לבקשת הנבררים.

> *Likewise, we have agreed to obtain from our Revered Lord the King a privilege committing not to command commissaries* [komisaris] *to inquire on the affairs of the Jews, except if the delegates demand it, since the ordinaris* [ordinary judges] *are sufficient. The Jews are feeble, thus there is no need to leave them into the hands of severe officers. In addition, it produces unnecessary expenses to our Revered Lord the King while impoverishes us.*

2. a. Introduction

This proposal introduces the jurisdictional problems between royal and communal courts. The drafters show their concern regarding the intervention of special commissaries to inquire and judge matters related to the Jews. They beg the king to bestow judicial power unto the hands of ordinary judges and to renounce to appoint *ad hoc* officials to conduct judicial processes. The text insinuates a major brutality of these special prosecutors, which caused serious harms for the communities.

The syntax of the text is complex. The proposal is enunciated in a single sentence, whose numerous appositions make a literal translation into English impossible. We have opted for a free translation, in which we have altered almost the whole construction. As usual in the text of the *Agreements*—and in the legal documentation of the period in general—, the legal terms are written in Catalan *aljamiado.* Thus, the words *"*commissaries*"* and *"*ordinaries*"* (the word *"*judges*"* is elided) conserve their Catalan forms: "comissaris" ("קומישריש", "komisaris") and *"*ordinaris*"* ("ארדינאריש").

The ordinary judges mentioned in the text allude to ordinary royal justice, which was competent to judge some of infraction committed by the Jewish inhabitants and to give

judgement in cases between Jews and Christians. The term *ordinaris* was used in order to the differenciate them from extraordinary judges commissioned *ad hoc—comissaris.* Beyond the mere opposition to the appointment of extraordinary judges, we consider that this proposal is a result of the endemic coexistence clashes between the communal and Christian jurisdictions. For this reason, we will start introducing the nature of both judiciaries as separated and differentiated systems[19]. Then, we will study how their interactions and usual clashes, focusing on the legal framework for Jewish judicial autonomy and on the common jurisdictional difficulties faced by Jewish courts.

Our analysis will focus on the situation in Valencia and Catalonia, but we will resort to examples from Aragon and Mallorca in order to complete our exposition. As long as the drafters only referred to royal officials, we will not address the baronial and ecclesiastical judiciaries.

The first idea we should bear in mind is that Christian[20] and Jewish courts belonged to two different systems that coexisted in a same time and space. They were both under the supreme authority of the monarch. Social imbalance between religious collectives and their daily interaction implied that Jewish and Christian judiciaries were not isolated from each other. This judicial relationship was not harmonious, and reciprocal misgivings and jurisdictional conflicts were frequent. The very nature and conception of both systems were different. However, while Christian courts were ignorant and careless about the *Halakhah*, Jewish courts could not help the interferences of royal legislation—sometimes by simple acculturation—, which led to a certain adaptation of the Jewish systems to their environment, especially regarding non-religious matters.

In the king's dominions, the judiciary was a royal prerogative. That power was exercised by the king or his officials according to the customs or the legislation enacted by the *Corts* and the king, although the concession of local privileges could extend the range of officials and particulars empowered to dispense justice (Ferro 2015: 207-209). Although municipalities—*universitats*—started to acquire jurisdictional powers throughout the fourteenth century, justice was mainly at the hand of local royal officials (Tomás y Valiente 1988: 213ff; Turull 1990: 369ff and 2009: 115ff; Serrano 2015). The structure of the judiciary was not well-defined and hierarchized.

For its part, the Jewish legal system and its judiciary were millenary. However, the abrogation of the *Sanhedrin* and the Diaspora forced the Jews to reconsider its foundations. The capacity to judge had fallen on the community members. At the same time, the shortcomings and strict procedural requisites of religious law were unable to deal with the material necessities of the medieval Jewish societies. This led communal and spiritual authorities to develop secular alternatives to amend the *Halakhah* in one

[19] The analysis will be based on royal privileges. The internal communal idiosyncrasy will be addressed in chapters 14 and 15.

[20] When we speak about Christian jurisdiction, we are not referring to ecclesiastical courts, but simply to non-Jewish instances. Thus, the term Christian jurisdiction will be used to define royal courts and their powers in contradistinction to Jewish courts.

way or another. Since the thirteenth century, the general trend in the Crown of Aragon (especially in Catalonia) was to accept the independence of communal law from the *Torah* attending to the *needs of the hour*[21]. Each community was legitimatized to enact its own legislation and to punish the offenders under its jurisdiction. The local—or at least regional—nature of Jewish judicial systems determined their development in Catalan and Aragonese lands**.**

After the collapse of the Visigoth kingdom (710/711 c.a.), Jewish communities counted on wide judicial prerogatives both in Christian and Muslim territories. Moreover, the territorial changes resulting from the frequent wars between kingdoms did not use to imply any substantial change for Jewish legal autonomy. In fact, two hundred years after their conquest, in many Aragonese cities the Hebraic law was still called *açuna*, from the Arabic word *as-sunna* ("السنّة"). It is possible to speak of certain continuity (Assis 2008: 145)[22]. Thus the competence to have their own judiciary was common among all the Iberian communities.

2. b. Communal jurisdiction

In the Crown of Aragon, the basic instrument to confer judicial powers to communal courts was the privilege. Therefore, judicial autonomy was a royal grace individually and discretionally attributed by the king. In a major or minor degree, all the *aljamas* of the Crown benefited from several privileges allowing them to dispense justice within the community and to punish offenders and criminals, but a *national* and unified notion of Jewish jurisdiction never existed. Jurisdictional rights could notably vary from one *aljama* to another—especially if they were in different Catalan-Aragonese kingdoms.

Notwithstanding that situation, the particularities of each *aljama* often were just noticeable when they came to specific aspects of the exercise of their jurisdictional powers. Indeed, it is possible to speak of some common attributions granted for all the communities, especially because the privileges conferred to a big *aljama* used to be expanded to minor ones[23]. In addition, since the reign of Peter *the Great* (1276-1285) royal privileges aimed to homogenize prerogatives (Assis 2008: 34ff). Generally, these elemental powers included the right to appoint judges and to hear civil cases or religious

[21] The foundations of communal government and its authority are addressed in chapter 13. For the Catalan case, see chapter 14.

[22] Assis states that the Word *açuna* was used until the end of the 13th century, but it is possible to read it in some documents of the fourteenth century. For example: in the letter from 1334 ACA, CR, Alfonso III, c. 17, n. 2106 [Assis (1993-1995, II), 744] the text mentions the word *zuna*—that is, *sunna*.

[23] This trend is especially noticeable in the case of the *collecta*—regional institutions composed of a big *aljama* and its area of influence. See chapter 15.

offenses exclusively concerning to the inhabitants of the *aljama*. Despite the local character of the Jewish jurisdiction in the Crown of Aragon, there was a certain degree of uniformity in the nature and exercise of courts' jurisdiction.

Despite judicial autonomy was a traditional prerogative both in Christian and Muslim territories, archival documents suggest a progressive positivization of communal attributions during the reign of James I *the Conqueror* (r. 1213-1276). It appears that the number of privileges enacted in this period increased compared to previous kings and rulers[24]. This trend might have been the result of the expansionist policy that characterized the reign of James I since many of those privileges were conferred to recently annexed territories, like Valencia or Mallorca[25]. Without any doubt, the concession of graces was part of James' intention to attract settlers to the new lands (Baer 2001, I: 138ff; Ray 2006; Assis 2008: 19ff, etc.)[26]. This phenomenon is also appreciable in the concession of privileges to communities which already belonged to the Crown.

The wave of concessions started to be firstly notorious in the Kingdom of Aragon. We can highlight the example of Calatayud (1229), whose aljama was graced with the power to appoint judges to judge according to Mosaic Law. The authority to impose death penalties on informers was also recognized[27]. In Barcelona, James I stated in 1241 that the community was allowed to elect two or three officials with jurisdictional powers[28]. The grace was confirmed in 1272[29]. Not long after it, in 1280, Peter II granted to all the Catalan aljamas the right to appoint between two and seven secretaries per year empowered to judge any legal dispute between Jews and between Jews and Christians when the last one was the complainant. It is worth reproducing part of the text of the privilege here since it represents a common template:

[24] Just a few minor privileges have been preserved before the reign of James I, and most of them were prior to the union between the Kingdom of Aragon and the Catalan counties (1162). Baer (1929: 1-80) compiled them in the first 80 pages of his digest, which has more than a thousand pages. These eighty pages cover a 400 years period and that they also include letters, contracts and other kind of documents. Thus, it evince the lack of documentation in this regard prior to the reign of James II.

[25] In the case of Valencia: ACA, reg. 941, f. 176v-177r [Baer (1929), 91]. This privilege was confirmed in 1294 and extended to Mallorca in 1296 by James II: ACA, reg. 194, f. 266r [Régné (1978), 2623].

[26] The main testimony about the interest to attract settlers to the new lands is the *Llibre del repartiment de Valencia* (*Book of the Repartition of Valencia*), in which the king stipulated the repartition of the territory among the new inhabitants (ACA, reg. 5-7; see the edition by Ferrando 1978-1979). For the Jewish case, see also the privilege conferred to the aljama of Valencia in 1275, which allowed the Jews of the kingdom to move to the city. ACA, reg. 20, f. 242 [Jacobs (1894), 573; Régné (1978), 620].

[27] The prerogative was first conceded to the *aljama* of Calatayud in 1229. ACA, reg. 202, f. 201r-v [Régné (1978), 6; Baer (1929), 88]. See also chapter 3.

[28] ACA, reg. 16 f. 158 [Régné (1978), 29; Baer (1929), 93]. The reasons that adviced the king to concede this privilege are discussed in chapter 14.

[29] ACA, reg. 21, f. 32v [Jacobs (1894), 634; Régné (1978), 517; Baer (1929), 106].

Noverint universi, quod nos Petrus (…) concedimus vobis universis aljamas Catalonie, quod quelibet aljama possit perpetuo constituere de duobus usque ad septem probos homines de dicta aljama annuatum vel ad aliud tempus (…) qui possint cognoscere et terminare questions, controversias et querimonias, que vertantur inter judeos et judeos vel inter christianum et judeum de petitionibus christianorum, et possint corrigere, condempnare et punire judeos et judeas dicte aljame vel locorum, qui sunt collecta ipsius aljame, vicinos scilicet seu externos, de percussionibus, verbus iniuriosis, stultitiis, maleficiis et omnibus aliis, in quibus deliquerint vel eisdem probis hominibus visum fuerit ipsos debere puniri vel corrigi scundum jus ebraicum vel preter ipsum jus ad arbitrum eorundem, qui quidem probu homines possint eos capere et capi facere et procedere ad penam exilii contra eos (…) Predictam vero concessionem facimus in hunc modum, quod judeos, quos ceperint, teneantur tradere baiulus nostris, et omnes penas, in quibus predicti probi homines aliquem vel aliquos judeos condempnaverint, sive criminaliter sivi civiliter, teneantur denunciare baiulis nostris, et ipsi baiuli nostril exequantur incontinenti et habeant ipsas penas pro nobis. Similiter ipsi probi homines non possint diminuere, relaxare vel diffinire aliquas penas criminals vel civiles, quas ipsi judei propter culpas vel delicta ipsorum pati vel recipere mereantur. Immo bajulo nostri possint per se sine ipsis probis hominibus, si volerint, contra illos judeos, qui culpabiles fuerint, procedure et eos capere et condempnare, prout de jure fuerit faciendum.[30]

These jurisdictional prerogatives provided communal authorities with a certain degree of autonomy and independence to keep order within the *aljamas*. Not just public order, but a *Jewish order* based on the observance of their own laws. The documents preserved in Catalan archives[31] evince the variety of cases faced by Jewish courts in their daily

[30] "Let everybody know that we, Peter (…) grant to all the Catalan *aljamas*, that every *aljama* is allowed to choose—every year or for any other term—between two and seven good men (…) who will be empowered to judge and decide on any issue, controversy or ceremony between Jews, as well as between Jews and Christians if the Christian accepts it. And they will be also empowered to correct, condemn and punish the Jews of their *aljama* and *collecta*, as well as foreigners, who have committed aggressions, slanders, foolishness, curses and any other crime that these good men consider necessary to punish according to Hebraic Law or any other rule. These good men can punish them with the exile (…) Indeed, we decree that the Jews are also bound to report the punishment, whether criminal or civil, imposed by the good men to our *batlle* whether it be a criminal action may never allowed him civilly, they are also bound to declare to the bailiffs, who will inform us. Moreover, the good men cannot reduce or limit certain criminal or civil penalties on the Jews. On the contrary, our *batlle* can judge and punish those Jews found guilty without the consent of the good" (Our own translation). ACA, reg. 44, f. 187v-188r [Régné (1978), 823; Baer (1929), 121]. This privilege was confirmed by the king's son, the infant Alphonse (the future Alphonse II), in 1282 (ACA, reg. 59, f. 23r [Régné (1978), 930]), and once again by Peter II himself in 1296 (ACA, reg. 195, f. 44r [Régné (1978), 2629; Baer (1929), 139]).

[31] Those documents are indirect. These cases are just recorded as far as Christian authorities intervened. The documentation related to fully Jewish cases is scarcer.

activity: aggressions and street fights[32], prosecution of organized criminal gangs and informers[33], infringement of kosher rules[34], as well as an endless list of civil proceedings (loans, divorces, inheritances, etc.). Therefore, almost any internal affair was under their jurisdiction.

The most usual penalties were economic—fines and restitutions in the case of civil processes—, as well as the *ḥerem* in all its different forms and intensities. According to the available documentation, other punishments were infrequent, especially capital penalty. The above quoted privilege appeared to limit the range of punishments to excommunication (*"capi facere et procedure ad penam exilii contra eos"*). However, the application of the capital punishment in Barcelona is well documented in those days[35].

Some of the biggest *aljamas* had a communal dungeon, which usually was no more than a house or small construction where the prisoners remained chained (Cantera 1998: 171). These dungeons were not prepared to host convicts for extended periods of time. In fact, imprisonment was not usually considered a penalty, but a transitory period of time between the arrest and the punishment. Despite the development of the concept had already started at that time, it was in an early stage and its implementation was barely exceptional[36]. Nevertheless, logistic hindrances used to be unsurmountable for the communities. For this reason, Jewish authorities were permitted to deliver inmates to royal dungons in exchange for a monetary compensation (Neuman 1944, I: 123). Jewish convicts were not kindly welcomed by Christian prisoners and they usually suffered abuse and violence[37]. That may explain the considerable amount of jailbreaks recorded[38].

The wide judicial autonomy conferred to Jewish courts did not include the enforcement of some judgements. Although the restrictions used to be stated in the privilege, the implementation of severe penalties—like prolonged *ḥerems*, big fines or death penalties—needed from the validation and participation of a Christian higher instance.

[32] For example: ACA, reg. 37, f. 4v [Jacobs (1894), 726; Régné (1978), 504].
[33] For example: ACA, reg. 21, f. 32r [Jacobs (1894), 634; Régné (1978), 517; Baer (1929), 106].
[34]For example: ACA, reg. 208, f. 14r [Régné (1978), 2927].
[35] There are several reports about a *malshin* that was executed sometime between 1280 and 1283. The episode was widely analysed in a classical work by Kaufmann (1896). See, Cfr. Chapter 3.
[36]The ecclesiastical inquisitions were the main promoters of the idea of *prison sentence.* It was conceived as a means to bend the heretic and sinful will of the culprit. See, Given (2004: 59ff).
[37] In 1298, the community of Barcelona complained about the abuses suffered by the Jewish prisoners at the hand of the Christians convicts. James II ordered to the *batlles* of Barcelona and the Vallès to separate both groups of prisoners. See ACA, reg. 196, f. 151v-152r [Régné (1978), 2689]. The situation could vary depending on the criminal background of the convict. Some Jewish criminals belonged to mixed gangs also embedded by Christians. Those prisoners were in a better position to survive throughout their imprisonment. See Lourie (1988).
[38] For example: a certain Çerdán escaped from the dungeons of the *batlle* of Girona (ACA, CR, Jaime II, c. 68, n. 8298 [Assis (1993-1995, I), 346] and c. 134, n. 163 [Assis (1993-1995, I), 372]); Astruget Xaprut fled from the dungeons of Valencia (ACA, CR, c. 134, n. 209 [Assis (1993-1995, I), 419] and Jaime II, c. 135, 414 [Assis (1993.1995, I), 555]).

The official in charge of the enforcements was required was usually stated in the text of the privilege. The execution of judgements in royal domains was usually in the hands of the *batlle*, the *justicia* in Aragon and Valencia and the *veguer* in Catalonia (local representor of royal justice), the *infants* (king's sons) or the king himself. The non-compliance of this requirement—that is, the direct execution of the penalty by a communal authority—could imply the suspension of the judicial resolution[39].

The justification of that requirement lays on the very nature of the Catalan-Aragonese system, whose foundations were similar that those of the rest of Western Europe. The king was the highest judge, the maximum manager of justice (Giménez 1901; Laredo 1994; Maspons 2006: 20-21; Montagut 2001 and 2010; Ferro 2015: 35-36). The other officials and judges exercised judicial power on the monarch's behalf, who delegated it on them. Thus, it was the king—by himself or thorough his officials—the only one who could inflict punishment. Jewish judges were not royal officials; therefore, they had to deliver culprits to competent authority. In addition, due to their condition of direct subjects of the king, it is presumably that they needed his express consent before enforcing a judgement.

The same Christian authorities in charge of enforcing penalties were generally also responsible for hearing the appeals against the decisions of the Jewish courts. Once again, the right to appeal was not uniform and depended on privileges and local customs. The doctrinal approaches to the right of appellation were controversial among Catalan-Aragonese *halakhic* scholars. In Aragon, rabbinic appeal courts were a common institution, in contrast to their scarce presence in Catalonia, Valencia and Mallorca (Blasco 1992: 324-325). In many *aljamas*, not just the nature and scope of this right were discussed, but its existence itself. The right to appeal was often recognized for cases judged by a Christian authority[40], but communal authorities could discretionally decide about it according to their interpretation of the *Halakhah* when the process was intra-communal. The resulting situation was chaotic. Christian officials in charge to hear the appeals were often confused and needed to call upon independent Jewish jurisconsults to determine whether the *aljama* they were dealing with recognized that right or not[41].

In addition to judicial procedures, the litigants could resort to an arbitral proceeding in order to reach agreements out of the courts. The arbitrator could be appointed by the parties or by the king if he had any interest in the case. Usually, the arbitrator was a well-reputed member of the community. For example, Moshe Natan is mentioned in

[39] It appeared to be, for example, the case of Valencia, according to ACA, reg. 89, f. 49r [Régné (1978), 2555]. In 1294, the *Infant* Pedro annulled a *ḥerem* because the secretaries of the *aljama* implemented it without "consensus domini Regis ut domini Infantis".

[40] For example, ACA, reg. 19, f 77v [Jacobs (1894), 529; Régné (1978), 573] and ACA, CR, Jaime II, c. 135, n. 372 [Assis (1993-1995, I), 517].

[41] For example: ACA, reg. 61, f. 124r [Régné (1978), 1056] and ACA, reg. 43, f. 24v [Régné (1978), 1224].

some documents as arbitrator[42]. Not just individual parties could opt for arbitration; it was also a common resource to mediate in administrative conflicts and disputations between *aljamas*[43].

Some privileges allowed the Jews to decide between both jurisdictions. Even a Christian could resort to communal jurisdiction obliging himself to respect the judicial decision and to not initiate a parallel procedure before a Christian court (Epstein 1968: 47). However, the permissiveness of the positive norms did not correspond to reality. This apparent jurisdictional freedom ran into practical difficulties due to the misgivings of Jewish communities towards those who went to Christian courts. They could be considered *malshinim* (informers) and condemned to ostracism or even to death[44].

Furthermore, non-communal courts entailed some advantages for Jewish claimants. In general terms, royal justice used to be more effective. Any decision rendered by a Christian court was more likely to be successfully executed (Neuman 1944, I: 151). According to the controlled archival documentation, the plaintiff used to prefer to go to Christian courts when he had powerful or dangerous enemies within the aljama[45] or when he could not trust the normal and fair functioning of communal institutions[46]. At the end, it was a double-edged sword that forced litigants to balance the risks and potential benefits of their decision.

2. c. Christian jurisdiction

Judicial proceses on issues not covered by royal privileges—especially for major crimes and litigations with Christians—used to be a competence of Christian courts. Although legal disputations between Christians and Jews were usually resolved according to the general procedures[47], the *aljamas* and their inhabitants used to benefit from some

[42] ACA, reg. 1124, fol. 77r [Baer (1929), 221; Muntané (2006), 160] and ACA, reg. 644, fol. 73v [Muntané (2006), 169].
[43] For example: ACA, CR, Pedro III, c. 20, n 2724 [(1993-1995, II), 1049]. In this letter—whose text is a bit damaged—that Peter III sent to Bonjua Azday from Lleida and Salomon Saham from Tàrrega in 1345, the king commands to these two men to reach an agreement regarding a fiscal dispute between the two *aljamas.*
[44] Cfr. Chapter 3.
[45] For example, ACA, reg. 41, f. 9v [Régné (1978), 716] and ACA, CR, Jaime II, c. 49, n. 6048 [Assis (1993-1995, I), 295].
[46] For example, ACA, CR, Jaime II, c. 134, n 190 [Assis (1993-1995, I), 402] and c. 134, n. 223 [Assis (1993-1995, I), 443]. See also Assis (1997: 230).
[47] The main rules of the Crown used to include a number of special procedural provisions related to the Jews, especially about how they had to vow or to provide evidences before a court. In the case of Catalonia, for example, the *Usatges de Barcelona* stated that *"IUDEI IURENT christianis; christiani uero illis nunquam"* ["Jews can vow before Christians; but Christians cannot vow before Jews" (our own translation)], a rule complied by the privileges

particular procedural privileges. Once again, prerogatives were local or even personal. For the most part, those graces were about the right to be judged by higher instances closer to the king's direct area of influence.

Thus, for example, a privilege granted to the aljama of Valencia in 1275 stipulated that the cases concerning Jews must be heard by the *batlle* (royal administrator)[48]. In 1318, a privilege conceded by James II to the aljama of Huesca stated that if an alleged crime was prone to end up in death penalty, the case had to be judged by the *Justicia* of Huesca (highest magistrate in the region); the same document forbids the use of tortures in the interrogatories, except if the king expressly authorized it[49]. Another interesting privilege was conferred to the Jews of Mallorca in 1296—previously given to Valencia—, which excluded communal responsibility from certain illegalities committed by individuals[50].

Why Catalan-Aragonese monarchs were that protective of the Jews before Christian courts is a question which cannot be properly answered. It probably had to do with the fact that hate and hostility against Jews were a common felling among the Christian inhabitants of the Crown. Any participant in the trial, no matter if it be judges, prosecutors or witness, could be seized by that animosity. Under this context, a fair process against a Jew would have been impossible. They needed extra protection, and an improvement of their procedural rights was the only solution. It should not be misunderstood: the motivations behind the kings' position were not humanitarian. It was another form to protect their Jewish incomes.

Those typologies of processes are as diverse as they could be in any other society, modern or old. The voluminous Catalan archives preserve thousands of documents related to medieval courts proceedings, and in some hundreds, Jews are involved. Obviously, it is impossible to offer an exhaustive exposition about that topic and its ins and outs. However, if we were to list some of the recurring cases of Jews put before Christian courts, we should be include: murders[51], usury[52], money and debt instruments

---

conferred to the aljamas. In fact, the issue of the Jewish oaths was a generalized problem in the Crown. See, ACA, CR, Jaime II, c. 116, n 748 [Assis (1993-1995, I), 500].

[48] ACA, reg. 20, f. 242 [Régné (1978), 620].

[49] ACA, reg. 216, f. 80v [Régné (1978), 3096].

[50] ACA, reg. 194, f. 266 [Régné (1978), 2623].

[51] We would like to refer here an example which also evidences the complexity of social interrelations in the Crown of Aragon: a Jew is processed because of the assassination of his son. According to the report, the man used to have sex with his son's Muslim slave and lover. When the son discovered the affair, he threatened his father to become a Christian, unless he broke up the relationship. In front the possibility of the son's conversion, the father decided to kill him in order to protect the familiar honour. ACA, CR, Jaime II, c.30, n. 3804 [Assis (1993-1995, I), 139].

[52] For example, a Christian named Martín López de Algor accused the Jews of Huesca of exceeding the limits on interests (ACA, CR, Jaime II, c.3, n. 454 [Assis (1993-1995, I), 28]). A similar complaint was also submitted in Murviedre (Kingdom of Valencia) (ACA, CR, c. 133, n. 72 [Assis (1993-1995, I), 302].

counterfeiting[53], illegal purchase-sale of real property[54] and sinning in public[55]. For an extended vision about how a criminal process against Jews was, see Jaume Riera's work *Retalls de la vida dels jueus*, in which he reconstructed two full processes according to archival documentation (Riera 2000). Beyond showing the procedural steps in detail, these two cases also evince the biased attitude of Christian authorities towards the Jews.

2. d. Jurisdictional interferences and clashes

This theoretical, non-systematic and essentially local division of judicial competences was unable to work with minimal automaticity. The lack of uniformity of the criterion and their vague formulation used to cause frequent jurisdictional conflicts between both judiciaries. Actually, the nature of the interrelations between jurisdictions was paradoxical: the absence of normative structures and well-defined judicial hierarchies made the courts system complex and dysfunctional—compared to our current standards—, similar to Kafka's caricatured vision of justice. But in last instance, the solution to all problems was simple and categorical: the word of the king—and of his commissaries—was incontestable[56]. As stated above, the monarch was the highest

[53] For example: Azmael Avenfaion and Jucefo Quatorze, both from Calatayud, were absolved of this crime in 1311 (ACA, CR, Jaime II, c. 30, n. 3828 [Assis (1993-1995, I), 140]). However, Jahuda Azaron from Valencia was condemned some time later (ACA, CR, c. 132, n 116 [Assis (1993-1995, I), 509].

[54] For exemple, in 1340, Peter III commissioned a certain Blasco de Aisa, one of his officials in Zaragoza, to inquire if the Jews were selling their real states to the Christians without authorization (Pedro III, CR, c. 12, n. 1549 [(1993-1995, II), 918]). The purchase of buildings between Christian and Jews was completely banned, excepting if the king expressly authorized it. See Assis (1997: 29 and 87-88).

[55] For example: ACA, CR, Jaime II, c. 133, n 76 [Assis (1993-1995, I), 355]. In the digest by Martínez Ferrando about the unpublished documents of the ACA, it is stated that there is a document about a process against a Jew who had celebrated a mass within the *call* of Barcelona [Martínez, 537]. However, the reference does not appear and it has been impossible to find it in the archive.

[56] Beyond the interventions of the king to solve jurisdictional disputations, his role as an arbitrator in controversial litigations is also noteworthy. He adopted his decisions advised by his councelors—who often were appointed ad hoc. The cooperation of Jewish and Christian advisors was not unusual. For example, in 1268, James I resolved a disputation on a lawsuit related to the inheritance of a certain Jew called Bonanasc de Besalú. His judgement was based on the legal opinions of the prominent Dominican friar Raymond of Penyafort—one of his closest advisors—and Shlomo ben Adret, the spiritual leader of the Catalan Jewry at that time. See ACA, reg. 15, f. 117r-v [Penyafort (1945, "Diplomatario") CXXVII; Régné (1978), 384; Valls i Taberner (1991), XXXIV].

legislator and interpreter of the Law. That included the defence of the privileges conferred to his Jewish subjects[57].

Despite many of the clashes between Christian and Jewish courts were due to the habitual legal misunderstandings or hermeneutic disagreements[58], there was a clear and general trend among Christian authorities to monopolize jurisdictional attributions (Epstein 1968: 48). Undoubtedly, the strong position of Christian officials and courts as representors of the hegemonic social majority favoured their jurisdictional omnipresence—albeit Jewish courts had their own strategies to preserve their pre-eminence among the inhabitants of the *aljama*[59].

External interferences on Jewish legal affairs could occur in any part of the process and in different ways, as documentation reveal. Let's see some examples from the Kingdom of Aragon. Thus, for instance, in a letter send to James II in 1320, the monarch admonished the *justicia* of Daroca for compelling local Jews to submit all cases to his jurisdiction without taking communal courts attributions into account[60]. In other cases, intrusion could take place in an ongoing process, as shown in a complaining letter written by the aljama of Zaragoza to Peter II in 1280[61]. More striking is a process held in 1321 in Sarrión, in which local population ignored the authority of the *batlle*—who was in charge of hearing processes against Jews in the locality— and judged and executed two Jews without respecting the privilege[62].

In the event of a voluntary or involuntary usurpation of competences by a Christian court, Jewish judges' strongest card was to appeal to a higher instance—usually a royal representor, like the *batlle*—or directly to the king. However, as far as royal privileges granted the Jews the right to have their cases heard by a high royal officer, jurisdictional conflicts used to take place in that instance[63]. In the end, Jewish judges only could trust the king to solve the situation, which slowed down courts functioning even more.

A privilege had full force of law since it was a norm enacted by the highest legislative authority: the king. A judgment rendered out of the range of competences provided by a privilege in force was contrary to law. This rule raises many doubts regarding the formal limits to go to one jurisdiction or another. The documents we have quoted are contradictory about the freedom to choose jurisdiction. It did not seem that these limits were systematic (Lacave 1970: 333).

---

[57] For example, ACA, CR, Jaime II, c. 67, n. 8288 [Assis (1993-1995, I), 345]. In this document, James II command his *justicias* in the Kingdom of Valencia to respect the Jews' privilege to ricover their deposits after meeting their debts with their Christian creditors.

[58] For example, ACA, CR, Jaime II, c. 133, n. 65 [Assis (1993-1995, I), 296] and c. 134, n. 175 [Assis (1993-1995, I), 388] and Alfonso III, c. 14, n 1807 [(1993-1995, II), 696]. Kings' response to those jurisdictional disagreements appeared to have been quite balanced.

[59] As stated before, the main chance for Jewish courts was to declare *malshin* anyone who attempted to go to a Christian court.

[60] ACA, CR, Jaime II, c. 52, n. 6409 [Assis (1993-1995, I), 220].

[61] ACA, reg. 48, f. 138v [Régné (1978), 841].

[62] ACA, CR, Jaime II, c. 133, n. 5 [Baer (1929), 177; Assis (1993-1995, I), 231].

[63] Again, for example, ACA, reg. 48, f. 138v [Régné (1978), 841].

Despite the considerable amount of documents resolving jurisdictional conflicts in one way or another, the political will to guarantee the autonomy of Jewish courts is appreciable. However, the regularity and the amount of registers related to cases in which the usurpation of competences appears to be premeditated—and not just a mere legal discrepancy—implies that Christian authorities used to succeed in their attempts. Only the king could set a balance. Unfortunately, we lack elements to elaborate a statistic about how many usurpation cases were finally heard by the king.

Taking into account the king's position as the highest judge and legislator, his powers to interfere in judicial affairs were far beyond from the resolution of jurisdictional conflicts. The materialization of his rights was not symbolical or residual, but a daily and natural reality. And they appear to be more unquestionable in the case of Jewish courts since his Jewish subjects were his direct subjects and their judiciary a personal grace. In fact, it is not possible to speak about *interferences* when it comes to the Christian courts. It would by anachronistic. However, the modern idea of a political interference on the judiciary becomes more plausible when we refer to his intrusions upon Jewish judicial affairs. The king's encroachments—even when they were illegitimate—upon Christian courts did not hamper the enforcement of the law, but his intromissions in Jewish affairs voided the strength of the *Halakhah* and communal legislation. And Jewish authorities did not have mechanism to oppose it. It was a reality which was beyond the theoretical limits set by Jewish scholars to royal power on the affairs of the *kahal*[64].

Among the usual royal intervention in Jewish processes, the concession of temporal immunities[65] can be highlighted, as well as lifelong immunities before Jewish courts[66]—a thankful measure is one in danger of being considered a *malshin*. He could order the initiation of a judicial process and to interrupt ongoing trials or to postpose investigations and inquisition conducted in a bad political moment[67]. Likewise, he had

[64] On the theoretical limits to royal power on Jewish communities, see Cfr. Chapter 14.
[65] See, for example, ACA, CR, Alfonso III, c. 25, n. 2978 [(1993-1995, II), 779], in which Alphonse III conferred in 1335 immunity to the community of Vic regarding interests and other affairs related to moneylending for five years.
[66] See, for example, ACA, reg. 198, f. 310r [Régné (1978), 2757. James II rewarded Mahaluix Alcoqui—a Jew from Lleida— conferring him immunity before communal jurisdiction. He would only be accountable before the local *batlle*].
[67] For example, ACA, reg. 59, f. 74 v [Régné (1978), 955]: the king commanded in 1282 not to initiate any process against Assach el Calvo from Calatayud. Also ACA, CR, Alfonso III, c. 10, n. 1345 [(1993-1995, II), 662], when the king ordered to cease any inquiry against the *aljama* of Tauste.

the power to force the judges to decide in one way or another[68] and even to null a penalty[69] . All the steps of the judicial process were in his hands.

These royal prerogatives also included appointment of judges *ad hoc*. As pointed out of the beginning of this chapter, the *commissaries* that are mentioned in the proposal refer to these special judges. Despite the existence of permanent jurisdictional officials—like the *batlle* and the *veguer*—, the designation of additional judges for particular cases was very common. There are dozens of records attesting it just for the period between 1250 and 1350—and probably hundreds if we add up all the cases that did not involve Jewish litigants. Therefore, the drafters targeted a well-rooted practice that was part of the king's attributions as supreme judge of the Crown.

These judges could be both Jewish or Christian. The appointment of *ad hoc* judges generally respected jurisdictional limits. Thus, Jewish judges were especially commissioned for communal conflicts that required the intervention of an exporter in the *Halakhah*[70]. For the rest of cases, the appointees were Christians who were at the direct service of the royal court. The issues addressed by these *commissaries* are diverse and apparently do not follow any pattern. Thus, for example, in 1337, Peter III commanded the royal judge Berenguer Ferrer to intervene in a dispute for some debts between two Jews from Valencia[71]. In 1339, he appointed a judge to supervise the goods declaration of the community of Vilafranca[72]. The same year, he commissioned a certain Jaume Bernardo to inquire on some reports for usury against the Jews of Huesca, Monzón and Alagón[73]. Some months later, we are told about the judge Guillem Servent, who was appointed for judging a case in the *aljama* of Lleida. In 1344, a new commissioned judge was entrusted to lead the tax collection in Calatayud[74]. These few examples attest the diversity of cases, but none of them evince a greater brutality by these officials.

On the other hand, the king's goods, lands and prerogatives had a patrimonial nature. The monarch had the right to alienate them temporally or permanent. This included the jurisdictional powers. These sales and allocation were very common when the royal house was in an urgent need for funds—for example, in times of war. The first half of the fourteenth century is paradigmatic in this regard. The continuous economic problems and external conflicts of the Crown led to an unprecedented campaign of

[68] See, for example: ACA, reg. 61, f. 108v [Régné (1978), 1062], reg. 43, f. 243 [Régné (1978), 1234] and ACA, CR, Jaime II, c. 134, n. 183 [Assis (1993-1995, I), 394], c. 134, n. 211 [Assis (1993-1995, I), 423].
[69] For example, ACA, reg. 89, f. 55v [Régné (1978), 2559], reg. 208, f. 14r [Régné (1978), 2927] and ACA, CR, Jaime II, c. 66, n. 8151 [Assis (1993-1995, I), 333] and Pedro III, c. 12, n. 1576 [(1993-1995, II), 948].
[70] See, for example, ACA, reg. 60, f. 33r [Régné (1978), 1017], reg. 63, f. 83v [Régné (1978), 1498] and ACA, CR, Jaime II, c. 135, n. 198 [Assis (1993-1995, I), 408], Alfonso III, c. 7, n. 861 [(1993-1995, II), 630] and Pedro III, c. 28, n. 3826 [(1993-1995, II), 931].
[71] ACA, CR, Pedro III, c. 26, n. 3656 [Assis (1993-1995, II), 847].
[72] ACA, CR, Pedro III, c. 27, n. 3726 [Assis (1993-1995, II), 882].
[73] ACA, CR, Pedro III, c. 11, n. 1526 [Assis (1993-1995, II), 892].
[74] ACA, CR, Pedro III, c. 22, n. 2950 [Assis (1993-1995, II), 1048].

alienations of royal lands and rights that caused a severe patrimonial crisis to Catalan-Aragonese kings. The selling of lands and jurisdictions increased social unrest, both among Christians and Jews. In those cases, the abuses and brutality of the new jurisdictional owners is well attested[75]. In this sense, the proposal could also be a reaction against this situation.

To sum up, it can be stated that the exercise of judicial powers was not uniform. It entirely depended on the privileges achieved by every single aljama. The Christians attempts to monopolize the jurisdiction, as well as the king's prerogative to intervene as he pleased, blatantly limited the effectiveness and the authority of communal courts. In addition, the appointment of judges *ad hoc* by the king was a common practice. Altogether, rather than targeting a single goal, this proposal appears to be a response to a broader context of systemic limitations to communal autonomy.

Conclusions:

a) Catalan-Aragonese communities were allowed to have their own jurisdiction, which coexisted with the royal courts.

b) The privilege was the basic instrument to confer and to rule the judicial autonomy of the *aljamas*. Although the general regime of the community tended to evolve towards homogeneity, every privilege was conferred to a particular *aljama* or group of *aljamas*. The king could also grant privileges for individuals, which usually undermined communal authority.

c) Jurisdictional conflicts were usual. There was a general trend among royal courts to attempt to monopolize justice.

d) Royal interventions were frequent and incontestable. Those inferences used to materialize in the initiation of processes, in resolutions favorable to his interests, the annulment of penalties and the appointment of special commissaries, which was the drafters' major concern.

[75] This phenomenon is approached in chapter 8.

Chapter 3: ¶8. The drafters proclaim that they have decided to unite to eradicate the *malshinim*

עוד הסכמנו שנתחזק על דבר אמת ומשפט שלום לשפוט בשערים, כאיש אחד חברים. מיום גלות הארץ ומקלות עריצי גוים את החובלים העבירו מקל ורצועה ושבט מושלים, סר כחנו ומטה יד היושב על המשפט ושופט, ושפט אין כתיב כאן אלא נשפט, כי המשפט לאלהים הוא ואין אלהים אלא מומחין, אשר כח בהם לרדת בעומק הדין ולהבחין, אף כי המקום גורם, כי שם צוה השם את הברכה לשבת על מדין והמסכה הנסוכה. ולכן אנחנו פה היום עוברים בעמק הבכא אין דם חטאים בנפשותם מסור בידנו לנקום נקם בנפשותינו ומאודנו, לבד ראה זה נסעד לאלהינו בכל דור ודור לכלות קוצים מן הכרם ולעדור, ולהסיר סירים סבוכים מלשין ודלטור, אף כי עתה המצוה עלינו, מאשר נמו רועינו שכנו אדירנו ופורצי פרץ פרצו ויעבורו וכמעט אין בדור מקבל תוכחת, כי שובבה העם הזה משובה נצחת, ולכן לשם הי אלהינו במועל ידים, אזרנו כגבר חלצים, וראשונה הסכמנו לבער כל מלשין ומסור אשר ימצא באחת הערים או להדיח עליו הרעה כדי רשעתו לפי ראות עיני הנבררים, ולהפריש כנגד המלשין ההוא מטעם כל הקהלות ולהוצאתם. אמנם שיהיה דבר המלשינות ההיא בדבר כללי יגיע בו נזק חלילה לכלל בני עמנו לא במלשינות פרטי שלא יצא ממנו נזק לכלל.

> *In order to reinforce the truth and the peaceful rightness of the judgements of our courts, we have agreed to keep united as a single man. Since the beginning of our exile, the staff of the tyrants among the gentiles has been a staff to punish; they took away the staff and the leash of* [our] *rulers; they took our power and the authority of our courts from our hands. We do not write here 'to judge', but 'to be judged', because only God can judge; and there are no judges*[76] [among us], *but* [legal] *experts who are entitled to study the law in depth and to discern about it. Only God*[77] *can judge since he commanded the blessing*[78] *to sit in a courthouse with the curtain down. Thus, here today, while we are traversing this valley of tears, the blood of those who sin against their own souls is not in our hands to take revenge with our souls and strength. Generation after generation, our God*[79] [or *"our judges"*] *has always taken care of us to remove the thornes from the vineyard, to till it and to eliminate the weeds: the informer and the delator*[80]*. Also now we have this duty since our shepherds are slept, our neighbors are hidden, the villains break out to burglarize and transgress and hardly anyone in this generation accepts a reproof because the malice of these people always returns. For this reason, and with the hands raised in the name of*

[76] In this sentence, two times is mentioned the term "אלהים" ("Elohim"). Although this term usually means "God", it is also used in the Torah to say "judges". Feliu translated the first "אלהים" by God and the second one by "judge"—see Feliu, E. (1987: 156). This interpretation is more suitable than any other alternative.
[77] The same.
[78] *Psalms* 133: 3.
[79] In this case both translations are valid. Nevertheless, we have respected Eduard Feliu's interpretation (1987: 157).
[80] *Delator* ("דלטור") is the Catalan word for informer.

the Lord, we girded the loins like a rooster and we firstly agreed to eliminate all the informers who are found in our communities and to punish their evil seeds according to the opinion of the delegates. We will expel them on behalf and at the expense of all the communities when their calumnies cause harm to all our people—God forbid!—, but not when they only affect specific individuals.

3. a. The concept of *malshin* in the Crown of Aragon

This section of the text is not a proposal. The drafters do not ask for any privilege or legal measure. The statement above is rather a sort of declaration of principles, a general call for union to eradicate a common enemy to all the Jewry: *"*the *malshin* and the *delator"*[81]. In other words, they put the focus on the necessity to make joint efforts in the prosecution of the *malshinim* ("מלשין, מלשינים", *"*informers*"* or *"*slanderers*"*). This concept barely mentioned in the last chapter played a major role in the communal daily life not just in the Crown of Aragon or the other Iberian kingdoms, but in all Jewish communities along Europe, Africa and Asia.

It has been already noted that a wide range of royal privileges conferred the *aljamas* a certain degree of judicial autonomy, which provided Jewish courts with a notable self-sufficiency, including the power to impose capital punishments on informers. However, the independence of communal justice was often jeopardized by the interference of the king and Christian officials. In addition, the local nature of communal jurisdictions led to doctrinal divergences among the Jewish communities regarding the interpretation and enforcement of the *Halakhah.* Probably, that made the petitioners and other communal leaders felt that a different approach to address this common problem was needed.

The *malshinim* can be defined as *"*informers or slanderers who denounce individual Jews or the Jewish people in general to a foreign ruler*"* (Elon 2007: 780). This kind of criminal was known and dreaded in all Europe. Of course, the Crown of Aragon was not an exception. The horror aroused by the phenomenon of the *malshinim* almost lifted this character to a legendary position comparable to the bogeyman. Notwithstanding that fear was fed by the uninterrupted and intrinsic fright of a society that was always under threat (Neuman 1944, I: 180), informers were real and dangerous menaces for Jewish communities.

They were a special kind of offender, elusive and almost immune, because their main weapon was the judicial system itself (Nirenberg 1996: 37). Considering the generalized hostility towards Judaism, a denunciation against a member of an *aljama* could endanger the community as a whole. It might not be surprising that some authors have

[81] *"*להסירים סירים סבוכים מלשין ודלטור*"*. The word *"*דלטור*"* is not Hebrew, but Catalan: "delator", which means *"*informer*"*.

considered the *malshinim* the *cancer of Jewish communities* (Kaufmann 1896: 227; Epstein 1968: 49). A good example of the magnitude and celebrity reached by the figure of the *malshinim* is that the substantive *malsín* and the verb *malsinar* were integrated into Spanish and Catalan, and they are still accepted words in Spanish[82].

The Moorish *aljamas*—analogues institutions composed of Muslim inhabitants—also adopted the legal concept of the *malshin* (Nirenberg 1996: 37 and Blasco 1993: 85)**.** However, the word *malshin* is Hebrew, not Arabic nor Amazigh. During many years, the Real Academia Española—the institution in charge of fixing the Spanish linguistic rules in Spain—considered that the origin of the word was Latin, from the roots *mal* and *signare*—that is, *defame*—, but the mistake was corrected some time ago (Blasco 1993: 85). Thus, the use of the term by Muslim *aljamas* was a Jewish influence. As the legal figure of the *malshin* is already mentioned in the *Mishnah*, its emergence should be situated, at least, at the end of the Second Temple period. Therefore, it is a concept directly linked to the loss of sovereignty and to the coexistence of the Jewish legal systems with a gentile dominant judiciary. As soon as another jurisdiction appeared, the fear of the informer began.

According to the privilege granted by James I to the *aljama* of Barbastro in 1273, in the Crown of Aragon a *malshin* was one who *"predicta esse mala vita et male conversationis vel quod sit vocatus in ebrayco malsin ac eciam* […] *crimine seus criminibus diffamatum"*[83]. In practice, that means that anybody who went to Christian courts for a lawsuit related to communal life—a wide and ambiguous idea—could be accused of informer (Blasco 1993: 85; Epstein 1968: 47; Neuman 1944, I: 130)[84]. Although the Catalan-Aragonese kings generally used to facilitate the prosecution and punishment of *malshinim,* the interpretation of this legal concept by the royal justice often was not that broad. In fact, if monarchs had shared these views, the power of royal courts on the *aljamas* would have been notably reduced in many aspects. For that reason, in some privileges, like the one conceded by James II to the *aljama* of Lleida in 1297, the monarch obliged the communal leaders to report before his officials some specific crimes, like fiscal offenses[85]. Despite royal legislation was more restrictive in the definition of informing, communal society used to be more intransigent with those who resort to Christian courts.

---

[82] The dictionary of the Real Academia Española defines *malsín* as: "Cizañero, soplón" ["troublemaker, tattletale"]. And *malsinar* as: *"*Acusar, incriminar a alguien, o hablar mal de algo con dañina intención*." ["*To accuse, to incriminate somebody or to speak negatively about something with malice".]

[83] "[One who] leads a bad life and keeps bad conversations, which in Hebrew is called a *malshin* (…) His crime is the crime of defamation". ACA, reg. 21, f. 126v [Jacobs (1894), 665; Régné (1978), 552; Baer (1929), 107].

[84] Adret, for example, was asked once about the scope of the concept of *malshin.* He considered that a Jew who reports a coreligionist is a *malshin*. However, if the only aim of the denunciation is to ensure the implementation of a communal judgement, the claimant cannot be considered a *malshin* (Adret II: 84).

[85] ACA, reg. 195, f. 44 [Baer (1929), 139; Régné (1978), 2629].

Notwithstanding the occasional discrepancies between the communities and the king regarding who should be considered a *malshin*, many Catalan-Aragonese communities were empowered to be prosecutors. In fact, one of the main features of the prosecutions against the informers is that many *aljamas* were allowed to impose capital punishment. The increase of those faculties was parallel to the general period of positivization and jurisdictional evolution that took place throughout the thirteenth century. The first privilege providing for the competence to impose death penalty on informers was conferred to Calatayud in 1229[86].

Therefore, from the legal perspective, the most striking feature of the informer as criminal offender in the Crown of Aragon is its connection with the death penalty. That prerogative is an exception in Jewish history from the destruction of the Second Temple (70 c.a.), until the creation of the State of Israel (1948). Excepting the Khazars, which were a sovereign Jewish kingdom, the general position of Jewry as *nation without land* hampered the development of internal jurisdictions. Obviously, capital punishment, the highest penalty one can impose, was often denied by the authorities of any country. However, it was an attribution largely conferred to the communities of Aragon and Castile, as well as in the different political entities that formed Al-Andalus. That situation was surprising for the Jews from other European nations, as attested by the German rabbi Asher ben Jehiel and his son Jahuda ben Asher (Brand 2012: 170; Dorff and Rosett 1988: 324).

The impact that those privileges used to produce in their jaw drooped European neighbors was not only due to the stunning degree of autonomy achieved by Iberian communities, but to their doubtful accordance with the *Halakhah.* The *Torah* and the *Talmud* allow death penalty as a usual punishment for major crimes and sins. Actually, they foresee many forms of execution depending on the offense (Cohn 1974: 526-529). Nonetheless, Talmudic sages generally considered that death penalty was virtually inapplicable since the abolishment of the institution of the Sanhedrim (*BT Sanhedrin 37b*). As far as they were the natural judges of Israel, it was considered that their absence limited the imposition of such a severe punishment.

It is debatable to what extent it is a prohibition or just a guiding principle based on moral and procedural considerations. Actually, the *Talmud* appears to acknowledge some exceptions, especially in the case of the informers. As *BT Berakoth 58a* narrates, Rabbi Shila killed a *malshin* who had defamed him before the gentile king. The rabbi argued that the statement *"*if a man comes to kill you, rise early and kill him first"[87] was applicable to informers because they posed a great risk for the community as a whole.

[86] "(…) *damus licentiam et plenam potestatem fugandi omnes malefactores judeos, qui fuerint inter vos, capiendi, detinendi, captos puniendi, et si talem excessum comiserint, possitis eum vele os condempnare ad mortem et facere justitiam personalem secundum vestram voluntatem et arbitrium vestrum*" ["we give you permission and full powers over all Jewish malefactor among you to catch, arrest and punish them; and if their crimes were to serious, you can condemn them to die and to personally make justice over them according to your will" (Our own translation)]. ACA, reg. 202, f. 201r-v [Régné (1978), 6; Baer (1929), 88].

[87] *"*אם בא להרגך השכם להרגו*"*, based on *Exodus* 22.1.

According to Landman's analysis of this passage (Landman 1972), the *Talmud* admits death penalty if it is consented by the ruler of the host nation—as the monarch of the story, as well as the Iberian sovereigns, did[88].

Anyhow, procedural requirements to condemn a man to die were quite demanding and difficult to achieve (Cohn 1974: 509-510; Kaufmann 1896; see also *BT Sanhedrin* 37b and 41a, etc.). From a literalist point of view, capital punishment was virtually impossible (Dorff and Rosett 1988: 324; Biale 1986: 52-53). Iberian Jewish courts—including those in the Crown of Aragon—often were not really stringent on the compliance of these rules (Novak 2005: 143-144; Neuman 1944, I: 142-143). The great legal scholar and leader of the community of Barcelona, Shlomo ben Adret—who was himself involved as legal adviser in a process that ended up with the execution of a *malshin* in 1280—argued that the exercise of capital punishment was justified by the needs of the moment, because it was the only way to protect the communities[89]. A common strategy to sidestep the limitations on the imposition of death penalty mandated by *Halakhic* Law was to look for alternative forms of execution not foreseen in the *Torah* and the *Talmud*. In this way, Iberian judges aimed to take advantage of an alleged *legal vacuum.*

Aside from the privileges, doctrinal discussions and legal strategies, the executions of *malshinim* were very uncommon in the Crown of Aragon. Professor Epstein assured that no more privileges recognizing the right to impose death penalties were conferred during the fourteenth century (Epstein 1968: 47). For his part, Yom Tov Assis asserted the execution of Vidalon da Porta in 1280 is the last case reported of a capital punishment on a *malshin* (Assis 2008: 155-156). Despite it is true that executions were really infrequent, several privileges conferred this right in the fourteenth century along the Crown. In fact the last notice about the enforcement of a privilege of that kind prior to 1354 dates from 1346[90]. The scarcity of death sentences might have been the result of the difficulties posed both by the Jewish and the Christian legal systems; however, Baer identified an execution in 1302 (Baer, 2001, II: 2). In the same way, that document of 1346 is related to the trial against a *malshin*, but no more details about its resolution are preserved.

[88] The legal basis for this reasoning is the statement "*Dinah de-Melhuta Dinah*", the *Law of the kingdom is the law*, which means that the Jews must obey the rules of the land where they live. On this statement, see Cfr. Chapter 13.

[89] Adret III: 393. His opinion is based on *BT Baba Metzia* 40b, which states that Jerusalem was destroyed because society was just guided according to religious commandments, instead of adapting legislation to reality. See also Cfr. Chapter 14.

[90] ACA, CR, Pedro III, c. 23, n. 3188 [(1993-1995, II), 1061]. In 1320 a privilege recognizing the right to impose death penalties was granted to the *aljama* of Barbastro: ACA, reg. 383, f. 40r-42r [Baer (1929), 175]. It was an enlargement of the grace conferred in 1273: ACA, reg. 21, f. 126v [Baer (1929), 107; Régné (1978), 552].

3. b. The *malshinim* and the Jewish community

Hitherto, we have exposed the *theory of the malshin*; now let's turn to its reality. A definition exclusively drawn from a legal and positive norm usually tends to offer a biased perspective of reality: the offender, the infringer of the rule, is unquestionably a soulless villain that terrifies his peaceful neighbors. The legal rule, as far as it describes a punishable behavior and its consequences, tends to reduce everything to the most elemental Manichaeism. That is the objective of a legal norm: to administrate the society through a system of rights and restrictions. Thus the positive rule does not aim to portray a social reality. In any case, it can provide some clues about that reality. The legislation and privileges against the *malshin* follow this pattern. But beyond this simplistic dualism—evil informer versus defenseless citizen—, the phenomenon was complex.

Reasons to be afraid of the *malshinim* were abundant. They were a real threat for the *aljamas* and the security of their inhabitants. However, historical documents demonstrate that *malshinism* as a crime possessed many nuances and dimensions. Beyond the idea of the psychopathic evil man rooted in popular mentality, the generalize fear to this figure led to its exploitation in many ways and according to many interests. Actually, that fear was a double-edged sword, which made it really useful**:** the fright to be considered a *malshin* by the community was as great as the fright to be the victim of an informer—a double range of possibilities for those who wanted to take advantage of fear.

In that sense, at the end of the thirteenth century, it was usual for popular classes to inform against the elites of the *aljamas* in order to gain access to communal institutions or to put an end to their generalized corruption (Assis 2008: 113 and 240). It is difficult to say whether the proliferation of complaints against communal leaders before Christian courts was due to political revenges and social subversions or because it was the only way to complain about the monopolies of power and their abuses. Jewish courts were not as impartial as they aimed to be. Sometimes, going to external authorities was the only solution[91].

In fact, the wealthiest men of the *aljamas* could make use of their power and influence to declare their political enemies informers, or to protect themselves from scandals of corruption and embezzlement. That is supposed to be the case of a certain Jucef Alatronay from Valencia in 1300, if we are to take him at his word. According to his version—which is narrated in a desperate letter to James II asking for mercy—, he had been declared *malshin* by a communal court and imprisoned in a Christian jail because he reported before royal authorities a case of embezzlement in which the greatest part of the secretaries of his *aljama* were involved:

[91] Cfr. Chapter 2.

Al molt alt senyor en Jacme, per la gracia de deu rey d'Arago, yo Jucef Alatronay, jueu de Valencia, (...) volen me destroyr jueus enemics meus, ço es asaber, senyor, Gafuda aben Hacen, jueu de Valecia, que ses en senyorit e apoderat dela judería de Valencia ab vostres diners, que te gran tems a ço, es a saber, senyor, oltra de VIII milia ss., (...) e per que yo se, senyor, tot aquest feyt, (...) aquest Jafuda aben Hacen ab IIII jueus altres de Valencia tractaren e feren e escriviren e testimoniaren una carta falsa e aço fou sabut al senyor rey don Alfonso e manals pendre an Arnau Çabastida e que fesen enquesiciho sobrels, e fo trobada la veritat de la carta falsa (...) e per ço, senyor, volen me mal aquels jueus damunt dits ab lurs amics e preposaren davant vos, can vos, senyor, fos laltra vegada en Valencia, que jo era malsin, vol dir acusador (...)[92]

The rest of this letter is a large allegation and presentation of evidence attempting to prove his innocence. Despite Alatronay's letter only providing the views of one of the parties involved, it gives evidence of the instrumentalization of the figure of the *malshin*. Although we are not aware of the royal response, Alatronay was not describing absurd and unbelievable facts, and his complaint regarding the endemic corruption of the *aljamas* is not the only one known[93].

Without an external control, the indiscriminate use of the *malshinim* among all population layers in the *aljama* could have been detrimental for the kings' interests. From the perspective of the monarch, its utilization by the elites could arise more problems beyond social tensions. The most menaced fields were, without a shadow of a doubt, the control of the management of public funds and procedures of tax collection. The Jewish code of silence in this respect could confer impunity to embezzlers and other corrupts among communal officials, a serious challenge considering that the *king's Jews* were an easy source of income for the royal treasury.

In order to overcome a situation that could lead to an administrative chaos and to a serious damage for royal accounts, King James II intervened and declared mandatory to inform about crimes related to public finances. The monarch was aware of the pressure

[92] "To the very noble and great lord James, King of Aragon by the grace of God. I, Jucef Alatronay, a Jew from Valencia and currently imprisoned in your jail in Valencia (…) [would like to report] that some of my Jewish enemies want to destroy me, namely Gafuda aben Hacen from Valencia, who has taken hold of the *juderia* of Valencia with your money—that is, more than 8,000 *sous.* (…) And because I know this fact, my lord (…) this Jafuda aben Hacen, together with four other Jews from Valencia, wrote a false letter testifying [against me]; but King Alphonse knew it and instructed Arnau Çabastida to arrest and question them. Then, all the truth about the false letter was discovered (…) And for this reason, these Jews and their friends want to bite me and accused me—when you, my lord, were again in Valencia— of being a *malsin*, that is, an informer (…)" (Our own translation). ACA, CR, Jaime II, c. 87, n. 389 [Baer (1929), 144; Assis (1993-1994, I), 532].

[93] Social tensions caused by corruption were a usual driving force for political change. See chapter 14.

on informers; for that reason, he offered judicial immunity for those who reported cases of corruption[94].

The exploitation of *malshinism* also had a place in the world of organized crime. When Jewish mobsters had—so to speak—a cordial and close relation with local royal officials, threating their neighbors to report them before Christian authorities became a useful form of extortion. In an already classic work, Professor Elena Lourie reconstructed the criminal life of Joan Sibili, a chief of the mob in the aljama of Valencia, as well as Jahuda Alatzar's political rival (Lourie 1988). Actually several contributions on the *aljama* of Valencia in the fourteenth century suggest that the frontier between political and criminal power was notably thin (Lourie 2008; Ray 2006: 133-136; Riera 1993). Within Sibili's criminal history, it is remarkable the huge net of contacts he had built among Valencian officials, which allowed him to frighten and extort his enemies—to be an immune *malshin*.

Therefore, the *malshin* was more than the stereotyped and simplistic figure of a psychopathic traitor. It was a multidimensional character that did not lack political interest in way or another for those who aimed to become powerful men in their *aljamas*—perhaps like our three drafters. Its complexity is a perfect reflection of the social tensions and constant fears that dominated Jewish communities.

It has been stated that royal privileges provided not few *aljamas* with wide attributions to prosecute the *malshinim*, including the power to impose death penalties. Then, why the petitioners complained about the situation? It is not difficult to point out some of the reasons behind their claims. First of all, it should be linked with the jurisdictional problems discussed in chapter 2. In this petition, the delegates did not directly ask for a royal privilege. Indeed, it seems a pure internal goal since they appear to be simply expressing their wish to become more united in front of a shared menace. Even though a common political posture of the *aljamas* was necessary in order to overcome some of the intercommunal problems attached to a judicial union—for example, hermeneutical and institutional divergences—, only the king could set the legal framework of the project. The most evident reform that this project would have required was the enactment of common privileges equalizing the judicial competences of all the *aljamas*.

A second element that hampered the legal response against the *malshinim* was the kings' ambiguous stance on that issue. Monarchs never held a lineal political approach in relation to informers. Royal policies were practical and could vary according to the needs of the situation. They were what nowadays we would call *Realpolitik.*

In a normal situation without extraordinary economic or political events, the Catlan-Aragonese kings' political goal was to keep pace and stability within the *aljamas*. The communal autonomy to prosecute the *malshinim* contributed to it. The early mention of the *malshinim* in royal documents—like the abovementioned privilege given to Calatayud in 1229— evince that kings were completely aware of the problem and its

[94] ACA, reg. 211, f. 301v-302v [Régné (1978), 3019; Baer (1929), 139].

magnitude. For this reason, monarchs used to concede privileges enabling communal justice to impose death penalties on *malshinim*. In fact, many documents attest kings' active and personal role in the prosecution of informers or in the protection of their victims[95]. The process against Vidalon da Porta—informer beheaded in Barcelona in 1280 is perhaps the most well-known and well-documented example in the crown of Aragon[96].

However, when the indictment of a suspect could harm the interests of the Crown, kings used to provide individual or collective protection to informers. The judicial immunity conferred to those who report embezzlers is a clear example[97]. Economic and even personal reasons were other causes of the royal support to informers[98]. In those cases, the king used to order the absolution of the processed or to grant immunity before Jewish courts[99].

We still need to inquire on whom the addressee of the accusations made by the informers was. Charges attributed to malshinim used to be unclear. Documental accounts do not offer many details. Sometimes it is impossible to know if the act of the malshin consisted of a denunciation before a judicial authority or of the spreading of a rumor in a tavern. In the case of Vidalon de Porta, for example, we do not know the actual accusations[100] . The vagueness of the reports hinders an overall evaluation of the situation. If we stick to the documents we control, the conclusion is that most of the accusations of informing were directed against people who have resorted to royal jurisdiction. The paradox is evident. The king allowed, and even encouraged, the prosecution of those who relied on his authority. A scenario where the clergy was the beneficiary of the information passed by the malshin would have made more sense. It would have implied that the malshinim played a role in a political conflict between two powers—monarchy and Church—that used to keep a tense relationship: the clergy gained a pretext to go against the infidels and the king responded conceding prerogative

[95] For example: ACA, CR, Jaime II, c. 134, n. 253[Assis (1993-1995, I), 455], c. 134, n. 25 [Assis (1993-1995, I), 470] and Alfonso III, c. 17, n. 2125 [Assis (1993-1995, II), 746].

[96] The case was first studied by David Kaufmann (1896), with Adret's letters as the main source. It is perhaps the most extended work on that issue. Professor David Romano (1966) identified the condemned as Vidalon da Porta and added new documentation from the Royal Chancellery: ACA, reg. 48, fol. 53 v. Acordingly, this document states that Adret accepted the punishment as far as the method of execution was not painful.

[97] See the privilege granted for Catalan *aljamas* in 1280. ACA, reg. 211, n. 301v-302v [Régné (1978), 3019; Baer (1929), 139].

[98] See, for example, ACA, reg. 15, f. 13v [Jacobs (1894), 405; Régné (1978), 346]. In this document, James I rewards one of his Jewish advisors with a number of economic and fiscal privileges. In addition, the king declares that no *aljama* or court will be allowed to accuse him or his family of *malshinim.*

[99] For example: ACA, reg. 653, f. 126r-v [Baer (1929), 227] and reg. 252, f. 193v–194r [Régné (1978), 2520].

[100] David Romano was the last author to provide new documentation related to the case. Thanks to his work, as well as to Kaufmann's article (1896) and the documentary collections by Baer (1929) and Régné (1976), we have valuable information on the process, the judges involved, the proceedings and the execution—he was exsanguinated. However, the actual accusations are unknown. See Romano (1966).

to the communities to protect themselves. But apparently it was not the most habitual case.

Rather than a conflict between two parties, it seems that the king used to balance his political and his economic interests. As we have noted, the monarch intervened in favor of the malshin when the accused was one of his protégées or the information entailed a benefit for the royal treasury. In all other cases, he adopted a passive attitude. Then why did the king permit the prosecution of those who had resorted to his own jurisdiction? The question is difficult to answer. We share Neuman's opinion on the economic nature of the reasons. In this regard, three juxtaposed causes can be adduced: i) if the prosecution of the malshin was not against royal interests, it was a mechanism to protect communal stability—which was a synonym for economic benefit; ii) the community did not have the power to execute the sentence—it was an exclusive prerogative of royal authorities, which received a special economic compensation from the aljama; and iii) the Crown used to confiscate the goods and properties of the culprit (see Neuman 1944, I: 131-132). Therefore, the fight against the malshin could be a lucrative business for the monarchy.

Therefore, royal attitudes were voluble and hampered the legal prosecution of the *malshinim*. In addition, the disparity of competences granted to Jewish courts and doctrinal divergences between them were the other challenges the drafters needed to overcome. The internal and external hindrances on sentencing deaths penalties hindered the implementation of privileges in this regard. Aside from the improvement of the legal framework, we cannot forget that the implementation of that measure would have provided the delegates with an advantageous position over their political rivals.

3. c. Targets of the drafters

It is noticeable that the agreements do not directly refer to capital punishment. Two verbs are used to state the legal consequences for the *malšinim*. First of all, the verb *"*בוער*"*, which means "to burn" or *"*to destroy*"*. The second one is *"*הוצא*"*, *"*to expel*"* or *"*to remove*"*. In the textual context of the proposal, it is difficult to assure which is the intentionality of those verbs. The verb *"*בער*"* could refer to the extermination of the figure or the concept as a metaphor of the end of the danger. But it could also mean that the drafters were planning to exterminate them literally, individual by individual. In this last case, they would be supporting death penalty.

For its part, the verb *"*הוצא*"* can also be metaphorically interpreted. Literally, the proposal is asking for their physical expulsion of the community. However, in the *Torah* many commandments states that the offender will be separated from the community. For a society which lived in a hostile environment—surrounded by the desert and by an

endless amount of dangers—, expulsion was equal to death (Lyons 2010: 25-28). That scenario did not substantially defer in the case of medieval communities. There was no desert, but the hostility of Christians was as dangerous. In addition, the limitations to the freedom of movement and residence for Jews implied that the expelled was breaking a royal rule at the same time, which could lead to a punishment (see Cfr. Chapter 10). Conversion was the only option to survive. Then, the *ḥerem* was a perfect alternative to death penalty in order to eradicate the *malshinim*.

Thus, the intention of the drafters is not clear. Obviously, death penalty was the most effective measure to solve the problem at the root. However, to make capital punishment functional and to produce the expected results, it requirement from a unification of the hermeneutical approaches to the *Halakhah* in that sense. Regarding the king, the only requisite was the payment of a compensation for each execution, as well as to deal with his occasional interferences in favor of the accused—it is quite doubtful that the drafters were as naive as to think they could change it.

Moreover, the *ḥerem* was a more practical solution. Although it was not as radical as a death sentence, the threat was as intimidating. Its implementation was also much easier, as well as the hermeneutical harmonization between communities in order to increase its effectivity. It was perhaps the easiest path to reach the unity preached in the proposal.

However, they were probably not raising an exclusive disjunction. Their target was the elimination of the problem, no matter the means. They were asking for a closer judicial union of the communities and for the improvement of the efficacy of their courts. Perhaps, they consider the *ḥerem* a more effective tool, but they did not discard capital punishment. Furthermore, although it was posed as an internal proposal, the intervention and engagement of the king as the highest judge and legislator was completely necessary, especially to facilitate the enforcement of death sentences.

Conclusions:

a) The *malshinim* was a legal typology that referred to those Jews who accused their coreligionist before the gentile authorities. It was considered a serious crime against the community due to the potential risk that it could entail.

b) The Jewish judicial autonomy in the Crown of Aragon used to include the right to prosecute and punish the *malshinim*, even with death penalty.

c) The accusations for *malshinism* were exploited in many ways for political purposes. Although there was a general intense fear towards the informers, this fear was often used to obtain or to preserve power.

d) Catalan-Aragonese kings used to have a practical approach to the problem. While they generally allowed the prosecution of the *malshinim*, they did not hesitate to intervene in communal processes to protect the suspect when the royal interests were compromised.

e) Rather than a proposal, this section of the *Agreements* is a claim for unity. The use of capital punishments was a delicate issue for Jewish Law, which could hinder intercommunal coordination. Other legal instruments, like the *ḥerem* could be more effective alternatives.

Chapter 4: ¶20. The drafters claim against the inquisitorial system

עוד השתדלו להפיק חותם מאת אדננו המלך יר״ה שלא לחקור לבקשת פישקאל אלא אם כן תובע בדבר רצוננו לומר קלאמדור ליגיטים ואף אם יהיה בתחלה אם יבטל התיעה או התרעומת שעשה שלא יהא רשות לפישקאל לרדוף אחריו כדי להשלימו למען קנסו, וכן לא יוכל הפישקאל לעכב ביד האורדנריש אם ירצו לעשות פשרה או אם ירצו להניח הכל מחסד.

> *Likewise, they will strive to reach a decree from our revered lord the King prohibiting inquisitions by request of the prosecutor* [fiscal], *except if the plaintiff is a legitimate claimer* [clamador legitim]. *In addition, if the initial plaintiff desists from his claim or pretension, the prosecutor* [fiscal] *must be prevented from pulling him to complete the process in order to perceive a fine. Furthermore, the prosecutor* [fiscal] *must not be allowed to hinder the ordinaris* [ordinary judges] *from reaching agreements* [with the defendant], *if they want, or from abandoning* [the process] *as an act of mercy.*

4. a. Introduction: some notes on the nature of justice in the Crown of Aragon

That proposal is striking and intriguing. The drafters' objective was to obtain a privilege annulling the capacity of public powers to start judicial processes. They considered that only legitimate claimants should have this right. Likewise, they demanded that if the claimant withdrew the complaint, the processes must be cancelled. That statement has not arisen the interest of any previous researcher on the *Haskamot of 1354.* It is understandable. In a document that reflects a context of massacres, religious and racial prosecutions, high politics and other bloody issues, this proposal looks insignificant. However, it is perhaps one of the most ambitious and naive targets pursued by the delegates. Their success would have implied a radical transformation of the very nature of the Catalan-Aragonese judicial system.

The text presents the two elemental ways to initiate a judicial process in the Crown of Aragon: by means of the accusation of an interested party or *ex officio*. Those systems are respectively known as adversarial and inquisitorial. They both were completely valid in Catalonia and Valencia, but the drafters aimed to abolish the inquisitorial model. Once again, the Hebrew text maintains the Catalan legal terminology *aljamiada*: "פישקאל" ("fiscal": "prosecutor"), "קלאמדור ליגיטים" ("clamador legítim": "legitimate

claimant") and "אורדנריש" ("ordinaris": "ordinary judges"). As a synonym for *"*clamador*"* it is also used the Hebrew word "תובע" ("tobea"), but specifying its correlation with the Catalan word. The only not *aljamiados* legal terms are the words for *"*claim-pretension-prosecution*"*: "תיעה" ("tiae") and "תרעומת" ("taraomet"); as well as some procedural concepts: "פשרה" ("peshara": "agreement", "compromise") and "הניח" ("heniaḥ": "to abandon", "to dismiss").

There is a general trend among historians to present the judiciary of the Crown of Aragon as a single and compact power whose scope embraced the whole territory. This perception is inaccurate or even erroneous. More exactly, it is anachronistic, the result of a historical approach based on current institutional constructions. Notwithstanding the notorious, but still primitive, trend towards centralism, late medieval monarchies in West Europe were clear descendants of the feudal system in many regards. They were stratified societies whose strata were not mere socioeconomic classes, but an inexorable ontological definition of man, his vital aspirations, needs and roles within their social environment (Duby 1982: 73-75; Brown 1988: 198-204; Fromm 2001: 33-54; Le Goff 2008: 234-240).

The relation of those strata with the sovereign was not vertically lineal. Local noblemen still were the legitimate owners and rulers of their territories, where they were the direct and almost supreme authority. They were not natural subjects of the king, but vassals who had voluntary decided to acknowledge the authority of monarchy—at least theoretically.

Political authority was inseparably tied to legal and judicial authority. As the highest earthly power in their territories, the rulers were the source from which justice emanated. Professional judges and other jurisdictional officials only dispensed justice because they were provisionally empowered by the sovereign or local lord (Giménez 1901; Kern 1939: 90; Laredo 1994; Ferro 2001: 52-53 and 2015: 35; Sánchez-Arcilla 2004: 318). The nobility kept those attributions to a large extent. Even when the king graced his barons with new lands—for example, after the conquest of Valencia[101]—, the municipal charters used to specify that the monarch also ceded the *emanation* of justice (Serrano 2015: 786).

Therefore, in terms of justice—among many others—it is necessary to distinguish between the territories belonging to local nobility and those under the direct control of the king, the *villes i ciutats reals.* The control of the king over local lords was limited. To a certain extent, the *Corts* contributed to homogenize the legal system of the Crown, but the legislation enacted by the king was generally directed to his own domains. In the

[101] The concessions of lands in the new born kingdom were collected in the *Llibres del repartiment.* See Ferrando (1978-1979).

case under the scope of this research, Barcelona, Valencia and Tàrrega were royal municipalities[102].

Beyond the territorial delimitation of justice, it was also a subjective one. That is, the relationship of individuals with the judiciary used to vary according to their personal conditions. The high nobility was hardly ever judged by ordinary officials. Due to their position within the ontological medieval hierarchy, the only earthly authority capable of punishing them was the king[103]. The same applied for the clergy, whose members were ruled by canonical legislation and ecclesiastical superiors. Although they could be judged by secular trials[104], the particularities of this social stratum hampered the prosecution. Also some religious minorities, like the Jews, were permitted to prosecute crimes according to their own laws and institutions, as discussed in chapter 2.

As far as they asked for a privilege and not for a *constitution*, the eventual success of the drafters' proposal would have only beneficiated the *aljamas* placed in royal territories. In addition, the effects of the reform would have been limited to those processes held out of the jurisdictional attribution of communal courts.

4. b. Inquisitorial system v.s. adversarial system in Catalonia and the Kingdom of Valencia

Let's clarify the concepts first. The adversarial system was based on the denunciation of a legitimate claimant, usually the victim himself or a relative. Once the process had been initiated, the judged played a passive role: they were the confronted parties who had the responsibility to provide relevant evidences and to prove their claims. The participation of the judge was limited to observe and control the process; to evaluate the evidences and testimonies; and to reach a decision. It has been considered that the adversarial system somehow emulated a duel between the parties, and that its original

[102] In 1327, James II committed to not separate the town of Tàrrega from the royal crown. The privilege was later confirmed by Peter III in 1338. During the reign of Alphonse III, the king gave the town to his wife Elionor. Neither Peter III nor Tàrrega had good relations with the former queen. ACUR, LPT, II, f. 200v-204r [Gonzalvo (1997), 110].

[103] The section *Procesos* in the Archive of the Crown of Aragon [ACA, Cancillería Real, Procesos] gives prove of it. Perhaps, the processes held against James III of Mallorca—a vassal of the Crown who revolted in 1343— and against Bernat de Cabrera—right-hand man of Peter III, fallen out of favour and beheaded during the War of the Two Peters *(*1356-1375*)*- are the best well-known examples. See Bofarull (1866 and 1867-1868).

[104] *Decretalii Gregorius IX*, Book II, Tittle IV.

finality was to avoid real duels or uncontrolled endless circles of personal revenges (Ferro 2001: 145)[105].

For its part, the inquisitorial system was characterized by the public managing of the process. It is worth mentioning that here *inquisition* has nothing to do with the *ecclesiastical inquisitions* against heretics and other enemies of the Catholic dogma. Here, the term *inquisition* refers to any official inquiry conducted by royal officials. This kind of procedures was usually initiated *ex officio,* but it could also be fostered by denunciation. However, the only function of the denunciation was to notify to public authorities the commission of an unlawful act. The whole investigation was carried out by public officials. They were in charge of collecting evidence and of establishing the facts of the case.

The intention of the drafters was to some extend to undo the evolution of the judicial system during the last two centuries—an evolution paralleled by many legal systems of Western Europe. The inquisitorial system was almost novelty, its implementation started to be noticeable in the thirteenth century. On the contrary, the roots of the accusation system date back to the High Middle Ages. In fact, the accusation processes are the only ones recognised in the *Liber Iudicorum*, the main legal corpus of the Visigoth kingdom (seventh century) and in force almost until the reign of James I (1213-1276)[106]. In the part related to the initiation of judicial procedures, that codex considers that just a claimant can commence a process:

> *Nullus quemcumque repetentem hac obiectione suspendat, ut dicat idcirco se non posse de negotio conueniri, quia ille, qui pulsat, causam cum eius auctore non dixerit nec eum aliqua repeticione pulsauerit, excepto si legum tempora obuiare monstre\ue/rit*[107] (*Liber iudicum popularis,* II, 2, I).

Later legal compilations kept the same line. That was the case of the *Usatges [Customs] of Barcelona* (twelfth century which was one of the main legal sources of Catalan law until the seventeenth century. The *Usatge DE COMPOSICIONE* is perhaps one of the most illustrative proofs of the extent of the adversarial system. The norm allows the

[105] The *Furs of Valencia* are very eloquent in this regard: *"Los hereus o·ls successors* (…) *no deuen venjar la mort del testador* (…) *sinó tan solament denuntian a la cort o acusan en pleit" ("*The inheritors or successors (…) cannot take revenge on the murderer of the testator (…) but they must denounce him before the court or to accuse him in a lawsuit*")* (*Furs,* IX, 1, XXVI).

[106] In the 10th C., a version of the *Liber Iudicorum* adapted to the Catalan legal needs was edited by the Barcelonan jurist Bonsom under the tittle *Liber Iudicum Popularis*—see Alturo (2003). The corpus fell virtually into disuse in 1251, when James I prohibited to allege it before Catalan courts (*Cort* of Barcelona 1251/III).

[107] *"*Nobody can avoid contesting a claim arguing that the claimant did not submit it accompanied by his guarantor, or that the claim did not required him properly, unless he proves that legal terms hampered it."

fathers to report the person who had killed their sons. It comes to mean that the homicide, the crime *par excellence*, only was judged if it had been previously reported. It was even necessary to specify that the father of the victims had to be considered a legitimate claimant:

> *DE COMPOSICIONE omnium hominum qui sunt interfecti, eorum filii siue propinqui quibus ad capiendam hereditatem legitima succession competit, accusare reum vel homicidam poterunt* (…)[108].

Furthermore, the accusation was only valid if it was submitted in person and orally:

> *PER SCRIPTURAM nullius acusacio suscipiatur, sed propria uoce accuset, si legitima et condigna accusatoris persona fiat, presente uidelicet eo quem accusare desiderat, quia nullus absens aut accusari potest aut accusare*[109].

The consolidation of royal power—especially thanks to the reception of *ius commune* (Butler 1920; Tomás y Valiente 1988: 195-198; Sánchez-Arcilla 2004:243-245)—opened the door to a major relevance of inquisitorial processes. The correlation between the increasing power of the monarch and the sophistication of inquisitions lays on the major refinement of that judicial method, which was based on a deeper intellectual construction and needed from more material means to be enforced (Ferro 2001: 147). To guarantee the correct functioning of inquisitorial processes, the administration had to be provided with a permanent body of security officials, scribes, public prosecutors, judges and other legal experts. In the mid-fourteenth century, the adversarial and the inquisitorial systems coexisted in certain equilibrium. Indeed, the trend in Catalan Public Law until its suppression by the *Decrets de Nova Planta* (1701-1716) was to confer an increased role to inquisition (Ferro 2015: 421-426).

Catalan and Valencian legislation widely regulated the functioning of the judicial process, including these two procedural typologies. As a rule, Valencian legislation tended to be more centralized and orderly than the Catalonian. Procedural issues were not an exception. The main Valencian legal corpus, the *Furs of Valencia*, contained the elemental dispositions ruling the basic elements of society, politics, and institutions.

[108] "Those men who have had their inheriting relatives or sons killed are allowed to accuse the murderer (…)"
[109] "No written accusation can be made; they had to be made orally and personally by a legitimate accuser. Absent claimants do not have right to accuse."

In contrast, Catalan legislation was an amalgam of privileges, *pragmàtiques* (royal decrees) and agreements reached in the *Corts*, which resulted in a certain disorder (Montagut 2020: 20). One of the main challenges faced by the Catalan legislative was the compilation of those rules according to their validity and primacy. In addition, local privileges could modify the general legal framework. This is, for example, the case of Tàrrega and Barcelona, two municipalities with a rich tradition of local privileges.

In the *Furs of Valencia,* the adversarial system was addressed in *Books III* and *IX*, while the inquisitorial one was developed in *Book I*. It is noteworthy that their elemental features were set by James I shortly after concluding the conquest of the kingdom in 1246.

According to the *Furs*, inquisitions were only permitted in criminal jurisdiction, never in civil processes[110] (*Furs,* I, 3, CVII), and only the judge or his delegates could conduct them[111] (*Furs,* I, 3, CIX). However, not all criminal offenses could be prosecuted through the inquisitorial system. Two more conditions were required. First, the defendant had to be *"publicament infamat"*; that is, the alleged offenses had to be notorious among the population. Second, the crime had to belong to one of the following penal types *(*Furs, I, 3, XCIX*)*: i) *omicidi;* ii) *heresia*; iii) *vici sodomítich*; iv) *ladronici*; v) *esvahiments de cases*; vi) *furt*; vii) *rapina*; viii) *trencament de camins*; ix) *tala de camps e de vinyes e d'orts;* x) *foc a metre*; xi) *lesa majestat* and x) *falsadors de monedes.*

As can be observed, the list was significantly thorough. In fact, it included the most habitual crimes and offenses, as well as the most dangerous ones for the public order and the royal authority. It leads to the idea of the high level of development progressively reached by the inquisitorial system in Valencia.

The initiation of any other procedure required the previous reporting of an individual. Then, the process was adversarial. The lawsuit had to be submitted before the court. Once the counterpart had responded the lawsuit before the judge, it was considered that the process had started[112] (*Furs,* III, 3, I). Only a legitimate claimant could bring an accusation. That legitimation used to befall on the victim, except in the cases of murder, for obvious reasons. In those situations, the capacity to litigate was extended to the victim's relatives according to their degree of proximity (*Furs,* IX, 1, XIX). Only one

[110] "*En alcuns pleyts civils no sie feita enquisitió, mas tant solament en los criminals*" ["No inquisition will be conducted for civil processes, but just for criminal processes" (our own translation).]

[111] "*Negun hom sinó la cort o delegat de la cort no façe inquisitió sobre alcunes coes en les quals enquisitió deu ésser feyta per costum en València*" ["Nobody excepting the court or the court delegate can conduct inquisitions on those issues in which an inquisition must be conducted according to the customs of Valencia" (our own translation)].

[112] "*Lo pleyt és començat ladonchs com la demanda e la resposta a aquella demanda per les parts és feita al jutge*" ["The process starts when the lawsuit and the reply are made before the judge" (Our own translation)].

accuser was permitted per process. If a crime resulted in more than one victim and each of them wanted to report, each accusation led to a different process *(Furs* IX, 1, XVIII*)*.

Catalan general rules on the inquisitorial system were scarce. The *Usatges of Barcelona* do not include any rule concerning inquisitions, limiting the procedural aspects to the regulation of the adversarial proceedings. It follows from the assemblies of Peace and Truce of the Lord—one of the direct predecessors of Catalan *Corts*[113]—prior to the reign of James I that the inquisitorial system had been poorly implemented or that it played an absolute secondary role. However, considering the content of the assemblies, it is difficult to think that public or ecclesiastical powers did not have the authority to prosecute ex officio the gravest offences.

Nonetheless, James I kept the same eloquence in this regard. Although the *Corts* and assemblies he presided during his reign did not approach that issue, there are sufficient elements as to consider that this system had been already adopted. The strongest evidence is its presence in the *Furs of Valencia* and in several local privileges. However, it can be observed in those Catalan assemblies a greater engagement of public powers in the prosecution of certain offenses against the common interest, which suggest that the inquisitorial system was in force[114].

The first *Cort* which mentioned the term inquisition took place during the reign of Peter II, in 1283. It appears unaffectedly, like if it had been a usual practice for a long time. It was not a conceptual definition, but the delimitation of its application. Concretely, it was agreed that inquisitions would be used to investigate royal officials[115] (*Cort* of Barcelona 1283/XIV). Fifty years later, in 1333, Alphonse III restricted the inquisitorial system to heresy (*criminalibus heresis*), lèse-majesté, *false monete* and contraband from Egypt ("*et eorum qui portant res prohibitas ad partes Egipti"*) (*Cort* of Montblanch 1333/XXIX). The time of prescription was three years after the death of the perpetrator

[113] Cfr. Chapter 6.

[114] That would be the case of the crimes against the ecclesiastical properties, the means of productions (like the cattle or the arable lands), arsons or the security of roads, which were some of the most recurring issues addressed in those assemblies. It is not probably that their prosecution exclusively rested with the adversarial system. This hypothesis appears more likely in the assemblies held before military campaigns. In those cases, one of the main objectives aimed by the monarch was the stabilization of the territory before moving abroad big amounts of troops and noblemen. See Gonzalvo (1994: XXX).

[115] "*Item concedimus et ordinamus quad inquiramus contra vicarios bovaterios et alios officiales nostros qui tempore nostro aliqua officia exercerunt seu etiam tenuerunt, et in inquisicione facta de predictis debeamus ipsos corrigere et castigare juxta modum* (…)." ["Likewise, we concede and command to inquire on vicars, *bovaterios* and any other official who in our time were in office; and we must carry out inquisitions in order to rightfully correct and punish them." (Our own translation)]. The control on officials was a constant concern for the legislative. Those controls progressively evolved from the king's hands to the management of the *Corts* representative. Prior to 1354, the issue had been addressed in the *Corts* of Barcelona 1292/IX and 1300/XIX, Lleida 1301/VIII, Barcelona 1311/II, Montablanch 1333/VI and Perpignan 1350-1351/III.

if the inquisition had not already started. In 1339, Peter III included the crimes against the Treasury (*Regio Aerario)* committed by his own officials[116].

The list is succinct, which probably led to some historians, like Baer, to asseverate that the inquisitorial system was marginal in the Crown of Aragon (Baer 1965: 84)[117]. It is obvious that the *Furs of Valencia* conferred more prominence to the inquisitorial system than Catalan legislation. However, the cases were not as limited as they appeared to be. In that sense, the lèse-majesté—also known as *bausia* in Catalan legislation—was a legal typology that covered a wide range of offences against royal authority. In the primeval formulations of the *Usatges of Barcelona,* the *bausia* was framed within the scope of the duty of obedience and loyalty of the vassal towards his lord[118]. However, it was not unusual that kings extended its appliance to other crimes as a means of ensuring his authority.

Thus, for example, Alphonse I considered roadblockers as criminals of lèse-majesté (*lese maiestatis*) (*Pau i Treva* of Perpignan 1173/XII and Fontaldaba 1173/X), a position revalidated by Peter I in 1200 (*Pau i Treva* of Barcelona, 1200/IX), James I in 1228 (*Cort* de Barcelona 1228/XIV) and Peter II (*Cort* of Barcelona 1283/XXXV). The same applied for heretics (*Cort* of Tortosa, 1225/XXIV). Therefore, within the scope of the crimes of lèse-majesté, the inquisitorial process in Catalonia embraced much more offences than those stated by the positive rule.

About the adversarial system, it was essentially regulated in the *Usatges of Barcelona*, whose basic statements in that sense were quoted at the beginning of the chapter.

Aside from the general legislation enacted by the *Corts*, the municipalities of Barcelona and Tàrrega were regulated by local privileges, which modified some aspects of the Catalan common legal framework. None of them paid too much attention to functioning of the adversarial system and appeared to preserve the supremacy of the *Usatges* in this regard.

The elemental privilege of Barcelona, the *Recognoverunt Proceres*—granted by Peter II in 1284—, circumscribed the scope of inquisitions to criminal processes. The investigation could only be conducted by a legal expert ("*savi en dret*") and two *prohoms* (".ii. *promens*") (*RP*, 100). It was also expressly stated that the jurisdictional

[116] *Pere Terç en la pragmatica dirigida a tots, y sengles officials dada en Barcelona, a 4 de las Nonas de noembre 1339* (*Constitucions y altres drets de Cathalunya* (1974), "Pragmaticas", p. 173). In fact, this *pragmàtica* develops some points included in the concept of *taula*—inquisitions against officials suspected of having committed a crime.

[117] Baer based this conclusion on Giménez (1901: 84). However, Baer might have misunderstood the text, because Giménez did not assert it.

[118] See the *Usatges SI QUIS IN CURIA, ET SI QUIS A PROTESTARE* and *QUIS ALIQUEM DE BAUSIA.*

officers, the *veguer* and the *batlle*, always had to entrust inquisitions to legal experts (*RP*, 104)[119].

In Tàrrega, the first norm concerning the inquisitorial processes was set by James I in a privilege recognizing and compiling local customs, conferred in 1242 –forty years before to the first mention in a *Cort*. The precept prevented local *castlans* (administrators of castles) from carrying out inquisitions against the town inhabitants[120]. Later, in 1343, Peter III decreed that only the *batlle* and the *veguer* were allowed to manage inquisitions in Tàrrega[121].

The succinct local regulations provided by royal privileges do not delve into the material scope of the inquisitorial system. The lack of positive rules similar to those of Valencia or those enacted by the Catalan *Corts* suggests that its implementation and functioning depended on the local usages and the general legislation of the principality. The scarce judicial reports reveal that its application was prevalent in a wide typology of offences and procedures. A large part of those accounts are related to processes caused by the raging enmity between the inhabitants of Tàrrega and their neighbours of Vilagrassa—currently a small village of about some hundreds inhabitants at 3 km from Tàrrega. The animosity and rivalry between both towns resulted in regular attacks, lootings, murders, robberies, sabotages and many other actions typical of a gang war. Conflicts had to be periodically appeased by royal authorities, who used to promote truces or initiate judicial processes to settle differences[122].

Probably due to the complexity of the cases—in which a whole municipality was involved and counted on the complicity of local authorities—, these processes were conducted according to the inquisitorial model. A fairly comprehensive report about that kind of facts describes a murder trial held in 1305[123]. According to document, the initial inquisition was jointly conducted by the *veguer* of Tàrrega and the *batlle* of Vilagrassa. The collaboration should not have been satisfactory at all, because the king commissioned two notaries from Cervera—in other words, two neutral investigators—to lead the diligences. The conclusion we can deduce is that murders—at least, murders

[119] "*Encara atorgam lo capitol quells veguers nels batles no pusquen comanar jurs ne inquisicions a nengu qui no sia savi en dret*" ["We also concede a chapter stating that neither the *veguers* nor the *veguer* can entrust judgments or inquisition to someone who is not a legal expert"] (Our own translation).

[120] BNC, *Secció d'arxiu*, pergamí 4.458; ACUR, LPT, I, f. 1r-2v; ACUR, LPT, II, f. 1v-3v; ACU, Ms. 1200, 129r-133v. [Gonzalvo (1997), 6; Sarret (1982), Jaume I/I]. See also Font (1992).

[121] ACUR, LPT, III, f. 104v-105r [Gonzalvo (1997), 128; Sarret (1982), 21].

[122] For example, a truce was agreed between the *batlles* of both villages in 1323 (ACUR, LPT, II, f. 86r-94r [Gonzalvo (1997), 51]). Another truce—maybe the same one—was confirmed in 1332 by queen Elionor (ACUR, LPT, II, f. 75r-v [Gonzalvo (1997), 99; Sarret (1982), Alfons III/XXVII]). She also conferred a privilege allowing their *battles* to agree future truces (ACUR, LPT, II, f. 78r-v [Gonzalvo (1997), 100; Sarret (1982), Alfons III/XXVI]), and indulged some of the crimes committed during the confrontations (ACUR, LPT, II, f. 73 [Sarret (1982), Alfons III/XXIV]).

[123] ACUR, LPT, II, f. 94v-104r [Gonzalvo (1997), 25; Sarret (1982), Jaume II/XI].

without prior denunciation—, complex cases or those in which local authorities were not trustworthy were prosecuted following the inquisitorial system.

4. c. The inquisitorial system and the Jews

Therefore, leaving aside the differences of formulation or scope, the inquisitorial system was legal and present in Valencia, Barcelona and Tàrrega. Unlike other sections of the *Agreements*[124], the three drafters could have a common interest in changing the current legal framework. That proposal was not the private crusade of one of them in order to achieve a personal benefit. In contrast, it is possible to speak of a consensus, of a compact common front. But which were the reasons behind their unanimous opposition? The question should actually be addressed two-dimensionally: from their perspective as mere inhabitants of the Crown of Aragon and from their special context as Jews.

Focusing first on their Jewish condition, the rationale is obvious. Any inconvenient inherent to the inquisitorial system was magnified when it affected to the Catalan-Aragonese Jewry. The power conferred to royal officials to prosecute crimes ex officio, without prior denunciation, could easily lead to arbitrariness. Considering the common hate against Jews and the dark popular mythology built up around them[125], they were prone to fall victims to this arbitrariness. Even the right of individuals to inform public authorities about the perpetration of a crime without facing the consequences of an adversarial system was really attractive for religious fanatics and all sorts of local paranoids.

Two clarifying examples can be quoted here. One is the court proceedings against Astruch Bondavid, a Jew of Besalú—or maybe Girona—in 1325, reconstructed and narrated by Jaume Riera in his book *Retalls de la vida dels jueus* (Riera 2000: 43-110)[126], which is a clear example of a process based on fake accusations—indeed, Jaume Riera cannot hide his indignation. The process was initiated at the request of an anonymous claimant, who accused Bondavid of killing his own mother, raping a French child, and attacking a priest. All these crimes were supposed to have been committed several years ago, even decades. Lacking any other mean of evidence, the whole inquisition revolved around the declarations of the witnesses.

[124] For example, Cfr. Chapter 5, in relation to ¶21.

[125] Perhaps, the most extended rumours in this regard were the ritual murders, especially of Christian children, or the poisoning of wells. The bibliography on that topic is incommensurable, but good synthesis can be found in McCulloh (1997), Ocker (1998), the works in Sapir Abulafia (2002) and Matteoni (2008).

[126] The main document is ACA, Processos en quart, 1325 A, Astruch Bondavid Saporta. There are two addenda under letters B and C.

The succession of testimonies was a Kafkaesque caricature. None of them had directly witnessed the crimes—excepting the aggression—, and their speeches were based on rumours. The accusation of raping a child was not confirmed by any witness. In fact, it progressively loses importance in the records. Regarding the aggression against a priest, several alleged eyewitnesses asserted that Bondavid scratched his forehead during a discussion. Bondavid himself admitted that he owed money to the priest's father.

The process was basically focused on the accusations of parricide. According to the rumours, he would have stabbed his mother in her breast during a senseless fit of rage because the food was not well-cooked. The mother was supposed to have died some days later due to that wound. They all saw the wound, but nobody saw the attack or could assure whether it was caused by a knife or was a natural eruption. They would only simply reproduce the hearsay.

Bondavid's defence strategy drew on invalidating all the testimonies, while adding an incommensurable amount of favourable witnesses. He attempted to demonstrate that the two main deponents of the accusation, Ferrer *sammas* ("sacristan", "shammash*", "*שמש*"*) and Provençal Ferrer, were his personal enemies and two well-known habitual criminals who had previously tried to accuse him several times. He also proved that when his mother died, he was living in another town. Bondavid acknowledged the discussion with the priest, but he denied the aggression. He had already been judged and absolved for this case.

Although the record of the proceeding is incomplete, it seems that Bondavid succeeded in his defence. There is no sign of a posterior conviction. In contrast, one of the addenda to the main record (C) describes a process against Ferrer *sammas* for his false accusations against Bondavid. Notwithstanding the apparent absolution, the case gives evidence about how the inquisitorial system could cause defenseless to Jewish defendants and to ease the fraudulent use of the judiciary in order to accomplish personal revenges.

The second example is the process which involved two Jews from Sarrión (near Teruel) in 1321[127]. Despite that case is out of the geographical range of the chapter, the facts are perfectly transposable to any other territory of the Crown of Aragon. The document is actually a letter of complaint by the deputy of the local *batlle*, Johan de Vallacroch, in which he narrates to the king the befallen events. According to his report, Diego Pérez de Daroca, a Christian villager, was supposedly caught poisoning a spring ("*el qual dizian que echava polvos en las aguas*[128]"). After a few days of confinement and tortures, he pointed two local Jews—Samuel Famos and Yaco Alfayti—as his accomplices[129]. The local council ordered their detention and started the initial inquiries.

[127] ACA, CR, Jaime II, c. 86, n. 5 [Baer (1929), 177; Assis (1993-1995), 231].
[128] "[Diego Perez], who was said to dump powders in the water". (Our own translation)
[129] "*Inter*[r]*ogado, qui gelos avia dado, dixo, que I breton, et despues variando en su confesion dixo, que II judios los mas ricos de Serrion* (…) *Simuel Famos sortor e el otro Yaco Alfayati*

In compliance with a royal privilege which conferred the jurisdictional exclusiveness over local Jews to the *batlle*, this official required the custody of the two prisoners[130]. The council relented reluctantly.

However, the council incited the crowd to break into the dungeon and to take the prisoners in order to judge them[131]. They were also tortured. A couple of days later, a clergyman visited Diego Perez, probably to give him the extreme unction. During the meeting, he would have confessed that he incriminated those Jews because he was promised to be freed if he accused them[132]. He claimed that he could not stand the pain anymore. The torture infringed on him had seemingly been atrocious: he had a limp and had lost an eye and an arm due to it ("*coxo, tuerto e manco*"). Despite his confession, Samuel Famos was executed.

The account of Vallacroch brings to light several aspects of the judicial instrumentalization of hate. Firstly, it shows the collective internalization of the dark mythology against Jews. In fact, poisoning of wells was one of the most habitual crimes associated to Jews in popular consciousness. Secondly, it proves that royal authority was not as respected and feared as one could guess. This would explain why Catalan-Aragonese monarchs could not stop the wages of anti-Jewish riots in 1348 and 1391. Thirdly, the report makes crystal clear the abuses of the inquisitorial system regarding the Jews. Although the *batlle* attempted to preserve the procedural rights of the defendants, he could not appease people's anger and to prevent them from accusing, torturing and finally executing two innocents without solid evidence against them—as the Vallacroch himself stated[133].

---

sortigero, et luego el juez fue a prender a los ditos judios (…)" ["When inquired on who had provided him the [*poison*], he said that a Breton; later he changed his confession and said that they were the two richest Jews in Serrion (…) Simuel Famos, a tailor, and Yaco Alfayati, a jeweler."] (Our own translation) [Baer (1929), 177].

[130] "*Por auctoritat de un pri*[vil]*egio* (…) *en el qual se contiene, que ningun homme non aya poder sobre los judios dela dita aljama sinon vos, señor, o vuestro bayle, yo requeri al juez e a los alcaldes, que me rendiessen los ditos judios presos* (…)" [In accordance with the authority of a privilege (…) which stated that no man has power on the Jews of this *aljama* excepting you [*the king*], my lord, and your *baile*, I requested the judge and the mayors to surrender the incarcerated Jews (…)"] ("Our own translation"). [Baer (1929), 177].

[131] "*Fueron a mis casas e crebantando aquellas sacaron ne por fuerça II judios* (…)" ["They went to my houses, broke into them and took the two Jews (…)"] (Our own translation) [Baer (1929), 177].

[132] "*Diego Perez, el qual en su confesion dixo en pe*[na] *de su anima, que el ni el judio no tenian tuerto alguno en aquello, que el avia dito, p*[or?] *que lo, que avia dito de si, quelo dixo por miedo delos grandes tormentes (...) e que del judio avia dito, por que le avian prometido, que escaparia* (…)" ["Diego Perez, in consideration of his soul, confessed that neither him nor the Jew had nothing to do in these events. He admitted that he had said that because he was scared of torture (…) and that he had involved the Jew because he was promised to be freed [*if he accused the Jew*](…)"] (Our own translation) [Baer (1929), 177].

[133] *"Famos a dar le muchos tormentes e diversos solament por la confesion del dito Diego Perez e no por otras presumpciones que en el fuessen trobadas* (….)" ["they infringed them [*to the defendants*] many and varied torments just for the confession of Diego Perez, without any other evidence"]. (Our own translation) [Baer (1929), 177].

In addition to the threat that the inquisitorial system entailed for Jewish people as individuals, it also implied a major power of royal courts. Therefore, it could be perceived by the drafters and other Jewish authorities as a danger for communal judicial autonomy. In this sense, this proposal might be linked to the one discussed in chapter 2, which aimed to protect the judicial autonomy of the *aljamas*.

The second possible reason behind the proposal overstepped the exclusive Jewish concerns and was largely shared in all the territories of the Crown. The inquisitorial system was not warmly welcomed by Catalan-Aragonese society. The opposition to its implementation was noticeable in a greater or lesser extent in the legislative production of Catalonia, Valencia and Aragon. In consequence, the process of assimilation of the new model was slow, gradual and uneven. Generally, local noblemen were the main focus of opposition since their judicial prerogatives were jeopardized by the attempts of monarchy to monopolize justice. Indeed, Aragonese nobility took the lead of the political rejection to the inquisitorial system in that kingdom (Roca Traver 1970: 202, referring to Klüpfel 1930: 22-23).

Valencia perhaps was the kingdom in which the inquisitorial system was better accepted. The procedural rules set by James I after the conquest remained unalterable throughout the entire lifetime of the *Furs*. The posterior amendments and additions to the original rules did not modify the elemental legal framework. Furthermore, the material scope of those trials covered a rich diversity of criminal types (*Furs* I, 3, XCIC), which proves that inquisitions substantially outweighed the adversarial system since the foundation of the kingdom. As a matter of fact, the degree of acceptation and implementation of the inquisitorial system in Valencia by 1250 was higher than in Catalonia in 1350. We cannot preclude that it did not generate rejection among Valencians. However, if that had been the case, it did not have a reflection on legal production.

In contrast, political suspicions were more apparent and effective in Catalonia. The absence of a conceptualization and explicit regulation by the *Corts* makes it difficult to calibrate the extent of the inquisitorial system prior to 1330'. However, the limits set in 1333 and 1339 suggest that this model had been widely enforced in the whole territory. It also hints that its application did not meet with great enthusiasm within Catalan society.

Other restrictions, permanent or temporary, were enforced at the local level, including in the two cities under the domain of this project. In Barcelona, for example, a privilege enacted by James II in 1321 forced to communicate the charges to the defended and set limits to the use of torture[134]. As for Tàrrega, we can highlight a temporal privilege granted by the same monarch in 1323 commanding his officials to not carry out

[134] *Iaume Segon en lo privilege concedit a la Ciutat de Barcelona, dat en Tortosa a 4 dels Idus de Setembre de 1321* (*Constitucions y altres drets de Cathalunya* (1974), "Pragmaticas", p. 172).

inquisitions on movable and immovable properties during the next two years[135]. A similar commandment was given in 1343 regarding the inquisitions against Jewish properties[136].

Those cases prove that the material limits set in 1333 and 1339 did not apply for Tàrrega. Also in Barcelona, there are records of inquisitorial processes conducted out of the scope of those restrictions[137]. In contrast, the local limits enforced in Barcelona and Tàrrega were rather procedural, while the object of the inquisitions remained unaltered and roughly independent from the general legislation approved in the *Corts.*

Therefore, the rejection towards the inquisitorial system expressed in this proposal could have been subscribed by any inhabitant of the Crown of Aragon. Unlike other sections of the text, the three drafters shared a common interest in carrying this claim forward. The abuses committed by royal inquisitors and the crowds, as well as the foreseeable loss of communal judicial attributions, were probably the motivations of the drafters. Nevertheless, the entrenchment of this system had also generated suspicions among Christian social groups, which attempted to hinder its implementation as far as they could. Hence, this proposal was not just the result of a Jewish concern, but the reflection of a general opposition.

The king completely disregarded this proposal. As said at the beginning of this chapter, it can be considered one of the most ambitious petitions of the text. Its target was not realistic. Instead of looking for some restrictions similar to those enacted in 1333 and 1339, the drafters attempted to take it all and asked for the total abrogation of the inquisitorial system. Far from achieving the goal, the evolution of the new procedural systems went ahead notwithstanding the political and social hindrances. In fact, it was no more than another step in the array of changes that were transforming European political systems; an evolution that kept on until present times.

Conclusions:

a) The Catalan-Aragonese judiciary was not monolithic and objective. The process was conditioned by the ownership of the jurisdiction and by the stratum of the defendant.

[135] ACUR, LPT, II, f. 57v-58r [Gonzalvo (1997), 52] and ACUR, LPT, I, f. 38v-39r [Gonzalvo (1997), 53].
[136] ACA, CR, Pedro III, c. 12 n 1670 [Assis (1993-1995, II), 1007].
[137] For example, in relation to Jews, the process against a certain Samuel Benvenist, a Barcelonan Jew accused of holding a Christian mass within the *Call.* ACA, CR, Pedro III, c. 14, n 1946 [Assis (1993-1995, II), 883].

b) The reform requested by the drafters would have only taken effect in those *aljamas* under royal ownership.

c) The inquisitorial system implied a development of the original adversarial system. It was the result of a theoretical and logistical improvement of public powers.

d) With varying intensity and extent, the inquisitorial system was present and in force in Barcelona, Valencia and Tàrrega.

e) Catalan-Aragonese society did not trust the inquisitorial system. For the Jewish population, it posed a real threat since it could be used to exercise procedural violence.

f) The proposal did not succeed, probably due to its being too ambitious.

Chapter 5: ¶21. The drafters claim against the participation of notaries and court scribes in judicial processes as representatives

עוד יפיקו חותם שלא יוכלו הסופרים ורצי החצרות לעשות עצמם מעורכי הדינין בשום דבר ריב ומשא ובשום תביעה שיש בין אדם לחברו ושינהגו במה שראוי למנוים ולאומנותם לבד.

> *Likewise, we aim to obtain a privilege preventing notaries and scribes of the courts from getting involved in the business of law* [as lawyers or representors] *in any dispute, limiting their functions to those traditionally associated to their art and craft.*

5. a. The notion of "notary" and "court scribe" in the proposal

The proposal focuses on the procedural role of notaries and scribes. Here the drafters complain about their engagement in judicial processes as legal representatives. The text itself suggests that this legal activity was common in mixed processes—between Jews and Christians—and that it did not use to benefit Jewish litigants. The three delegates hold that notaries and scribes should be confined to practice their profession within its traditional limits as writers and guardian of documents. Although the proposal mentions notaries and scribes, and they were not technically the same, the differences in that case often were blurred and insignificant. This point will be developed later in this chapter. Furthermore, it will be demonstrated that the interest of the drafters in this proposal probably was not unitary since the legal regime of those professions was different in each territory of the Crown.

In Western Civilization, the elemental notion and goal of the notarial institution have remained the same from the Roman Empire until present times: a notary (*tabellio*) is the guarantor of documental legality and veracity in private legal relationships. In a society almost illiterate, notaries were fundamental for the economic life of the country (Solé and Verdés 1994: 26-27; Pagarolas 2000: 165; Puchades 2000: 520). Notaries were the only people capable of composing property titles, deeds of sale or any other private law document. In that sense, their importance was double: on one hand they accomplished the legal function of providing veracity and controlling the documents resulting from private law relations. On the other hand, they were some of the few collectives able to read and write. Therefore, notaries were an essential social pillar.

In his major work *Lo Crestià*, the Catalan thinker Francesc Eiximenis (1330-1409) gives proof of the relevance of notaries for medieval societies. He stated that an excessive number of notaries would be harmful for public interest because "*llur ofici és aital que li és dada gran fe. Ara és així que són forts pocs los hòmens a qui hom puixa dar fe, e per consegüent a pocs deu ésser comanat aital ofici"*[138] (Eiximenis 2009: 144).

The role of notaries was not less relevant for Catalan-Aragonese Jewry, both for the internal life of communities and for the relations of their inhabitants with royal institutions and their Christian neighbours. There were Jewish notaries—at least one per *aljama*—, known as *sofer* ("scribe", *"*סופר-סופרים*"*), whose functions were almost analogous to those of Christian notaries. The *soferim* were in charge of writing, validating and guarding any legal document according to the *Halakhah* (Feliu, E. 1998-1999: 115; Assis 2008: 132-135). The content of Hebrew documents was also completely valid before Christian courts[139]. However, the action of those Jewish scribes was generally limited to the internal affairs of the community, whereas legal acts between Jews and Christians were usually managed by Christian notaries.

Tov Assis assured to have found a rare exception of a contract between a Christian and a Jew written by a *sofer* (Assis 2008: 134[140]). Actually, this information is indirect. The original contract is not preserved. The document quoted by Tov Assis is a letter by the *infant* Peter—nephew of Alphonse II—, in which the contract is mentioned. According to the literacy of the text, it cannot be stated with such certainty that it was a Hebrew document written by a *sofer*. If it was the case, it would be a really rare and unique case. Nevertheless, it would not be surprising at all that those kind documents produced by a *sofer* were allowed, although they would have been infrequent. In fact, there are no preserved examples. This practice reminds bring to mind the law suits in which the Christian party voluntary decided to accept the jurisdiction of communal courts[141]: it was legal, but exceptional.

Setting aside those hypothetical exceptions, private legal relations between both socio-religious groups were mainly supervised and managed by Christian notaries. Thousands of notarial protocols are preserved in Catalan historical archives[142], especially in those belonging to parishes and other religious institutions—not to mention the colossal *Arxiu de la Corona d'Aragó*. Perhaps, the *Arxiu Capitular* of the

[138] *"*Their profession is so important that society had great confidence on them. However, there are not many trustworthy men; therefore, few people should be appointed for that job." (Our own translation)

[139] For example ACA, reg. 13, f. 163, dated to 27th April 1264 [Jacobs (1894), 280; Régné (1978), 254]. The concession was granted by James I to Zaragoza, and its validity was restricted to the communal scope. Those documents had to respect the *açuna*.

[140] The document is ACA, reg. 85, fol. 18 [Régné (1978), 2119].

[141] Cfr Chapter 2.

[142] With humorous eloquence, Professor David Romano stated: "*en la Corona de Castilla prácticamente no quedan protocolos, en el reino de Navarra son más bien escasos, mientras que en la Corona de Aragón son '*requetenumerosísimos'" ["in the Crown of Castile, there are virtually no notorial protocols left, in the kingdom of Navarre they are barely scarce, but in the Crown of Aragon they are '*reallysupernumerous"*"]. See Romano (1991: 429).

Cathedral of Barcelona is one of the richest and best well-known archives of notarial protocols in Catalonia.

Nevertheless, it is impossible to ignore the documentary collections of some small municipalities, whose discretion and scarce political and military interest have contributed to protect their archival heritage from lootings and destruction. This is the case of the *Arxiu Parroquial de Verdú* (Parochial Archive of Verdú), which covers a territory composed by approximately twenty municipalities whose total current population is currently about 35,000. However, the archive contains 5,038 documents related to Jews between the years 1265 and 1484, according to the exhaustive compilation in two volumes recently edited by Josep Xavier Muntané i Santiveri (Muntané 2015). Moshe Natan is mentioned in some hundreds of documents.

Unlike in other proposals, here the Catalan legal terms *"*notaries*"* and *"*scribes of the court*"* are written in Hebrew, and not in Catalan *aljamiado*. The first word is "סופרים*"* (*"*soferim*"*). In Feliu's version, he opted for translating it as "escrivans*"* (*"*scribes*"*) (Feliu, E. 1987: 158). Baer instead used the term *"*notare"[143] (*"*notaries*"*). Like Baer, we also prefer the word *"*notaries*"*. From a textual view, "scribes*"* is perhaps the translation that literally suits the best to *"*soferim*"*, but it does not reflect the legal hints in the term. In the mid-fourteenth century, the traditional concept of the *scribe* had evolved to the more sophisticated and specialized *notary* (Conde 1994).

The second term is "רצי החצרות" (*"*raẓi ha-ḥaẓerot*"*). Feliu translated it as *"notaris de les cúries"* (*"*court notaries*"*) (Feliu, E. 1987: 158) and Baer as "*gerichtsboten*"[144] (*"*court clerks*"*). Both options are completely correct. However, we prefer *"*scribes of the court*"* because it is closer to Catalan legal terminology. *"*Court notaries*"* was also a professional category, but it described some specific cases—we will discuss it later in this chapter.

Considering the terminology itself, the proposal could be addressed to royal or communal institutions equally. However, the context makes it clear that it is referring exclusively to Christian notaries and courts. Firstly, the *aljamas* had enough autonomy to legislate on the participation of *soferim* in communal judicial processes. Secondly, the competencies of Christian notaries could result much more dangerous for Jewish economic life than the modest and limited attributions of the *soferim*. For that reason, we are not going to approach the communal institution.

[143] Baer used this term in his presentation to the document. See Baer (1929: 349 = Baer (1929), 253)
[144] *Ibid.*

5. b. Notaries and moneylending: the case of Moshe Natan (a hypothesis)

The key to understand the aims of this proposal is in understanding the role of notaries in moneylending. Contrary to the common beliefs, several authors have pointed out that moneylending did not use to be the primary source of incomes for the lenders (Baer 1965: 172-172; Emery 1959: 26-38; Romano 1991: 421-430; Assis 1997: 15; Farias 2002: 240-242, etc.). As those works have demonstrated, the business of moneylending was especially practiced by wealthy Jews, those who could reinvest the incomes their earned from their principal economic activity. Loans were usually conceded in the same locality where the lenders lived; and the borrowers used to belong to all social strata and levels of wealth.

The problem with moneylending in medieval Europe is well-known. The Church considered it illegal and immoral, and it was only practiced by the Jews. The biblical rules on moneylending were the same for both religions, but the doctrinal approach was different. The *Deuteronomy* forbids usury between Jews, but not to gentiles (*Deuteronomy* 23:19-20)[145]. For Christians, that disposition was abrogated in *Luke* 6:34-35[146], which prohibits interest loans. Thus, moneylending at interest was not allowed under any circumstance[147], but its practice among Jews was tolerated. The reasons of that tolerance are not clear at all. Perhaps, it was linked to pragmatic reasons: moneylending ensured continuous cash flow, which was fundamental for the galvanisation and growth of national economies (Chazan 2006: 58; Le Goff 2008: 199-200; Shatzmiller 1990: 79-84). Even the royal house resorted to Jewish moneylenders when it was not possible to impose new taxes to the *aljamas* (Assis 1997: 118ff).

Asserting that Jews had the monopoly of moneylending would not be correct at all. Indeed, they rather were an oligopoly. On one hand, there were Christian moneylenders who offered illegal loans—sometimes with the acquiescence of local authorities (Shatzmiller 1990: 84-93; Milton 2012). Lending activity was frequent among Christians during the twelfth and part of the thirteenth centuries, but the harshening of religious legislation after the Fourth Lateran Council and the evolution of economic dynamics forced Catalan-Aragonese creditors to be more discrete and to opt for other kind of credit operations (Bensch 1995: 286; Riera Melis 2015: 142).

[145] "You shall not charge interest to your brother—interest on money *or* food *or* anything that that is lent out at interest. / To a foreigner you may charge interest but to your brother you shall not charge interest, that the LORD your God may bless you in all to which you set your hand in the an which you are entering to possess".

[146] "And if you lend *to those* from whom you hope to receive back what credit is that to you? For even sinners lend to sinners to receive as much back. / But love your enemies, do good, and lend, hoping for nothing in return; and your reward will be great, and you will be sons of the most High. For He is kind to the unthankful and evil."

[147] The general regulation against usury is developed in *Decretalii Gregorii IX*, Book V, Tittle XIX. For an overview on the evolution of ecclesiastical legislation against usury, see Le Goff (1979).

On the other hand, the increasing necessity of cash flow—indeed, Jewish lenders were often specialized only in small operations (Fernández-Cuadrench 2007: 157ff)—led to the emergence of a range of convoluted contracts whose ultimate finality was to disguise loans with interest (Rubio 2003; Ortí 2007). The most popular contractual modalities in this regard were the *violaris* and the *censals morts*[148]. Leaving aside the technical differences, both contracts were based on the purchase of the right to receive a periodical rent from another person. In other words, the buyer was actually lending money to the seller, who paid it him back deferred. At the end, the final amount returned was always higher than the acquisition cost.

Within the field of trade—especially sea trade—, a considerable range of masked systems of loans emerged throughout the thirteenth and fourteenth centuries. As largely studied by Garcia i Sanz and Ferrer i Mallol (García and Ferrer 1983) and by Manuel J. Peláez (Peláez1984) in two exhaustive monographies, marine insurances and the so-called contract of *canvi marítim* (literally, *maritime change*) were the most popular forms of long-term credit operations among Catalan traders. Both contractual typologies relied on the notion of *risk.* The maritime insurance was not conceptually different from nowadays insurances: the insured payed a sum to the insurer, who assumed the risk of dealing with the economic consequences resulting from accidents, wrecks or robberies. The *canvi marítim* was a loan conceded to fund a commercial trip. If the merchant succeeded in his expedition, he had to return the money plus a special retribution. If he failed, he was just obliged to return the original amount of the loan.

In both cases, interests were not based on the lent money, but on the risk assumed by the lender; *ad tuum redegum et fortunam,* as usually stated in the contracts. This kept those contracts out of the scope of usury and of the religious legal framework[149]. Many Jewish families, especially in Barcelona, took an active role in maritime contracts throughout the thirteenth century. However, they were progressively replaced as the leading merchant class by the new Christian bourgeoisie since the end of this century (Assis 2012: 186ff). When these financial methods consolidated during the first half of the fourteenth century, Jewish lenders engaged in long-term operations were a minority.

Medieval societies developed dozens of tricks and alternatives in order to elude anti-credit legislation. This trend progressively increased during the fourteenth and fifteenth centuries, reducing the reliance on Jewish loans. Jewish moneylending was not the

[148] As will be discussed in chapter 8, these new contractual modalities contributed to reduce the royal reliance on Jewish moneylendings.

[149] Nevertheless, this mater led to the production of a wide range of treatise discussing the legality of these instruments in fourteenth-century Catalonia. Many of them have been edited by Josep Hernando. Thus, the Dominican Bernat de Puigcercós, in *his Quaestio disputata de licitidune contractus emptionis et vnditionis censualis cum conditione renditionis* (Hernando 1989), and the Franciscan Francesc Eixemenis, in *his Tractat d'usura* (Hernando 1985), argued in favor of the lawfulness of the *censals morts* and *violaris*. On his part, the Catalan jurist Ramon Saera considered that they were a form of usury in his *Allegationes iure factae super venditionibus violariorum cum instrumento gratiae* (Hernando 1990-1991).

cornerstone of cash flowing, but just a cog within an expanding and increasingly self-sufficient financial system. Nevertheless, the prominence of Jewish creditors was undisputable in short-term and small loans (Bensch 1995:285-286). Christian creditors had to bypass religious controls, which required longer contracts, and only large operations were worthy of this temporal dilation. To some extent, there was a division of the financial market which conditioned the kind of creditors and the inner dynamics.

Although usury was legal and even necessary for all social classes, it was not welcomed by Christian population. It would be easy to blame religious dogma for that moral repudiation, but probably the reason was more primal: moneylenders have never been beloved people, no matter the society nor the time. The particularity of the Middle Ages is that all this hate was directed against Jews, who were culturally identified with business and who were already hated for their heresy.

The conjunction of the social suspicion towards usury, the pressure of the Church and the necessity to provide that economic practice with a legal certainty resulted in the enactment of several rules on moneylending (Assis 1997: 16-19; Muntané 2015: LVI). In that sense, the basic legal framework was set by James I. In the *Corts* held in Barcelona in 1228, it was agreed to fix the maximum interest rate in the 20% of the amount owed (*Cort* of Barcelona 1228/I). In the *Corts* that took place in Girona in 1241, the same monarch approved the *Statutus Usurarum*, a compendium of formal requirements for lending contracts. According to the text, the parties were obliged to take an oath before two witnesses and a notary, who was responsible of the legality and custody of the document[150] (*Cort* of Girona, 1241).

Then, the notary became an essential element in the process of moneylending. Of course they were indispensable for other economic activities involving Christian and Jews, especially in trade. However, drafters did not appear to be concerned about those other aspects of the notarial function. The legal controls on moneylending were a sensitive issue in which other factors like social prejudices could play a part. In trade, there is always another party involved and the general objective is to reach a win-win. But in moneylending there is always an imbalance between the parties: one needs the money and the other has the money. The imbalance was even more pronounced if we accept the premise that moneylending was just a source of complementary incomes for wealthy Jews. Any Christian notary could think that a more thorough control on usury contracts

[150] "*Statuimus ut Judei* (…) *corporaliter prestent juramentum* (…) *Et quilibet tabellio, habeat penes se nomina Judeorum taliter juratorum; nec audeat aliquis tabellio instrumenta alicuius Judei conficere, nisi quorum nomina penes se habuerit; et illis solis faciat instrumenta quos in veritate compererit sic jurasse. Adicimus etiam quod in singulis contraetibus et instrumentis duo testes ad minus apponantur, qui personas cognoscant contrahentium et facti noverint veritatem*" ["We decree that the Jews (…) must personally take an oath (…) And there must be a notary empowered to attest to the oaths of the Jews; no notary must elaborate an instrument for a Jew who have not taken an oath; he only can elaborate instruments that are truthful and have been sworn. We also command that for every contract and instrument, two witnesses who know the parties and can attest the facts must be provided" (our own translation)].

was a pious action. If the customer had already received the money, the only real victim of the annulation of the contract would have been the lender.

Obviously, the animadversion towards Jews did not justify the annulation of a contract or the denunciation of the lender. It was necessary to find illegalities in the contract; and, as in any other aspect of life, not few offenses were committed in those contracts. Swindle were one of the most common offenses in that field, as Professor Laurie demonstrated in her interesting work "Jewish Moneylenders in the Local Catalan Community, c. 1300: Vilafranca del Penedés, Besalú and Montblanc" (Lourie 1989). Those swindles were usually based on diddling the customer changing the conditions of the contract or its duration.

Although those were perhaps the most usual infractions related to moneylending, it is difficult to believe that any of the drafters were involved in those kinds of actions. None of them would have endangered their position and reputation with those little scams. In contrast, there was another sort of irregularity that would have been more beneficial for them: circumventing the legal limits on the interest rate. There is nothing in the documents related to Jahuda Alatzar and Cresques Salamo pointing that they committed the same fraud. Natan's case is more doubtful.

The evolution of his moneylending contracts throughout the 1340' is suspicious. Natan was a well-known moneylender among peasants, nobles, local corporations and the royal court, an activity that yielded him handsome profits (Muntané 2010: 12). Apart from his economic success, his personal relationship with the Court and the monarchs were more than cordial. His professional and personal trajectory had been impeccable. Nevertheless, the end of that decade was not that bright for him, and his financial troubles might have pushed him to perform some practise of questionable legality.

According to the compilation of documents carried out by Josep Xavier Muntané i Santiveri (Muntané 2015), in the Parochial Archive of Verdú—which contains a huge documentary collection which include other municipalities, like Tàrrega—, there are around 244 notarial documents signed by Natan. Out of them, 202 are debt securities invoiced from August 1316 to September 1354. The loans range from small amounts inferior to 70 *sous* to *millionaire* loans exceeding the 10,000 *sous*. As we have already pointed out, the debtors belonged to almost all social strata: peasants, nobles, religious orders and local and royal institutions.

However, from July 1346 to March 1349 the greatest part of the contracts included a striking clause: they were invoiced "*gratia et amore*". In other words, they were conferred for free. Excepting the interest of arrears, no additional interest was set. Notwithstanding the possibility that many documents were lost and that the real trend was not that strong, out of 32 debt securities signed in that period, 26 contained that formulation or analogous clauses. That means that 81.25% of those loans were for free.

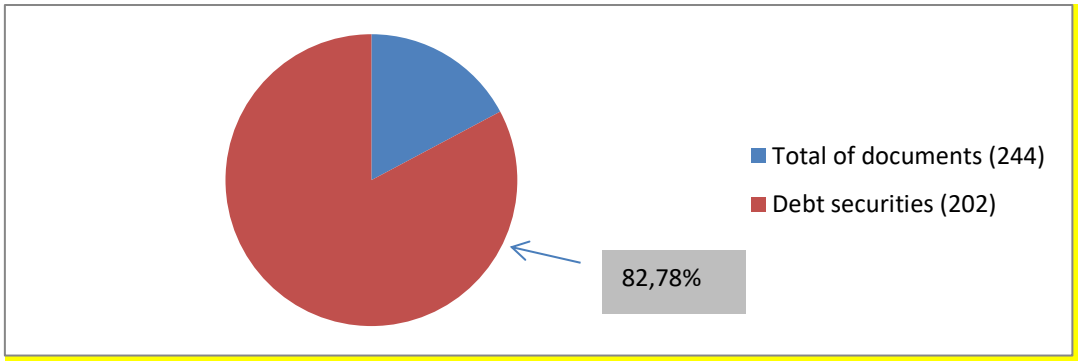


Figure 1: Natan's debt securities from 1316 to 1354[151]

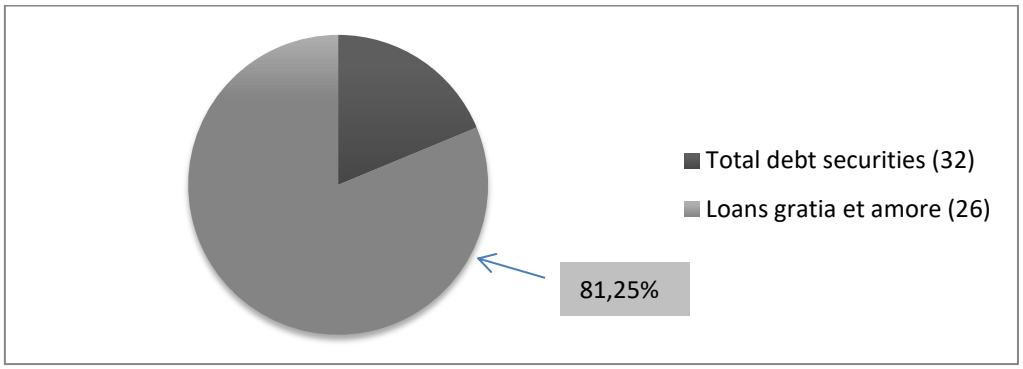


Figure 2: Natan's loans gratia et amore from 1346 to 1354[152]

The percentage is conspicuous. Even more, those contracts make no sense. It might be supposed that those contracts were hiding something else. Actually, there are just three possible interpretations:

a) They really were "*gratia et amore*", without tricks. That option is naive. Natan was a businessman, not a philanthropist nor a saint. His objective was benefit realisation. In addition, charity between Christian and Jews or vice versa was uncommon (Neuman 1944, II: 170).

b) Natan pursued other king of benefits. It can be alleged that perhaps he aimed to obtain a payment in kind, that he wanted to take advantage of the debts as a means of improving his personal relationship with Catalan aristocracy. Maybe it was the rationale of some of these contracts, but many of them were conferred to humble peasants with no influence in the highest echelons.

c) Those contracts hid an illegal practice.

[151] Elaborated by the author with data from Muntané (2015).
[152] Elaborated by the author with data from Muntané (2015).

This last option is the most likely. Probably, the contents of those contracts were not real and they were a mere formality to prove the existence of the loans. The real contract terms might have included an interest rate higher to the 20% legal limit. This way he could increase his benefits bestowing any legal hindrance. As pointed out before, in moneylending contracts the imbalance between the parties is more noticeable. If debtors urgently needed the money, they would have been prepared to pay a higher prize. Maybe Natan granted a longer return period or included any advantageous clause in exchange. It is impossible to know from the sources we have.

The only question that remains is *Why?* He was most likely ruined. The financial problems at the end of his life have never been a secret. His biographers have tended to blame the Black Death and the assault against the *call* of Tàrrega in 1348 as the reasons of his bankruptcy (Alsina and Feliu 1985: 16; Muntané 2010: 40-51). The dramatic impact in Natan's life of the events occurred in the summer in 1348 is undeniable. His brother Solomon, with whom he took his first steps as a businessman, succumbed to the pandemic or was murdered during the riots (Alsina and Feliu 1985: 16). When the crowd entered in the *call*, one of their first objectives was Natan's house. The attack was probably premeditated. They destroyed all the debt securities and other documents he stored in his study and then they burned his house[153].

This fact might have caused a great damage to his economic situation. Peter III placed a team of royal notaries at his disposal in order to help him to recompose the burned contracts[154]. In addition, the monarch forced the *aljama* of Tàrrega to concede him some fiscal prerogatives until he had solved his financial problems. According to the king, the *aljamas* was *"*de facto agravare conantur, opprimere et vexare prefatum Mosse*"*[155]. Those concessions prove the close relationship between Mossé Natan and the sovereign, and they shed some light on the impunity of his manifest fraud.

However, the contracts *"gratia et amore"* suggest that he was already ruined before the events of 1348. His economic problems probably were the result of a lack of cash flow. In fact, his financial situation was closely connected to the economic evolution of Tàrrega.

In general, the fourteenth century was a period of crisis for Western Europe. Overpopulation—which turned into underpopulation after the Black Death—, the insufficiency of subsistence resources and the stagnation of European economies were the biggest culprits of the new context (Genicot 1966; Vicens 1969: 161; Lopez 1987: 479-385; Le Goff 2008: 86-87, etc.). The famine that spread along the West during the first half of the century also reached the territories of the Crown of Aragon. In fact, the year 1333 has been traditionally known in Catalan culture as *lo mal any primer*, *"*the

[153] ACA, reg. 658, f. 178v-179r [Muntané (2006), 189].
[154] ACA, reg. 658, f. 52r-v [Muntané (2006), 183]. Peter III also appointed some notaries to help Cresques Salomó, whose debt securities were also destroyed during the riots in Barcelona: ACA, reg. 889, f. 61r [López (1956), 13].
[155] ACA, reg. 690, f. 34r-v [Muntané (2006), 226; López (1959), 35].

first bad year*"*, in regards to poor harvests (Salrach 1982: 539). The long concatenation of wars against external and internal enemies during the reigns of Alphonse III and Peter III only worsened the situation.

Tàrrega was not an exception, and throughout the whole fourteenth century suffered the economic crisis. The financial problems of the municipality might have started during the reign of James II (1291-1327). In 1328, his son Alphonse III realised the ruined situation of the village due to the special taxes imposed by his father in order to fund his marriage with Elisenda of Montcada (1322) and the campaign against Sardinia (1323-1326). The new king tried to palliate the situation granting a number of fiscal privileges because the town was *"*in brevi desolacionis irreparabilis detrimenta*"*.[156].

The turbulent and challenging reign of Peter III (1336-1387) hampered any chance of recovery. Aside from the new general taxes agreed by the *Corts*[157], a number of special contributions were imposed to Tàrrega. In 1339, the Crown of Aragon went to war against the Marinid Sultanate in support of the kingdom of Castile. As part of the intricate process of raising funds for that campaign (Sánchez and Gassiot 1991), the king forced Tàrrega to provide soldiers and funds for the campaign[158].

The next year, Peter III ordered the construction of a bridge over the river Regué. The objective was to improve the communications between Tàrrega and the Franciscan monastery in the other side of the river[159]. Despite the king financed part of the works, the local treasury had to deal with the rest of the cost. Some months later, new tax cuts had to be enforced in order to reduce the fiscal pressure and other debts that were strangling the economy of the town[160].

Nonetheless, the war against Majorca (1343-1349) brought new burdens along. That time, the levy totalled 16.666 *sous* and 8 *diners*. The indebted and bettered economy of Tàrrega was unable to settle that quantity. Local councillors were forced to sell personal and public properties, as well as real rights. Still in 1343, Peter III attempted to mitigate the burden granting tax cuts to prioritize that payment[161], but it was not enough. The king turned to Natan, who granted a substantial loan (Segarra 1984, I: 159-160).

It was a risky game for Natan. If he had succeeded, the gains would have been unquantifiable. But it seems that Natan did not calculate the risks adequately. The economy of Tàrrega remained stagnant and the councillors were not able to pay the loan back[162]. Considering the money invested by the drafter, cash flow problems were

[156] ACUR, LPT, II, f. 61v [Gonzalvo (1997), 63; Sarret (1982), Alfons III/I].
[157] Cfr. Chapter 8.
[158] Sarret, Pere III/IV.
[159] ACA, reg. 868, f. 102r [Sarret (1982), Pere III/VII].
[160] Sarret (1982), Pere III/IX
[161] Sarret (1982), Pere III/XX
[162] ACUR, Llibre de Consells (1341-1344), f. 7v [Muntané (2006), 134], f. 15 [Muntané (2006), 136], f. 18r-v [Muntané (2006), 137], f. 41v [Muntané (2006), 141]. Previously, he had had problems to get back a loan conceded to the Order of Knights of the Hospital. See Muntané (2010: 23-25).

unavoidable and the impact on his finances was notorious. That would explain why Natan put his reputation and fortune in danger elaborating fake contracts in order to hide irregular loans.

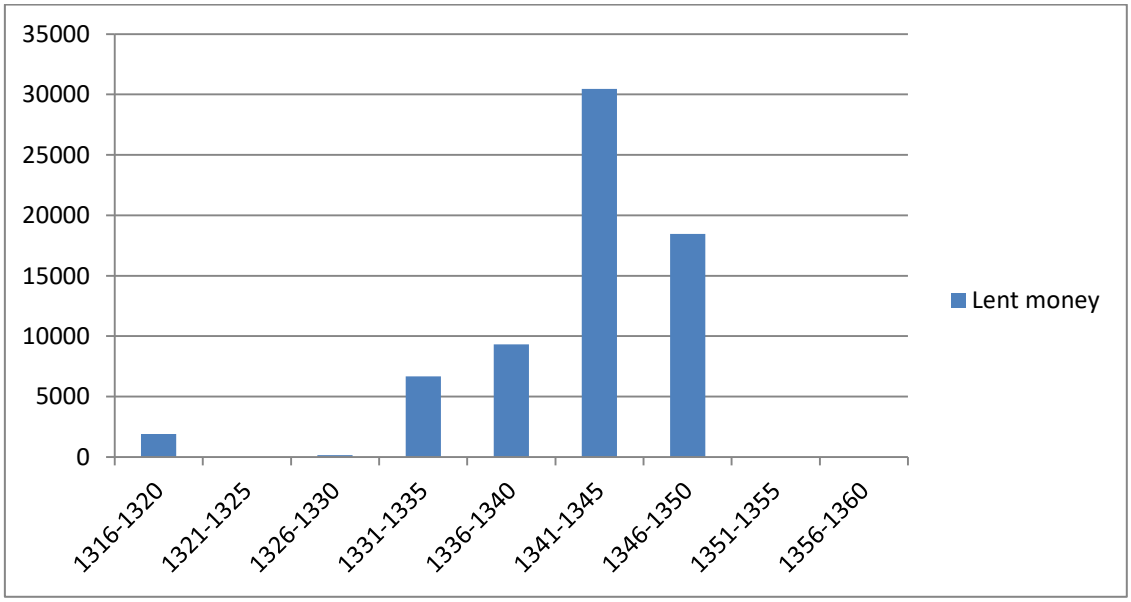


Figure 3: Quantitative evolution of Natan's loans[163]

The graphic reflects an estimation of the total amounts lent between 1316 and 1360, in periods of five years. It can be observed a progression in his career as moneylender. In the first period, the loans ascended to 1,917 *sous*. The drastic drop during the years 1321-1330 was probably due to a loss of documents. Indeed, the amounts probably increased in these two periods with regard to the years 1316-1360. The positive evolution is more perceptible in the next three periods, with 6,670 *sous* in 1331-1335 and 9,312 in 1336-1340. Between 1341 and 1345, the quantities triple until the astronomic amount of 30,455 *sous.* Those five years correspond to the loans conceded to some municipalities, like Verdú[164]. Therefore, Natan had invested a huge capitalmillions in those loans. In the next period, the amounts fell to 18,472 *sous*, most of them lent in 1346 and in smaller quantities, except for two loans to Verdú of 1,300 and 6,500 *sous* respectively[165]. His lending activity suddenly ceased in March 1348, some months before the pandemic. Those data suggest that the non-compliance of his main debtors might have resulted in a credit crisis.

[163] Elaborated by the author with data from Muntané (2015). The graphic do not consider the loans conceded to the Crown or to Tàrrega.
[164] Here the loans conceded to Tàrrega are not considered. However, the amounts lent to Verdú might be similar. In only one contract, the councillors of the town borrowed 11.200 *sous* from Natan. (APV, 76.1, Manual notarial 1341-1342, f. 60r [Muntané (2015), 2779]).
[165] APV, 81.4, manual notarial 1346, f. 5r [Muntané (2015), 3533] and APV, 80.1, Manual Notarial 1346-1347, f. 51r [Muntané (2015), 3824].

Although those events in Natan's life are no more than an example, they throw some light on the importance of notaries in moneylending and on the problems they could cause to moneylenders. There is no doubt about Natan's personal interest in limiting the faculties of public notaries. An active participation of notaries in the judiciary entailed not few risks, especially if the court notary and the notary who had verify the debt security was the same person. This probably was the real motivation of the proposal.

5. c. Notaries, scribes and the judicial process

Thus, the drafters aimed to restrict the legal standings of court notaries and scribes. Before analysing their legal framework, it is necessary to define the role and attribution of both professions. Broadly speaking, the scribe was a primitive version of the notary. As the word *scribe* indicates, they were *writers,* men capable of *writing* any kind of document, no matter if public or private, although their legal force was limited (Baiges 1994: 132-135). When their functions reached a greater level of specialization, professionalization and regulation, the *scribes* of private law documents became *notaries* (Baiges 1994: 134-136; Conde 1994; Puchades 2000: 518-519). However, those scribes that were somehow public servants assigned to an administration conserved the classic denomination. They were like public secretaries.

The definition of court notary is linked to difference between scribes and notaries. In the judicial field, the scribes were the professionals in charge of the administrative management of the process, including the register of the records and the transmission and execution of court's commandments. For his part, the role of the notary in the process was occasional. Officially, it only became relevant when the private relationships between the parties had procedural relevance (Roca Traver 1970: 120-121). For greater precision, it could be said that the scribes belonged to the public sphere and notaries to the private (Torras 2000: 356).

However, in the absence of a scribe and in other special cases, local notaries could be appointed *ad hoc* to assume those functions in the judicial processes[166]. Then, the notary became a notary of the court. Then, the only significant difference between them is that a notary of the court could exercise his profession out of the court. That means the notary of the court and the local notary who had previously supervised the documents of the litigants was the same person. In those cases, the procedural situation of Jewish moneylenders was not promising.

[166] Thus, for example, Alphonse II allowed Catalan judges to appoint scribes and notaries at their discretion (*Cort* of Montfort 1289/XX). James II extended that prerogative to local officials in 1311 (*Cort* of Barcelona 1311/II) and to the *jutges de taula*—in charge of prosecuting corrupted officials—in 1321 (*Cort* of Girona 1321/XIX). See also Ferro (2001: 75).

The regulations on notaries and scribes in the Crown of Aragon were abundant. The general regime was essentially the same in all the kingdoms of the Crown, but the specifications varied from one territory to another. Considering, that the drafters were from Catalonia and Valencia, it is not necessary to analyse the legislation of Aragon and Mallorca. In the case of Valencia, the basic normative was centralized in the *Furs*. In contrast, Catalan legislation was fragmentary and was scattered through the different *constitutions* enacted by the *Corts*, as well as in local privileges. Some authors have pointed that the well-rooted foundations of the notarial institution in Catalonia made legal conceptualization unnecessary (Bono 1979, I: 292; Baiges 1994: 136; Conde 1994: 440-441).

The common features shared by the notaries from all the kingdoms of the Crown were their high ethical duties. As stated at the beginning of the chapter, notaries played a fundamental role in the functioning of Medieval societies and economies. Their ethical duties were commensurate with their professional relevance. Any irregularity in this regard could result in the prohibition of performing their job, apart from a sanction if their fault was especially grave[167].

Among their obligations, they could not refuse the elaboration of any document—no matter who the requester was—, unless it was contrary to public interest, as it was specified in Catalan legislation[168]. They also had the duty to register the oaths taken by the parties[169]. Although it was not positively stated, they were obliged to communicate to public authorities any irregularity in the documents. In fact, they were apparently over-enthusiastic in this last regard since King Peter III was forced to prevent notaries from initiating criminal processes before the courts (*Cort* of Barcelona, 1379-1380/XIX).

This last prerogative could entail some hazards for moneylenders or for any Jew engaged in business. Actually, the risk was universal, but it was more dangerous for an already marginalized and hated group. However, the drafters were not apparently concerned about that point. In the text of the *Agreements*, the three delegates held that

[167] See for example, *Furs* IX, 19, I; IX, 19, II and IX, 19, XXXV for the case of Valencia. In Catalonia, *Cort* of Barcelona 1299/XVIII (in *Constitutions y altres drets de Catalunya*, "Constitucions", p. 274), *Pragmatica* of James II 1302 (in *Constitutions y altres drets de Catalunya*, "Pragmaticas", p. 109) or the *Cort* of Montblanch 1333/XXVI.

[168] "*Quiscun Notari, o Scriva Public, request per algu, sie tengut de fer totas cartas davant nos, o devant qualsevol altra persona, de qualque Stament, dignitat, o condition sie, per salari competent, sens inhibitio, o empatxament nostre* (…) *si doncs dites cartas no eren en prejudice, o dan del General de Catalunya*" ["Every notary or public scribe must elaborate any document requested by us [*the king*] or by any other individual—no matter his state, dignity or condition—in exchange of a due salary and without any interference by Our side (…) as long as these documents do not cause torts or harms to the *General* of Catalonia".] (Our own translation). *Cort* of Barcelona 1299/XVIII (in *Constitutions y altres drets de Catalunya*, "Constitucions", p. 274).

[169] Valencia: *Furs* IX, 19, II. In Catalonia it was stated in several *Corts*, especially when it was related to usury. See for example *Cort* of Barcelona 1300/VI and XVI.

notaries and scribes should perform their functions according to their *art and craft*[170]. There is probably nothing more related to their *art and craft* than the protection of documental veracity and legality. In fact, considering the nature and goal of the notarial institution, the measure enforced by the *Corts* thirty years later was *unnatural.*

The delimitation of the faculties and incompatibilities of notaries was soon regarded a priority, and it was one of the main targets of the normative development occurred in the thirteenth and fourteenth centuries in that field. Aside from the administrative necessity to regulate such a relevant institution, several political considerations came into play. In that sense, the progressive legal construction around notaries targeted three major goals:

Firstly, the King aimed to monopolize the control over the institution. Since the dawn of the Late Medieval definition of notary and scribe (twelfth century), monarchs had had to dispute their power to appoint those professionals with other powers, like the Church or the local nobility (Ginebra 2000; Piñol 2000: 433-438). In fact, the notarial body in the twelfth and in the greatest part of the thirteenth centuries was chiefly made up of clergymen due to their higher education. The gradual emergence of an educated urban bourgeoisie contributed to increase the number of secular notaries and scribes since the second half of the 13th C (Baiges 1994: 138-140; Milton 2012: 33-34).

Catalan-Aragonese kings did not intend to share such an important social element with their biggest counterweight (Ginebra 2000; Piñol 2000: 433-438). In consequence, they did not miss the opportunity to take advantage of the secularization of notaries. Throughout the next hundred years, several norms were enacted in order to assure the royal preponderance on the appointment of notaries and the legal management of that professional group. Thus, in 1302 James I prohibited the appointing of notaries among the religious vicars in Catalonia, arguing that clergymen were out of the control of royal justice if they committed an offence[171]. In Valencia, this type of bans had been enforced many decades ago. James I decreed that no clergymen with *crown* (tonsure) could become notary or scribe[172]. That disposition was confirmed by his son Peter II in 1283[173]. Despite, religious notaries kept existing, by the year 1350, the monarchy had largely accomplished their objective.

---

[170] "למנוים ולאומנותם לבד"

[171] En *constitutions y altres drets de Cathalunya, Pràgmatiques*, p. 110. Previously, between 1281 and 1283, Peter II sought to seize to the Church the ownership of Catalan public notaries thru a normative project popularly known as the *Besalú Project*—the documents related to this episode were edited and commented in Conde (1988). Although the normative was approved and its implementation had started, the task was soon abandoned. Moreover, in the *Corts* held in 1283, Peter II secured all the former ownerships (*Cort* of Barcelona 1283/VI).

[172] "*Negun clegue qui port corona o que en sacres órdens establit, no sia notari públich ne faça alcunes cartes públiques, testaments o cartes de núpcies ne d'alcun alter contract* (…)" ["No clergyman with a crown or belonging to a sacred order can be a public notary or elaborate public letters, last wills, marriage contracts or any other kind of contract" (our own translation)]. *Furs*, IX, 19, VII.

[173] *Furs*, IX, 19, VIII.

Secondly, it was necessary to guarantee the intellectual and professional suitability of notaries. The Catalan *Courts* set a number of prerequisites for candidates. They must be at least 24 years old and have enough *"scientia e costum"* (*"*knowledge and training*"*) (*Cort* of Montblanch 1333/XXI). This last requisite was evaluated by means of an official exam before a panel of legal experts (*Cort* of Montblanch 1289/XVII and XIX). Valencian legislation worked analogously (*Furs*, IX, 19, X-XI; see also García Edo 1994). The only remarkable difference was that in the Valencian case candidates must be more than 25 years old (*Furs,* IX, 19, IX).

Thirdly, the management itself of the legal-administrative features of the profession: the range of attributions, limitations and incompatibilities had to be regulated. In other words, the notarial collective had to be defined as a particular professional category. It would have been inconceivable not to provide such an essential social cog with a solid legal framework. Fixing their regime of incompatibilities was the first indispensable step. In fact, here lays the key to understand the proposal. Some basic incompatibilities were shared by Catalan and Valencian territorial legislation, probably because the aims of the monarchs were the same in both lands. For example, the functions of public notaries and scribes were incompatible with jurisdictional offices[174].

Despite the common development of this figure in Valencia and Catalonia and the similarities between their legal frameworks, the procedural capabilities of the notaries were different. The *Furs of Valencia* kept a position more flexible towards the role of notaries and scribes as legal representors and lawyers. They were allowed to eventually overtake those functions if they had previously demonstrated the sufficiency of their legal knowledge through an official exam (*Furs* II, 6, XX). This particular prerogative was granted by Alphonse III in 1328.

The case of Catalan legislation was more complex. The *Corts* did not appear concerned about the possible relationship between notaries and procedural representatives. This is institution did not enact any rule in this regard during the thirteenth and fourteenth centuries. It is necessary to turn to local privileges to establish the role of Catalan notaries in that sense. Obviously, the local nature of this legal framework resulted in a multiplicity of regimes with many similar features, but with many divergent traits aswell.

In Barcelona, the *Recognoverunt Proceres* approached the question through a much more restrictive approach than the one in the *Furs of Valencia.* The local privilege stipulated:

[174] In thirteenth and fourteenth centuries, the jurisdiction (*iurisdictio*) was the faculty to decide over a right (Lalinde 1966: 220; Montagut 2001: 24). The *batlles* and *vegueres* are an example of a jurisdictional office, which was expressly considered incompatible with the job of notary (*Cort* of Perpignan 1351/V). In Valencia, those attributions were performed by *batlles* and the *justicia*. Although the *Furs of Valencia* do not contain any positive norm considering the incompatibility of those charges with the job of notaries, the prohibition is presumable.

> *Encara atorgam lo capitol quels escrivans e els notaris de les corts de la vegueria e de la batllia de Barcelona nossentremetan dofficis de jutyar, de procurar, ne devocar, sino tan solament del fet de les escrivanies, e que prenen trempat salari de les escriptures, aixi como antigament es acostumat de ffer*[175] (*RP*, 105).

Thus, the legal regime of the notaries in Barcelona and Valencia were completely opposed in this regard. In Barcelona, notaries and scribes of the court were not allowed to practice law. In relation to the proposal, the particular regulation of the notarial institution of Barcelona was an interesting legal precedent. It meant that the drafters were not demanding a senseless measure—like, for example, in the case of the derogation of the inquisitorial system. It surely was the model that the other delegates aimed to emulate in their respective municipalities. It also proves that the interest of the drafters in each petition was not always unitary since Cresques Salamo was not concerned by a legal reform that was already in force in Barcelona.

As for the case of Tàrrega, there is no document detailing the attributions and limitations of local notaries. Indirect sources neither provide too much information. Judicial records from the first half of the fourteenth century, which are the additional source most prone to bring some light about this issue, are scarce. It hinders any chance to identify with precision the habitual lawyers of the period and their parallel activities. Therefore we lack a positive rule, as well as a clear cases. Bearing in mind that there are just two possible answers to the question—yes or no—, the probability of guessing correctly is fifty percent.

There are many plausible explanations to that historical silence. One reason could be that there was a privilege, but it has been lost after seven hundred years. Or, perhaps, the legal system of a bigger city such as Cervera or even Barcelona was extended to Tàrrega. However, there is no evidence of a legal assimilation of that sort. Nevertheless, the strong likelihood is that Tàrrega developed a non-written local custom in this regard. Despite still remaining within the scope of speculation, there are some elements that led us to think that the notaries of Tàrrega could indeed act as lawyers or representors.

Firstly, in an example discussed in chapter 4 related to a process against some inhabitants of Tàrrega and Vilagrassa in 1305[176], the king commissioned two notaries from Cervera to conduct the inquisition. Although their task was closer to the attributions of a public prosecutor than to the role of a lawyer, those notaries performed a procedural function beyond their usual work as court scribes. Considering that no

[175] *"*We still concede another chapter stating that the scribes and notaries belonging to the court of the veguer or the batlle of Barcelona are not permitted to judge, attorney or represent. They must limit to their functions as scribes and to be remunerated for that task, as it has been always done*"* (our own translation).

[176] The document was ACUR, LPT, II, f. 94v-104r [Gonzalvo (1997), 25; Sarret (1982), Jaume II/XI].

claim from Tàrrega's councillors and officials has been attested, nothing leads us to think that the intervention of notaries contravened a local privilege. It is true that in 1343 Peter II committed him and his officials—excepting the *batlle* and the *veguer*, of course—to not interfere in local processes[177]. However, the privilege did not contain any reference to the procedural role of notaries. Therefore, their engagement in judicial processes was not perceived as a blatant irregularity.

The second argument is demographical. In the mid-fourteenth century, the population of Tàrrega was about 195 *focs* (Segarra 1984, I: 167; Miró 2001: 22). The estimation reflects the population in 1361, but we should consider the impact of the Black Death was more visible in 1354. At best, that means that there were less than a thousand inhabitants. By 1350, there were at least ten notaries working in Tàrrega[178]—notwithstanding the scribes exclusively dedicated to public affairs or the Jewish *soferim*. Considering the poor levels of alphabetization in Western Europe, it would be very unlikely that there were an additional number of lawyers enough as to meet the legal needs of the rest of the population. As a simple matter of availability and demand, it would not be surprising if notaries were allowed to practice law.

The third reason is the existence of the proposal itself. Inasmuch Cresques Salamo was not concerned about the procedural role of notaries, the most logical is that at least the other two drafters had an interest in the petition. Perhaps Alatzar was the only affected adversely by the legislation in force, but it does not seem a solid possibility. He was an autocrat, whose close relation with the queen and his omnipotence in the aljama of Valencia made him untouchable. The permissibility of Valencian legislation was probably annoying for him, but it seems more likely that the proposal counted on the support of a second drafter. Furthermore, Natan`s delicate financial situation and his dubious contractual practices turned him in the biggest beneficiary of a hypothetical limitation of the notarial attributions.

In view of the above, we can conclude that notaries were an essential cog in medieval societies, both for public administration and for private relationships. The economic life of the Crown of Aragon depended on their skills to a large extend, which is reflected in the progressive evolution of their legal framework. They also reached a great prominence in the administrative management of judicial processes as scribes or court notaries**.** Furthermore, notaries were present in many aspects of the interaction between Jews and Christians, especially in the commercial field. The distrust of public powers and the clergy towards moneylending led to a major engagement of notaries in the control of those financial operations.

Their procedural attributions differed from one territory to another. While in Barcelona, they were categorically prevented from practising law, Valencian legislation was much

[177] ACUR, LPT, III, f, 104v-105r [Gonzalvo (1997), 128].

[178] Pere Amenós, Francesc de Flovià, Guillem Bonet, Ramon Gassol, Bonanat Estrader, Pere Aguiló, Guillem Aguiló, Berenguer Gil, Guillem Mulner and Pere de Claret. Probably, there were some more notaries in the same period.

less restrictive. In Tàrrega, despite the sources are silent in this regard, many elements led to suggest that court notaries could punctually act as lawyers. This permissibility could entail big risks to people like Moshe Natan, who apparently was elaborating fraudulent contracts in order to avoid his bankrupt. For that reason, any limitation to the powers of court notaries would have been welcomed.

Finally, this proposal indicates that the interest of the drafters in each proposal was not always unanimous. Some petitions exclusively benefited one or two of the three. Thus, for example Cresques Salamo, in whose city the practice of law by notaries and scribes was not allowed, was probably indifferent to this proposal. Therefore, the objectives pursued in the *Agreements of* 1354 would not have always have meant a direct benefit to all the Jewish communities.

Conclusions:

a) Notaries and scribes played a capital role in the economic and social life of the Crown of Aragon. The Catalan-Aragonese *aljamas* were also authorized to appoint their own notaries—called *soferim*—, whose documents had plenty of legal force.

b) Throughout the thirteenth and fourteenth centuries, the professional functions and limitations of the notaries and scribes were thoroughly developed. Among other functions, notaries were in charge of supervising the documentations and legal steps of the moneylending process.

c) This active monitoring engagement could be annoying for Jewish lenders. For this reason, moneylenders probably aimed to reduce the attributions of the notaries. This might have been the case of Moshe Natan, whose credit operations during the 1340' were questionable from a legal point of view. The participation of notaries and scribes as legal representatives could entail serious risks for moneylenders.

d) Notaries were allowed to participate in judicial processes as legal representatives in Valencia. On the contrary, both professional activities were considered incompatible in Barcelona. The case of Tàrrega is doubtful due to the absence of positive sources, but apparently the custom there was less restrictive than in Barcelona.

e) This proposal evinces that the petitions of the drafters did not always aim to benefit the whole Jewry, but just some specific communities. The *aljama* of

Barcelona, for example, did not have any interest in achieving this legal restriction. On the other hand, the line between the common good and the drafters' personal interest was considerably thin.

Chapter 6: ¶11. The drafters request to attend the *Corts*

עוד הסכמנו בכל עת התקבצו השרים והסגנים מהענים לעשות קורטש שיחויבו הנבררים לשלוח שלוחים כללים לכל הקהלות להיות שם לפקח בעניני הקהלות או ילכו שם הנבררים עצמם או בלבד בקורטש כלליות לכל המלכות.

> *Likewise we have agreed that each time that the nobles, the deputies* [of the Church/ the Pope] *and the people meet to hold Corts, the delegates will be in charge of sending envoys—or to go themselves—from all the communities in order to look out for their interests, or at least in case of General Corts of all the kingdoms.*

6. a. Introduction

This section of the text is directly connected with one of the most representative features of the Catalan-Aragonese legal system: the *Corts*. They were legislative and consultative assemblies held by the king and the three *braços* ("arms"): the clergy, the nobility and the royal cities and villages. Social segmentation and the weakness of monarchy pushed the king to negotiate his laws and policies with representatives from the three main strata of the Crown. This fact conditioned the functioning of the Crown during many centuries and became the highest expression of the pact-based nature of Catalan politics.

After the institutional unification of Spain in the eighteenth century, the *Corts* became a Catalan national symbol of the lost freedoms and self-governing institutions. When the first Spanish constitution was designed in 1812, the Catalan jurist Antoni de Capmany (1742-1813) vindicated the importance of Catalan-Aragonese *Corts* as a model for the new parliamentary system. Although perhaps too romantic and nostalgic, in his book *Práctica y estilo de celebrar cortes en el reino de Aragón, principado de Cataluña y reino de Valencia y una noticia de las de Castilla y Navarra,* Capmany stressed:

> *Lo presento para mostrar al mundo poco instruido de nuestra antigua legislación hasta qué grado de libertad llegaron las provincias de aquella corona en siglos que hoy se les quiere llamar góticos, por no decir bárbaros, y*

> *cual en aquellos tiempos no había gozado ninguna nación en un gobierno monárquico.*[179] (Capmany 2007 [1821[180]]: V)

In the case of this proposal, the drafters expected to obtain the right to participate in the Catalan *Corts*, or at least in the general *Corts* held by "all the kingdoms" ("כל המלכות"). The use of *aljamiados* contributes to remove any doubt about their targets. Instead of using a Hebrew word for assembly—like "כנסת" ("knesset"), perhaps the most extended word to refer to legislative assembly, as well as the current name of the Parliament of Israel—, the term is *"*korts*"* ("קורטש"), in Catalan (*Corts*). As the proposal evinces, the Jews were prevented from taking part in the meetings. Given the importance of the institutions, the drafters expected to increase the political clout of the *aljamas* in the decision-making process. The following analysis will focus on the nature of the prohibition to attend the *Corts* and the specific goals the drafters aimed to achieve. It is worthwhile to start dedicating some pages to the origins and functioning of the assembly in order to clarify its nature, attributions and importance.

6. b. Origins and attributions of the Catalan *Corts*

Notwithstanding their procedural differences and the particularities of their respective competence frameworks, the *Corts* were regularly held in all the kingdoms of the Crown with similar targets and attributions. Generally, the scope of the *Corts* was regional, and just in certain cases all the kingdoms met together. In Aragon and Catalonia, the establishment and development of the *Corts* and their attributions was the result of a long and eclectic historical construction. For its part, in Valencia, the institution was directly set by James I after the conquest of the realm—the first *Cort* was held in 1261—following the Catalan and Aragonese model (Rycraft 1974: 243). In the period encompassed in this study, the *Corts* were still in an early period, in their *childhood.* That is to say, the institution was already recognisable, both in its proceedings and attributions. However, those assemblies kept evolving throughout many centuries until its suppression in 1714.

The origins of the institution in Catalonia date back to the feudal times, before the dynastic union with Aragon in 1137. To some extent, the *Corts* were the result of two antecedents which converged under the rule of the count-kings.

[179] "I wrote it to show the people who is ignorant about our ancient legislation the high degree of freedom achieved by the territories of this crown in centuries that today we call Gothic—or even barbaric. [*This freedom*] was not achieved by any other nation under a monarchic government in those times" (our own translation).

[180] Capmany wrote this book around 1809, but it was not published until 1821 by an anonymous editor. See Fontana (2007: 52).

The first antecedent can be found in the assemblies held between feudal lords and their subjects. The right of the lord to receive advice from his subjects was inherent to the relationships of vassalage. The feudal lord committed to give lands to the peasant and to protect him in exchange of a fee, military aid and advice (Stephenson 1965: 20-23; Bloch 1993, I: 145-151). This custom was maintained and readapted by the counts of Barcelona when their preponderance over the rest of Catalan noblemen became indisputable (Gonzalvo 1991; Pons 1991: 142; Mas 1995: 17-22; Febrer 2004: 669). In case of necessity, the counts turned to his *curiae* or advisors. The *curiae* were divided in *ordinary* and *extraordinary* meetings. The first one was composed by the closest advisors of the count. Its structure and functioning was permanent and they use to follow the king wherever he went. The second kind of *curia* was summoned *ad hoc* and included the highest prelates and vassal lords of Catalonia (see, Ferro 2015: 219-220). The aim of the *curiae* was to advise the count, but they did not have legislative attributions (Peláez 1999: 511-512).

The second element that contributed to the configuration of the *Cort* emerged within the domain of Cannon Law. The collapse of the Carolingian Empire in the first half of the ninth century caused a massive void of power in Western Europe. Local lords and former administrators took advantage of the lack of a central authority and became the absolute rulers of small portions of land, including their inhabitants. Any hierarchy overcoming the local level was more a façade than a reality. This period is known as feudalism.

The next two centuries were characterized by baronial violence. Wars and conflicts between feudal lords were habitual. Aside from some local customs and the discreet and still weak Cannon Law, those rulers were virtually not subjected to any kind of legislation or superior power. Although violence affected all social elements and infrastructures, including the Ecclesiastical, peasants and their properties bore the brunt of violence (Cowdrey 1970; Bisson 1977; Head and Landes 1992; Bloch 1993, II: 412-420).

Only agreements between parties set limits to hostilities. In the tenth century—maybe ninth[181]—, the *convenientae* became the elemental instrument in Catalonia to balance the relationships between feudal lords. These documents were a sort of treaties—even contracts in a wider sense—where the barons agreed the terms for a peaceful coexistence and to cease hostilities. In the absence of superior authorities capable of monitoring compliance and punishing infractors—beyond the mediation of the clergy—, reciprocity and honor operated as the main sureties. The *convenientae* created a social bound between the signatories based on ethical and moral principles (Terradas 2008: 192-201). The penalties forseen in the documents were usually related to excommunication and dishonor, two paramount threats for medieval sensitivity (Kosto 2004: 121ff). Besides the spiritual consequences, the breach of the agreement implied

[181] The oldest recorded *convenienta* was signed in 1021 by the Count Ramon Berenguer I of Barcelona and Ermengol II of Urgell. Nevertheless, Adam Kosto advocates for a much earlier origin (Kosto 2004: 32ff).

the end of the subscribed compromises or the need of a redress—often economic—by the infractor.

However, *convenientae* alone were not enough to ensure a general stability among Catalan barons. The Church led the way to sever chaos and bloodsheds. In fact, the Church was the only solid and authoritative institution capable of enforcing a solution. Its officials could not enact a legislative corpus banning violence and imposing sanctions to infringers, because those issues belonged to the earthly government of men and the Church Law was confined to the spiritual domain. Nonetheless, its spiritual authority entailed a high pressure capacity, as well as the recognition as the only possible respected intermediary. Hence, they boosted a number of meetings between local lords and clergymen aiming to agree a number of essential limits and prohibitions to violence. Those assemblies were known as Assemblies of Peace and Truce of the Lord.

The concept of *Peace* alluded to the permanent restrictions and immunities to be respected by all the lords in case of conflict. Those limitations usually referred to people and infrastructures that could not be attacked: farms, crops, Ecclesiastic properties, non-rallied peasants, etc. For its part, *Truce* referred to a range of days in which war was prohibited, normally important religious fests.

Since the Church lacked competences to guarantee the material compliance of the agreements, the authority of the pacts did not come from an external and superior power capable of prosecuting the infringers. The clergy could act as arbiter in case of conflict or dispute, as well as excommunicate the wayward lords—who would then lose their legitimation as rulers—, but they were not able to physically punish them. This situation considerably limited the real application of the agreements and demanded the cooperation of the signers (Cowdrey 1970: 45-46). Once again, the reciprocity principle and personal honor were the cornerstone of the whole system. If the offender was a subject, his lord must chastise him; but if the infringer was a lord, the pressure exercised by the other partners was the only mechanism to re-establish the agreement (Gergen 2002: 17)[182].

The first assembly was held in Charroux (Aquitaine) in 989, and they soon spread along the region (Bisson 1977). The system was imported to Catalonia by one of the key characters of the period, the Abbot Oliba (971-1046). The Catalan counties were found in the same and urgent need of pacification than South France. Despite the territory being nominally part of the Carolingian Empire since 821, the effective control over the territory lasted just some decades. In fact, the last Catalan count to swear loyalty to the Emperor was Wilfred II of Besalú in 927[183]. Thus, chaos and violence had dominated

[182] Therefore, the assemblies of Peace and Truce were not originally held by a number of subjects and their ruler. The meetings were attended by barons and churchmen who were more or less in the same social and political position. It invalidates the assertion of Møller (2017) on an exclusive top-down origin of the *Corts.*

[183] However, the last count directly appointed by the Frankish was Wilfred *the Hairy* circa 870.

this side of the Pyrenees since earlier times and with great intensity (Kosto 2004: 9-16; Bonnassie 2009: 108-110). It was a no man's land.

Areements between rivalries appeared as the only form to set some order and peace. The Assemblies of Peace and Truce played a major role in the pacification and political configuration of the territory. The first assemblies were held in 1027 (in Toluges), 1030 and 1033 (both in Vic), under Oliba's presidency. Throughout the next decades, Catalan nobility became more engaged in those meetings and the hegemonic counts of Barcelona cornered their presidency[184].

The process of institutionalization and their transformation into a constitutive assembly by the counts of Barcelona became more evident after the dynastic union with Aragon in 1137. Indeed, since the assembly held in Fondarella in 1173, they were known as Assemblies of *Peace and Truce of the King* (Gonzalvo 1991: 72)[185]. This change in the nomenclature evinces a material confluence and functional identification of the Peace and Truce with the extraordinary *Curiae,* a conjunction consolidated during the kingdom of James I (1213-1276).

The politicization of *Peace and Truce* by the monarchy did not imply their entire monopolization. During the reign of Alphonse I, a number of assemblies were held by local lords and the clergy. This is the case, for example, of a meeting in 1173 in Lleida, presided by the Cardinal Jacint Bobone with the participation of the bishops of the ecclesiastical province of Tarragona (*Pau i Treva* of Lleida 1173). Lacking the presence of an earthly authority, the agreed immunities and offences could only be punished through excommunication. Later, in 1187, count Ermengol VIII of Urgell agreed several constitutions with his potentates and the bishops of Tarragona and Urgell (*Pau i Treva* of Agramunt and Castelló de Farfanya).

In his *Summa Iuris* (c. 1218), the Catalan jurist, clergyman and man of confidence of James I and Pope Gregory IX, Raymond of Penyafort (1180-1275) dedicating a chapter to theorize on Peace and Truce in which he summarized its main elements. It is worthy to note that the prohibition of extending Peace to Saracens under penalty of excommunication (Penyafort 1945: 139-140). In 1230, Gregory IX commissioned the Catalan friar to perform a new compilation of Decretals. Penyafort included the regulation of Peace and Truce set by Pope Alexander III in the Third Council of Lateran (1179)[186]. Technically this regulation was valid until 1917, when the Code of Cannon Law was approved.

---

[184] The first assembly officially presided by a count in Barcelona was held in 1118, during the reign of Ramon Berenguer III. See also Bisson (1986: 25); Gonzalvo (1991); Pons (1991: 142); Febrer (2004: 669).

[185] The header of the report states: *"Incipiunt constitutiones pacium et treugarum et primo potentissimi principis domini Ildelfonsi, regis Aragonum, comitis Barchinone et marchionis Provincie"* (*Pau i Treva* of Fondarella 1173) ["The constitutions of Peace and Truce of the great prince Lord Alphonse, king of Aragon, count of Barcelona and marquis of Provence here begin" (our own translation)]. Similar formulas were used in posterior meetings.

[186] *Decretalii Gregorius IX*, Book I, Chapter XXXIV.

The thirteenth century was a turning point for the embryonic seed of the *Corts.* The driving point of their evolution was the weakness of kingship and its necessity to reach consensus with its subjects. As Victor Ferro stated, "*les institucions parlamentàries no eren una limitació del poder reial sinó una conseqüència de la seva debilitat*"[187] (Ferro 2015: 221). Each crisis of the monarchy, as well as any political challenge that needed from extraordinary impositions, drafts or legislation, contributed to develop the faculties and power of those assemblies. The thirteenth century was a period of transitions, in which the frontier between the *Corts* and the former antecedents became blurred. It is difficult, or even impossible, to affirm when exactly the transformation took place. But by 1300, there was no doubt that this transformation has happened.

The convergence of monarchic crisis and evolution of the *Corts* was constant since the beginning of the century. As his father, Peter I focused his international ambitions on France (Bisson 1986: 36-40; Smith 2010: 13ff; Jenkins 2012; Abulafia 2014: 35-37). His interests soon clashed with those of the Pope, who at that time had launched a crusade commanded by the French noble Simon of Montfort (1150-1218) against the Cathars. The tension between the Crown of Aragon and the entente conformed by France and the Papacy reached it peaks when Peter I declared war to his rivalries in support of his allied, the County of Toulouse. The endeavour was a disaster: Peter I was defeated and killed in the batlle of Muret (1213).

His son James I became king when he was barely five years old. To make matters worse, when his father died, the young James was a hostage of Simon of Montfort, who only freed him after long negotiations with the Pope[188]. The Crown was on the verge of collapse. The defeat had led the country into a deep economic and political crisis (Shneidman 1970, II: 378: Bisson 1986: 58-63 and 2003: 351; Kagay 1988). The only way to secure the continuity of the Crown and to strengthen the position of the new monarch was ensuring social cohesion. For this reason, an Assembly of Peace and Truce—or an extraordinary *curia*—was summoned in 1214 under the presidency of Cardinal Peter of Benevento (*Pau i Treva* of Lleida 1214).

Aside from the success of the assembly in restoring the social and political order—the general contents did not substantially differ from other assemblies[189]—, the meeting had a foundational importance for the institutional history of the Crown: for the first time, representors of the cities and villages of royal domain were invited to participate. The causes probably lied on the urgent necessity of consensus—the agreements involved all the citizens over 14 years old (*Pau i Treva* of Lleida 1214/XXIX)—, but also in the increasing financial importance of the commercial class that was crystallizing in the Catalan littoral (Gonzalvo 1991: 74). Nonetheless the reasons, the *Cort* of 1214 was the first one in which the three states of Catalan society (*braços*) were represented. Since them, they attended all the meetings of the institution. This fact has led some authors to

[187] "Parliamentary institutions were not a limit to royal power, but a consequence of its weakness" (our own translation).
[188] James I refers this episode in his autobiography *El llibre dels feits.* See, Jaume I (1983: 7).
[189] Except for the greater engagement of royal officials and citizens as enforcers of the agreements (for example, *Pau i Treva* of Lleida 1214/XXI).

consider this meeting as the first real *Cort* (for example, Barrio 2009: 63), while other have considered it an *anticipation* of the institution (Bisson 2003: 151).

Against the odds, the reign of James I marked the beginning of a golden age for the Crown of Aragon. The most visible evidence of its increasing power was the conquest of the Muslim kingdoms of Mallorca (1229) and Valencia (1238-1246), which earned James I the by-name of *el Conqueridor* (*The Conqueror*). Obviously, those annexations were an important political and military victory and yielded many economic and territorial benefits, but they also largely contributed to the institutional process of construction of the *Corts.* They proved the necessity of reaching consensus in order to safeguard social stability in case of war or before undertaking an important legislative reform. In addition, royal treasury was not rich enough as to defray big military campaigns or administrative eventualities. In consequence, the support and economic contribution of the *braços* was indispensable. The king could legislate, but he had to negotiate; the king could demand, but he had to concede.

The importance of war in the process of institutional construction of the *Corts* became evident in the assembly held in Tortosa in 1225 (*Pau i Treva* of Tortosa 1225). James I initiated his military trajectory that year with a campaign to conquer the city of Peniscola. The expedition was a failure—the city was subdued in 1233—, but its planning manifested the necessity to keep the internal order while the armies of the Crown were deployed abroad. The only possible alternative to the physical presence of military forces in the territory was a general pledge involving elements from all social sectors. Thus, some of the agreements focused on the traditional immunities of ecclesiastical properties and goods, as well as on the protection of means of production and defenseless people. However, there were also included the castles and lands of the lords engaged in the military campaign. The responsibility of enforcing those rules and prosecuting their infringers remained in the hands of bishops and *veguers*.

The spirit dominated the assemblies of Barcelona in 1228 and Tarragona in 1235 during the preparation of the offensives against Mallorca and Valencia, respectively. While the range of protections and immunities did not substantially differ from those agreed in 1225, the role of the representors of royal cities and villages increased notoriously[190]. They became the building block of royal finances, especially in case of war. The acknowledgment of economic primacy of the bourgeoisie can be considered as a virtual specialization of the *braços.*

After the conquest of Valencia, James I held Corts in 1241, 1251 and 1257. In each of them, the evolution started in 1214 became more noticeable. Throughout the last twenty years of his reign, there were apparently no assemblies convened. In 1261, the new kingdom of Valencia held its first *Cort*, and one more was convenied by the monarch in 1271.

[190] James I described the assembly in his memories. The bourgeoisies (*"rich-hòmens"*) are the first representatives to publically support the campaign. After the sessions, the king held several private meetings with them to arrange the contribution of the cities. See Jaume I (1983: 28-29); also Bisson (2003: 31-48).

The reign of Peter II (1276-1285) culminated the transition from those primeval representative institutions to *Corts*. Once again, the concatenation of internal and external crises bolstered its evolution. Against each new threat for the stability and integrity of the Crown, the king was forced to increase the power of the *braços* and their presence in the policymaking. In that sense, the assembly of 1283 was the first meeting that can be considered a *Cort* without leading to theoretical discussions (see for example, Sarasa 1979: 32-34; Mas 1995: 29-30; Ripoll 2018: 11; this idea is contested by Bisson 1982). With this assembly, the main attributions of the *Corts* were outlined.

The main elements that favored the progress of the institution were the conflicts with the Aragonese nobility and the papacy. The tension between the monarchy and the Aragonese lords was a problem that Peter II inherited from his father. Many of those aristocrats were disappointed with Peter's disregard of Aragonese legislation and with the distribution of the new conquered lands because they considered it inconsistent with their war contribution (Shneidman 1970, I: 33-34; González 1975: 87-92; Bisson 1986: 88).

Their future perspectives were not promising ether. The material impossibility to keep its expansion to the South of the Peninsula without conflicting with Castile pushed the Crown of Aragon to redirect its ambitions to the Mediterranean. The geographical situation of Aragon was disadvantageous in front of the littoral and merchant territories of Catalonia and Valencia. The kingdom of Aragon was doomed to play a secondary role in this new stage.

In 1282, a rebellion in Sicily—known as the *Sicilian Vespers*—put an end to the French control on the Island. The insurrectionists offered the throne to Peter II, who was crowned king of Sicily in the same year. This fact resulted in a direct conflict with Pope Martin IV, supporter of the former sovereign Charles of Anjou (1226-1285). The Bishop of Rome reacted using his entire political armory: Peter I was excommunicated[191], the tittle of King of Aragon was nominally trespassed to Charles of Valois (son of the French Monarch)[192] and a crusade against the Crown was convoked. France and Navarre took advantage of the situation and summed their armies to the papal call. Despite finally defeating his enemies, the king had to pay a high political price for it.

That was the last straw for Aragonese nobility. In addition to the territorial discords, the perspective of an invasion was discouraging. Furthermore, the excommunication officially broke any submission tie with Peter II. The nobility—including the Valencian—grouped in a rebel confederation, the *Union,* aiming to face royal power[193].

[191] ACA, *Bulas pontificias,* leg. 16, n. 2 [González (1975, II), 4; Schmidt and Sabanés (2016, I), 467]. Despite the excommunication, the leaders of the Catalan-Aragonese clergy remained loyal to the king: ACA, Reg. 46, f. 194 [González Antón (1975, II), 6].

[192] ACA, *Bulas pontificias*, leg. 16, n. 3 [González (1975, II), 5; Schmidt and Sabanés (2016, I), 468] and leg. 16, n. 9 [González (1975, II), 56; Schmidt and Sabanés (2016, I), 472].

[193] Their objective was to defend their *"usus, consuetudines, franqueças, libertates, privilegia et instrumenta donationum et permutationum que vos et quilibet vestrum et predicte civitates et ville habent, haberemus, et habere debemus quilivet modo vel racione"* ["the uses, customs,

In exchange for their loyalty, those nobles pulled the king to confer a range of rights in order to protect their prerogatives. Those privileges were known as the *General Privilege* (1283). The privilege was confirmed in the Aragonese *Cort*, and some weeks later, in Barcelona and Valencia. Those *Corts* revolutionized the configuration and functioning of the assemblies. Notwithstanding ulterior reforms and nuances, the main features and faculties of the *Corts* were set.

The first inflection point in the process of institutionalization of the *Corts* was the king's commitment to hold them periodically. Peter II accepted to convoke them once per year, *"semel in anno"* (*Cort* of Barcelona 1283/XVIII). However, this periodicity was never really implemented. Indeed, the next Catalan *Cort* was held in 1292 by his son James II–Peter died unexpectedly in 1285 and was succeeded by his eldest son Alphonse II, who died without offspring in 1291. James II extended their frequency to three years in 1301 (*Cort* of Lleida 1301/II; the same year for Valencia, included in *Furs* I, 3, CXVI). Despite the reform, he was considerably consistent with his promise[194]. Finally, Peter III abrogated the regularity of the *Corts* arguing against the complaints of the *braços* that "*Dominus Rex no potuit tenere de triennio in triennium Curias ex causis racionabilibus que notorie sunt"*[195] (*Cort* of Perpignan 1350-1351/LXXXIII). Nevertheless, the intention to set a periodicity proves the importance reached by the institution and its primary role in the management of the Crown.

Beyond the unfulfilled promise of calling the *Cort* once per year, the assembly of 1283 set the basis for its posterior legislative nature. In this *Cort*, the king committed to consult important legislative projects with the *braços* before approving them. The concession specially refers to rules of general application. The literacy of the text states:

> *Item statuimus volumus et etiam ordinamus quod si nos vel successores nostri constitucionem aliquam generalem seu statutum facere voluerimus in Catalonia, illara vel illud faciamus de approbacione et consensu prelatorum baronum militum et civium Catalonie vel ipsis vocatis maioris et sanioris partis eorumdem*[196] (*Cort* of Barcelona 1283/IX)

This prerogative did not entail legislative faculties. The *braços* had the right to be consulted, but they did not have the right to raise their own proposals. However, this

---

franchises, freedoms, privileges and instrumetns of donation and permutation that any of you, as well as any town and village, have, we used to have and we must have by any means and reason"] [González 1975, II: p. 41]. For an overview of the conflict against the Papacy, the crusaders and the *Union*, see González (1975, I); Bisson (1986: 86-90); Abulafia (2014: 82-87);

[194] He held *Corts* in 1305, 1307, 1311, 1313, 1315, 1318, 1321 and 1323.

[195] "The King cannot hold *Corts* every three years due to logical causes that are well known" (our own translation).

[196] "We mandate and command that if we or our successors want to elaborate general statutes in Catalonia, they will need the approval and consent of the delegates of the military barons and citizens of Catalonia or at least of the greatest and healthiest part of them" (our own translation).

prerogative was progressively exercised by the assembly with growing intensity and freedom. Until its official recognition, the initiative of the *braços* was drawn on corporative pressure. In that sense, they were a sort of lobby. The insistence of the king in highlighting the pact-based character of some sensitive rules and fiscal reforms evinced the coercion force of the *braços*. For example, James II remarked that the new *bovatge* (a wealth tax usually payed at the beginning of each reign) was approved by "*richis hominibus et militibus et civibus ac civitatibus et villis*"[197] (*Cort* of Barcelona 1300/XXV). Legislative initiative was officially recognized in a *parliament* held in Barcelona in 1342 during the reign of Peter III (*Parliament [Cort]* of Barcelona 1342/XIIII[198]). As it used to happen in Catalan legal production, the positive rule enacted in the *Corts* did not appear to introduce an innovative reform, it was rather recognizing a reality that was already in force.

The *Cort* of 1283 also gave way for stablishing control mechanisms on the excesses and irregularities committed by the king and his officials. The *braços* were allowed to publically report those offences as a means of protection in front of the eventual arbitrariness of royal power. Those mechanisms contributed to strength the functioning of the *Corts* as deliberative and legislative institution, as well as to ensure the fairly participation of the *braços*. The claims must be studied and resolved by the assembly or by the special delegates expressly appointed for those issues. Those attributions were exercised via two main channels:

The first one was known as *"purga de taula"*, whose finality was to control the labor of public officials in order to avoid and prosecute corruption or other management irregularities (*Cort* of Barcelona 1283/XIX). The seeds of this tool were largely based on Roman law (Montagut 1996: 61). The inquisitions were conducted by a group of delegates known as *"jutges de taula"*. Every official was obliged to undergo an inspection after his appointment, once per year and at the end of his office (*Cort* of Barcelona 1299/I-II). This organism notoriously evolved throughout the fourteenth century. In the period under our analysis, the functions and composition of this organism were addressed in the *Corts* of 1292 (*Cort* of Barcelona 1292/IV and IX), 1300 (*Cort* of Barcelona 1300/I-II and XIX), 1301 (*Cort* of Lleida 1301/I), 1311 (*Cort* of Barcelona 1311/II), 1333 (*Cort* of Montblanch 1333/I-X) and 1350-1351 (*Cort* of Perpignan 1350-1351/I, II, X and XXIX). Those judges were initially appointed by the king, but the *braços* progressively achieved more prerogatives in this regard. In the *Cort* of Montblanch in 1333, the *braços* took control over designations (*Cort* of Montblanch 1333/II).

The second one was the redress of *greuges*. The term can be translated as *"*torts*"* or *"*grievances*"*. This instrument aimed to amend irregular and detrimental deeds

[197] "[*It was approved by*] the wealthy men, barons and citizens from the cities and villages" (our own translation).

[198] A *parlament* was a *Cort* session attended only by one or two *braços*. Note that in the edition of the *Corts'* accounts used in this work— Cortes de los antiguos reinos… (1896-1922)—, this *parlament* was added as an annex to Vol. 6.

conducted by the king, his officials or, occasionally, by one of the *braços*. According to Catalan-Aragonese legal notions, the king was neither infallible nor alien to his own laws (Ferro 2015: 269). His acts and those of his delegates could be contested in ordinary judicial channels or through the redress of *greuges.* The representatives of the *braços* were free to report any decision or performance they considered illegal or harmful. Three representatives of each *braç* (*síndics*) were appointed in order to conduct the proceeding. If the *greuge* was verified, the offender had to commit to amend the harm. If the king was responsible for the *greuge*, the verdict usually led to legislative reforms (Oleart 1991: 20-21).

These were the main attributions of the *Corts* in the first half of the fourteenth century. Each new monarch was obliged to take an oath before the assembly at the beginning of his reign committing himself to observe and respect its decisions, as well as the rest of Catalan norms and customs. The relevance of their role as the leading Catalan political institution keep increasing throughout the following decades and centuries. Any political actor who expected to have a voice and a real influence on Catalan policy-making needed to participate in one way or another in the *Corts.* For this reason, the drafters realized that the success of this proposal was capital to improve the situation of the Catalan—and Valencian—Jewry.

6. c. The Jews and the right to attend the *Corts*

It might not surprise anybody that Jews were not allowed to take part in the sessions of the *Corts.* Considering the general social margination of European Jewry, it would have been paradoxical that Christian strata (say clergy, nobility and wealthy citizens) were willing to discuss on equal footing the political management of the kingdom with their Jewish neighbors. Otherwise, the proposal would have been senseless. However, there was no rule expressly preventing Jews from attending the *Corts.* One can be tempted to blame the general trend in Catalan legislation—and also Valencian to a lesser degree—to obviate conceptual regulations (Oleart 1991: 24). It could be a simple matter of custom.

Nonetheless, Catalan-Aragonese Jews had traditionally taken administrative seats. This tolerant political approach never pleased at all the other strata. Pressures from the clergy and nobility had traditionally forced the king to enact measures restricting the presence of Jewish servants in public administrations, but they rarely were effectively enforced. In that sense, the fracture between the literacy of the norm and its real application was manifest. Since the average of educated Jews was largely superior to that of the Christians, their presence in the administration was an awkward necessity.

Each new prohibitive measure—no matter its real effectivity—was a positive rule, not a custom. It is completely possible to reconstruct the chronology of those restrictions

through legal documentation. None of them expressly hampered Jewish participation in the *Corts.* However, they never took part on them or were summoned, as is proven by the panels of the sessions.

As far as Jews did not own nobility titles and, obviously, they did not belong to the clerical stratum, an eventual participation in the *Corts* would have taken place thru the *braç reial*, in which the wealthiest citizens were represented. As stated above, the first meeting this *braç* attended was the Peace and Truce assembly of Lleida in 1214. The participation is attested by the generic formula *"civibus Burgensibus Castrorum et Villarum habitatoribus et aliis pluribus tocius Cathalonie"*[199] (*Pau i Treva* of Lleida), with no mention to individuals. Thought there is a roster of signatures at the end of the document, it is not entirely reliable since we do not know if it includes all the participants or just some spokesmen.

The same pattern was fallowed in all the assemblies of the thirteenth century until the *Cort* of 1283. In this case, a full list of the participants was included prior to the enumeration of the agreements. In the *Corts* held by James II, Alphonse III and the first years of Peter's III reign, only the names of the invited municipalities were registered, apart from the signatures at the end of the report. As the *Corts* and its functioning rituals became entirely institutionalized throughout the fourteenth century, the list of participants also became more exhaustive. The *Cort* held in Perpignan in 1350-1351 is the first one where all the participants are thoroughly registered.

Notwithstanding the accuracy of the records and the evolution of the institution itself, there is a consistent element: none of the attendants from the *braç reial* was Jewish. The historical evidence is uncontestably, even in the absence of a straightforward ban. The answer to the conundrum can lie on two possible elements: on one hand, legal analogy and, on the other hand, on the political dynamics within Catalan and Valencian societies. Analogy can provide us with some general ideas about the evolution of the Jewish participation in royal institutions and the suspicions it arose but cannot lead us to reliable conclusions.

The legal attempts to segregate Jews from civil function go back to the earlier periods of the High Middle Ages. Visigoth Iberia was pioneer in enacting a harsh and resolutely anti-Jewish legislation. In fact, the *Liber Iudicorum* (seventh century)—known as *Liber iudicum popularis* in Catalonia—perhaps comprised the most restrictive measures against Jewish communities and traditions adopted in Medieval Europe, like the illegalization of circumcision or kosher sacrifices (*Liber iudicum popularis* XII, 2 and 3). Despite the degree of compliance of those laws by Visigoth authorities is unknown, they were entirely ignored by the Catalan authorities who *inherited* this legal code –it was definitely abrogated in 1251 (*Cort* of Barcelona 1251/III). Regarding public administration, the *Liber Iudicorum* stated:

[199] "Citizens from the cities, castles, vilages and from the entire Catalonia" (our own translation).

> *Ne Iudei administratorio usu sub hordine uilicorum atque auctorum christiana mancipia regere audeant et de dampnis eourm his qui talia hordianda iniuncxerint*[200] (…) (*Liber iudicum popularis* XII, 3, 19).

Roman-Byzantine legislation kept a similar approach. The *Corpus Iuris Civilis* (sixth century) contributed to secure the continuity of Roman law in the medieval world. It was the seed of the latter *Ius Commune*, the set of rules that were supposed to be common to all Christian nations. Although Catalan legislation relegated its practical application to a subsidiary role (also in 1251), the development of *Ius Commune* in the leading intellectual centers (like Paris or Bologna) prompted the European legal renaissance and the evolution of its political constructions (see, for example, Bellomo 1989; Brundage 2013; as well as the collection of studies in Hartman and Pennington 2008). Regardless of its material enforcement, the *Corpus Iuris Civilis* provided the theoretical basis for the configuration of Western European legal systems. Its perceptions on Judaism, therefore, were somehow an inspiration for national legislators. Despite being a much less restrictive code than the *Liber Iudicorum*, the parallelisms regarding Jewish functionaries are evident, as evinced in the *Code of Justinian:*

> *Hac victura in omne aevum lege sancimus neminem Iudaeum, quibus omnes administrationes et dignitates interdictae sunt, nec defensoris civitatis fungi saltem officio nec patris honorem adripere concedimus ne adquisiti sibi officii auctoritate muniti adversus Christianos* (…)[201] (Codex Iustinianus I, 9, 18).

Obviously, Cannon Law was not more permissive. In many respects, it perpetuated almost literally Roman normative. The clearest stance of the Church against Jewish officials was adopted in the Fourth Council of the Lateran by Pope Innocent III (1215)—the text is alleged to be a transposition of a measure agreed in a provincial council in Toledo—, and later included by Raymond of Penyafort in the *Decretals of Gregory IX* (circa 1230). The text declared:

> *Quum sit nimis absurdum, ut blasphemus Christi in Christianos vim potestatis exerceat, quod super hoc Toletanum concilium provide statuit, nos propter transgressorum audaciam in hoc generali concilio innovamus, prohibentes, ne Iudaei publicis officiis praeferantur, quoniam sub tali praetextu Christianis plurimum sunt infesti. Si quis autem eis officium tale commiserit, per provinciale concilium, quod singulis annis praecipimus celebrari, monitione praemissa*

[200] "No Jew shall hold administrative offices that entail jurisdictional powers on Christians and the capacity to punish them" (our own translation).
[201] "We perpetually decree that no Jew will receive any office or dignity, or will appointed as defender of the city, or will be graced with the tittle of *Father* of the city. They will neither have any authority on Christians" (our own translation).

districtione, qua convenit, compescatur[202]. (*Decretalii Gregorius IX*, Book V, Tittle VI, Chapter XVI).

Two years before the compilations of the Decretals, in 1228, James I transposed the disposition agreed in the Fourth Lateran Council. Considering the objectives of the *Cort* of 1228, the king probably compromised on the prohibition as a means to content the religious stratum before the campaign against Mallorca. Gregory IX supported the invasion turning it into a crusade against the infidels and recruiting men from other Christian nations[203]. James I needed to secure this alliance before shipping to the Balearic Islands. The text proclaimed:

Item irrefragabili constitucione sancimus quod iudei in personis propiis ooficia publica non presumant aliquatenus excercere, videlicet, officium iudicandi vel iusticiandi homines, vel puniendi sentencias exequendi.[204]

Despite the prohibition, the existence of top Jewish civil servants is well documented. This included offices of high power and responsibility, not only administrative, but also jurisdictional. Many of them served as local *batlles* or as *batlles generals* in charge of the finances of a whole kingdom.

The public participation of Jews reached its peak during the first seven years of Peter II *the Great*'s reign (say 1276-1283), as proved by professor David Romano in his monography *Judíos al servicio de Pedro el Grande de Aragon (1276-1285)* (Romano 1983). The author does not hesitate in considering those years as a *golden age* (Romano 1983: 10). The wide range of Jewish officials throughout the period might be due to the high number of educated Jewish financial experts, as well as to the increasingly challenging demands which arose due to the economic and territorial expansion of the Crown (Assis 2008: 13-14).

The situation gave a twist in 1283 as a result of the requirements of the Aragonese Union. Among the clauses granted in the *General Privilege*, the nobility succeeded in achieving from the king the total exclusion of Jews from administrations. The measure

[202] "Although it is absurd that the blasphemers on Christ have power on the Christians—the council of Toledo already provided an statue in this regard—the boldness of the transgressors has lead us to renovate—with the aim of prohibiting [*this practice*]—[*our conviction*] that the Jews are not preferable for taking a public seat. Under this pretext, many Christians are threatened. In each provincial council—which we have decided to hold every year—, those who still appoint them [*the Jews*] for these public offices will be arrested—if necessary—after a previous and severe warning" (our own translation).

[203] UB, ms. *Varia de Ordine* (8.2.45) [Penyafort (1945, "Diplomatario") VII].

[204] "Likewise, we decree an inquestionable decree [*stating*] that no Jew shall hold public offices, that is, offices related to judge and to punish men, or to execute sentences" (our own translation). AMB, *Libro I Viridi*, f. 79 [Huici and Cabanes (1976, I) 112].

specially targeted the Jewish *batlles* and *veguers*. The reform was soon confirmed and extended to the rest of the kingdoms. In the *General Privilege* own words:

> *Item, demandamos ricos omnes e todos los otros sobredichos que en los regnos de Aragón e de Valençia ni en Ribagorça ni en Teruel que non aya y bayle que iudío sea*[205]. (*Privilegio General* [= Sarasa 1984: 87]).

In Catalonia, this particular disposition was not expressly confirmed in the *Cort* of 1283. However, the measure was also adopted in this territory since Catalan Jewish officials were also fired from their posts. In 1284, a similar rule was included in the *Recognoverunt Proceres* of Barcelona:

> *Encara atorgam lo capitol que nengu jueu no puscha usar de jurediccio, ne de destret sobre cristians*[206]. (*RC*, 99).

The concatenation of prohibitions agreed between 1283 and 1284 had a more effective implementation. This time, the rules were not the result of the timid demands from external powers whose aims were incompatible with the socio-economic context, but an exigency from the most powerful elements of Catalan-Aragonese society. Considering the difficult situation faced by the monarchy—excommunicated, officially overthrown, with an ongoing invasion and on the brink of a general rebellion—, the only possible chance to overcome the political turmoil involved securing social cohesion and loyalty. The king could not afford the consequences of a miscalculated political ruse.

From then on monarchs did not appoint more Jews as *batlles* and *veguers*, or for any other administrative office. The implementation of those rules was merely nominal in many regards (Romano 1983: 177-178; Assis 2008: 15-16). Catalan-Aragonese kings relied on Jewish administrators and professionals until the expulsion in 1492, but they were not officially appointed or considered. They kept their attributions in the shadows, usually masked as personal advisors of the king out of the administrative hierarchy or even as honorary members of the royal family, as in the case of Jahuda Alatzar[207]. Nevertheless, the consolidation of Christian educated urban elites progressively reduced the dependence on Jewish public servants, especially after the reign of Alphonse II (Baer 1965: 31).

---

[205] "Liwesie, we the *ricos hombres* [*rich men*] and all the signers that no Jew will be appointed for the office of *bayle* [=*batlle*] in the Kingdoms of Aragon and Valencia, as well as in the [*county*] of Ribagorça and Teruel" (our own translation).

[206] "We also concede a chapter stating that any Jew will have jurisdiction or power over Christians" (our own translation).

[207] Alatzar's status is mentioned in the plege of claims against him that the *aljama* of Valencia submitted to the queen. ACA, reg. 1571, f. 102v-205v [Baer (1929), 302]. See also, Riera (1993),

As advanced above, the norms excluding the Jews from public offices did not explicitly ban their participation in the *Corts*, but they did provide some clues as to the nature of the veto. This legislative concatenation demonstrates a general reluctance to accept the authority of Jews over Christians. It was not a product of the Late Middle Ages legal reformulation, but an inheritance from earliest periods, as the dispositions of the *Code of Justinian* and the *Liber Iudicorum* proves. The same patterns guided the stances of Cannon Law, which irradiated throughout the whole Christendom. Beyond the institutional and legal legitimation of those rules, their values were widely—or unanimously—shared by the population, who eventually forced their implementation.

Inductions based on analogies and syllogisms from positive rules never led to reliable conclusions. Any ignored document or neglected historical accident can break the logical scheme. Thus, for example, if one only considers the legal framework exposed above, it could be concluded that Jews were never appointed for public positions. However, the management of a complex administration needed from the expertise of the Jewish subjects. A legal system is a construction that aims to mold reality according to its rules, but it is not the reality itself. For that reason, analogical examples should be approached carefully.

The former exposition could be synthesized with the following statement: "general reluctance to accept Jewish authority led to legally prevent Jews from taking seats in royal administration". The concordance of this premise with the object of our inquiry is approximately of fifty per cent. Admittedly, the reluctance to acknowledge the authority of Jewish officials or to entrust public management to them is unquestionable. In fact, this is the ultimate reason of the prohibition to attend the *Corts*. However, the *Corts* were not an *administration*. They were not a bureaucratic/technocratic infrastructure responsible for executing the decisions of the political leader. It was a political institution that enabled social cohesion and consensus, thereby secured the continuity of the Crown as a political entity. Almost four hundred years later, in the seventeenth century, Lluís de Peguera summarized its raison d'être as follows:

> (…) *en dites Corts se fassen, y stablescan leys, ab les quals la Republica dels Catalans sia mantinguda, guardada, y ven governada, tant en lo que ha respecte a la adminstratio de la justicia, quant en tot lo demes que importa per al repos y quietut publica. Perque tant quan resplandeix la authoritat de les leys en la Republica, tant mes aquella sol florir, y prosperar; y por lo contrari faltanthi dita authoritat, no pot dexar de esser lo govern de ella tiranich, y prejudicial als amadors de la justitia y raho*[208]. (Peguera 1974 [1632]: 6)

[208] "In these *Corts*, laws are made and stablished for the sake of maintaining, protecting and ensuring the good government of the Republic of the Catalans regarding the administration of justice and other important issues for keeping pace and public order. When the authority of the Law shines, our Republic flourishes and prospers; but when this authority is absent, government can just become tyrannical and harmful for those who love justice and reason" (our own translation).

The nature of the *Corts* was inseparable to the most elemental nature and foundations of the medieval state. The legitimation of power and authority was always theological. The formulation of the Christian political construction changed in line with the changes on the paradigms of power from the primeval and idealized idea of a single emperor for the whole Christendom to the *exemptio imperi* (Tomás y Valiente 1988: 197-198; Sánchez-Arcilla 2004: 243-244) and late medieval monarchies, but the exegetic bases remained the same. As Ernst Cassirer noted: *"*the articles of faith, the dogmatic creeds, the theological systems are engaged in an interminable struggle. (…) Yet all this does not affect the specific form of religious feelings and the inner unity of religious thought*."* (Cassirer 1944: 98). The earthly kingdoms were a material manifestation of the Kingdom of Heaven, and the sovereign was responsible for its religious purity and terrestrial welfare. The initial statement in Catalan legal compilations referred to those seeds: "*En nom de la Sancta, e individual Trinitat, la qual lo món en son puny continent, als imperats impera, y mana, e als senyorejants senyoreja*"[209].

This notion of the earthly governor had accompanied Christianity since the earliest patristic times. It was in the very foundations of Augustine's political theology[210], and incorporated to the political theology of the Thomist scholastics[211]. Its traces are recognizable in the thought of Late Medieval philosophers, like Francesc Eiximenis in the Catalan area[212] and Dante Alighieri in Italy[213]. Altogether, the Christian earthly king

[209] *Constitutions y altres drets de Cathalunya* (1973: 7). "In the name of the Holy and individual Trinity, which holds the world on its hand, and rules and commands over the ruled, and lords over the lords" (our own trnslation). A similar formula was already used in the twelfth-century assemblies of Peace and Truce: "*per me reges regnant et potentes scribunt iusticiam*" (Pau i Treva of Perpignan 1173, Fondarella 1173, Girona-Vilafranca del Penedès 1188 and Barcelona 1200) ["Because of me the kings rule and the legislators write laws" (our own translation)].

[210] Agustine of Hippo (1890) addresses the distinctions and symbiotic correlations between the two kingdoms in *De civitate Dei contra paganos*, from Book XI and on.

[211] Thus, for example, Thomas Aquinas approached political theology in many of his works. In his treatise on monarchy, *De regimine principum ad Regem Cypry*—commonly known as *De regno*—, Aquinas (1881) retakes the eschatological foundations of kingships from an Aristotelian viewpoint very influenced by *Ius Commune*.

[212] Eiximenis (2009: 70) wrote: "*Per què deus saber que, segons que posa monsènyer sant Agustí, la ciutat material bé ordenada en lo món, imatge és e figura de la celestial ciutat, e aquella representa a nós en esta present vida, a manera d'un bell mirall representant la imatge d'aquell qui s'hi mira."* ["Because you might know that—according to Saint Augustine—the well-ordered earthly city is an image and figure of the city of Heaven in the world; it represents us in our current life, just like a fine mirror reflects the image of the man who looks at it" (our won translation)]. See also Peláez (1981 and 1986).

[213] For example, in his treatise *De Monarchia*, Dante Alighieri (1997: 556) justified the necessity to unite into a single imperial government arguing that "*Sed genus humanum maxime est unumm quando totum unitur in uno: quod esse non potest nisi quando uni principi totaliter subiacet, ut se patet. Ergo humanum genus uni principi subiacens maxime Deo assimilator, et per consequens maxime est secundum divinam intentionem: quod est bene et optime se habere* (…)" ["Mankind becomes one when it completely unified into a single organism: and this can only be achieved if men are subject to a single prince—which is self-evident. Therefore, mankind resembles God when is subject to a single prince, which, in consequence, is in accordance with God's wishes (….)" (our own translation)].

and the spiritual governor—the Pope—, along with the community of believers, constitute an indivisible *corpus mysticum.*

The ultimate roots of the Christian political system—regardless of the differences between orders and doctrines—were eschatological, as Karl Löwith, Ernst Kantorowitz, Jacob Taubes or Kathleen Davis observed (Löwith 1949; Kantorowitz 2016; Taubes 2009; Davis, K. 2008). The terrestrial government played its part in the war between good and evil. For medieval mentality, the fear to Judgement, the claim for salvation and the presence of embodied and disembodied evil forces were configurative elements in any doctrine. Earthly life was a purgatory where mankind struggled for redemption (Berman 1983: 169). The fight against evil forces on God's behalf was not a passive or intimate duty for the believer, but a universal and active *logos* for the political construction of the *corpus mysticum*. Heretics and infidels were by definition evil forces and threats to faith.

The government accomplished a mystical role, and its primal legitimation lied on exegesis[214]. The *Corts* were an indispensable instrument in the king's hand to rule with wisdom and benevolence. The power of the monarchy directly depended on the pact, on the agreements reached with the members of the assembly (Shneidman 1970, I: 218-220; Laredo 1970; Black 1992: 163-166; Ferro 2015: 221). Therefore, the *Corts* were the institution where the Catalan political—and religious by extension—community was represented (Ripoll 2018: 11-13; Montagut and Ripoll 2019-2020). The nature of the theological foundations of government and kingship could not admit the participation of the enemies of faith in its management. The raison d'être of the Catholic kingdom precluded the involvement of Jews in its ruling institutions. Jews could not belong to the *corpus mysticum* and to the political community (Cohen, J. 1983: 19-32 and 1999; Chazan 2006: 43ff).

The games of power and inner dynamics within the *braç reial* are the third obstacle we should consider, and perhaps it was the most directly decisive. Though it is unlikely that its representatives used to reflect about the ties between institutional legitimation and eschatology, probably they had somehow interiorized this vision about politics and the nature of the state as an ineffable axiom. However, the reasons that will be addressed below are more mundane. They are related to the socio-economic configuration of this *braç* and to the increasing political importance of the incipient urban bourgeoisie.

It is easy to think—especially if one aims to glorify the past (Baydal 2016)—that the *Corts* were representative assemblies, similar to modern parliaments. It is a misconception. Participants did not act as individuals, but as representatives of their estates. Their stances, proposals and votes were collegial. The estates defended their

[214] Political concepts could be expressed with images too. Several ictorical representations of the period captured the idea of *corpus mysticum* and Christian statecraft. The Catalan tableu *Mare de Déu dels Consellers* [*Virgin of the Councillors*], by Lluís Dalmau (d. ca. 1460), provides a clear visual exemple. The five municipal councilors of Barcelona are represented knealling in a council headed by Virgin Mary, who sits in the center of the image. The councilors are surrounded by St. Andrew and St. Eulalia. Through two windows behind the throne of the Virgin, there is the city of Barcelona and the people. See Casanovas (2019: 25-28).

interests as stratum; the individual targets were absorbed by collective concerns and relegated to preparative internal debates (Barrio 2009; Ferro 2015: 257). This definition is still inaccurate, because the strata were not uniform. The estates had their own hierarchies. To some extent, it is possible to approach the estates as an array of social groups similar to classes since they were organized according to wealth and public consideration. Unlike the estates, which were conceived as a natural and almost inalterable hierarchies, it was possible to ascend or descend along the pecking order of those social classes.

The *braços* did not represent the entire strata, but the interest of those that were in the top of their respective hierarchies. Thus, for example, simple country priests did not attend the *Corts* as part of the ecclesiastic *braç*. The representatives of the clergy were the most powerful and influential bishops of the country, those who belonged to the top of the canonical hierarchy. The lists of attendees to the *Corts* attest this. Likewise, the humblest peasants were not represented. The interests and participation of the *braç reial* were monopolized by the incipient bourgeois oligarchies that had emerged in Catalan and Valencian towns (Font 1977: 31; Fernández 2002: 844-845; Montagut 2008: 41).

Throughout the thirteenth and fourteenth centuries, the Crown of Aragon became a Mediterranean power. Aside from the military expansion in the area (Mallorca in 1229—definitely annexed in 1344—, Valencia in 1237, Sicily in 1282, Sardinia in 1326, the Attica and part of Thessaly in 1380—under Catalan influence since 1308—, as well as other small inshore enclaves), some Catalan and Valencian cities experienced an unprecedented economic growth thanks to trade. Despite the economies of the Catalan and Valencian biggest cities largely relying on sea commerce and the credit operations that went with that, the contribution of earthly trade with France and other Iberian territories should not be underestimated. These cities also harboured all sorts of artisans, landholders, bankers and financial traders. As a result, a bourgeois class consolidated since the mid-thirteenth century (Bensch 1995: 277-282). The enriched citizens replaced the former military nobility, whose influence narrowed to their inland rural fiefs (Genicot 1966: 701; Fernández 2002: 844; Morsel 2008: 279).

The emergence of this new class had important consequences for the anthropological and hierarchical nature of man in mediaeval mentality. The insurmountable verticality and rigidness of feudal hierarchy, its inexorable up-to-bottom notion of power, became blurred, at least in urban areas. The immovable burdens between the strata remained unaltered, but their power and influence equated in many regards. The objectification of Law boosted by *ius commune* in contrast to the subjectivism of feudal legal systems largely contributed to this (Montagut 1999: 657 and 2008; Barrio 2009). The wealth and increasing political influence of the bourgeois led to a relativization of the impacts of the privileges and prerogatives of the clergy and the nobility. The correlation of the strata became horizontal to some extent. Perhaps the *Corts* were the most representative demonstration of this trend.

The tripartite division of feudal society maintained the eschatological echoes we referred above (Duby 1982; Davis, K. 2008; Le Goff 2008: 234-240). The preference

for number three and its mystical connotations is not only reflected in the numeric concordance of the strata with the three divine hypostases. This social distribution was an ontological order, a distinction of vital roles assigned by birth[215]. Belonging to one stratum or another subjugated the individual to particular mentalities, goals, duties and life conditions. The very meaning of subsistence was linked to the feudal perception of society: it was not a matter a production means, but a hierarchical distribution of richness. The ideas of gain and subsistence depended on the strata. Thus, nutrition was the only legitimate goal for the peasant vassal. However, a count or king was supposed to be able to exteriorize his position and to live according to it—that was subsistence for them (Le Goff 2008: 197-201). The individual was not expected to be more than a product of her stratum.

The urban socio-economic context broke the tripartite ideal. At least, it was disfigured. The wealthy trader had become individualistic and pursued the economic benefit. Within the domain of the city, he was a first order political actor who had overtaken the power of the natural lords, those who were appointed by God to rule over the crowd. He was a freeman not tied by a vassalage pact (Font 1977: 22-23). He only owed loyalty to his king and delegates, as well as to the clergy as spiritual regents. Freedom and individuality characterized the urban bourgeois in front of the peasants of rural fiefs, who still were subjugated to the old order. The emergence of an urban bourgeoisie and the end of feudalism revived the idea of individualism (Fromm 2001: 33-54).

As pointed out before, the strata were not unitary; they had their inner hierarchies and dynamics. In the case of society, its particular context allowed further and specific subdivisions. The resulting social classes were called *mans (hands)*. The anatomic naming directly connects urban hierarchy with the *braços* (*arms*) of the *Corts*, as if the *mans* were a scaled representation of the kingdom as a macrocosm or matrix. It also can be ultimately linked to the anthropomorphic Christian ideal of a *corpus mysticum.* Once again, the division in three *mans* recalls the tripartite ideal: *mà maior*—or *maiores*—, *mà mediocre*—or *mediocres*—and the *mà menor*—or *minores.* Their members were assigned according to their wealth, social consideration and, specially, their taxable capacity (Fernández 2002: 843). The *maiores* and the richest *mediocres* constituted the real urban aristocracy, the elite of *prohoms*—a term usually (inaccurately) equated to *patricians.*

The progressive economic emergence of the high bourgeoisie crystallized in an urban oligarchy of traders, creditors and rentiers. The necessity to protect their economic and

[215] The symbology of number *three* encompassed almost all aspects of life. It was considered to be linked to the highests states of spiritual purity, like that of the Holy Trinity. Its use was a sort of step forward to the *imitation dei.* Art—in all its forms—is perhaps the clearest showcase. In music, especially in Gregorian plainsongs, there was an evident preferences for convinations of three voices or three sections, as well as for compositions of nine stanzas—three times three was believed to be the organization of the singing angels (Planchart 2013: 233; Saucier 2017). Also altarpieces were often divided according to tripartite structures with Christ at its center (Van der Ploeg 2002; Williamson 2004). Number *three* could also be geometrically decomposed and abstracted—usually via $\sqrt{3}$ proportion—to generate depth perspective and distribute the space in pictorical works (Lawlor 2002: 32-33; Andersen 2007: 401ff).

political interests led the aristocrats to progressively take municipal institutions—*universitats*—under its control. First they became assistants and advisors of royal officials and, after successive legal reforms, the true rulers of the city (Font 1977: 41-67). The case of Barcelona is paradigmatic: since 1249, the city was governed by a council of a hundred *prohoms—Consell de Cent—*, chosen among the wealthiest local families. Similar systems were stablished in the city of Valencia (a synthesis can be found in Baydal 2017) and Tàrrega[216]. By the end of the thirteenth century, the most influential families had monopolized de facto all the municipal institutions. In turn, this monopolization entailed the absolute control to appoint the representatives of the *braç reial* in the *Corts* sessions (Bensch 1995: 312-325; Fernández 2002: 844-845).

The economic and political dominance of the urban oligarchy was corporatist and exclusive. As has been recurrent in many oligarchical systems, the largest part of the *mediocres*, as well as the *minores* or other prospective counterweights, were systematically excluded from institutional power on the ground of the higher education and trainee of the *maiores* (Fernández 2002: 854). Obviously, the oligarchs did not feel themselves united by an almost religious sense of class belonging or solidarity. Aristocratic families had their own ambitions and aimed to reach supremacy. Not unfrequently, those confrontations resulted in selective murders or feuds. Stephen Bensch, in his work *Barcelona and its Rulers, 1096-1291*, observed that many families used to take advantage of the people's anger towards city rulers in order to induce riots against their enemies (Bensch 1995: 335-345; also addressed in Riera Melis 2015 and Font 1977).

However, no family could ever achieve an absolute control over the entire social, economic and administrative complex cogs of Catalan and Valencian largest cities. If supremacy was not viable, the only possible chance to keep their prosperity and prerogatives was to share hegemony. Ironically, the configuration of urban power recalls the earliest periods of Catalan feudal pact-based system: the construction of an oligarchy relaying on agreements and shared authority enabled the survival of those fragmented structures of power.

In this contextual framework, there was no place for Jews. They were alien to the systems of *mans*—Jewish communities had their own *mans* (Riera 1990)—, which constituted an initial and already unsurmountable obstacle. The status of *prohom* was not just a matter of incomes and patrimony, but of social consideration (Bensch 1995: 174; Montagut 2008: 41). *Prohoms* were supposed to be reputed as honorable and pious *patres familiae.* Jews lacked social consideration and respect. In addition, unlike the Christian bourgeoisie in royal cities, Jews were not free citizens. In every aspect, Jews were a strange body for the hermetic local oligarchies, as well as a prospective counterweight. In order to attend the *Corts*, it was necessary to be accepted as a member of local aristocracy; and this previous step was restricted to Catalan-Aragonese Jewry.

[216] ACUR, LPT III, 54r-55r [Gonzalvo (1997), 126]. The supremacy of the *prohoms* was already documented in 1327: ACUR, LPT II, 56r-v [Gonzalvo (1997), 37]. See also Segarra (1984, I: 149-159).

6. d. The drafters' objectives and potential benefits

The attributions of the *Corts* to legislate on Jewish population and communities had often led historians to misinterpretations. Indeed, the facts and concepts in this regard appear contradictory. On one hand, it is well-known that Jews were a *regalia*. Only the monarch was theoretically empowered to legislate on his Jewish subjects. On the other hand, records evince that rules concerning Jews were enacted in almost each single assembly held since the time of the *Peace and Truce.* Those two elements were a material contradiction to some extent, because the *braços* were responsible for a significant proportion of those measures. However, this apparent incongruence was, in fact, a matter of legal subtlety.

It has been addressed above how the *Corts* progressively achieved their legislative attributions. Until the last decades of the thirteenth century, the *Corts*—as well as *Peace and Truce* assemblies—were a consultative institution without a formal power to intervene in the law-making process beyond exerting political pressure. Since 1283, the king could not establish new general scope norms without the previous agreement of the *Cort.* In 1342, the *braços* obtained the right to submit legislative proposals. None of those reforms transferred part of the royal exclusiveness over his Jewish subjects to the *Corts.* Nonetheless the *braços* repeatedly took advantage of their influence and strength to push the king to legislate. Concerning Jewish affairs, their role in the *Corts* was that of a lobby.

During the reigns Peter I and James I, the *Peace and Truce* agreements used to extend protection to Jews and Saracens (*Pau i Treva* of Barcelona 1198/III, Vilafranca del Penedès 1218/VII, Tortosa 1225/XI, Barcelona 1228/VIII, for example). This trend should be interpreted as a mean to protect royal patrimony. Due to their financial and fiscal importance, the Jews were considered *the treasure chest of the king*[217]. Any harm occurred to the *aljamas* entailed a direct economic prejudice for royal treasury. Thus, those kings were just defending one of their main sources of incomes. Furthermore, those assemblies were not legislative institutions, but meetings of counts and bishops to prevent violence.

In the institutional transition period between 1228 and 1283 the legal production affecting Jewish affairs considerably increased. The increment was both qualitative and quantitative. The new rules enacted within the *Corts* framework included regulations to fight usury, to prevent the Jews from accessing public charges or to implement Papal

[217] Assis (2008: 9) offers a survey on the term used in documents to connect Jews with royal finances.

restrictions on clothing[218]. Those rules apparently contradictory to royal exclusiveness had been considered by Yom Tov Assis as *"*special legislation*"* (Assis 2008: 173).

This assertion is confusing and inaccurate. It falls short of placing those rules within the proper historical development of the *Corts* and its range of competences. The legislation enacted before 1283 cannot be accredited to the *braços* because the assembly still was a mere consultative institution. Likewise, before 1342 the role of the *braços* was passive; they only could accept or refuse legislative proposals, but they did not have the formal right to submit them. Notwithstanding the increasing power of the *Corts*, the *aljamas* and their inhabitants remained in the king's hands. The monarch was the unquestionable legislator, but the *Corts*—and the social elites they represented—could influence royal policies. The prohibition to employ Jewish officials agreed in the *Cort* of 1283 is perhaps one of the most eloquent examples of the capacity of the *braços* to pressure the monarch.

In addition, the ecclesiastical origin of many of those rules should not be neglected. Royal legislation in this regard was a sort of transposition of the decrees sanctioned by the highest spiritual authority. The superior religious legitimation of those decrees ensured—not always[219]—the support of the clergy, who owed obedience to the Pope. The nobility and the bourgeoisies could also feel tied by their religious loyalty, especially when it beneficiated their particular and mundane interests. For the king, those ecclesiastical rules entailed a double front of political struggle: one exerted by the papal compulsory power, and the other was internal, embodied in the lobby of the *braços.*

It is clear that the drafters aimed to get involved in this mechanism of pressure. Catalan-Aragonese Jewry was a numerous, institutionalized and wealthy collective. Nonetheless, they lacked social respect and instruments as to really influence royal decisions. Their capacity to lobby was inferior to that of the *braços*. The *Corts* could have provided a common discussion forum, which would have contributed to set a balance of forces. Despite the fact that Jewish delegates would have hardly been able to impose their interests, they would have had the chance to mitigate the strength of their rivals. In other words, attending the *Corts* would have increased their political influence, but it would not have had any substantial legislative impact.

However, it seems unlikely that the final goal of the drafters would have been to participate in legislative processes. Other attributions of the *Corts* beyond legal production would have yielded more direct, tangible and immediate benefits for Jewish communities.

The first one is related to taxation. Since 1283, new taxes and other special contributions had to be approved by the *Corts*, just like legal projects. Thus, if the

[218] In relation to legislation against usury, see chapter 5. As for dressing limitations, the main Papal measures were enacted in the Council Lateranense IV (1215/LXVIII [= Garcia and Melloni 2013]).

[219] A clear example quoted above is the clergy's negative to inforce the excommunication on Peter II. ACA, Reg. 46, f. 194 [González Antón (1975, II), 6].

monarch required extraordinary funds, he had to convene the *Corts* and negotiate with the *braços* the establishment of a tribute or the granting of a loan. From the time of James I, war became the main cause of royal overspending, as well as the main reason to meet the representatives of the strata. The reign of Peter III concatenated an endless chain of conflicts, both internal and external[220], which led to frequent meetings with the *braços* seeking economic support. Tomàs de Montagut considered it *"*the golden age of Catalan taxation*"* (Montagut 1996: 50).

The frantic activity of the *Corts* throughout this period contributed to their institutional evolution and configuration (Martín 1989 and 1991; Udina 1991; Sánchez 2009; Tostes 2018). For example, the *Parlaments*—especially those held with the *braç reial*—became increasingly important, which eased the approval of tributes and donations *(donatius).*

All the subsequent impositions were the result of a previous debate, of the agreements between two parties with political resources to defend their interests as much as possible. The *Corts* contributed to protect royal subjects from an arbitrary and abusive tax policy—indeed, the king lacked real power to impose arbitrary levies. The Jews were not safeguarded by those mechanisms. Once again, their condition of aliens to the political community plunged them into a state of defenselessness. The king could virtually impose any tribute or contribution to the *aljamas* without prior negotiation formalities.

In the same period, aside from the taxes addressed to defray military campaigns[221] and the ordinary tributes, Peter III taxed the Jews for many other purposes, for instance, to cover a debt with the Pope[222] and to finance his wedding[223]. These are just a couple of examples, but this kind of taxations were a usual practice. The attitude of the king indeed was paradoxical, a difficult juggling act: to ensure the solvency of Christian contributors, the king used to concede moratoriums on their debts to Jews; however, if the lenders did not get the loans back, they were unable to pay their taxes. The monarch attempted to strike a delicate balance by prioritizing some Jewish tributes over other[224]. This was not a long-term sustainable solution. Tax liabilities kept accruing, which notoriously impoverished the *aljamas.* The king was often pushed to cancel the debts or to offer alternative financial solutions[225]. For those reasons, the right to participate in the *Corts* would have improved the economic stability of the *aljamas*, which probably was a priority target for the drafters.

---

[220] During his reign, Peter III had to quell a new revolt of the *Union* (1348) and another in Arborea, Sardinia (1364-1386). He fought against the Marinid Sultanate (1340-1349), Mallorca (1343-1349), Genova (1350-1355) and Castile (1356-1375).

[221] ACA, CR, Pedro III, c. 12, n 1561 [Assis (1993-1995, II), 935], c. 12, n 1563 [Assis (1993-1995, II), 936].

[222] ACA, CR, Pedro III, c. 12, n 1597 [Assis (1993-1995, II), 966].

[223] ACA, CR, Pedro III, c. 23, n 3159 [Assis (1993-1995, II), 1074].

[224] ACA, CR, Pedro III, c. 19, n 2581 [Assis (1993-1995, II), 1030].

[225] For example, the king could condone the debts or reduce the amount of tax obligations. See ACA, CR, Pedro III, c. 17, n 2327 [Assis (1993-1995, II), 1024], c. 23, 3196 [Assis (1993-1995, II), 1071] or Martín I, c. 1, n 29 [Assis (1993-1995, II), 1249].

The second direct benefit relied on the right to submit *"greuges"*. Jewish communities lacked legal tools to report the abuses committed by royal officials—especially by tax collectors. In fact, some of the proposals of the *Agreements* aimed to achieve some legal measures and royal commitments to stop this situation[226]. Jewish communities could only resort to ordinary trials—which were managed by royal officials—or to plead the king, whose interventions were not neither systematic nor subject to a regulated proceeding. The redress of *"greuges"* would have provided them with a greater and more effective legal protection against those outrages.

This hypothetical intention to act as a counterweight in the *Corts* leads to a fundamental question: did the drafters intend to integrate the Jewish representatives in the *braç reial* or did they aim to create a fourth *braç?* Indeed, the consequences would have been notoriously different from one scenario to the other, especially considering that votes were not individual. All the decisions or positions of the *braços* were collegial.

The drafters did not provide many details in this regard. The text states that they commit to send envoys from all the communities. The term community ("*kehillot*") is already ambiguous. The most likely is that they were referring to the communities as perceived by royal administration, as *aljamas*—including their *collectas*. If this were the case, and assuming that their plan was to participate with a number of delegates similar to that of the cities and villages of the *braç reial*, they would have been enough people as to establish their own *braç*. However, the alternative proposed in the *Agreements* suggests that the drafters expected to participate on a lesser scale, perhaps through the same delegates appointed to control the implementation of the *haskamot* could also attend the meetings. The *Agreements* propose the election of six delegates as representatives of all the *aljamas* of the Crown (two from Catalunya, two from Aragon, one from Valencia and one from Mallorca)[227]. In 1350, in Catalonia alone, the *braç reial* was composed by nearly fifty members[228].

The creation of a fourth *braç* would have broken the tripartite medieval ideal of perfection. Since the terrestrial government was a reflection of the Kingdom of Heaven, its symbolism and organization—as discussed above—was inseparable from its eschatological resonances. In 1350, it can appear as a minor issue, an old tradition undermined by the political and economic ambitions of new times. Nevertheless, the religious foundations and legitimation of government institutions were still axiomatic. A fourth *braç*, a Jewish *braç*, would have been blasphemous. The institution would have become imperfect and the infidel enemy would have been permitted to profane it.

The incorporation of the Jewish delegates in the *braç reial* would have also entailed many challenges and difficulties. It would have probably arisen tensions among the members of the *braç reial*. At best, the monarch would have been compelled to negotiate the acceptance of the Jewish delegates. Considering the importance of the *donatius* and other pact-based special tributes in funding the numerous military

[226] In Baer (1929), 253 ¶13 and ¶17.
[227] In Baer (1929), 253 ¶28.
[228] According to the Cort of *Perpignan* in 1350-1351.

campaigns of Peter III, the discontent of the bourgeoisies could have had a great negative impact on royal treasury.

There is a third problem that the drafters did not address: the legal status of the participants. All the attendees, no matter the stratum, were freemen. It was part of the essence of the assembly: a group of freemen only subordinated to the governor taking part in the government. However, the Jews belonged to the royal estate. In order to allow their participation, their general collective regime and social position would have needed to be checked. Perhaps it was the final objective of the drafters.

Obviously, King Peter III disregarded this proposal. There is no document suggesting that he took it seriously even for a second; he probably considered the request absurd and even derisory. The open participation of Jews in the decision-making process would have contravened the most essential and primal theological bases of Christian statecraft. It would have been something blasphemous and aberrant. For the medieval mentality, a positive rule preventing the Jewish participation in the *Corts* was as unnecessary as the one banning the assistance of women or ducks. The alternative was unthinkable. Even if the king had decided to overcome those deeply entrenched social and religious obstacles, the presence of Jews in the assembly would have been a continuous focus of political struggle.

In addition, the *aljamas* were a direct source of income for the royal treasury. The monarch could impose on them new taxes without previous debates or formalities. The right to participate in the *Cort* would have provided the *aljamas* with mechanisms to oppose king's commands. The monarch would have lost his advantageous prerogatives. In a moment of high financial needs and frantic activity of the *Corts*, it is hard to believe that the king would have been willing to accept or even to negotiate a proposal of that sort.

Conclusions:

a) The drafters aimed to obtain the right to participate in the *Corts*, which were political assemblies composed by representatives of the three estates of the Crown—clergy, nobility and royal villages and towns—with whom the king had to negotiate his policies and legislation. The institution also ensured a number of mechanisms to prevent royal abuses.

b) No rule expressly prohibited Jewish participation in the *Corts*. The general reluctance to accept the authority of Jewish officials, the eschatological foundations of Christian governments, and the monopolization of institutional seats by urban bourgeoisie made it unnecessary.

c) The legislative attributions of the *Corts* were not the main target of the drafters. Mechanisms to prevent royal abuses and the possibility to discuss potential tax charges were more attractive for the Jewish communities.

d) Despite not specifying how many representatives they were planning to appoint, the drafters would have probably joined the *braç reial*.

e) The proposal had no consequences. Given the Christian understanding of good governance, it was absurd. In addition, their participation would have been against royal interests and would have been a focus of political and social contention.

Chapter 7: ¶10 The drafters demand further legal protection against anti-Jewish riots

אוד שישתדלו כשיקהלו השרים והסגנים והעמים במצות אדננו המלך יר״ה לעשות קורטש שיעשו קונשטיטוסיאון שכל מי שיהרוג נפס אחד מישראל וכל הקורה אחריהם מלה בדרך אואלוט שלה יהיה רשות לשרים ולסגנים לתת לו מקום בארצם ולשכנו בתוכם אבל יחויבו לגרשו מן הארץ כלה גרש תכף יודע להם מעל האיש ההוא.

> *Likewise, when the nobles, the clergy and the populace meet to hold a Cort by order of our revered lord the king, they* [the delegates] *will attempt to get a constitution* [konstitusion] *preventing anyone who had killed a son of Israel or had prompted a riot* [avalot] *from taking refuge and residing in baronial or ecclesiastical lands; he had to be expelled from those territories as soon as discovered.*

7. a. Anti-Jewish violence in Catalonia prior to 1348

In this proposal, the drafters aimed to improve the judicial response against those who took part in anti-Jewish riots. As stated in the text, they were especially concerned about the impunity of those assailants who fled from royal domains. The king was not the final addressee of the petition, but the estates. The task requested to the king is to perform the role of an intermediary before the *Corts* in order to get a *constitution*—legal agreement of the estates with the king—committing the barons and the clergy to deny safe haven to the culprits. Although it is not expressly mentioned, the drafters were probably thinking of the recent wave of assaults occurred in the summer of 1348, when they were systematically blamed by the crowd for causing the Black Death. It was the first large-scale succession of anti-Jewish riots in the Crown of Aragon.

As usual in the text of the *Agreements*, legal terminology appears in Catalan *aljamiado* (“קורטש”, *“Corts”;* and “קונשטיטוסיאון”, *“*constitution*”*). Apparently, the transcription of the word *constitution* as *qonstitusion* is closer to the Aragonese form than to the Catalan *constitucio*. Nevertheless, the three drafters were born and lived in the Catalan speaking territories of the Crown, in which the use of Aragonese was marginal, especially in the legal and political fields. The similarity with the Aragonese word is coincidental. They were actually using the Latin word *“constitutio”*. This deformation of the original form into *“constitucion”* was common in the documents of the period composed in Latin (see, for example, the records of the *Cort* of Perpignan in 1350-1351). The third

aljamiado that appears in the text is the Catalan word *"avalot"*, which can be literally translated as *"*riot*"*.

The evolution of anti-Jewish violence as a mass phenomenon in the Iberian Peninsula did not share the patterns and chronologies of the rest of Western Christendom[229]. Physical and social violence against Jews was inherent to European medieval societies, including the Christian kingdoms of Iberia. However, popular ravages did not reach the magnitude of those occurred in other European territories until the mid-fourteenth century. Iberian Christian societies hated and marginalized the Jews, and physical aggressions, murders and occasional assaults of *calls* and *juderías* were not uncommon, but events like the massacres in the Rhineland during the First Crusade were unknown in the Peninsula. Coexistence was uneasy but generally peaceful. Iberian kings were committed to keeping this peace.

This coexistence has been widely overstated by traditional Spanish historiography. Américo Castro, for instance, suggested that the harmonious coexistence of Christians, Muslims and Jews contributed to develop a matrix for Spanish identity (Castro 1983). Professor del Valle was much more enthusiastic when arguing that Iberian Jewry was the original breeding ground and architect of Spanish national unity (2011: 210). Although these theories have been widely discredited, they rightly outline that there were real and stark differences between the Iberian kingdoms and the rest of Western European territories.

In the Peninsula, hatred and violence increased progressively through particular tempos. This makes the Aragonese and Castilian cases more intriguing and puzzling. From the second half of the twentieth century onwards, many authors have approached this evolution trying to unravel the causes and reasons of the changes on popular attitudes towards Jews, although they have not reached unitary conclusions (Cohen, J. 1983 and 1999; Chazan 1989, 1992a and 2006; Roth 2002; Sapir Abulafia 2002; Vose 2009; Fidora 2012; Tartakoff 2012; Fidora and Hasselhof 2019, etc.). According to the general stance, the scholastic missionizing zeal built on Aristotelian foundations would have overcome the Augustinian theses of tolerance towards Judaism and led to a more excluding perception of Christian society. Street preachers simplified and spread the new intellectual and encouraged people to attack the Jewish quartiers.

Catalan clergy largely participated in this phenomenon (Macías, Casanovas and Zeleznikow 2019-2020). Ramon of Penyafort (d. 1275)—the influential Dominican friar author of the Decretals of Gregory IX—is supposed to have been the architect of the missionizing movement and who pulled the strings of his compatriot Ramon Martí (d. 1285)—author of the *Pugio Fidei adversus Mauros et Iudeos* (Martini 1651)—and of Thomas Aquinas (d. 1274)—especially of his *Summa contra Gentiles* (Aquino 1952-

[229] The first wave of assaults in France and Central Europe took place in 1096, when the armies of the First Crusade were on their way to Jerusalem. The lootings of the crusaders were especially violent in the Rhineland. See chapter 15.

1953). Out of the influence of the Dominican Order, Ramon Llull developed his own approach to apologetics.

Notwithstanding the undeniable importance of religious propaganda, many other factors might have boosted violence. Joseph Pérez considered that the context of demographic and economic crisis, as well as the weakness of central authorities, propitiated violent reactions against Jews (Pérez 1993: 43). In fact, the last decades of the thirteenth and the whole fourteenth centuries were a period of social unrest and frequent revolts, both in urban areas and in the rural baronial domains. In the mid-fourteenth century, the stagnation of economy and demography experienced since 1333—*lo mal any primer*—caused a famine, whose fatal consequences increased with the Black Death. Furthermore, when the disease reached the Crown in May 1348, the Catalan-Aragonese territories were immersed in a civil war between monarchy and nobility.

On the other hand, Catalan-Aragonese Jews had progressively been excluded from the socio-economic ecosystem. They had always been hated, but they were tolerated for practical purposes. Jews were necessary to cover the administrative demands of an empire in continuous expansion. They performed a role inaccessible to the highly illiterate Christian secular population. Likewise, they were essential to secure cash flowing since religious dogma was intransigent with credit business. However, the emergence of an urban educated class capable of dealing with public responsibilities, and the development of alternative funding instruments among Christian merchants, drastically reduced the economic and political dependence towards the Jews. They lost the vital role they accomplished within the Catalan-Aragonese society; they became dispensable.

Throughout the first half of the fourteenth century, archival documentation appears to suggest a quantitative rise of violent outbreaks against Jews. Nevertheless, none of the records describes the levels of violence reached during the summer of 1348. The assaults against the *calls* were common during the Holly Week and other religious festivities, but they rarely ended up in massive massacres and forced conversions comparable to those occurred in the second half of the century. The attacks usually consisted of stoning the houses and inhabitants of the *call* from watchtowers expressly built around the Jewish quartiers[230]. The itinerant groups of flagellants, mystical mendicants and other sort of religious fanatics were a constant threat for Catalan-Aragonese Jewish communities. In 1320, the Crusade of the Shepherds crossed the

[230] For example, in Camarasa (Lleida) in 1277 (ACA, reg. 40, f. 30r [Régné (1978), 689]); also the attack to the *call* of Girona in 1278, in which the local clergy encouraged the crowd and actively participated (ACA, reg. 40, f. 79r-v [Régné (1978), 695 and 696]), and again in 1293 (ACA, reg. 87, f. 60v [Régné (1978), 2474]); in Besalú in 1286 (ACA, reg. 70 f. 77v [Régné (1978), 1710]); in Tàrrega in 1307 (ACA reg. 217, fol. 147v-148r [Muntané, *Documents per l'estudi de l'aljama de Tàrrega*, 35]) in Barcelona in 1308 (ACA, CR, Jaime II, c. 27, n. 3477 [Assis (1993-1995, I), 128]); Vilafranca del Penedès in 1323 (ACA, CR, c. 57, n. 9674 [Assis (1993-1995, I), 261]); or in Zaragoza in 1341 (ACA, CR, Pedro III, c. 12, n. 1602 and 1603 [Assis (1993-1995, II), 971 and 972]). In fact there are dozens of records attesting annual attacks to the Jewish quartiers during the Easter.

Pyrenees and assaulted some northern rural communities, slaughtering some dozens of Jews in Montclús (Miret 1907; Masiá 1956; Nirenberg 1996: 69ff; Baer 2001, II: 15ff; Riera 2004).

However, those events did not foreshadow the ravages of the Black Death. The qualitative leap of violence in the summer of 1348 meant a change from what can be considered *normal and acceptable* violence to a massive and almost apocalyptic outbreak (Nirenbeg 1996: 231). As Baer noted, those riots were the *"*the first large-scale anti-Jewish disorders [*that*] broke out in Aragon*"* (Baer 2001, II: 24).

7. b. The Black Death and the anti-Jewish riots of 1348

Black Death created the perfect social framework for popular violence. It was the worst natural disaster experienced in the Middle Ages by a civilization already used to famines, plagues and unforgiving wars. The unknown origin of the disease and its unstoppable spread inevitably led to all sort of religious speculations. Such a calamity could not be more than a divine punishment for the sins of humankind. The impact on individual and collective mentality was considerable. Moreover, the socio-economic consequences owed to high mortality lasted until the fifteenth century. It has been largely accepted that one third of European population perished during the plague. In some regions, the proportion was much higher.

As for the Crown of Aragon, the variety of climates and demographic disparities determined the local repercussions of Black Death. In his work "The Medieval *Monedatge* of Aragon and Valencia", J. C. Russell assumed that Spain was less affected by the plague due to its dryer climate (Russell 1962: 492). He picked the climatic statistics of Teruel (South of Aragon) as representative of the average Spanish temperature and moisture. Notwithstanding the value of his contribution for the study of Catalano-Aragonese finances, his conclusions on the impact of Black Death can be challenged. First, he departed from an inexistent political division—modern Spain—, which distorted the statistics. Second, though Teruel might suit the climatic averages of Spain, this region is not representative. Its climate has nothing to do with the rainy climate of the Cantabric littoral, the Mediterranean climate of the Eastern shores or with the high mountain climate of the Pyrenees, for example. Thirdly, he does not consider other factors like population density or the proximity to the sea.

Nonetheless, it appears that inland and drier regions were less affected by the ravages of the pandemic (Shirk 1981: 358). In addition, the population of those areas was lower and less dense than in the litoral, excepting Zaragoza. Thomas Bisson estimated that mortality ranged between the 25% and 35% for the entire Crown of Aragon (Bisson 1986: 165); and Paul Freedman proposed a 20% for Catalonia (Freedman 1991: 162).

Other estimations have reached a 70% of mortality (Parrilla Valero 2019, for example) out of the 600,000 (Postan and Miller 1987: 343) inhabitants of Catalonia before the spreading of the pandemic[231]. Needless to say, the disease stroke all social strata without distinction (Freedman 1991: 157-158). Namely, King Peter's wife, queen Eleanor of Portugal, succumbed to the plague[232], as well as his aunt Blanca, prioress of Sijena[233].

Several authors have carried out research on the impact of Black Death at the local level. The conclusions they reached provide an enriching overview and evince the disparity of mortality rates—which largely refute Russell's assertions. For the case of Perpignan (the first Catalan-Aragonese big city stroked by the epidemic), Professor Richard Emery (Emery 1967) analysed mortality among officials and notaries, whose demises were more accurately recorded. He extrapolated the results to general population, though admitting that mortality among notaries was especially high due to their close contact with the sick people who wanted to formalize their final wills. His final estimation is that 58%-68% of the population died in the summer of 1348.

Antoni Pladevall (Pladevall 1962) studied the consequences of Black Death in the Plana de Vic [Plain of Vic], an inland Catalan region south the Pyrenees. He concluded that over two thirds of local population perished owing to the disease. The same rate is accepted by Bisson (Bisson 1986: 165). Freedman slightly increased the rate to a 70%, which means that approximately only 5,500 people survived out of an original population of 16,500 (Freedman 1991: 162). He also held that mortality reached the 28% in la Seu d'Urgell (Freedman 1991: 162).

For Valencia, there are not monographic works on the mortality rates of 1348[234], although some authors have speculated about them in some general works. Peter III reported that in June "*hi moriren tots jorns més de tres-centes persones"*[235] (Pere el Cerimoniós 1983: 1104). Even though this number can appear overstated, d'Abadal held that between 12.000 and 18.000 out of the 30.000 inhabitants of the city of Valencia were killed by Black Death (Abadal 1987: 43), which lends credibility to the king's estimation of 9.000 deaths in June. He assigned a similar rate for Zaragoza. As for Barcelona, he did not provide a number, but he considered that the proportions

[231] The first large scale censuses on fireplaces (homes, *fogatges* in Catalan) in Catalonia were elaborated in the decades that followed to the pandemic. See Smith, R. (1944), Ortí (1999) and Feliu, G. (1999).

[232] The case of Queen Eleanor evinces the rapidity of the disease. On October the 29th, the king was informed of his wife's infection (ACA, reg. 1131, f. 107r [López (1956),, 36]). The next day, Peter III tried urgently to bring four reputed physicians from Valencia (ACA, reg. 1131, f. 107v [López (1956), 38]). However, Eleanor died later that day (ACA, reg. 1063, f. 62r [López (1956), 39]).

[233] ACA, reg. 1131, f. 123v [López (1956), 50].

[234] The only monography about Black Death in Valencia is Rubio Vela (1979), and the author does not adventure a number of deaths. It is also noteworthy the contribution of José Trench Odena in the book *Estudios de historia de Valencia*, in which the author approaches the effects of the plague through the Ecclesiastical appointments to cover the posts of the decedents; see Trench (1978).

[235] "More than three hundred people used to die every day". (Our own translation).

might be much worse due to the higher population and density of the city (Abadal 1987: 43-44). Nirenberg suggested that about a 36% of Barcelonan population perished—that is, around 15.000 out of 42.000 inhabitants (Nirenberg 1996: 235).

At the socio-political level, a historiographical trend has attempted to link the Black Death with the generalized peasant revolts across Europe throughout the end of the fourteenth and the fifteenth centuries (Mollat and Wolff 1970; Cohn, S. 2007, for example). This hypothesis has been largely developed in the case of Catalonia. In spite of their different approaches and discrepancies, many scholars have considered that the depopulation of manorial fiefs due to the epidemic propitiated the social tensions that resulted in the war of the *remences* (*serfs*) against the landlords and monarchy in the second half of the fifteenth century (Piskorski 1899; Hinojosa 2003 [1905];; Serra i Ràfols 1925; Verlinden 1938; Vicens 1978 [1944]; Cuvillier 1968; Salrach 1989; Freedman 1991, Serra Clota 1999, etc.)[236]. Along with the mortality rates, those studies give evidence on the magnitude and long-lasting social effects of the pandemic.

Popular outbreaks against Jewry simultaneously spread along all the European territories striken by the plague, with the few exceptions of some Italic territories and Poland. Jews were blamed one way or another for the plague and their quartiers assaulted. The assailants were largely encouraged by street preachers, whose inflamed apocalyptic sermons linked the disease with the Final Judgement and the Jews with the Antichrist. Pope Clement VI (1291-1352) promulgated two bulls *sicut iudeis* disowning those preachers and commanding the cease of violence against the Jews. In one of them, he stated:

> (…) *Nullus Christianus eorundem iudeorum personas sine iudicio domini aut officialis terre vel regionis, in qua habitant, vulnerare aut occidere, vel suas illis pecunias auferre sive ab eis coacta servicia exigere, nisi ea que ipsi temporibus facere consueverunt preteritis, presumeret ullo modo, et quod, si quis, huiusmodi tenore cognito, contra illud venire temptaret, honoris et officii sui periculum pateretur aut pleceteretur excommunicationis ultione sententie, nisi presumptionem suam digna satisfactione corrigere procuraret, prout in eisdem litteris plenius continetur*. (…)[237]

[236] A part from the Catalan case, the *fueros* enacted in Aragon between 1348 and 1350 to palliate the lack of labour force give evidence of the socio-economic impact of the pandemic. See, Tilander (1959).

[237] "No Christian shall injure or kill the Jews without previous judgement by the lords or the officials of the land they inhabit; they shall nether take the money [*of the Jews*] or force them to perform any service, excepting those they were accustomed to do since ancient times. If anyone who knows the content [*of this bull*] tries to act against it, he would lost his tittle and job or would excommunicated for life unless he corrects his acts via a due compensation as it is stated in these letters". (Our own translation) Vatican, Archivum Secretum Apostolicum, Reg. Vat. 142, fol. 67v. Retrieved from: http://telma.irht.cnrs.fr/outils/relmin/extrait87469/

The Crown of Aragon was not an exception to that generalized trend. The wave of assaults started as soon as the Black Death reached the territories of the confederation. Most of them took place in Catalonia, including Barcelona and Tàrrega, which perhaps suffered the bloodiest attack. Documentation does not shed light on the number of deaths, and modern historians have not dared to venture a figure. In fact, there are no bases to do so. The only author who has provided a recount is the Sephardi historian Joseph ha-Kohen (1496-1575) in his chronicle on Jewish history *Emek ha-Bakha*[238]. For Barcelona he ventured the acceptable amount of twenty deaths:

ויהי ביום השבת לעת ערב ויקומו על עם ה׳ אשר בברצילונה ויהרגו בהם כעשרים נפש.[239]
(ha-Kohen 1895: 80).

Obviously, the casualties of violence should be added to the number of victims of the plague. Although the number of deceases is unknown, a letter by Peter III on June 1349 evinced the high level of mortality rates, which had overflowed the capacity of the Jewish cemetery of Barcelona[240]. In another letter, he states that less of a fifth of the Jewish population in Zaragoza survived the pandemic[241].

For Tàrrega, ha-Kohen elevates the casualties to three hundred, a number possibly overstated. As the local historian Josep Maria Segarra noted, the population of Tàrrega in 1350 was quantified in 195 *focs*, which he estimated in approximately one thousand inhabitants. In his opinion[242], and bearing in mind those Jews who survived, it is hard to believe that the Jewish inhabitants were more than a third of total population of the town (Segarra 1984: 167). However, Peter III confirmed this number in a letter written in 1349[243]. Although Segarra was probably right in pointing out that 300 is an overstated number, his deductive method is not completely reliable since it is impossible to calculate the population of Tàrrega prior to 1348 from the deficient and non-personal census of 1350. Ha-Kohen described the attack as follows:

[238] *עמק הבכא*, "The Valley of Tears".
[239] *"*On a Sunday afternoon, it happened that the crowd rose against those *[the Jewish community]* in Barcelona and killed about twenty people*"* (our own translation).
[240] ACA, reg. 888, f. 228r [Baer (1929), 243]. The same occurred in Lleida, ACA, reg. 678, f. 101v [López (1956), 137].
[241] ACA, reg. 654, f. 29r [Baer (1929), 238].
[242] It is noteworthy that his approaches to the Jewish community of Tàrrega rely on topics closed to antisemitism. He constantly justifies popular reactions against local Jewry and attempts to minimalize their impact.
[243] ACA, reg. 656, f. 39v-40r [López (1959), 10]: *"*(…) *et specialiter ville Tarrege, ex quibus ultra trecentos fuerint nequiter interepmti* (…)*."*

ויהי לימים עוד שלשה ביום העשידי לחדש אב ביום ענות נפשם ויקומו גם יושבי שאריג״ה ויכו ביהודים ואבד יותר משלש מאות נפש וימחבום אל מור רק.[244]
(ha-Kohen 1895: 80-81).

However, the Catalano-Aragonese case has some particularities regarding the Trans-Pyrenean lands. As Yitzhak Baer observed, "In Aragon the disorders came earlier and bore the character of popular outbreaks; the authorities did not encourage them" (Baer 2001, II: 24). Unlike in some Central European territories, complicity between the crowd and the authorities was uncommon in the Crown. King Peter III attempted to protect his Jewish subjects as long as possible. When he noticed that some preachers were encouraging the people of Barcelona to attack the Jewish *call* a second time, he immediately asked the bishop of the city to discredit them because the Jews are "*r*[e]*galia nostra et esse sub nostril c*[o]*nstituto speciali protectione*"[245]. In the few exceptional cases in which the attacks were headed by royal authorities, those officials were disobeying king's direct commands. This was the case of Tàrrega, where the riots were led by the local *batlle*, Francesch Aguiló.

The riots of May found the King and his officials unprepared. The situation during the first weeks of the plague might have been chaotic. The first royal response to the assaults dates from May 22nd, five days after the riots in Barcelona[246]. Royal administration was probably unable to respond earlier. Nonetheless, anti-Jewish riots kept spreading until August. The death of dozens of local officials during the first strikes of the plague had paralyzed local administrations and, in some localities, they had virtually been eradicated. Peter III tried to palliate the situation appointing new

[244] "Three days after [*the assault in Cervera*], 10th Rab [*ca. 6th July*], the day of the purification of souls, the inhabitants of Tàrrega also raised and attacked the Jews. More than three hundred people were killed and brought to an empty pit" (our own translation).
[245] "[*The Jews*] are our *regalia* and are our special protection". (Our own translation) ACA, reg. 653, f. 83v [Baer (1929), 232].
[246] "*Nobili et dilecto nostro Acardo de Talarno, vicario Barchinone et Vallen, et fideli nostro bajulo civitatis eiusdem vel eorum locatenentibus* (…) *Quapropter cum predicta, si uera sint, mali exempli existant et non debeant impunita relinqui. Nostraque intersit aljamas judeorum terre nostre, que regalie nostre sunt et sub nostra proteccione existatn constiute, a quibuslibet illicitis grauaminibus preseruare. Ideo uobis et cuiuslibet uestrum, dicimus et mandamus quatenus ut magis in predictis eficacis procedatur, vos et vestrum singuli diligenter et caute faciatis inquisicionem de predictis et quos culpabiles reperitis in eis, capiatis et captos teneatis* (…)" ["To the noble and diligent Arcado de Talarn, *veguer* of Barcelona and the Vallès, and our loyal *batlle* of these cities and to his deputies (…) If the above mentioned is true, it is a bad example and cannot remain unpunished. We must take care of our Jewish *aljamas*, which are a *regalia* and are under our protection, and protect them from any unlawful harm. Therefore, we command you to efficiently proceed; you and your men must conduct careful and diligent inquisitions to find the culprits and to catch and imprison them" (Our own translation)]. ACA, reg. 1062, f. 83v [López (1956), 8].

unexperienced and temporary officials[247]. The ongoing civil war—which ended in December 1348—also hindered further responses.

Although an undetermined number of street preachers and some wayward local officials encouraged the crowd, the outburst of violence was purely popular and spontaneous. It was the result of a sort of 'collective neurose'. Some authors have pointed that the anti-Jewish attacks were just a part of a larger social reaction against the economic elites and other groups (Breuer 1988; Cohn, S. 2007). Along the second half of the fourteenth century in the Crown of Aragon, wealthy families, lepers, pilgrims, and itinerant friars were also targets of popular anger[248]. The same pattern was followed by the revolts of 1391 (Mollat and Wolff 1970: 218-221; Wolff 1971; Riera 1990). From a rather symbolic point of view inspired by René Girard (1978a and 1978b), David Nirenberg argued that the riots were largely motivated by the collective and subconscious necessity to offer a sacrifice to the angered divinity, as well as a means to reaffirm the cohesion of the group (Nirenberg 1996: 244-245).

Both positions are not exclusive, but complementary. The economic motivation of some assaults persisted over the mere religious accusation (Abadal 1987: 38), as evinced by the straightforward attacks to the houses of moneylenders and the burning of their debts securities. Moshe Natan and Cresques Salamo were victims of those actions[249]. Considering the generalized and social nature of the riots, the attacks on moneylenders were not merely motivated by the personal interest of the debtors, as has been usually interpreted (Alsina and Feliu 1985; Muntané 2010: 41-42 and 2012: 123). Notwithstanding personal revenges and pillage, the assailants were raging against a symbol of economic power—more fictional than real—, against a wealthy group of infidels which was supposed to yield profit from misery. Probably, they thought they were freeing themselves from the ties imposed by Jewish greed. The outbreaks of 1348 were a disorganized and primal prolegomenon to those social conflicts that crystalized half a century later. Lootings of Christian properties and misappropriations of real estates by pretended heirs were also common[250].

However, the religious foundations of the disorders are undeniable. The eschatological nature conferred to the pandemic provided an ideological framework for an instinctive and tumultuous popular uprising with non-defined targets. Regardless of the economic motivation behind the riots, religiosity played an independent role which had nothing to do with the rejection of power structures. The apocalyptic fear itself was enough to

[247] ACA, reg. 96, f. 43v; reg. 1062, f. 100v; reg. 960, f. 64v-65r; reg. 1062, f. 74v; reg. 887, f. 66r-v; reg- 1062, f. 141v; reg. 962, f. 22r [López (1956), 13, 15, 21, 24, 26, 28 and 113, respectively].
[248] Some examples can be found in ACA, reg. 887, f. 43r, reg. 654, f. 14r and reg. 669, f. 103r [López (1956), 12, 30 and 134, respectively].
[249] For Natan, ACA, reg. 658, f. 52r-v [Muntané (2006), 183; López (1959), 14] and f. 178v-179r [Muntané (2006), 189]. For Cresques Salomó, ACA, reg. 889, f.61r [López (1959), 13; López (1956), 18].
[250] ACA, reg. 1412, f. 221v; reg. 655, f. 79r; reg. 656, f. 46v-47r; reg. 658, f. 153r; reg. 669, f. 103r [López (1956), 17, 52, 73, 99 and 134, respectively].

justify the killing of Jews. The crowd needed someone to blame for the plague, and the Jews were the perfect culprits. In the Crown of Aragon, the religious dimension of the Black Death was even clearer than in other European countries.

Broadly speaking, two kinds of explanations were given regarding the plague across Western Christendom, and they both blamed the Jews one way or another. On one hand, it was considered that the plague had artificial origins: the Jews—and also the lepers and other margined minorities to a lesser extent—had simultaneously poisoned all the wells as part of a coordinated plan to erradicate Christianity. Those accusations gained credibility when many Jews—especially in Central Europe—confessed the conjuring after being interrogated by the authorities[251]. One can only guess how the interrogatory proceedings were. On the other hand, it was argued that the plague was a divine punishment for the sins of humankind. It was the line officially held by the papacy. Also in the *Decameron*, Boccaccio voices the supra-natural origin of the "*pestifera mortalità trapassata, universalmente a ciascuno, che quella vide o altramenti conobbe, dannosa e lagrimevole molto"*[252] (Boccaccio 1952: 6)*:*

> *Dico adunque che già erano gli anni della fruttifera Incarnazione del Figliuolo di Dio al numero pervenuti di mille trecento quarant'otto, quando nella egregia città di Fiorenza, oltre ad ogni altra italica bellissima, pervenne la mortifera pestilenza, la quale, o per operazion de'corpi superiori o per le nostre inique opere da giusta ira di Dio a nostra correzione mandata sopra i mortal* (…)[253] (Boccaccio 1952: 6-7).

In the Crown of Aragon, the thesis of the divine punishment had a wider acceptance. Sins must be purged, and there was no greater enemy of Christian faith, of its purity, than the Jews. As Nirenberg pointed out, their mere existence was sinful and a potential causal agent of God's anger (Nirenberg 1996: 236). This attitude evinces the religious motivation behind the outbreaks of violence. However, the religiosity of violence was not based on a solid and complex theology. The ideological heads of the Church, with the Pope on the top of the hierarchy, refused incriminating the Jews as the single or at least the greatest culprits of the plague. Popular fanaticism lacked a direct intellectual inspiration, it was spontaneous. The speeches of friars aloof the Church official line did not contribute to rationalize the anger of the crowd. The amorphous and simplistic

[251] The works by Horrox (1994) and Marcus and Saperstein (2016: 153-159) provide a survey of examples of accusations and confessions related to poisoning wells. See also Langmuir (2002); Byrne, J. (2004: 73-88); Aberth (2005, especially chapter 6); Martin (2007: 65-89); Wray (2009, especially chapter 3), for example.

[252] "This late pestilent mortality, which was so harmful and tearful for all those who suffered or met it in any other way" (Our own translation).

[253] "I thus say that the years of the fruitful Incarnation of the Son of God reached the number 1348 when in the eminent city of Florence—the most beautiful among the Italian cities—, the mortal pestilence came due to the operation of a higher body or sent by the just anger of God upon the mortals to correct us" (Our own translation).

religious rationale provided a channel to conduct a generalized social anger with deeper roots.

The medical testimony of Jacme d'Agramont appears to corroborate Nirenberg's conclusions. Agramont was a physician and professor of Medicine in Lleida. In 1348, some weeks before the plague crossed the Pyrenees, he wrote a treatise on the nature of the disease and on how to prevent it. The *Regiment de preservació de la pestilència* (Agramont 1998) was written to provide guidelines for the crowd, to instruct people to avoid the contagion. In his own words, *"lo tractat aquest és feyt principalment a profit del poble e no a instrucció dels metges"*[254] (Agramont 1998: 53). Ironically, he did not survive the plague.

When exposing the range of causes behind this pestilence, Agramont acknowledges the possibility of an artificial origin, albeit he does not consider it probable in the case of the Crown of Aragon, but just a popular rumour:

> *Per altre rahó pot venir mortaldad e pestilència en les gents, ço és a saber, per malvats hòmens fiylls del diable qui ab metzines e verins diverses corrompen les viandes ab molt fals engiynn e malvada maestria, ja sie ço que pròpiament parlan, aytal mortalitat de gents no és pestilencia de la qual ací parlam, mas he·n volguda fer menció per ço car ara tenim temps en lo qual s'an seguides moltes morts en alcunes regions prop d'ací així com en Cobliure, en Carcassès, en Narbonès e en la baronia de Montpesler e a Avinyó e en tota Proença.*[255] (Agramont 1998: 56).

He also discusses the theory of the divine punishment:

> *Car a vegades ve per obra de Déu, procuran-ho nostres pecats; car lig-se en la Sancta Scritpura del Veyll Testament* (…) *que Déus totpoderós permetie mot grans e milts maraveylloses benediccions al seu poble si observave e guardave los seus manaments. / E així eleix li menaçave e li prometie miltes sobiranes malediccions en cas que no observàs los seus manaments*[256] (Agramont 1998: 56).

[254] "I prepared this treatise for the sake of the people and not to instruct the physicians" (Our own translation).
[255] "There is still another reason which can spread mortality and pestilence among the people, namely because some evil men, sons of the Devil, contaminate—with false wit and evil mastery—the food with different kinds of drugs and poisons. Although it is commonly believed to be the cause, this mortality is not the pestilence we are dealing with here, but I wanted to mention it too because in these days there have been many deaths in nearby regions, such as in Collioure, Carcassonne, Narbonne, the barony of Montpellier, Avignon and along the entire Provence" (Our own translation).
[256] "Sometimes it [*the pestilence*] comes by God's will because of our sins; indeed, it can be read in the Sacred Scriptures of the Old Testament (…) that God provided great and numerous wonderful blessings to His people if they observed and respected His commandments.

For Agramont, the divine punishment was just one of the possible origins he considers, all together with astrological influxes, unnatural changes in air qualities, terrestrial conditions or water pollution[257]. However, he did not dismiss the viability of this hypothesis, as he did with wells-poisoning. Divine and natural causes can be complementary. God could have operated the natural conditions which led to the plague. His belief in a divine action appears reinforced when he approaches the moral dimension of the plague at the end of the treatise. Nevertheless he did not develop that point because he considered that it should be addressed by those who *"auran l'entiment pus alt e pus sobtil que jo*"[258] (Agramont 1998: 66). His statement *"pestilència* [moral] *és mudament contra natura de coratge e de pensament"*[259] (Agramont 1998: 66) evinces the role attributed to sin.

Joseph ha-Kohen also noted that in Crown of Aragon the Jews were thought to have provoked God's anger because of their sinful nature and condition. He synthetizes the general accusations as follows:

> בפשע יעקב כל זאת, והם הביאו סם ממית בעולם, מאתם היתה נסבה ומהם באה אלינו הרעה הגדולה הזאת כיום הזה.[260]
>
> (ha-Kohen 1895: 80)

This statement should not be interpreted literally. The expression *"*deadly poison*"* ("סם ממית") has a spiritual meaning. The inherent evil to Jews, the infidels who refused the truth and killed Christ, is the poison of the world and the cause of the plague. Ha-Kohen distinguishes the Catalan-Aragonese case from the German, where the Jews were indeed accused of poisoning wells:

Likewise, He threatened and promised many sovereign curses if they did not observed His commandments" (Our own translation).

[257] Other European physicians speculated about the origins of the plague. For a survey on the medical interpretation of Black Death, see Arrizabalaga (1991). This work does not address the example of Simonis of Covino, who approached the disease from an astrological perspective in his treatise *Leodiensis, libellus de judicio Solis in convivio Saturni*, edited by Thomas Haye (2014).

[258] "[*Those who*] have a greater and subtle understanding than me". (Our own translation).

[259] "[*Moral*] pestilence is an antinatural mutation of courage and thought". (Our own translation).

[260] "All this is because Jacob's crime, they have brought a deadly poison to the world. They caused this circumstance and from them this great evil has now come to us" (our own translation).

בערץ אשכנז העלילו על היהודים לאמר. [:] השליכו מות בבירית (...).[261]
(ha-Kohen 1895: 81).

Ha-Kohen's statement appeared almost literally in the text of the *Agreements*. When the drafters beg the Pope to stop the spreading of rumours and false accusations against the Jews when a calamity has occurred, they wrote:

להפר מחשבת עם הארץ הרעה אשר ביום תוכחה, דבר כי יהיה, רעב כי יהיה, ירעשו מגרשות לאמר, בפשע יעקב כל זאת, נכחידם מגוי ונכרתו הנפשות (...).[262]
(Baer 1929: 352)

As Muntané i Santiveri noticed (Muntané 2012: 105), in a letter addressed by l'*infant* Peter—one of Peter III's sons—to Pope Innocence VI (1282-1362) regarding the *Agreements of Barcelona,* the king highlighted the religious motivation of the riots. He remarked that Jews were attacked because it was thought that their sins caused the plague:

> *Cum enim, peccatibus exhigentibus, accidit populos aliquali pestilencia, mortalitate, fame atque fructuum penuria Omnipotentis manu compungi, habet multorum ruralium vulgaris opinio talia contingere propter judeorum peccata, in ipsosque judeos, discrecione non habita, nituntur insurgere, contra eos populum concitando deducendoque in famam quod ex ipsorum judeorum interitu cessabunt huiusmodi pestilencie, mortalitates, fames et penurie, quodque perinde anime judeos ipsos perimencium salvabuntur*[263].

[261] "In Germany, they accused the Jews saying: 'they have thrown death in the wells (…)'" (our own translation).
[262] "Every time that a plague or a hunger comes, they claim loudly: "This occurred because of Jacob's crimes! Let's exterminate this people! Kill them all! (…)" (our own translation).
[263] "Indeed, since God decided to send pestilences, mortalities, hungers and some other penuries because of our sins, there is an extended, rural and vulgar belief making the Jews accountant for their sins. The people then shamelessly rise against them because they believe that they thereby will stop the pestilence, the mortality, the hunger and the penuries and will also save the souls of the Jews." (Our own translation). BNC, ms. 988, f. 89v-90r, in Riera (1987: 174-175).

7. c. Royal response and the limits of the feudal kingdom

Royal justice response against the assailants was rather weak. In the *Agreements* there is no proposal begging the king for major protection or complaining about how the defence of the *calls* was organized. The drafters might have been aware of the material limitations of royal authority and of the king's commitment in protecting his Jewish subjects. They had perfect knowledge of the popular and religious nature of the disorders. For that reason, the petitions aiming to prevent future attacks were addressed to the Pope, the only one who could have a spiritual influence over the crowd. However, the drafters had reasons to complain about how the king and his courts managed the prosecution of the assailants, many of whom remained unpunished. In view of the proposal, impunity had been bigger in the lands under the control of the feudal nobility and the Church.

In royal domains, the prosecutions started resolutely, but the process lost intensity over the following months. On May 22nd, five days after the attack against the *call* of Barcelona, Peter III commanded his local officials to find, judge and punish the perpetrators –who acted because *"maligno spiritu concitati"*—with severity[264]. It was his first reaction to the disorders. Two days later, he commanded to reinforce the security of the *aljama* of Barcelona in order to protect it from those who "*callum judaycum invasissent inibique aliquos ex iudeis deicte aliame occidissent* (…)*"*[265]. On 29th May, the king gave a similar command to the *batlles* of Montblanch, Tàrrega, Vilafranca del Penedès and Cervera[266]. In front of the general spreading of the anti-Jewish assaults across Catalonia notwithstanding his orders, the king commissioned Gilabert de Corbera, one of his confidants, to lead and coordinate the prosecutions[267].

The king appeared to be especially interested in punishing the authors of the attack against the *call* of Tàrrega. Even more, he seemed quite angry for this event. The riots had been boosted and leaded by the *batlle*, the *paers* and many *prohoms.* It had not been a mere popular turmoil, but a rebellion of Peter's subordinates, who deliberately disobeyed his commands. For that reason, the king could not hide his anger when he asked for an exemplary punishment "*contra illos qui dudum in Judeos dicte valle, presumptuosa audatia, irruorunt et eis dampna plurima intulerunt facientem*"[268].

Six months after the first movements towards the prosecution of the assailants, King Peter III started to lose patience. In February 26th 1349, he was noticeably disappointed that the inquisitions and proceedings were stagnant, and complained to Gelabert de

[264] ACA, reg. 1062, f. 83v [López (1956), 8].
[265] "[*Those who*] invaded the Jewish *call* and killed the Jews of this *aljama* (…)". (Our own translation). ACA, reg. 653, f. 59r [Baer (1929), 230].
[266] ACA, reg. 653, f. 83r [López (1956), 9; Baer (1929), 231].
[267] Attached to ACA, reg. 1.313 and f. 105v-106r [López (1959), 3 and 12].
[268] "Against those who recently went against the Jews with arrogant boldness and caused them irreversible major damages" (Our own translation). ACA, reg. 1062, f. 152r [López (1959), 6].

Corbera about the annoying and very hateful—"*molesta et multipliciter odiosa*"—delays[269]. The same day, in a letter sent to the Barcelonian *Consell de cent*, Peter III appeared to be saddened for the delays. As he notes in the letter, dispensing justice—*"per quam nos vivimus et regnamus"*[270]—was one of his greatest duties as monarch, and he was failing in doing so[271]. It is impossible to state whether his words were sincere, but it probably had an impact on his sense of duty and personal pride.

The monarch re-emphasized the importance of prosecuting the *batlle* Francesch Aguiló for his leading role in the assault of Tàrrega[272]. Some months later, the situation remained the same and he pressured Gelabert again, especially in relation to the process in Tàrrega[273]. Catalan *aljamas* had complained before the king about the impunity of the culprits.

In July 1349, Peter decided to replace Gelabert of Corbera by Atarn of Tallarn in charge of the investigations[274]. The destitution seemed a desperate decision rather than a useful measure. Albeit Gelabert failed in punishing the culprits, nothing suggests that he neglected his functions. Notwithstanding the lack of progress, his commitment to justice and duty appeared to be unquestionable. He had even erected a number of public scaffolds in Tàrrega in order to execute the potential culprits. It would be unjust to blame him for the shortages of the royal response to the attacks. They might be attributed to reasons alien to the skills and engagement of the prosecutor. No notice on the posterior management of Atarn has been preserved, but he could not overcome the hindrances faced by his predecessor. In April 1350, Peter III convened the legal experts of Lleida, Vilafranca del Penedès, Tarragona and Montblanch in Barcelona in order to personally get a report about the progress of their investigation[275].

In the case of Tàrrega, he carried it out that month[276]. It is the most detailed sentence for the events of 1348 that has been preserved. The judgement highlighted the gravity of the crimes, especially those attributed to Francesch Aguiló, who is considered a seditious (*"seditione facta"*). However, the king absolved all the defendants. Peter III considered that they could not be condemned because their will was under the influxes of the Devil, thus they were not accountable:

> (…) *considerantes quod dudum in villa Tarrege, instigante humanis generis inimico factoque maximo* (…) *Franciscus* [Aguiló], *et paciarii et vestrum quilebet et dicta*

[269] ACA, reg. 655, f. 128r [López (1959), *7*].
[270] "for which we live and reing" (Our own translation)
[271] ACA, reg. 654, f. 128v-129 [Baer (1929), 240].
[272] ACA, reg. 1132, f. 3v [López (1959), 8].
[273] ACA, reg. 656, f. 39v-40r [López (1959), 10].
[274] ACA, reg. 1.313, f. 105v-106r [López (1959), 12].
[275] ACA, reg. 1064, f. 81r [López (1959), 17].
[276] ACA, reg. 890, f. 174v-175r [López (1959), 18] and ACUR, LPT, II, f. 211r-213v [Gonzalvo (1997), 138].

universitas et eius singuares sitis cum omnibus bonis vestris et ipsorum a predictis et quibuslibet ex ipsis quitii, liberi et immunes et perpetuo absoluti (…).[277]

After the king's first emphatic call for justice and the complaints regarding the delays in the investigations, the assailants of the *call* were fined with only 36.000 *sous*. Moreover, this money was not a compensation to be perceived by the Jews of Tàrrega, but a sum that had to be paid to the royal treasury (Segarra 1984, I: 168). Some months before that, Ramon Falquiet, one of the assailants—who had fled to Lleida—had already been pardoned[278]. In addition, the king sponsored a peace agreement between Christians and Jews, the same formula used to give an end to the hostilities between the inhabitants of Tàrrega and Vilagrassa[279]. That is to say, the events of 1348 were treated as a confrontation between two equal groups instead of as a massacre committed by a majority group supported by local authorities against a defenseless minority. In May 1353, the king authorized the dismantling of the scaffolds[280]; he reiterated the decision in February 1354[281].

In the *Corts* of 1350-1351, Peter III reiterated his engagement in prosecuting the culprits by recognizing the rights of the victims to submit claims before royal justice. However, the king had to renounce to prosecute the majority of crimes and decreed a general pardon (*Corts* of Perpignan 1351/XXI)[282], with the exception of the foreigners involved in the riots[283]. The change of attitude might be rather attributed to the material impossibility to condemn all the culprits. Hundreds and even thousands of people had participated in the disorders.

Such a generalized repression to avenge the infidels, those who were responsible for the plague, would have largely bolstered social tensions. The crowd was already restless—as said above, the last decades of the fourteenth and the entire fifteenth century were a period of peasant rebellions—, and the king probably attempted to avoid an unmanageable uprising. In addition, the plague and the concatenation of wars had decimated Catalan-Aragonese population, both in the cities and in the countryside,

[277] "Considering that in the recent [*events*] in Tarrega, the instigation of the enemy of the human genre [*was*] the main factor (…) Franciscus [*Aguiló*], the *paers*, the village and its good inhabitants are absolved, free and immune forever. (Our own translation)". *Ibidem.*
[278] ACA, reg. 890, f. 144v-145r [López (1959), 15].
[279] The original text has been lost, but there is an order from Peter III—given in 1350—commanding to respect the contents of the agreement (ACA, reg. 662, f. 9v-10r [López (1959), 23]). In 1350, a similar peace agreement was enacted by the local government of Tàrrega and Vilagrassa (ACUR, LPT II, f. 150r-158v [Gonzalvo (1997), 141]).
[280] ACUR, LPT, III, 27r-v [Gonzalvo (1997), 155].
[281] ACA, reg. 897, f. 43v [López (1959), 33] and ACUR, LPT, III, f. 9r [Gonzalvo (1997), 158].
[282] "*Volumus et concedimus quod non obstante remissione generali criminum et excesuum, si quam per Nos alicui Aliame iudeorum vel singularibus iudeis fieri contigerit, infuturum possit inquiri ad instanciam partis pro emenda sui iuris sibi fienda*." ["Notwithstanding the general pardon on all the crimes and excesses, we want, and we concede that we will inquire to amend their rights, if any Jewish *aljama* or individual Jew requests it."] (Our own translation).
[283] ACA, reg. 1321, f. 116r-v [López (1959), 29].

which had a great economic impact. The sum of all these factors recommended a pragmatic approach capable of securing political and social stability.

The response in the manorial domains, though scarcely documented, probably was even more tenuous. The specific problem highlighted by the drafters relies on the natural and material limits of royal justice. They did not complain about the judicial response of the barons and the clergy, but about the impunity of those criminals who took refuge in their lands. As pointed out before[284], Catalan-Aragonese justice was not centralized. The judicial and legislative attributions of the monarchy were only fully functional in those domains under its direct control. The lands of the counts were autonomous in this regard. As long as the barons were vassals of the Crown, the king was theoretically legitimized to rule over them. However, the Catalan-Aragonese monarchy lacked the means to impose its will. This actually was the basis of the pact-based legal system of the Crown. The capacity of the king to have an influence over his barons depended on several factors, such as the socio-political context and his strength of character. In 1348, Peter III had just overcome a critical baronial rebellion. The situation advised against rekindling tensions. Considering this factor together with baronial indifference towards Jews, almost every assailant who took refuge in those domains was freed from the royal justice.

The particular case of the Ecclesiastical domains was even more complex. The inviolability of sacred places had been an elemental dogma since the earliest patristics. According to Augustine of Hippo, God's merciful justifies the asylum in sacred places (Augustin of Hippo 1890, chapter 34). The Peace and Truce movement strengthened this notion through establishing the inviolability of the temples and other religious domains. During the Middle Ages—and later—the concept evolved towards the right of asylum. The cases compiled in the Decretals of Gregory IX on the scope of this right were still ambiguous. The *Decretalii Gregorius IX* in Book III, Tittle XLIX, Chapter VI, enacted by Innocence III (1160-1216), appears to proclaim that no freeman could be stripped of a church[285]. Gregory IX hints at that the right of asylum does not include the crimes committed in the temple or its domains in order to elude earthly justice[286]. Some

[284] Cfr. Chapters 2 and 4.

[285] "*Si liber, quantumcunque gravia maleficia perpetraverit, non est violenter ab ecclesia extrahendus, nec inde damnari debet ad mortem vel ad poenam; sed rectores ecclesiarum sibi obtinere debent membra et vitam*". [*"*If [*he is*] a free [*man*], he must not be gotten out from the church and he cannot be condemned to death or to any other punishment, regardless of the severity of his crimes; on the contrary, the deans of the church must protect his life and physical integrity.*"* (Our own translation)]

[286] *"Nonnulli, impunitatem suorum excessuum per defensionem ecclesiae obtinere sperantes, homicidia et mutilationes membrorum in ipsis ecclesiis vel earum coemiteriis committere non verentur: qui, nisi per ecclesiam, ad quam confugiunt, crederent se defendi, nullatenus fuerant commissuri. Quum in eo, in quo delinquit, puniri quis debeat, et frustra legis auxilium invocet qui committit in legem: mandamus, quatenus publice nuncietis, tales non debere gaudere immunitatis privilegio, quo faciunt se indignos".* (*Decretalii Gregorius IX*, III, 49, X) ["Some people criminals expect to remain unpunished under the protection of the Church, and shamelessly they commit homicides and mutilitation within the churches and the cemeteries. If they did not expect to be defended by the church where they take refuge, they would have not

authors also understood the quotation of *Exodus* 21: 14 in the Decretal in Book III, Tittle XII, Chapter I as an exclusion of intentional murders from the right of asylum (Vivó 1993: 216).

In principle, this right of asylum was supposed to exclusively refer to sacred places. Nonetheless, in the Crown of Aragon its scope was extended to all the Ecclesiastical domains. In the Assembly of Peace and Truce held in 1235, it was stated that Catalan-Aragonese officials

> *Non hospitentur per violenciam in monasteriis, ecclesiis et domibus Templi et Hospitalis, et aliis locis religiosis, et domicaturis eorum, et mansis rusticorum eorum*.[287] (*Pau i treva* of Tarragona 1235/XII).

This rule was still in force when the last compilation of Catalan law was made in 1704. Even the Jews reached occasional agreements with the clergy in order to take refuge in its domains and thus avoid royal justice[288].

Catalan-Aragonese monarchs attempted to prevent extensive abuses of these prerogatives of the clergy and the counts. In 1225, James I and the states agreed that the violators of the Peace and Truth could not take refuge under other jurisdictions, no matter whether royal, baronial, or ecclesiastic (*Pau i Treva* of Tortosa 1225/XXIII). These three judiciaries were committed to cooperate to punish the infringers. Technically, the agreement included the Jews since they were under the protection of this same Peace and Truce (*Pau i Treva* of Tortosa 1225/XI). In 1257, James I agreed to another rule in this regard—that remained in force until the eighteenth century[289]—stating:

---

committed [*those crimes*]. However, everybody shall be punished for his crimes, and in vain those who break the law shall call for the protection of the laws; [*thus*] we command you to publicly announce that they shall not be under the protection of the immunities that they do not deserve" (our own translation).].

[287] "[*Catalan officials*] shall not break into monasteries, churches, houses of the orders of the Temple and the Hospital, as well as into any other religious place, including their lands and country houses" (our own translation).

[288] For example, many Jews accused of usury took refuge in the lands of the archibishop of Tarragona in order to avoid royal inquisitors (ACA, CR, Jaime II, c. 114, n 500 [Assis (1993-1995, I), 497]).

[289] It is cited in *Constitutions y altres drets de Catalunya*, "Constitucions", p. 12.

> *Item, concedimus quod cum aliquis fuerit excommunicatus legitime, in iudicio ad agendum non admittatur in foro seculari, sed potius repellatur quosque fuerit absolotus*[290]. (*Pau i Treva* of Lleida 1257/XII).

Nevertheless, the power of the king was very limited and the rest of lords were not prone to cede their sovereignty on their lands. The following statement of the *Cort* of Barcelona of 1283 clearly attests these limitations:

> *Statuimus itaque, volumus et ordinamus quod vicarii procuratores aut alii officiales quicunque sagiones seu bastonarii nostri non intrent amodo civitates villas castra* (…) *vel alia quacumque eorum loca Catalonie que non sint nostra* (…) *causa sui officii* (…) (*Cort* of Barcelona 1283/III)[291]

The drafters aimed to obtain an express and stable rule preventing the assailants from escaping royal justice. Unlike most of the proposals addressed to the king, the petitioners did not ask for a royal privilege, but for a *constitution* (*"*קונשטיטוסיאון*"*), for an agreement of the *Cort.* They knew for sure that the king alone could not carry out a legal reform in this regard because royal power was materially unable and had no right to compel local lords. The only chance for the drafters to obtain a measure with real effectivity was through the commitment of the three estates. This scenario never materialised. The *Corts* never enacted a rule in this direction.

Conclusions:

a) Although attacks against the Jewish *calls* over Easter had been usual for a long time, the riots of 1348 were the first large-scale anti-Jewish riots in the Crown of Aragon. They were also the most violent so far.

b) The Black Death reached the Crown of Aragon in a period of both internal and external conflicts causing great mortality rates. The crowd perceived the disease

[290] "Likewise, we concede that those legitmatelly excommunicated shall not be accepted in secular domains, but they must be rejected until their absolution." (Our own translation).
[291] "We also want, decree and command that *veguers, procuradors* and any other of our officials, *saigs* or *bastoners* will not be allowed to enter in cities, villages, castles (…) or in any other place in Catalonia which do not belong to us (…) to perform their tasks (…)" (Our own translation).

as a divine punishment and deemed the Jews responsible for God's anger. Along with other socio-economic reasons, this was the main reason behind the riots.

c) The outbreak of violence was mainly popular. Civil and Church authorities attempted to stop the crowd and protect the Jews. Nevertheless, the plague had weakened the king's capability to respond, and the efforts of Peter III could not prevent the wave of assaults. Tàrrega is one of the few cases in which royal officials took an active role in the massacres.

d) Peter III actively attempted to prosecute the participants in the assaults. The king had a special interest in punishing the *batlle* and the rest of local authorities who led the attack in Tàrrega, which he considered an act of treason. After some years of prosecutions, Peter realized that he would not be able to punish the culprits and resigned himself to that fact.

e) Given the feudal nature of the Crown of Aragon, the king had no right to impose his authority on baronial domains to prosecute the assailants who had fled from royal lands. For that reason, the drafters aimed to convince the *Corts* to enact a *constitution* to enhance judicial cooperation in this regard. This proposal was never approved nor discussed in the *Corts*.

Chapter 8: ¶16. The drafters claim against the allocation of Jewish taxes

עוד להפיק חותם מאדוננו המלך יר״ה ובשבועה שלא יוכל לעשות שום אשיקנסיאון על הקהלות או קהלה מיום זה ואילך, כי בהביא הקהלות כספם אל גנזי המלך ימצאו חן בעיניו ובעיני יועציו ושריו, גם כי לעת תמוט ידם יוכל אדוננו המלך יר״ה לחונן עליהם כמנהגו הטוב, מה שלא יהיה כן אם יהיו המסים אשיקנאטש.

> *Likewise,* [they will] *obtain a privilege and oath from our Revered Lord the King forbidding hereafter any allocation* [asiknasion] *on the* [taxes] *of the aljamas, because if the aljamas themselves bring the money to the king's treasure, they will receive his grace and the favor of his councilors and officials. Then our Lord the Revered King will be merciful upon them as usual, which this does not happen when the taxes are allocated* [asiknates].

8. a. The crisis of the royal patrimony in the mid-fourteenth century

This proposal deals with one of the aspects of the tax policy of the king regarding his *aljamas*. The drafters aimed at the monarch agreeing to not allocate their taxes to third parties. As noted in the text, they deemed this practice harmful for the Jewish communities since it caused a disconnection between the monarch and the *kehillot*. Ultimately, they were afraid that this situation could lead the *aljamas* to lose the favor of the king[292]. As it is the rule in the text of the *Agreements*, the technical terms are in Catalan, or perhaps Aragonese, *aljamiado*. Thus, the word for *allocation* is *asiknasion* ["אשיקנסיאון", *assignació* in Catalan, *asignación* in Spanish] and *asiknatesh* for *allocated* ["אשיקנאטש", *assignades* in Catalan, *asignadas* in Spanish].

Two basic elements of the Catalan-Aragonese Crown are essential to understand the nature of this proposal. Firstly, and as already pointed out, the Jews and their dominions were a *regalia* and a royal good. Although this principle does not imply that the Jews were the *slaves* of the monarchy in the Roman sense, it entailed that they were not sheltered by institutions limiting royal authorities, like the *Corts.* Consequently, the king could have access to their goods and gains with freedom.

[292] Apparently, there was a common fear among the Jewish communities to lose the favor of the King if they were not able to provide the accustomed revenues. See Assis (1997: 193).

Secondly, in the mid-fourteenth century Catalonia, there was not yet a notion of public finances independent of the royal private patrimony. Therefore, the royal treasury was the private patrimony of the king (Ortí 2007: 257-258). The king made use of his own patrimony to defray his military campaigns or to fund infrastructures just like a trader or a peasant faced his own private expenses. Therefore, the royal territories, including their fiscal incomes and jurisdiction, were a private property of the monarch. Nevertheless, the king had no absolute power on these *goods*. His own legal framework (privileges, customs, etc.) and the pact-based character of the Catalan system, as well as the obligation to render accounts[293], were natural limits to his authority.

Bearing these two points in mind, the allocation of taxes to third parties was no more than a financial instrument used by the monarchy to defray its expenses in case of need. Indeed, the king could alienate any element of his patrimony, including pieces of land, castles, *universitats*, counties, tax collections and even jurisdictions. The freedom to alienate reached surprising peaks: on several occasions, for example, the king payed his loans allocating the fines against usurers (Bensch 1989: 322-323); and, after the anti-Jewish massacres of 1391, John I sold the jurisdiction to prosecute the looters (Ferrer 1970/1971: 353).

The transfer could be permanent or temporary, depending on the strength of the king's position to negotiate (Sánchez 1995: 155). Nevertheless, the monarch used to have a preference right to rebuy the property. In practice, this worked as a mortgage (Ferrer 2006: 89-90): the king alienated his patrimony when he needed cash flow and, once the financial situation stabilized, he attempted to recover it. According to documentation, allocations were always temporary.

The resort to this mechanism used to proliferate in times of war, especially when the conflict was unexpected and required the rapid recruitment and deployment of big armies. Needless to say, the royal army was also defrayed by the monarch himself. During his barely six years reign, Alphonse II (1285-1291)[294], for example, conquered Mallorca, Menorca and Ibiza. He also fought against the Crown of Mallorca in its trans-Pyrenean territories, as well as against the Kingdom of France, Castile and Navarre. Together with the great costs of those campaigns, the old young king (as described by Shneidman 1970, I: 52) inherited the debts incurred by his father during the war against the French and Navarrese crusaders (Sánchez 1995: 52ff). In this period, the royal incomes fell by one quarter (Sabaté 1993: 178). The desperate economic situation led the king to initiate a massive series of patrimonial alienations which conditioned royal finances throughout the fourteenth century[295].

[293] See Montagut (1996).

[294] For an overview of the period see Hillgarth (1976, I: 259-262) and Bisson (1986: 90-94), for example.

[295] Alphonse's grandfather, James I, already complained about the similar situation that he inherited from his father: "*E tota la renda que nostre pare havia en Aragó e en Catalunya era empenyorada* (…) *E no havíem un dia, quan nós entram en Montsó, què menjar, ¡si era la terra destroïda e empenyorada!*" ["All the rents that our father had in Aragon and Catalonia were

According to the data collected by Sánchez Martínez (Sánchez 1995: 85-86), the king's annual rents between 1320 and 1324 were about 154,000 *sb* on average. By 1330, the rents had decreased to 59,000 *sb*, whereby 34,000 *sb* were immediately allocated to the payment of the most urgent debts (see also Hillgarth 2004: 25). Therefore, the Catalan-Aragonese monarchy was already close to bankrupting when the generalized economic crisis of 1330' started.

War and financial instability were, perhaps, two of the main characteristics of the reign of Peter III, as noted by all biographers of the *Ceremonious* (see, for example Tasis 1962; Abadal 1987; Belenguer 2015). When the *Agreements of Barcelona* were signed in 1354, these two elements had already become endemic in the period. Since 1340, the concatenation of military conflicts had been uninterrupted: the Crown participated with its Castilian allies in the War of the Strait against Granada and the Marinid Sultanate (1339-1344); was fighting against Genova in the Mediterranean in an interminable conflict; had to face a concatenation of rebellions in Sardinia that almost led to a new conquest of the island; repressed the revolt of the *Union* (1347-1348) and conquered the whole Crown of Mallorca (1343-1349). In addition to the expenses of these conflicts, the Crown was still dealing with the effects of the economic crisis of the 1330', and in 1348 the Black Death made its devastating appearance.

In such a period of massive public spending, the options of the king to ensure cash flowing were limited. Obviously, he perceived his tax incomes, but often they were not enough or could not be immediately collected because it was not the legal season. In addition, the king could not increase the amounts of the levies nor create new ones or advance the collection without submitting his claims to the Corts, where they were discussed and authorized. The process was slow and ceremonious. It required long negotiations and concessions from the king's side, and the results did not always turn as expected.

Nevertheless, the activity of the *Corts* in that period was frantic. Between 1340 and 1354, the general *Corts* met four times, while 8 *parlaments*—especially with the *braç reial*—were held (see Conde *et al.* 1991: 60). War had been one of the major drivers of the historical development of this institution. In this sense, the great number of gatherings summoned by Peter III to defray his military expenses and the concessions granted during the negotiations largely contributed to increase the powers and relevance of the *Corts* (Martín 1991: 148-150; Udina 1991; Sánchez and Gassiot 1991; Sánchez 2009; see also cfr. Chapter 6).

The *capítols del donatiu* (section of the *Corts'* sessions dedicated to the economic contributions approved by the *braços*) of that period offers evidence of the economic needs of the monarchy:

---

pledged (…) One day, when we entered in Montsó, we had nothing to eat because the entire land was destroyed and pledged!" (our own translation)]. Jaume I, el Conqueridor (1983: 7).

- In 1340, the *braç reial* agreed in the *Cort General* held in Barcelona to defray the acquisition of twenty war galleys for the War of the Strait against Granada and the Marinid Sultanate. The cost was to be assumed through an extraordinary tax imposition (*Donatius*, Barcelona 1340; see also *Cort* of Barcelona 1340).

- In 1342, the *braç reial* approved in Barcelona an extension of the former impositions in order to acquire thirty galleys for the war against James III of Mallorca (*Donatius*, Barcelona 1342).

- In 1344, also in Barcelona, the *braç reial* accepted a special contribution of 70,000 *lb* to launch a military campaign against the territories of James III in the Roussillon (*Donatius*, Barcelona 1344).

- In 1350, the three *braços* approved new indirect taxes (*cisa*) on wine, grain, meat and cloths to contribute to the war efforts against the Sardinian rebels. The king agreed that the titleholder of the civil jurisdiction had the right to receive a third of the incomes—therefore, in the royal territories where the jurisdiction had been allocated, the beneficiary would hold the right to reap this percentage. This measure probably aimed at satisfying the barons and ecclesiastical lords (*Donatius*, Perpignan 1350; see also, *Cort* of Perpignan 1350).

- In the parliaments held in Barcelona and Vilafranca del Penedès in 1353, a new range of indirect taxes was agreed with the *braç reial* to fund a fleet for the war against Genova. In addition, the local representatives consented to advance 70,000 *lb* (*Donatius*, Barcelona and Vilafranca del Penedès 1353).

- In January 1354, the *braç reial* contributed with 100.000 *l* to the defrayment of the campaign against Sardinia. In August, they accepted to add 50,000 *l* more (*Donatius*, Barcelona January 1354 and August 1354).

Of course, the Jewish *aljamas* also took part in the funding of those campaigns. In 1330, for instance, Peter III met with representatives from the main communities of Aragon, Catalonia, and Valencia to discuss their contribution to the War of the Strait[296]. Finally, it was agreed a total sum of 500,000 *sous* to be distributed among the *aljamas* of the three territories[297]. Similar amounts were imposed to the Catalan-Aragonese Jewry for the subsequent conflicts (Sánchez 1982, 2006a, 2008; Hillgarth 2004: 27; Meyerson 2004: 145, 147; Morelló 2011).

Economic dynamism and cash flow, however, did not exclusively rely on tax incomes. In the mid-fourteenth century, new long-term financial instruments had started to

[296] ACA, reg. 543, fol. 106r-v [Muntané (2006), 96].
[297] ACA, reg. 495, fol. 79r-80r [Muntané (2006), 97].

consolidate in the economic centers of the Crown. The new mechanisms gave grounds to bigger trading and financial operations and had led to the emergence of a prosperous private banking. The new creditor class was mainly constituted leaving aside the Jews, who were specialized in short and mid-term loans of relatively small amounts of money (Fernández-Cuadrench 2007: 157ff). In fact, the engagement of the Jewish lenders in the new credits modalities was completely unnecessary since these instruments theoretically were compliant with ecclesiastic legislation[298]. At this stage, the *censals morts* and the *violaris* were the most popular instruments. In both cases, the lender acquired in exchange of a price the right to perceive a rent or lifelong pension from the debtor[299].

Catalan-Aragonese kings appeared to be reluctant to resort to these instruments. Nevertheless a sporadic use of them is well attested by documentation (Bensch 1989; Rubio 2003; García Marsilla 2007: 126-127; Reixach and Tello 2016). Gaspar Feliu suggested that the monarchs could have felt that these mechanisms of credit were not worthy of their position (Feliu, G. 2007: 200-202). However, the resort to *violaris* and *censals morts* was closely linked to royal finances, though indirectly. They became the most habitual way for the *universitats* to obtain the funds necessary to meet the economic compromises acquired in the *Corts.* In other words, they were the mechanism used by local entities to issue public debt (Feliu, G. 2007: 200-202; Ortí 2007: 263). The increasing use of the *violaris* and *censals* to meet royal demands led to the bankrupt of several *universitats* during the second half of the fourteenth century (for example, Torras 1999; Verdés 1999, 2009; Sabaté 1999; Sánchez 2006b; Ortí 2006, 2009). From a historical perspective, the great indebtness since the 1330' largely contributed to the development of local fiscal law and institutionalization, both in Catalonia and Valencia (Mira-Pau 1996; Turull 2009).

Once the possibility to rely on the fiscal system and on the new financial instruments in vogue at that time were discarded, the alienation of his own estate became the most effective method to ensure the defrayment of the king's expenses. Since 1342, this sort of operations sharply increased. Nevertheless, the crisis notoriously worsened since 1353, when a new fiscal cycle started within the context of the wars against Genova and the Sardinian rebels (Ortí 2007: 265). Manuel Sánchez pointed out that most of the beneficiaries of these alienations were not noblemen, but bankers and merchants (Sánchez 1995: 116-117). Furthermore, the acceleration of the alienations, which had in fact started with the crisis of the 1330', caused a drastic diminishing of the royal patrimony until the second half of the fifteenth century (Ferrer 1970/1971; Sánchez

[298] See Cfr. Chapter 5.

[299] It is not possible to deal in depth with those instruments, which played a major role on the development of Catalan mercantilism and diminished the economic importance of moneylending. It is worth adding some bibliographical references here: Sayous (1975); Riu 1991; Rubio 2003; the collective work *El món del crèdit a la Barcelona medieval* (especially the contributions by García Marsilla 2007; Feliu, G. 2007; Rubio 2007 and Ortí 2007); Reixach and Tello 2016.

1995: 114). In her classical essay on fourteenth-century royal alienations, Mª Teresa Ferrer i Mallol gave a clear and synthetic picture of the situation:

> *Les guerres del segle XIV, en efecte, especialment la guerra contra Gènova i la guerra contra Castella, acceleraren el procés de desintegració del Patrimoni, que era inevitable, i portaren les finances reials a una situació de penúria extrema. Les rendes ordinàries del Patrimoni reial i les ajudes extraordinàries concedides per les Corts no bastaren per a pagar les despeses bèl·liques; per aquesta causa, els reis es veien obligats a vendre o empenyorar els dominis territorials* (...); *moltes rendes reials foren també empenyorades* (...); *i així mateix fou venuda o empenyorada la jurisdicció reial i el domini eminent sobre molts llocs, operació de greus conseqüències polítiques i socials* (...)[300].
>
> (Ferrer 1970/1971: 352-353)

The alienations of the royal patrimony, regardless of the type or form, were not usually welcomed by the people and entities affected. As will be discussed below, one of the greatest complaints from the Jewish side was the legal insecurity that these practices carried—for example, lack of protection against the abuses of authorities, double taxation, etc. Christian municipalities apparently shared the same concerns. In addition, municipal councils were often asked to contribute to the repurchase of the dominion (Ferrer 1970/1971; Serra Clota 1999: 1006-1007).

During the reign of John I (1387-1396), the *sindichs* (representatives) of the city of Valencia summoned a report of *greuges* (complaints) to the king lamenting the effects suffered by the city due to the alienations. The text addresses several specific cases, whose consequences involved all kind of abuses. A certain Maestre de Montesa, for example, had acquired jurisdictional powers over several municipalities of the kingdom and had imposed illegal taxes (Roca, J. Mª 1923: 72-73). However, the most remarkable aspect of the report is the general unrest about the international reputation and the patrimonial situation of the monarchy, which apparently had even alienated the right to issue currency[301]. In the *sindichs'* own words:

---

[300] *"*Indeed, wars of the fourteenth century, especially the wars against Genova and Castile, accelerated the inevitable disintegration of the [*Royal*] Patrimony, and led royal finances to a situation of extreme poverty. The ordinary incomes of the royal patrimony and the extraordinary contributions of the Corts were not enough to defray war expenses; for this reason, kings were forced to sell or pledge their territorial domains (…); many royal rents were also pledged (…); thus, the royal jurisdiction and rule over many places were sold or pledged, which had grave political and social consequences (…)" (Our own translation).

[301] *"Item: deles vendes e arrendaments deles seques deles monedes* (…) *deles vendes e alienacions fetes del morabatí sdevenidor e daltres drets e coses qui passen tota stranyesa, adan de vos, senyor desfayçó vostra, entant que ya noy ha res que vendre sinó les joyes e mobles de vos, Senyor"* (Roca, J. Mª 1923: 76).

> *Queus han fet alienar tot vostre Patrimoni, en manera que del tot es dissipat e vos, senyor, no havets .j. diner de renda ordinaria e havets a viure de fiscalies e plor de vostres gents, no sens gran cárrech envers deu; ne sens perill de perdre lo pus alt tresor que Rey del mon hage, ço es la feeltat e cor de vostres sots mse ses. E pot entendra tot hom de sana pensa que tal manera de viura no pot molt Durar.* (…) *entre altre Patrimoni vos han consellat o fet alienar los Castells de les fronteres de Rosselló vers França* (…) *havets a viure tant freturós e pobre que es gran vergonya, minva e desonor vostra e de tots vostres sotmeses* (…) *moltes vegades noy ha vianda sino per al vostre plat, la qual cosa es vituperosa e de gran difamació car los strangers ne parlen hoc e los mercaders e altres qui van fòra la vostra senyoría sentrahen scarn, dients que lo Rey Daragó no ha camenjar.*[302]
>
> (Roca, J. Mª 1923: 75)

It is possible to find earlier signs of social unrest against alienations. In the mid-fourteenth century, Catalan municipalities were already exasperated with the management of royal properties and jurisdictions. In the *Corts* held in Perpignan in 1350-1351, the *sindichs* of eight municipalities[303] submitted *greuges* against the campaign of alienations and demanded the reintegration of the patrimony (*Cort* of Perpignan 1350-1351 [section of *greuges*], pp. 403ff). In all cases, the target of the complaints was the abusive ruling of the new lords, who did not respect the customs and privileges and kept an abusive fiscal policy.

The claims targeted some of the most prominent noblemen of the period, like the viscount of Cardona (who had acquired three castles in the municipal area of Igualada, together with some municipalities near Manresa[304]) and the *protector aljamarum* Pere of Fenollet, viscount of Illa and Canet (who had obtained the property and jurisdication over the castles of Palmerola and Quarr[305]). Even some places and jurisdictions within

---

["Likewise: about the sales and leases of the mints (…) about the sales and alienations made on the morabatí (Valencian currency) and on other rights and things beyond understanding, while unfortunately you don't have anything else to sell, excepting your jewels and furniture, sir". (Our own translation).

[302] "They have forced you to alienate and scatter all your patrimony, sir, and you do not get enough money from your ordinary rents and you have to live on the contributions and cries of your subjects -which offends God and jeopardizes the king's most valuable treasure: the loyalty and the hearts of his subjects. Anyone mentally sane realizes that such a lifestyle cannot last. (…) The castles in the borders of the Roussillon with France are among the goods you have been advised or forced to alienate (…). Living in such poverty is a great shame and discredits you and all your subjects (…) Often [in your house] there is no meet, but on your plate, which is a matter of defamation among the foreigners and the merchants and other people alien to your lordship, who calumniates you saying: the King of Aragon has nothing to eat" (Our own translation).

[303] Agualada, Torrella, Girona, Lleida, Berga, Barcelona, Manresa and Sant Pedor

[304] Cort of Perpignan 1350-1351[section of *greuges*]/VI-XXII and LXXXIX-XCVI.

[305] Cort of Perpignan 1350-1351, [section of *greuges*]/LXIII

the area of Barcelona had been alienated, "*e aço contra Costums e privilegis de la dita Ciutat"*[306] (*Cort* of Perpignan 1350-1351 [section of *greuges*]/ LXX). The king gave his word to revert the alienations, though he should have known he lacked the means to fulfil his promise.

Therefore, the alienation of royal possessions, whatever their modality was, was a widely extended phenomenon in the fourteenth century. It had eroded the royal patrimony to the point of causing a severe financial problem. The affected Christian municipalities were far from welcoming these practices. The claims of the local representatives paralleled the petition of the drafters of the *Agreements of 1354.* Hence, was there any difference between the situation of the Jewish *aljamas* and the Christian entities?

8. b. Allocations and the Jews

As suggested by documentation, fiscal allocations apparently were much more common among the *aljamas* than among Christian municipalities. The explanation may lay in the fact that the Jewry lacked means to oppose to these arrangements. Their taxes could be continuously allocated to pay any kind of debt incurred by the king, or even to reward the efforts of his supporters. The only resort the Jewish leaders had was to beg for mercy.

However, the king did not used to alienate the ownership of the *aljamas*, but only to temporally allocate their tributes—as can be noted in the proposal. The transfer of an *aljama* only took place in the context of the alienation of the whole territory where it was located. In that case, the Jewish communities joined the diffuse group of the baronial *aljamas*, whose legal status was quite ambiguous and complex (see cfr. Chapter 8).

Besides the king's debtors, the most important members of the royal family—such the monarchs' sons or *infants*—were habitual beneficiaries of the allocations on the Jewish tributes (Assis 1997: 151-152). It was an easy way to provide a permanent rent to the closest relatives, as well as experience as political rulers. The rights over the taxes of the communities also entailed a certain control on communal politics, which sometimes proved to be really harmful for the inhabitants of the *aljama.* In his book on the Jewish

[306] The *Recognoverunt Proceres* puts emphasis on the preservation of royal jurisdiction in the city of Barcelona (see, for example, points 39 and 52). Section 102 exposes: "*Encara atorgam que les vegarias e les batlies qui avien acostumat de respondre, e esser de la vegaria e de la batlia de Barcelona, responen e sien de la dita vegueria e batlia de Barcelona, aixi com antigament es acostumat"* [*"*We have also decided that those answerable and belonging to the *veguería* and batllía of Barcelona, must remain under their jurisdiction, as they have traditionally been*"* (our own translation)].

community of Morvedre, for example, Mark D. Meyerson discusses the effects of the concessions of the ordinary revenues and jurisdictions of Morvedre, Castelló, Xàtiva, Morella and Alzira to Queen Leonor (Meyerson 2004: 144ff). Jaume Riera, in his great study on the anti-Jewish disorders of 1391 in Girona, linked the extreme poverty and delicate social context of this *aljama* with the disastrous management of Queen Violant, to whom the control of the community had been ceded by his husband John I (Riera 1990; see also Gampel 2016).

The allocation of Jewish taxes had been a habitual practice throughout the whole Middle Ages, as attested by dozens of archival accounts. For the monarch, it was an easy and always available resort to meet his debts or reward his servants. In most of the cases, allocations did not entail additional expenses since the entire collecting procedure—including coercive and jurisdictional rights—were also usually ceded. Documentation, though often excessively unspecific on the exact reasons, clearly shows the wide variety of purposes behind fiscal assignations.

Nobility was, perhaps, the most benefited social group. Some of the most prominent lineages appear as frequent recipients of tax allocations. To give just a couple of examples, family names like the Cabrera[307] or the counts of Empúries[308] are recurring. The Viscount of Illa and Canet Pere de Fonollet, one of the *Cereminious'* outstanding comrades-in-arms, is another notorious case. The political and military services of Fenollet were awarded with his appointment as *protector aljamarum*, an office defrayed with contributions from all the *aljamas*[309].

The example of the Bizantin/Nicaean princess Eudoxia Lascari (*Infanta Alashcara* of Greece in the documents) is also noteworthy. Eudoxia was the daughter of Theodor II and the sister of John IV, the last emperor of the Lascari family. After the death of her husband William Peter I count of Ventimiglia and Tende and the dethroning of her family, she sought refuge in the Crown of Aragon. James I gave her the royal palace at Xàtiva and assigned to her part of the tax incomes from the *aljama* of Barcelona (Castañeda 1920: 587; Masiá 1947; Torres 1958: 154). Alphonse II confirmed this commitment in 1288[310].

The list of nobles who benefited from fiscal allocation is unmanageable. However, the baronial statement was far from monopolizing allocations. Royal servants of all sorts

[307] For example, the viscountess of Cabrera received 2,000 *sb* from Girona-Besalú in 1282 (ACA, reg. 59, f. 139v [Régné (1978), 979]) and 5,000 *sb* in 1286 (ACA, reg. 64, f. 17v [Réngé (1978) 1504).; in 1288 one of her knights was rewarded with 2,500 *sb* from Barcelona for his military services (ACA, reg. 78, f. 2v [Régné (1978), 1934]; another member of the Cabrera's family, Guillelma, received 2,000 *sb* from the same community (ACA, reg. 78, f. 21v [Réngé (1978), 1937]); in 1291, 1,013 were allocated from the taxes payed by Barcelona in Christmas (ACA, reg. 82, f. 179r [Régné (1978), 2320]).

[308] For example, in 1291, the king conceded 20,000 *sb* from the tribute of Barcelona to the count of Empúries (ACA, reg. 82, f. 95r [Régné (1978), 2286]).

[309] See cfr. Chapter 9.

[310] ACA, reg. 79, f. 23 [Régné (1978), 1924-5].

were rewarded through this system, including officials[311] and sporadic servants and debtors[312]. Even the keeper of the king's lions received his salary from the *aljama* of Zaragoza[313].

Nevertheless, this practice should not be understood in a purely dualistic sense. The idea that the Christians exerted their social power to enrich themselves with the gains and suffering of the defenseless Jewish communities should be avoided. Although fiscal allocations were usually harmful for the *kehillot*[314], the beneficiaries often were other Jews. Perhaps the king considered that paying his Jewish debtors with Jewish revenues was the fastest and most appropriate way to proceed.

Until 1283, some of the largest allocations were granted to high-ranking Jewish officials at the king's service. Family sagas of *batlles* like the Ravayas and Cavallerias are reiteratively mentioned in documents[315]. Together with these *big names*, an undetermined number of anonymous and occasional creditors profited from this system. Even after prohibiting the Jews to hold public offices, allocations continued to be a usual mechanism to meet the debts of the king[316]. Allocations could even be used to pay debts contracted with a whole *aljama*. Thus, for example, in 1275 James I compelled the *aljamas* of Perpignan to pay its taxes to the *aljama* of Colliure[317].

Regarding the consequences of these practices for the Jewish communities, Yom Tov Assis is the only historian who has dedicated some pages to this matter in his book *Jewish Economy in the Crown of Aragon* (Assis 1997: 155-157). His analysis, thought exclusively focused on the Jewish perspective, evinces that the effects of the allocations on the *aljama* did not substantially differ from the Christian case. Almost all negative effects and abuses were natural consequences to the breach of the usual legal relationships: the monarch was replaced by an individual with no legal or moral bounds with the *aljama* and whose only aim was to collect his benefits (Neuman 1944, I: 76). Violent collections and double payments were the most habitual outcomes. In some

[311] See for example the case of the royal treasurer A. Bastida in ACA, reg. 65, f. 104r.
[312] See for example ACA, reg. 67, f. 43v [Régné (1978), 1598], ACA, reg. 76, f. 31v [Régné (1978), 1910], ACA, reg. 82, f. 60v [Régné (1978), 2166], ACA, reg. 83, f. 71v[Régné (1978), 2172], etc.
[313] ACA, CR, Pedro III, c. 28, n. 3775 [Assis (1993-1995, II), 909].
[314] There are some exceptions. In 1347, Peter III authorized his officials to alienate some part of rents of Girona in order to provide with some additional economic resources to the empobrished *aljama* of the city. ACA, CR, Pedro III, c. 23, n. 3196 [Assis (1993-1995, II), 1071].
[315] Thus for example, Astrug Ravaya received incomes from the community of Caldes de Malavella and the *collecta* of Girona-Besalú (ACA, reg. 17, f. 83v [Jacobs (1894), 490; Régné (1978), 340] andACA, reg.17, f. 62 [Jacobs (1894), 486; Régné (1978), 372]). Jahuda de la Cavalleria was awarded with 2,000 *sb* from the taxes of the community of Barcelona in 1265 (ACA, reg. 14, f. 70 [Régné, 320]).
[316] As said, there are dozens of documents in this regard just in the registries of the Royal Chancellery. Just to give a couple of examples: James II allocated taxes from Barcelona several times to the Caravida family, which provided mules to the royal house (ACA, reg. 88, f. 266 and reg. 89, f. 144v [Régné, 2536 and 2598]). The same king rewarded one of his Jewish subjects for his services with the taxes of Tarazona (ACA, reg. 196, f. 232r).
[317] ACA, reg. 20, f. 268r.

cases, the allocations had an unprecise scope, which could lead the king to demand the same taxes which had already been payed to the beneficiary. In addition to the economic loss, allocations caused an internal fiscal upheaval, which used to plunge the *aljamas* into an administrative chaos.

The lack of legal and institutionalized instruments to oppose king's will and the temporary nature of the allocations contributed to make them a frequent and multipurpose practice. Therefore, in fiscal terms, the Jewish communities lived in a permanent situation of insecurity and deprivation. The king could grant new allocations without prior consultation. He could also remove them easily if the Jewish resources were needed—as occurred in 1343, when the Peter III revoked all allocations to defray the war against Mallorca[318]. All in all, these concessions created a situation of financial and legal uncertainty.

Considering the relevance of allocations on the communal tributes, it is not surprising that the king turned a deaf ear to the pleas of his Jewish subjects and ignored the proposal of the drafters. Probably, he considered it a bad joke. The alienation of the royal patrimony, both via the permanent sale of territories and jurisdictions or via fiscal allocations, had become the last resort to defray the high military expenses of the Crown. Though in 1354 the external scenario appeared to stabilize with the Sardinian campaign and the war with Genova coming to an end, it was no more than a mirage (Torras 1999: 163-164). Any hope of reversing the situation and achieving privileges of this sort soon dissipated.

In 1356, the war against Castile, also known as the War of the Two Peters (Peter III of Aragon against Peter I *the Cruel* of Castile), started. This long conflict became the greatest and most expensive military challenge for Peter III (Martín 1991: 148-151; Sánchez 1995: 129-134; Verdés 2009: 64 and 85-99). This last conflict increased the severe patrimonial crisis of the Catalan-Aragonese monarchy. As pointed out above, the situation did not improve until the fifteenth century. Therefore, the drafters failed at their task. In this regard, Abraham Neuman asserted that "the evil was too deep-rooted, however, to be dislodged by logic or fairness" (Nauman 1944, I: 77).

Conclusions:

a) There was no distinction between public and private royal patrimony. Therefore, the king defrayed public expenses with his own income, and could freely use—in spite of some legal limits—the lands, jurisdictions, and revenues of his territories.

[318] ACA, CR, Pedro III, c. 19, n. 2543 [Assis (1993-1995, II), 1027] and ACA, CR, Pedro III, c. 19, n. 1581 [Assis (1993-1995, II), 1030]

b) Jewish taxes belonged to this patrimony. In addition, the Jews did not have any kind of institutional protection which would limit the power of the king, like the *Corts*. Thus, the allocation of communal taxes was an easy way to meet royal debts.

c) The concatenation of long and expensive wars during the reign of Peter III led to a constant need of additional income. In this context, the alienation—including temporary allocation—of the royal patrimony became a usual resort.

d) Allocations of Jewish taxes had been a standard practice since the earlier thirteenth century. However, the economic crisis of the mid-fourteenth century increased their use. This situation paralleled the alienation of royal territories and jurisdictions, which also caused unrest among the Christian subjects.

e) The king ignored the petition of the drafters.

Chapter 9: ¶15. The drafters ask for the abolition of the *Protector aliamarum iudeorum terra nostra*

עוד ישתדלו להתחנן לפני אדננו המלך יר״ה לסלק אשיקנסיואן אדוי הדוק יר״ה כי אף כי לא אנחנו אין ידים לזה לביסקומטי דאילה לבקשת הקהלות למען יהיה טוען שלהם ועתה נתבטל הדבר.

> *Likewise, they will attempt to beg our revered lord the King for removing the allotment* [asiknasion] *of His Excellency the revered Duke* [ha-duk], *because though we are in his hands, the viscount of Illa* [viskomti dilla] *was at first appointed protector by request of the aljamas, but now those circumstances have disappeared.*

9. a. The *Protector aliamarum iudeorum terra nostra*

The petition refers to an institution that King Peter III had established himself only a few years ago. Although the drafters did not mention the official name of this institution or did not specify the name of its head, it was not necessary. As usual, the drafters preferred the use of *aljamiados* for legal and political terminology. Thus, the word for "allocation*"* is the deformed Latin term *"*assignacion*"* ("אשיקנסיואן", *"*asiknashion*"*)[319]. The words for "duke*"* and *"*viscount*"* were kept in Catalan: *"*duc*"* (*"*דוק*"*, *"*duk*"*) and *"vescomte"* (*"*ביסקומטי*"*, *"*viskomti*"*). The name of the viscounty is also in Catalan with the particularity that the contraction of the preposition with the name *"*d'Illa*"* has become a single word (*"*דאילה*"*, *"*dila*"*).

The institution mentioned in the proposal is the *protector aliamarum iudeorum terra nostra*, or simply *comissarium iudeorum*. Allegedly, its objectives were the coordination, centralization, and improvement of the defence of the *aljamas* in all the territories of the Crown. However, those targets were more theoretical than real. The evolution and functioning of this institution have been traditionally neglected by the authors who have approached the *Agreements*. Professor David Romano complained about this situation in his contribution "Els jueus en temps de Pere el Cerimoniós (1336-1387)" (Romano 1989: 116).

Only Jaume Riera i Sans resolved this historiographical gap in one of his latest published works before his decease in the summer of 2018 (Riera 2018). Thanks to his

[319] The mutation of the word *"assignatio"* into *"assignacion"* is similar to that of *"constitutio"* into *"constitucion",* discussed in chapter 7. Once again, the similarity with the Spanish word *"asignación"* is accidental.

privileged position as secretary of the *Arxiu de la Corona d'Aragó*, this renowned researcher conducted a comprehensive and insightful study on the evolution of this institution. Given that his contribution is unique and built on a large archival research, the major risk of the current chapter is to fall into a mere reproduction of his outputs. For this reason, we will refer only to some of the basic features of this office according to Riera's findings—for further details on its organic functioning, we willingly recommend his contribution. We will put the focus on portraying the viscount of Illa mentioned in the proposal in order to understand the reasons of his appointment and aiming to complement Riera's analysis.

The practical relevance of this office appears to have been null. The few documents referring to this institution contain more details about its expenses than about its tasks, which evinced that the *aljamas* had to defray its maintenance in exchange for nothing. In that sense, Jaume Riera described it as an "*abús"* (Riera 1987: 170); Baer considered that it was *"*likely to oppress the helpless than to defend them*"* (Baer 2001, II: 25) and Abraham Hershman stated that "the communities soon found out, to their regret, that his appointment involved a heavy expense and served no useful purpose" (Hershman 1943: 113). The three authors were right in their judgements, and several more negative adjectives could be added to the list without losing academic objectivity. The drafters had enough reasons to ask for its abolition.

The origins of the *protector* have been largely misunderstood. For instance, Finkelstein, who was a thinker and *halakhic* expert rather than a historian, hesitantly transcribed "דאילה" as "*de Ávila*" (Finkelstein 1924: 341), a Castilian town that had nothing to do with fourteenth-century Catalonia. Apparently, he was unaware of the existence of the viscounty of Illa, as well as of the political division of Medieval Iberia. Nevertheless, he was not an expert and the means available to him were scarce. Baer figured out that the office was created as a consecuence to the wave of riots occurred during the Black Death (Baer 2001, II: 25). However, Riera proved that its origins go back to 1346.

The reason of this misunderstanding must be found in Baer's digest (Baer 1929). According to his compilation, the first document to mention the existence of the *protector* was issued in 1349[320]. This document is a letter to the *aljama* of Barcelona by Peter III apologizing for the delays on the prosecution of the assailants and announcing the adoption of new measures in order to prevent new attacks during the upcoming Easter. The text refers to a *comissarium judeorum*, which was an additional term for the institution. Even though, it is evident that it was not the foundational document. Any researcher without further information would have linked this commissary with the recent riots.

Nevertheless, Riera found the two foundational documents, both issued in January 1346. In the first one[321], the king announced the creation of the institution—theoretically, as a response to the complaints of the Jewish communities, which felt

[320] ACA, reg. 654, f. 128v-129 [Baer (1929), 240].
[321] ACA, reg. 955, f. 40v-41r, cfr. Riera (2018: 96).

themselves discriminated by royal officials—and the appointment of the viscount of Illa, Pere of Fenollet, for the office. It is also stated that the viscount would count on the support of a legal expert. The second document[322] confirms the appointment of Jaspert of Tregura as legal advisor. The documents stablished a revenue of 10,000 *sb* for Pere of Fenollet and 2,000 *sb* for Jaspert of Tregura to be collected from the royal *aljamas* of Catalonia and the kingdoms of Valencia, Aragon and Mallorca.

The second document compiled by Baer is a letter sent from the king to the *aljama* of Barcelona dating in 1350[323]. The monarch required the contribution of 800 *sous* of the *aljama* for the maintenance of the institution. In that case, the record specifies that the official in charge of the institution is the viscount of Illa. Attached to the document, there is a list detailing the contributions assigned to each *aljama*. However, this document only reflects 10,000 *sous* (*sous of Jaca* for the Aragonese communities and *sous of Barcelona* for the Catalan, the Valencian and the Balearic) distributed as follows:

Barcelona	600 *sous of Barcelona.*
Lleida	350 *sous of Barcelona.*
Girona	1,200 *sous of Barcelona.*
Aljamas in the Camp de Tarragona	150 *sous of Barcelona.*
Vic	50 *sous of Barcelona.*
Montblanc, Vilafranca and Cervera	400 *sous of Barcelona.*
Tàrrega	400 *sous of Barcelona.*
Roussillon and Cerdanya	1,100 *sous of Barcelona.*
Aljamas of the Balearic Islands	1,200 *sous of Barcelona.*
Valencia	800 *sous of Barcelona.*
Játiva	200 *sous of Barcelona.*
Alcira	50 *sous of Barcelona.*
Zaragoza	500 *sous of Jaca.*
Huesca	300 *sous of Jaca.*
Jaca	180 *sous of Jaca*
Tarazona	150 *sous of Jaca.*
Teruel	300 *sous of Jaca.*
Daroca	90 *sous of Jaca.*
Borja	210 *sous of Jaca.*
Calatayud	650 *sous of Jaca.*
Barbastro	20 *sous of Jaca.*
Sos	40 *sous of Jaca.*
Tauste	30 *sous of Jaca.*
Uncastillo	30 *sous of Jaca.*

Table 1: Contribution of the aljamas for the defrayment of the "*protector aliamarum*"[324]

[322] ACA, reg. 955, f. 42v-43r, cfr. Riera (2018: 97).
[323] ACA, reg. 1318, f. 137v [Baer (1929), 245; Muntané (2006), 193].
[324] Own elaboration from ACA, reg. 1318, f. 137v [Baer (1929), 245; Muntané (2006), 193].

The document states that Mosse Natan took charge of 300 out of the 400 *sous* owed by the *aljama* of Tàrrega. Considering his weak financial situation[325] and the additional 4,000 *sous* he had to pay as ordinary taxes[326], it might be assumed that Natan did not welcome the contribution. These excessive taxations motivated his complaints to the king, who in 1356 freed him from his tax debts until his economic situation improved[327]. According to Pieters, Jahuda Alatzar had to deal with the same responsibilities regarding the defrayment of the instititution (Pieters 2006: 109). He adscribes this information to Riera (Riera 1987), but the Catalan historian did not address Jafuda's case. The aforementioned document does not mention Alatzar either. Although it seems to be Pieters' mistake, it is likely that Alatzar took charge of a great part of the 800 *sous* assigned to Valencia.

Although Riera assured that the annual tax reached the 12,000 *sous*[328]—as stated in the abovementioned documents—to be proportionally payed by all the *aljamas* of the Crown, the table above only reflects 10,000 *sous.* Riera, who compiled almost all the available accounts on the collection of this tax[329], realized that this document was incomplete. There were some obligated duty-bearer *aljamas* not mentioned, namely: Manresa, Ejea, Montalbán, Tamarit, Alagón and Morvedre. Though he admits that some of them might have been temporally freed from contributing via privilege, the burdens assigned to the rest of community had nothing to do with their real economic capacity (Riera 2018: 104-105). The rest of accounts from 1346 to 1410 reflect the stipulated 12,000 *sb* with barely any exceptions.

9. b. Pere of Fenollet, the man behind the *Protector*

Therefore, the *aljamas*—and specially their wealthiest members—were compelled to defray the institution. Without a shadow of a doubt, the economic burden was one of the drafters' sources of complaints against the *protector aliamorum.* But there was a second reason for discontent, which evinces the uselessness of the institution and justifies the invectives of Baer and Riera: its tenure. As stated in the proposal and in the payment request of 1350, the post was entrusted to Pere of Fenollet (sometimes written Fonollet), viscount of Illa and Canet and lord of Llusà and Portella. This baron played a secondary role in the political events occurred in the Crown in the 1340' and became

[325] Cfr. Chapter 5.
[326] ARP, t. 459, f. 27r [Muntané (2006), 197].
[327] ACA, reg. 690, f. 34r-v [Muntané (2006), 226; López (1956), 35].
[328] Though Riera did not publish his work on the *protector* until 2018, he already controlled this information when he wrote his essay on the *Agreements* 30 years before. See Riera (1987: 170).
[329] See Riera (2018: 138-142) for a synthesis. The exact amounts are spread along the text.

part of the inner circle of the monarch. His biography has never been addressed in depth. The most relevant sources of information about his life are the *Crònica* of Peter III (Pere el Cerimoniós 1983) and, to a lesser extent, the works by Albert Lecoy *Les relations politiques de la France avec le royaume de Majorque* (Lecoy 1892), and by Serra i Vilaró *Baronies de Pinós i Mataplana* relying on documentation from the archives of Bagà and Pobla de Lillet (Serra 1989 i Vilaró, I).

Pere of Fenollet was probably born in the decade of 1290. His father was rewarded by king Sanç of Mallorca with the viscounty of Illa (Roussillon) in 1314, and Pere inherited it in 1315. Thus, he was vassal of the Kingdom of Mallorca, which was at the same time vassal of the Crown of Aragon. In 1321, his cousin the viscount of Canet Guillem de Saguardia died without descendant, and Pere also inherited this title (Salazar 2011: 29-30). He married Marquesa, daughter of Bernat Guillem of Portella (Serra i Vilaró 1989, I: 448), which led Pere to become the lord of Portella and Llusà.

The ascent of Pere of Fenollet in the Catalan-Aragonese royal court is closely linked to the fate of the Kingdom of Mallorca. This kingdom had been founded by James I after conquering the islands in 1229. When he died in 1276, his son Peter II *the Great* inherited the kingdoms of Aragon and Valencia, as well as the Catalan counties, while his son James inherited the kingdom of Mallorca, which included the Roussillon and Montpellier. In 1279, and after a brief conflict between the two brothers (Abulafia 2008: 661), James vowed vassalage to Peter in the Treatise of Perpignan:

> (…) *Omnibus et singulis terris et locis et jurisdiccionibus eorumdem constituimus nos de presenti feudatarium vestrum; recognoscentes deinceps nos et successores nostros predicta omnia tenere a vobis et successoribus vestris regibus Aragonum in feudum predictum honoratum transferentes eciam in vos et successores vestros directum dominium omnium predictorum, quod directum dominium confitemur nos ex nunc vestro vestrorumque successorum nomine possidere* (…)[330].

It is noteworthy that the kings of Mallorca also had their own numeration. James II of Mallorca (1243-1311) should not be confused with James II of Catalonia, Aragon and Valencia (1267-1327).

In 1343, James III of Mallorca (1315-1349) rose up against Peter III in an attempt to free his kingdom from vassalage (Abulafia 2014: 176-177). In a rapid offensive, Peter III conquered the Balearic Islands and annexed them to the Crown of Aragon (Shneidman 1970, I: 94-95; Hillgarth 1976, I: 360; Bisson 1986: 105-106). James III

[330] In Lecoy (1892, I: 446-449). "From this day our [*of the Kingdom of Mallorca*] lands and places, as well as their respective jurisdictions, become your [*of the Crown of Aragon*] feudatories; henceforth, it is acknowledged that we and our successors honorably transfer all the above mentioned feuds on which we have direct control to the kings of Aragon and their successors" (our own translation).

took refuge in Perpignan to keep the fight. Pere of Fenollet abandoned then his natural lord and joined the armies of Peter III. In the narration of Albert Lecoy, Fenollet is portrayed as an ambitious and treacherous conspirator, the sort of soulless man who waits for the Caesar in the shadows of the palace with a hidden dagger in his sleeve (Lecoy 1892, II: 95-106). When his change of loyalties became evident, Fenollet fortified his dominions in Illa and conducted several successful raids in the areas of Cerdanya and Roussillon (Serra 1989, I: 137) until he was captured and imprisoned. Some weeks later, he was freed by Peter's troops (Pere el Cerimoniós 1983: 1054).

During the first offensive of Peter III in the Roussillon (1343), Pere had an active role in the siege of Perpignan. His harbour in Canet became one of the most important logistic bases for the supply of Catalan-Aragonese armies (Pere el Cerimoniós 1983: 1063).

Peter III desisted from seizing Perpignan and the war ended with a frail truce. Among the conditions requested by Peter III to call off his troops, it was agreed that the Crown would keep the vassalage of Pere of Fenollet and his dominions would not be retaliated by Mallorca (Pere el Cerimoniós 1983: 1064). Though James III accepted those conditions, several months later his army conducted several incursions in the lands of Canet. Those facts contributed to Peter's decision to launch a second and definitive offensive in the Roussillon. Once again, Pere of Fenollet took an active role in the combats, especially in the sieges of Argelers and Colliure (Pere el Cerimoniós 1983: 1097-1070). The narrations of King Peter display the increasing importance of Fenollet in his military council.

During the civil war between the monarchy and the revolted barons of the Valencian *Union*, Pere of Fenollet kept loyal to the king. He fought in the failed attempt to recover the town of Vinçà, seized by the *Unionist* Jaume of Montpellier little ago. According to the King, the fight was hard and bloody *"e, per tal com lo havien combatut avalotadament e no acordada, no l'havien pogut pendre, mas que hi eren mortes dels de dins moltes persones"*[331] (Pere el Cerimoniós 1987: 1094). He also took part in the guard in charge of picking and escorting Eleanor of Portugal, king's fiancée, from the harbour of Morvedre (now Sagunt) to the lands controlled by the *Union* to Barcelona (Pere el Cerimoniós 1983: 1101).

Meanwhile, he got engaged in national politics. He was convened to the *Corts* of Barcelona in 1347 and Perpignan in 1350-1351. This *Corts* evince that Pere of Fenollet was also rewarded with the concession of several jurisdictions. The *sindics* who attended the *Cort* of Perpignan submitted several *greuges* to the king for transferring him the jurisdictions over the *vegueries* ("judicial district", jurisdictional area of a *veguer*) of the Bages and Bergadà, "*e aço sia en gran dampnatge de la dita vegaria e de les gents del Senyor*"[332] (*Cort* of Perpignan 1350-1351 [section of *greuges*]/ LXIII and

[331] "and because they fought without order and strategy, they could not seize it, but they killed many defenders" (our own translation).
[332] "and this caused great damage to this *vegueria* and it pious inhabitants" (our own translation).

XCI). In 1350, he was sent to the French royal court as ambassador (Lecoy 1892, II: 168). In 1351, he participated in the private council of the King that decided to support Venice in the war against Genova, although his position in the debate is unknown (Pere el Cerimoniós 1983: 1110-1111).

Pere of Fenollet was therefore a veteran warrior and aristocrat who had supported the king in challenging times. However, he never had a relevant role at the political forefront. It is likely that the king appointed him *protector aliamarum* as a reward for his loyalty and services rather than for his attitudes or commitment in the protection of Catalan-Aragonese Jewry. And Pere probably understood the charge as a mere honorific and gainful appointment, and not as a real political and administrative responsibility. However, he apparently was a skilled and experienced person capable of properly running the institution. The problem was the lack of will to do so. Nevertheless, he did not have many chances to prove his intentions since he died in 1353. Then, the useless nature of the institution became undeniable. Peter III appointed his son and successor John—the future John I *the Hunter* (1350-1396). He was barely four years old, although he already enjoyed the tittle of Duke of Girona—obviously, he is the *Duke* mentioned in the proposal. Needless to say, he had little to offer to the management of the institution.

The post of *protector aliamarum iudeorum terra nostra* was an institutional caricature aiming to obtain further tax revenues from the *aljamas* and to be used as a bargaining chip in case of necessity. It should not be surprising that the drafters asked for its abolition. It was useless and entailed an economic expense that the communities could hardly afford. Perhaps the drafters even considered it offensive and humiliating.

9. c. The *Protector* after 1354

The drafters did fail. Abraham Hershman considered that the appointment of representatives before royal authorities announced in proposal ¶7 aimed to replace the *protector* (Hershman 1943: 113-114); however, the targets of both proposals were different. In fact, the institution lasted several more decades, as shown by Riera's work. The documental evidence compilled by the Catalan historian prove its—onerous—inactivity. Moreover, after the death of Pere of Fenollet, the office remained in the exclusive hands of the monarchy, which was already supposed to have the natural duty to protect its Jewish subjects. Therefore, the *protection* ceased to be an independent instution and became another mere source of revenue.

In his well-known work *History of the Jews in Christian Spain*, originally written in 1945, Baer affirmed that "the post was soon abolished" (Baer 2001, II: 25). He was completely unclear, but an assertion of that kind suggests that the institution had a life-time of some years or maybe a couple of decades. However, even in his documentary

collection *Die Juden in Christlichen Spanien*, published in 1929, the continuity of the institution is clearly attested until the fifteenth century (Baer 1929).

After the *Agreements* of 1354, this protection entailed regular payments by the Catalan-Aragonese Jewry (Riera 2018: 105), which never renounced to achieve its abolishment. The royal response to a set of complaints submitted by the Jewish community of Zaragoza in 1382 dealt once again with this issue. The proposals collected in the document are similar in nature to the petitions of the *Agreements of Barcelona*, though less ambitious and exclusively focusing on local interests. The king was the only addressee. In this case, the monarch also decided to keep the tax for the *"proteccio del senyor duch"* they annually payed. Although the institution is not expressly mentioned, this *"duch"* was the Duke of Girona, Prince John's main tittle. This part of the text enumerates some of the most important expenses of communal administration—including the *protection*—and it is worthwhile to reproduce it:

> *Item per esquivar, que en la dita aljama nos facen moltes messions voluntaries, que entro aqui se son fetes a gran dan dela dita aljama, fo ordonat, que els dits clavaris deles quantitats, que reebran, puxen dar e pagar tan solament les coses a la dita aljama necessaries e que bonament escusar no poden, aixi com son censals, violaris*[333]*, deutes usuraris e lurs pensions, trehuts, demandes reyals aixi ordinaries com extraordinaries, cenes*[334]*, la proteccio del senyor duch, la guarda del divendres sanct e la almosna de pascua acostumada, presents de nadal no excesius, salaris dels rabins dela dita aljama, salaris de advocats, escrivans, procuradors e altres servidors dela dita aljama, messions de missatgers e de letres reyals, la provisio dels leons*[335]*, correus, el trehut del pont, murs e talladles, lits, com hi sera lo senyor rey o lo senyor duch, e altres coses ordinaries acostumades de pagar per la dita aljama annualment*.[336]

One of the last allusions to this institution is found in a number of ordinances enacted by the Jewish *aljama* of Lleida in 1408. These agreements are similar to those enacted by the Jewish community of Zaragoza in 1382. In this case, the representatives of the

[333] On the concept of *censals morts* and *violaris* see cfr. Chapter 5.
[334] On the concept of *cena* see cfr. Chapter 12.
[335] Catalan-Aragonese kings used to have lions in Zaragoza. The local Jewish community used to be in charge of their physical and economic maintenance.
[336] ACA, reg. 939, f. 99-103v [Baer (1929), 342]. "Aiming to avoid the numerous voluntary contributions that are imposed causing a great damage to the *aljama,* it has been ordered that the abovementioned *clavaris* will only be allocated to defray the necessary and inescapable expenses of the *aljama*, such as the *censals*, *violaris*, usurius debts and rents; taxes, ordinary and extraordinary royal demands, *cenes*, the protection provided by our lord the duke, as well as the protection during the Good Friday; the Easter alms and non-excessive Christmas presents; the salaries of the rabbis, lawyers, scribes, *procuradors* and other servants of the *aljama;* the task of the royal couriers and [*the expenses related to the achievements*] of royal letters; the funds for the lions; the couriers; the taxes on the bridge, walls and watchtowers; the accommodation during the visits of the king or the duke and many other things that annually paid by the *aljama*" (our own translation).

aljama requested that if "*lo batlle, lo qual que sia, e per son lochtinent era fet alguna cosa injusta* (…) *aquest juheu o juhia se puixa appellar al protector o conservador per lo dit senyor ja posat a conservacio dels juehus e aljama daquells*"[337]. The petition is striking as long as the office was supposed to already have those attributions. Not even the theoretical legal framework of the institution was clear for the *aljamas.*

John I died in 1396 after a nine years reign. The office was then inherited by the new king, his younger brother Martin *the Humanist* (1356-1410) (Riera 2018: 131). Thus, he was the protector mentioned in the document of Lleida. Considering its background and the recent events of 1391, it is surprising the apparent faith of the Jewish population of this town in the functioning of the institution. The wave of assaults that spread along the entire Iberian Peninsula in the summer in 1391 almost destroyed all the Jewish communities in the Christian kingdoms. The huge and leading community of Barcelona was eradicated forever. The next hundred years until the definitive expulsion were a long agony for an already moribund collective. John I, then the *Protector aliamarum iudeorum terra nostra*, could not help out in the massacres—but the *protection* had still to be paid. After those events, it is impossible not to wonder how some Jewish *aljamas* could still trust this institution.

Perhaps, the office was reshaped after the summer of 1391 to prevent further attacks, or someone more skilled and committed was appointed for the charge. Maybe, historical evidence—against all odds—does not do justice to an institution that was more useful and active than it appeared to be. Documentation is silent in this regard. One thing is certain: the institution apparently died with Martin I, the last king of the Catalan dynasty. The new Castilian-origin ruling family, the Trastámaras, did not retake this source of revenues.

Conclusions:

a) The institution of the *protector aliamarum iudeorum terra nostra* was stablished in 1346 with the alleged aim of providing effective protection to the Jewish communities of the Crown against the endemic injustices and attacks they were victims of.

b) The office was initially entrusted to the viscount Pere of Fenollet, who excelled serving Peter III in his military campaigns against the Kingdom of Mallorca. A

[337] ACA, reg. 2205, f.118v-120v [Baer (1929), 480]. "[*If*] the *batlle*—no matter who holds the office—or his deputy does an injustice [*to a Jew*] (…) this Jew will be allowed to appeal the *protector* or to the delegate he appointed to look after this *aljama* and its inhabitants" (our own translation).

legal expert from the court was appointed as advisor. A lump sum of 12,000 *sous* to be distributed among the whole Catalan-Aragonese Jewry was decreed to defray the institution.

c) The viscount died in 1353. Prince John became then the new protector—he was barely four years old. Henceforth, the institutions remained in the hands of the monarchy, which already had the inherent duty to protect the *aljamas*.

d) This institution proved to be completely useless. Especially after the death of the viscount of Illa, the office of the *protector* became no more than an excuse to obtain additional revenues from the *aljamas.*

e) The drafters did not succeed in their task. Other Jewish communities attempted to achieve it abolishment, but the figure of *protector iudeorum*—as well as its associated tax—only disappeared when the last Catalan king died in 1410.

Chapter 10: ¶35. The drafters reclaim the right to choose their residence

עוד הסכמנו להשתדל בכל מאמצי כח להפיק חותם מאת אדננו המלך יר״ה להתיר כל היהודים אשר תחת ממשלתו שיוכלו להעתיק דירתם ממקומות המלכות ללכת ולדור במקומות הפרשים או בכל מקום שיבחרו כאשר הרשות נתונה מימי קדם ולבטל כל חק כרוז הנעשה עד היום.

> *Moreover, we have agreed to put our efforts and energy in obtaining from our Revered Lord the King a privilege allowing all the Jews under his jurisdiction to move their residence from royal domains to baronial lands or to any other territory they wish, just as they were permitted to do in olden times and derogating every current law in this regard.*

10. a. Baronial *aljamas* and migratory flows

With this proposal, the drafters aimed to obtain a privilege allowing Jews to freely decide their residence, especially outside the royal domains. The text, unlike many other sections, does not include any Catalan or Aragonese word *aljamiada*. It is completely written in Hebrew. It is striking its position within the *Agreements*: while the proposal belongs to the group of petitions addressed to the king, it is located at the end, among the measures ruling the internal composition of the assembly of delegates.

In this work, we have addressed several aspects of the relationship between the Crown and the Catalan Jewry. However, our thematic scope has been almost exclusively centered on the *aljamas* located in royal domains. In contrast, the Jewish communities placed in seignorial and ecclesiastical lands have been absent from the discussions. The reasons of this exclusion are quite simple. Firstly, the three drafters dwelled in royal municipalities (Barcelona, València and Tàrrega). Secondly, the direct interpellation to the king, as well as the fact that all the petitions targeted affairs of his competence, evinces that the *Agreements* only aimed to involve the *aljamas* under direct control of the monarchy.

Beyond these specific justifications, a simple glance at the historiographical works on the Catalan-Aragonese Jews (even on the whole Jewry of Christian Iberia) is enough to realize that the baronial communities have played a secondary role in scholarly productions. Several elements can explain this trend. On one hand, for example, most of these communities had a lower demographic and economic weight compared to the most prominent royal *aljmas,* like Barcelona, Valencia or Zaragoza. On the other

hand—and as pointed out by Stephen Bensch—, baronial archives are considerably poor in contrast to the titanic documentary collection of the ACA (Bensch 2008: 22). In the canonic works on the Jews of the Iberian Christendom, such as *The Jews in Spain* (Neuman 1944 [1942]), *History of the Jews in Christian Spain* (Baer 2001 [1945]) and the *Golden Age of Aragonese Jewry* (Assis 2008 [1997]), these communities are only residually addressed.

There are no monographic works addressing the baronial *aljamas* as a whole. Historiographical production has tended to focus on specific cases and localities. In many cases, these contributions are written by local historians, like the works by Ramon Corbella on the *aljama* of Vic (Corbella 1909), by Joan Baptista Torroella on Banyoles (Torroella 1928), by Maria Dolors Mercader Gómez on La Bisbal de l'Empordà (Mercader 1999) or the book by Xavier Soldevilla on the *aljama* of Torroella de Montgrí (Soldevilla 2000)—just to mention a couple of examples. Often, the field of expertise of these authors is not Jewish culture, and their research exclusively relies on Christian documentation from local archives. This usually leads to a disconnection between the specific case and the general context. For instance, the qualitative changes caused by the mutations on the *ownership* of the *aljama* are not reflected—Torroella de Montgrí became a king's town in 1277; the part of Vic controlled by the bishop turned into a royal jurisdiction in 1316 and the part of the city under the rule of the Counts of Moncada followed the same path in 1450.

On the other hand, there is a considerable amount of scientific literature dealing with particular aspects of Jewish life in specific seignorial territories[338]. Given the restricted format of these publications, they do not offer a global view of the overall context of the baronial *aljamas* as a contraposition to the royal *aljamas.* Among the monographic studies, we should mention the books *Contested Treasure*, by Thomas W. Barton (Barton 2014)—perhaps the most insightful work on the history of a seignorial *aljama* in Catalonia—and Yom Tov Assis' *The Jews of Santa Coloma de Queralt: An Economic and Demographic Case Study of a Community at the End of the Thirteenth Century* (Assis 1988a).

Unfortunately, we cannot address in-depth the features of these communities. The following pages will only deal with them insofar as is necessary to analyze this section of the *Agreements*. For the moment, there are just two elements that should be pointed out: i) there were *aljamas* under baronial domain and ii) in some periods they became a problematic issue for the monarchy and for the communities placed in the royal domains.

Although Baer affirmed that there were no baronial *aljamas* until the last decades of the thirteenth century (Baer 2001, I: 210-211), some seignorial territories had a long-standing tradition of Jewish settlements, such as the counties of Empúries and Tortosa.

[338] See, for example, Guillauré (1987) and Farias (2004) for the Empordà, the works by Llop (2003, 2006 and 2018, for example) for Vic, Bensch (2008) and Pujol (1990) for Empúries, Bach for Cardona (1990), among many others.

Nevertheless, the migratory fluxes from royal territories notoriously incremented at the end of that century and, specially, in the first quarter of the fourteenth century (Meyerson 2004: 148ff; Assis 2008: 169). For the Catalan Jews, seignorial lands were very tempting in many regards. To begin with, protection against anti-Jewish disorders used to be more effective (Ray 2006: 83). According to Miquel Pujol, for example, the community of Castelló d'Empúries did not suffer the wave of assaults that shook the whole Peninsula in 1391, which led to the destruction of several important *aljamas* (Pujol 1990: 314). This greater degree of protection was simply a matter of availability: while the king's limited forces had to coordinate the defense of many places disseminated along a vast territory, baronial troops could exclusively focus on the protection of a single *aljama.*

Another advantage was the range of prerogatives granted to the inhabitants of those territories. Local lords used to have a better knowledge about the needs of their people, and they were in a better position to meet them than the king. Those barons usually granted to their subjects the same privileges conferred by the monarch to the royal communities. Moreover, the nobles often could offer more attractive conditions (Barton 2004: 86-87). The foundational privilege granted by count Hugh III of Empúries to his Jews in 1238 is a clear evidence (edited in Bensch 2008; see also Pujol 1990: 301-306). The text starts accepting the general privileges conferred by the counts-kings to the whole Jewry[339] and hereof he enlarged the list with further prerogatives. Therefore, baronial Jews used to enjoy from wider catalogues of legal benefits.

However, fiscal conditions were the most appealing advantage that the protection of a nobleman could offer to royal Jews. Since they belonged to different and autonomous jurisdictions, baronial *aljamas* did not contribute together with the rest of royal communities and were not included in the system of *collectas*[340]. Although they were also bound to contribute to the king's chest, the amount of taxes that these communities paid was much lower. In addition, the fiscal pressure exerted by the barons was considerably inferior. Even the lump sums resulting from the juxtaposition of local and royal fiscal demands used to be smaller compared to the contributions met by the Jews settled in the territories of the monarch (Assis 1997: 138; 2008: 167). Considering the constant need of the Catalan-Aragonese monarchs for incomes, life in baronial domains used to be economically more advantageous.

---

[339] "*concessimus libertates et consuetudines quas dominus Raymundus bone memorie quondam comes Barchinone et sui successores comites et reges in instrumentis et priuilegiis et consuetudinibus scriptis et non scriptis in suis usaticis pro iudeis posuerunt constituerunt*" ["We concede the freedoms and customs which count Raymond—of blessed memory—and his successors counts and kings granted in written instruments, privileges and customs and in non-written usages" (Our own translation)]. See Bensch (2008: 43).

[340] The *collectas* were regional organizations of *aljamas* probably set by the Counts of Barcelona before the union with the Kingdom of Aragon. Although, their main objective was to improve tax collection mechanism, they became important centers for political decision-making in a broader sense. The *collectas* are addressed in chapter 15.

In principle, local lords had to be authorized by the king to receive Jewish migrants in their domains[341]. This element is key in order to avoid any misunderstanding about the proposal. A first reading of the text may suggest that the sentence "just as they were permitted to do in olden times" means that the Jews used to have freedom to move and settle anywhere in the Crown. This interpretation would entail that a recent decreed had annulled this ancient right. Nevertheless, the mobility and settlement of Jews had always been conditioned to royal consent. The king could allow or prohibit these displacements according to the needs of the moment. The drafters did not ask for the restitution of a lost ancient liberty, but for the derogation of one of the many prohibitions that Catalan-Aragonese kings used to issue in this regard.

Once the transference of Jewish settlers had been authorized, these families were then placed under the protection and jurisdiction of their new lord. The legal status of the new settlers was, nevertheless, uncertain in many regards. Under the scope of legal formalism, the king was the natural and indisputable lord of the entire Jewry of the Crown, no matter where they were settled. But in material terms, the local baron became their direct and absolute ruler. They were *his* Jews. However, the high nobility, one of the natural counterweights to the monarchy, did not share this monopolistic perception. They considered that the Jews in their domains exclusively were *their* Jews (Baer 1965: 44; Barton 2004: 88; Ray 2006: 82; Bensch 2008: 24). As Abraham Neuman noted, "Precedent and theory favored the king. Feudal conditions and the military needs of the hour often favored the baronial side" (Neuman 1944, I: 82).

These confronted pretensions of the king and the nobility over the Jews caused occasional clashes between both jurisdictions. The disputation between King Alphonse II and Count Ponç Hug IV of Empúries is recurrently cited as a paradigmatic example[342]. In 1290, the count of Empúries conducted an inquiry on the Jews in his territories because they were suspects of practicing usury. When the king was told about these criminal investigations, he did not hesitate to fiercily react reacted against this decision, which he considered a usurpation of his jurisdictional powers. He wrote to Count Ponç demanding him to cease immediately the process and emphasizing that he had no right to prosecute the Jews. Unfortunately, the reply of Ponç is unknown. The counts of Empúries were an old and proud linage very powerful in Catalonia. As pointed out above, they aimed at exerting absolute control on their Jews. Thus, it would not have been surprising that Ponç ignored the requests of Alphonse.

Despite these sporadic quarrels between the monarchy and the noblemen, the migratory flows remained relatively harmonious until the first decades of the fourteenth century—at least, from the royal perspective. The home communities of the migrants were, nevertheless, the most aggrieved. When one of their inhabitants was allowed to settle out of the king's domains, the community lost a taxpayer—often an important taxpayer. However, the reduction of the number of contributors usually was not followed by a tax

[341] ACA, reg. 226, f. 64r [Régné (1978), 3311].
[342] ACA, reg. 81, f. 87r [Régné (1978), 2107]. See also Bensch (2008).

reduction. The community had to deal with the same fiscal pressure with less economic means (Assis 1997:138). Beyond fiscal issues, losing a member implied a weakening of the community.

The leaders of the home *aljama* tried by all means to prevent the displacement or, at least, to mitigate the economic impact. The dissuasive methods could include violence, and even murders[343]. In principle, the migrants were asked to clear their communal debts before moving to royal domains in order to palliate the financial harm for the *aljama*[344]. Nevertheless, the *aljama* usually did not cease in its attempts to impede the change of residence or to obtain a huger economic compensation from the migrant. In those cases, the king often had to intervene to protect the migrant[345]. But if the migrants had not paid their debts, he could confer special powers to the community to prosecute the defector[346] or entrust it to his officials[347].

Hebrew sources also attest these clashes between migrants and home communities. Several *responsa* by Shlomo ben Adret deal with this sort of lawsuit. Once he was inquired on a case about a man who left the community of Montpellier after clearing all his debts. Some time after, the community received some revenues from a number of collective loans in which the migrant had participated. The man asked for his part of the benefits, but the community rejected his petition arguing that the gains were for the community and its members. Adret aligned himself with the migrant:

דבר ברור הוא בעיני שיש לו כפי חלקו אשר פרע דמה שנתנו הקהל החזירו להם וזה אחד מן הנותנים ולו החזירו בכלל הקהל (...).[348]

(Adret III: 415)

[343] Apparently, it was the case of a Jew who moved from Lleida to Tortosa. Some members of the community killed his father in retaliation (ACA, CR, Pedro III, c. 27, n. 3671 [Assis (1993-1995, II), 855]).

[344] See, for example, the general order in this regard given by James II to all his officials in the Crown. ACA, CR, Jaime II, c. 7, n. 898 [Assis (1993-1995, II), 634].

[345] For example, James II commanded to the *aljama* of Lleida not to demand their part of contributions to the Jews who had been transferred to the dominions of the counts of Moncada (ACA, reg. 228, f. 110r [Régné (1978), 3366]); a similar order was given to the *aljama* of Girona regarding a man who had moved to the county of Empúries (ACA, reg. 220, f. 82v [Régné (1978), 3192]); the same protection was provided to some families who had emigrated to the county of Prada (ACA, reg. 229, f. 159r [Réngé (1978), 3400]); Peter III commanded not to tax a number of Jews who had been authorized to settle in the lands of the Anglesola family (ACA, CR, Pedro III, c. 12, n. 1562 [Assis (1993-1995, II), 933].

[346] ACA, reg. 86, f. 164r [Régné (1978), 2452]; ACA, CR, Pedro III, c. 26, n 3577 [Assis (1993-1995, II), 809]; ACA, CR, Pedro III, c. 27, n. 3659 [Assis (1993-1995, II), 849].

[347] ACA, CR, Alfonso III, c, 21, n 2539 [Assis (1993-1995, II), 771].

[348] "Since the community has been paid off, it is clear to me that he must receive his part in accordance to his contribution. He was one of the contributors; therefore, he must have [*his money*] restored together with the rest of the community (…)" (our own translation).

Adret finishes his *teshuvah* pointing out that this is not the first time he has been requested to give his opinion on this matter. The community of Zaragoza had already faced the same problem with two migrants. In fact, the Rashba developed his arguments more profusely in that first *responsum* (Adret III: 405). The enmity between the home *aljama* and the migrant was manifest, and the clashes kept going even after the resettlement. All the bounds of solidarity and kinship that once tied the individual with his community were left behind and irrevocably lost.

10. b. Crisis and royal reaction

The opposition of the home *aljamas* to migration was a common feature of the late Middle Ages. During the whole period, they were the most harmed side by the changes of residence. However, at the end of the thirteenth century and the dawn of the fourteenth century, the situation apparently also got out of the king's control (Assis 1997: 208). The monarchy started to suffer the effects of the exodus to the seignorial lands and decided to harden its migratory policies. The reasons behind this change lie in a cluster of factors related to one of the most characteristics elements of Catalan politics in this period: fiscal pressure. As already pointed out, the Crown of Aragon concatenated a series of financial crisis that increased the fiscal needs of the monarchy. In the thirteenth century, Peter II and Alphonse II had to defray costly wars against an endless list of enemies. When the Crown was still recovering from this downturn, a generalized economic crisis started in the decade of 1330. Throughout the tumultuous reign of Peter III, tax demands reached unimagined peaks.

The Jews bore a great part of brunt of the fiscal stress[349]. The increasing fiscal demands led many families to consider the possibility of moving to baronial domains, where the tax pressure was considerably lower. This option became especially appealing for the wealthiest strata of the communities, whose contributions to the treasury were more demanding. Nevertheless, while a change of residence could be advantageous from the fiscal point of view, it could be harmful for their commercial and political interests. Many of them opted for a fraudulent solution: they stablished their official residence in a baronial *aljama* while their businesses and economic centers remained in their original communities (Meyerson 2004: 148ff).

Catalan-Aragonese kings started to take steps to punish and even prohibit these displacements. A large number of decrees were issued in this period with different spatial scopes. Some of them contained local or regional prohibitions, while some interdictions affected to a whole kingdom. The temporal scope, nevertheless, was usually unspecified. Often, legal changes of residence can be detected a couple of years

[349] Cfr. Chapter 8.

after implementing a ban. Then, a new prohibition can appear. This legal activity was complemented by a wide range of exceptional authorizations allowing some individuals—usually royal creditors or favorites—to move to baronial lands.

James II—the heir of the financial deficit caused by the wars of his father Peter II and his brother Alphonse II—attempted to palliate the situation reducing the number of concessions to the nobility and enacting new harsher prohibitions. In 1314, for example, he forced all the Jews of the Kingdom of Valencia to return to royal domains under the threat of severe sanctions[350]. Seemingly, the king kept imposing similar measures on the Valencian Jews during the following decade. In 1326, his son Peter (1305-1381) begged his father to stop his legal campaign against the settlers in baronial lands (Meyerson 2004: 152[351]).

Peter III kept this political line as part of his efforts to meet the high economic expenses of his reign. Some months after his coronation, the new king authorized the *aljama* of Murviedre to punish with *alatma* (*ḥerem*) and *nitduy* the Jews who moved to seignorial domains before paying their fiscal debts[352]. Although we could not find the document, some registers reveal that Peter issued another decree prohibiting all the Jews of the Crown—or, at least, the Catalan Jewry—to move their residence from royal domains in the second year of his reign[353]. Notwithstanding these prohibitions, some changes of residence were still exceptionally approved[354].

A general interdiction against settling in baronial domains was issued in 1340[355]. Apparently, this is the decree that motivated the complaints of the three drafters. Unfortunately, the document is in a poor state of conservation, just like the rest of accounts grouped in the series *Curie 4* of Peter III's registers—moths had a great feast. Nevertheless, the core ideas are clear enough. The king announced to all the *aljamas* (*"preconizationem publicam"*) that the Jews who moved their residence outside the royal lands (*"domicilia transportarevit"*) would be physically and economically punished (*"pena corporis et bonorum"*). In addition, all the Jews who had already settled outside the lands of the kings were bound to come back to their *aljamas* and regularize their fiscal situation within one month.

However, the exact scope of the decree is unclear. The prohibition is immediately followed by the statement "[et] *non contribuit cum judeis aljamarum nostrarum"* ("and

[350] ACA, CR, Jaime II, c. 39, n 4913 [Assis (1993-1995, I), 167]. Yom Tov Assis (1996-1997: 332) alleged that in 1298 James II prohibited any sort of emigration. However, the document he cited only contains a punctual prohibition on a group of Jews from Alacant who planned to move to Castile. See ACA, reg. 256, f. 1v [Régné (1978), 2674].
[351] ACA, CR, Jaime II, c. 134, no. 173 [Assis (1993-1995, I), 386].
[352] ACA, CR, Pedro III, c. 26, n. 3577 [Assis (1993-1995, II), 809].
[353] ACA, CR, Pedro III, c. 27, n. 3671 [Assis (1993-1995, II), 855].
[354] This the case, for instance, of a physician from Barbastro who was allowed to settle in the County of Ribagorça in 1338 (ACA, CR, Pedro III, c. 27, n. 3687 [Assis (1993-1995, II), 867]; also the count of Bellpuig was authorized to receive some Jewish families in his domains (ACA, CR, Pedro III, c. 11, n. 1598 [Assis (1993-1995, II), 893]).
[355] ACA, reg. 1056, f. 89.

does not contribute with the Jews of our aljamas"). This sentence can be understood as a mere rhetorical juxtaposition of two inseparable elements—that is, *all the Jews who move to baronial lands do not pay their taxes.* At the same time, it might mean that they were allowed to migrate to the extension they keep contributing to their former *aljama.* Or perhaps it is a reference to the duty to clean the debts before departing. The first and third options seem more probable, because the second one would have implied the breach of feudal jurisdictions.

The implementation of the ban was not immediate. The problem of migration apparently persisted during the whole decade. Very likely, the increasing fiscal pressure—together with other reasons[356]—led many Jews to challenge the law. Thereby the king had to adopt a flexible approach and to accept a progressive enforcement of the decree. In a letter sent to the governor of Girona in 1346, Peter III issued an extension of the deadline to come back to the royal domains[357]. Although this document can refer to a posterior prohibition, there is no decree reiterating or confirming the contents of the enactment of 1340. Therefore, Peter III had to delay the full application of the edict several years.

However, the fact that the drafters agreed to include this proposal in the *Agreements* undoubtedly shows that the prohibition reached a high degree of effectiveness in the subsequent years. Indeed, it seems that the ultimatum of 1346 probably was the last one. In 1348, when many Jews left their communities to flee the Black Death and the anti-Jewish violence, the royal policy regarding mobility was already unmovable[358]. Even Moshe Natan, who moved from Tàrrega to Barcelona (curiously, both cities were in royal territories[359]), had some administrative issues due to the change of residency. Only his good relationship with the monarch avoided that the consequences escalate[360].

The king did not satisfy the demand of the drafters. The restrictive policies remained in place with higher or lesser intensity—depending on the period. This proposal was, indeed, quite ambitious. The king would not have renounced to a prerogative of this sort that assured the continuity of fiscal revenues. A striking element of this petition is that its success would only have benefited the wealthiest classes but would have had a negative effect on the community of a whole. The richest taxpayers would have been authorized to evade their fiscal obligations, which would have been assumed by those individuals that could not afford a change of residence. The three drafters, who were three of the most prominent Jews in the Crown, would have been direct beneficiaries of this hypothetical success. Therefore, this proposal did not target the common good, but only the personal profit of the most affluent individuals.

[356] For example, many Jews left Caldes de Montbui in the first years of the 1340' due to the despotism of royal officials (ACA, CR, Pedro III, c. 12, n. 1635 [Assis (1993-1995, II), 1005]).
[357] ACA, CR, Pedro III, c. 23, n. 3184 [Assis (1993-1995, II), 1060].
[358] ACA, reg. 662, f. 10r [López (1959), 24].
[359] According to documentation, changes of residence within the royal domains also needed to be authorized.
[360] ACA reg. 669, fol. 157v-158r [López (1959), 31; Muntané (2006), 213]; reg. ACA, reg. 688, fol. 78r [Muntané (2006), 227].

Conclusions:

a) Many *aljamas* were placed outside of the royal domains under the protection of local lords. Although these communities theoretically belonged to the monarchy, the barons used to have great autonomy to rule over their Jewish subjects.

b) Baronial jurisdiction offers several appealing advantages for royal Jews. The degree of protection used to be higher, privileges often were more generous, and the fiscal pressure was much lower.

c) In principle, the change of residence had to be authorized by the king. The Catalan-Aragonese Jews had never had plenty freedom of movement. The transference of Jews from the royal domains used to be a sort of reward for the services provided by the local lord. The migrants were obliged to clear their debts with the home *aljama* before departing.

d) The home community never welcomed migrations. When someone left the *aljama*, the community lost a taxpayer, but it did not alter the final fiscal burden. For this reason, royal *aljamas* attempted by all means to prevent the resettlement or, at least, to obtain a huge economic compensation.

e) The increase of the tax demands in the first half of the fourteenth century caused great migratory fluxes to the seignorial lands. The wealthiest Jews took advantage of the situation and pretended to change their residence while they kept their economic centers in their home communities. The Catalan-Aragonese kings attempted to palliate the situation enacting periodical prohibitions against migration. The decree that the drafters targeted was probably issued in 1340 and had a general scope for the whole crown.

f) The proposal was dismissed. In fact, this proposal would only have benefited the wealthiest classes. In contrast, popular classes would have had to deal with a greater fiscal pressure.

Chapter 11: ¶13 and 17. The drafters claim against physical abuses

¶13

עוד ישתדלו מאשר נוגשי המס עתה מקרוב פרצו ויעבורו להאדיב נפש אחינו על דבר נגישתם ולתתם אסירי עני וברזל עד במעט בנפש חללים יצעקו ממסגרותיהם, הסכמנו שישתדלו להפיק חותם מושבע מאת אדננו המלך יר״ה לבל ינגשו נוגשיו הרודים בעמנו על דבר המס לענות נפש, כי אם על הדרך אשר נהג הוא ואבותיו מאז.

Given that nowadays tax collectors burglarize and distress our brothers with their demands and make them prisoners with misery and iron until they cry from their dungeons with moribund souls, we have agreed that [the delegates] *will strive to obtain a sworn privilege from Our Revered Lord the King preventing his tax collectors—who oppress us with their impositions—from exerting violence, just like he and his ancestors had always done.*

¶17

ומשר רצי אדננו המלך יר״ה במצאם איש יהודי מתהלך לתומו בדרך שאול ישאל ממנו פדיון נפשו, ואם תקצר נפשו מפדות יפילוהו למדחפות וממול שלמה אדר יפשיטון, הסכמנו שישתדלו הנבררים להשיג ולהפיק חותם מאת אדננו המלך יר״ה כמשפט הראשון אשר השתדלו בו והשיגו איזה יחידים זה שנתים ימים, אך לא יכלו לתת גמר בדבר באשר קצרה ידם מפדות.

Given that when the couriers of Our Revered Lord the King find a Jew innocently walking on the road they demand a ransom of him, and if he refuses to pay they beat him down and undress him, we have agreed that the delegates must strive to obtain a privilege from Our Revered Lord the King similar to this statement that some Jews obtained two years ago, though they could not complete their task because their hand was too short for this good seed.

11. a. Bases of the legal protection of the *aljamas* against abuses

In this chapter, we have decided to alter the structure followed in prior analyses. These two proposals address two different issues, but they share a common axis. In both cases, the petitions of the drafters deal with the violence and abuses committed by royal officials on the Jewish population. On one hand, petition ¶13 aimed to remedy the excessive use of force by tax collectors. On the other hand, proposal ¶17 complains about the kidnapping and violent robbery of Jewish travelers by royal officials. Therefore, the subjective target of the proposal is the same and they two reflect the same reality. An individual analysis of each of them would irremediably lead us to a conceptual reiteration and would negatively affect our perspective of the overall context.

In the former chapters, the topic of violence has been a continuous leitmotiv. In any of its forms and manifestations, violence appears as an inherent feature of the Middle Ages. Beyond historiographic research, collective imaginary has set inexorable ties between the concept and the period. Likewise, it is not a secret that the European Jewry suffered the violence of the period with greater intensity. They were a social and religious minority virtually excluded from the social ideal embodied in the Christian community. This animosity was sometimes carried to an extreme by the Christian mob in the periodic waves of attacks and riots. Nevertheless, there was a fragile tension between theological and social rejection, popular violence and the protection provided by lay and religious institutions. In fact, these powers were the main guarantee for the survival of the Jewish communities.

For this reason, the existence of a sort of institutional violence can appear as paradoxical considering the traditional idiosyncrasy that ruled the relationship between the king and his Jewish subjects. In the Crown of Aragon, the Jews were under royal protection—or under the material protection of a feudal lord. It was axiomatic. Catalan-Aragonese monarchs assumed and accomplished this task since the birth of the Crown thanks to the union of the County of Barcelona and its vassals with the Kingdom of Aragon in 1137. Moreover, the origins of this duty were much older. In Catalonia, the regulations concerning the Jews in the *Usatges of Barcelona* attest that their inclusion within the common legal framework—an essential element to ensure coexistence—was well-rooted into the Catalan feudal tradition. The wave of anti-Jewish violence that reached its peaks with the altercations of 1348 and 1391 did not occur because the kings neglected their commitment or *betrayed* their Jewish subjects, but because of the lack of means of the monarchy to retain the mobs.

This protection was necessarily multidimensional. Needless to say, physical defense was fundamental. But this duty would have been impossible to accomplish without a due legal legitimation. Legal coverage was indispensable. The early normative production in the Crown of Aragon immediately included and developed the safeguards

for the non-Christian populations. The records of the assemblies of *Peace and Truce* held by the first Catalan-Aragonese kings offer a clear picture of the ideological foundations of coexistence. In the constitutions of *Peace and Truce* agreed in 1198, Peter I *the Catholic* (1178-1213) extended *Peace* to:

> *Cives vero et burgenses, et omnes homines villarum nostrarum, cum hominibus et rebous eorum, mobilibus et immobilibus, iudeos eciam, com omnibus rebus suis, pupillos itaque, et viduas et orphanos et omnes res eorum, sub pace nostra constituimus*[361] (*Pau i Treva*, Barcelona, 1198/III).

Similar statements can be found in the subsequent assemblies. James I, for example, confirmed this protection and extended it to the Muslim inhabitants of Catalonia:

> *Item, sub hac pace sunt omnes iudei et sarraceni, qui videlicet sub fide et custodia regia in Cathalonia habitant, et omnes res et possessiones eorum*[362] *(Pau i Treva,* Vilafranca del Penedès, 1218/VII*).*

In relation to proposal ¶17, these primeval legal manifestations converged with the early royal commitment towards the security of roads. Since the reign of Alphonse I *the Chaste* (1157-1196), the first king of the united Crown of Aragon, the constitutions of *Peace and Truce* included clauses aiming to ensure the protection of the roads (see *Pau i Treva* of Perpignan, 1173/XII and the accounts of the following assemblies). The importance of including the roads within the *Peace* was largely shared along Europe (Magnou-Nortier 1992). The *Usatges of Barcelona*—whose compilation anteceded the dynastic union—followed this same tradition. The importance of ensuring this protection was closely linked to the preservation of public order. In fact, the *usatge CAMINI ET STRATE* became a *regalia*, an exclusive royal prerogative that overcame feudal jurisdictions (Ferro 2015: 89-91). The text of the *usatge* stated:

> *CAMINI ET STRATE per terram et per mare sunt de potestate, et per illius defensionem debent esse in pace et in tregua per omnes dies et noctes, ita ut omnes homines tam milites quam pedites, tam mercerii qum negociatores, per*

[361] "All the inhabitants in our towns and villages, including their men and movable and immovable goods; also the Jews with their goods, the children, the widows and the orphans together with their goods; all them are placed under Our Pace" (our own translation).
[362] "Likewise, under this peace there are also the Jews and the Saracens, who faithfully live under royal protection in Catalonia, as well as their goods" (our own translation).

illas euntes et redeuntes, uadant et reuertantur securi et quieti et sine ullo pauore cum omnibus illorum rebus (…)[363].

These legal bases were not void of content. An endless range of records of royal interventions to protect *his* Jews have been preserved. Indeed, these mechanisms evolved and reached a high degree of sophistication and coverture. Nevertheless, the existence of these two proposals implies that royal protection was not infallible. The effectiveness of these safeguards was limited. Shortcomings were sometimes caused by logistical reasons. The monarchy often lacked material means to ensure the implementation of legal rules—the riots of 1348 are a good example. In other cases, however, the scope of the rule was insufficient. Each proposal reflects one of these hindrances. In proposal ¶17—which we will be discussed later—, the drafters targeted a behavior that was already illegal; however, the kings lacked means to prosecute the infringers. Proposal ¶13 deals with a more complex reality.

11. b. Proposal ¶13: violence and tax collection

In proposal ¶13, the drafters claimed against the brutality of royal officials, especially of those in charge of tax collection. A quick glance at the cases is enough to realize that the *use of violence* by the king's men was not a natural synonym for *abuse.* It did not obey to a dualistic conception in which the use of violence was an abnormal and unlawful situation, while its absence was considered normal and desirable. In some cases, Catalan-Aragonese kings responded sternly to the brutality of their tax collectors; but sometimes they appeared to support and even encourage it. The position of the kings in this regard can seem contradictory. In April of 1285, for example, Peter II ordered his officials to refrain from using violence when collecting the Jewish taxes in Catalonia[364]. Three months later, he gave the opposite order to his *batlle* in the city of Valencia in order to pressure some tax debtors from the *aljama*[365]. A similar command was given to

[363] "Roads and Entrances—both by land and sea—are a competence [*of the king/count of Barcelona*] and their protection must be included in the Peace and Truce for all the days and nights, thereby every man—no matter if a knight, pawn, trader or negotiator—can go and return safely, without fear and preserving all their things" (our own translation).

[364] "*Volemus et ordenamus vobis* (…) *non compellare ad solutionem debitos quod* [judeis] *debant*" (ACA, reg. 57, f. 75r [Régné (1978), 1341]) ["We want and we command you (…) to not compel the Jews to pay their debts" (our own translation)]. The verb *compello* in this kind of documents usually implies the use of physical force.

[365] Peter II ordained to his *batlle* Berenguer de Conques to "*compelleret ad solvendum* (…) *ipsos judeos debentes*" (ACA, reg. 58, f. 45v [Régné (1978), 1425]) ["compel to pay (…) these defaulting Jews"].

his men in Lleida against those Jews who *non possent nec audent ire ad contributionem debita*[366].

The conundrum is, in fact, a matter of historical perspectivism. Obviously, the institutional violence described in proposal ¶13 had little to do with the popular violence that shook the Catalan-Aragonese communities in the summer of 1348. The brutality of the mob was motivated by a mix of religious fervor and social causes. On its part, institutional violence always targets an end[367]—in this case, successful implementation of royal policies—or it is the result of abuses of power committed by individuals. Both violences—popular and institutional—could apparently converge[368], but their nature was different. To some extent, institutional violence was part of what David Nirenberg defined as "everyday functional violence of a relatively stable society" (Nirenberg 1996: 231).

On the other hand, it is necessary to bear in mind the specific social and psychological relationship of medieval men with violence. While any member of a modern society would be able to identify which behaviors are an act of institutional violence or an abuse of power in his/her social context, this perception might not correspond to the medieval perception. The measure of things and ideas changes over time, as well as the ways in which people assimilate and deal with them. In the first chapter of the classical *The Waning of the Middle Ages*, Johan Huizinga provided a vivid description on how the disinhibition of passions dominated medieval consciousness (Huizinga 1979). Norbert Elias placed the beginning of the process towards the rationalization of emotions in the fifteenth century and the Renaissance (Elias 2000: 52-72). Anger, love, faith and any other emotion were experienced and exteriorized with fervor and incontinence. People felt with violence, but also suffered its more prosaic forms—war, brutality, criminality, etc. All in all, it conditioned the worldview of the medieval man. Marc Bloch, when reflecting on the role and impact of violence on medieval societies, spoke of "emotional instability" (Bloch 1993, I: 73). As noted above, violence was a daily phenomenon that imbued all aspects of life.

The exercise of power was not alien to this violence. Admittedly, the exercise of power always entails the use of violence. Rules oblige people to carry out or to renounce to carry out certain acts. Disobedience is punished with violence in one way or another. Only legitimation and legal limits separate the violence inherent to any form of government from mere brutality (Grimm 2003). This principle also framed the medieval conceptions on government and justice. Medieval lords ruled and punished with severity, and it was usually accepted by their subjects as an inevitable fact. Executions, physical punishments and torture were usual instruments of justice. Nevertheless, rulers

[366] ACA, reg. 57, f. 187r [Régné (1978), 1432].
[367] See the analysis by Greitens (2016: 17-71) on coercive institutions and state violence. Although her study focuses on repression in modern authoritarian States, the idea of violence as a method to achieve a political goal is perfectly can be transposed to any other historical period.
[368] The participation of local officials in the assaults to the *call* of Tàrrega in the summer of 1348 is a clear example (see Cfr. Chapter 7).

were bound by certain limits; there was a line between *acceptable violence* and *excessive violence.* Theoreticians like Thomas Aquinas in his *De regno* (1267) and William of Ockham in his *Breviloquium de principatu tyrannico* (ca. 1340) and the *Dialogus in tres partes diatinctus* (ca. 1343) discussed the limits of power and the distinctions between the legitimated authority of kingship and unlawful tyranny. The resurgence of Roman Law also contributed to make the monarch—the *princeps*—a subject to the law (Kantorowitz 2016: 87ff; Pennington 1993: 76ff)[369]. In the Crown of Aragon, the political balance imposed by the *Corts* acted as the ultimate limit to the authority of the king.

The respect for legal boundaries conditioned the social and legal perception of institutional violence. In this sense, violence could be a neutral concept without inherent moral or legal connotations. Daniel Baraz pointed out that when violence was considered excessive or unlawful, it turned into *cruelitas* (Baraz 2003: 123-142, 2004). *Cruelitas* implied an abuse, the loss of all legitimation. Baraz's studies specially focused on the violence exerted by invaders and infidels, but the conceptual distinction is applicable to a broader scenario. Catalan perception did not rely in the same lexical terminology, but the conceptual differentiation followed a similar path. In the Catalan legislation, for example, the word *violence* is always used with negative connotations and linked to unlawful acts—together with other expressions, like *malafacta/malefeytas* (misdeed), *malum/mal* (bad action) or *iniuste/tort* (injustice). The opposite of the negative *violence* is the verb *compello*, which implies the use of physical compulsion within the legal limits.

In this sense, Medieval lords had extensive rights on their dominions, which were part of their private treasure. To some extent, even the inhabitants of these lands took somehow part of this treasure. Thus, from a formal perspective, only customs, agreements and privileges set clear limits to the natural authority of the king in his territories (Gierke 1913: 35; Watts 2009: 70-71; for the case of medieval Catalonia, see Ferro 2015: 31-36 and 341ff). Violence was a legitimate instrument to achieve their royal prerogatives to the extent that it was lawful and respectful with principles, customs and subjective rights (Reynolds 2007; Byrne, P. 2020: 136). Within these parameters, the king and his officials could make use of violence at their convenience.

[369] Several royal statements attest the Catalan-Aragonese kings were bound to obey the law. In the *Cort* of Barcelona in 1283, Peter the Great declared that he committed to respect "*suis subditis libertates et immunitates concedere et privilegia per antecessores suos eis indulta et consuetudines usus et bonas observancias approbare et inviolabiliter observare"* (*Cort* of Barcelona, 1283/I) ["his subjects' freedoms and immunities that his predecessors conceded and privileged, as well as the remissions, customs and good practices that they approved and whose inviolability they observed" (our own translation)]. James II did the same regarding the *constitutions* approved by the *Corts: "ordinamus et promittimus* (…) *quod non faciemus privilegium vel concessionem contra ordinaciones istius curie nec aliarum curiarum preteritarum"* (*Cort* of Barcelona, 1311/XI) ["We command and promise (…) that we will not grant andy privilege or concession contravening the ordination of this *Cort* or of any former *Cort*" (our own translation)].

The discussion evinces that there is no contradiction in the attitude of Peter II in the abovementioned examples. He had two possible and lawful curses of actions to manage the collection of taxes. His final decisions were licit and based on his judgments about the needs of the moment. Therefore, violence—here represented in the verb *compello*—was an instrument to make tax collection more efficient, especially in those periods in which the monarchy was in an urgent need of incomes. If the methods and intensity were lawful, the use of coercion and other violent means in those circumstances could not be considered contradictory or an abuse of power. It does not mean that the Jewish communities did not suffer or did not consider it a disgrace, but they probably accepted it resignedly as an unescapable and natural fact[370].

The framework set by customs, privileges and other legal sources also circumscribed the coercive prerogatives of the royal servants in their relationship with the Jewish communities. As usual, the succession of Catalan-Aragonese monarchs granted a number of specific graces providing formal and positive limits to the actuations of their men. The privilege conceded by James II to the *aljama* of Lleida in 1300 instituted the basic contents of posterior decrees with the same finalities. The enactment prohibited the use of coercion to claim the payment of taxes during the Sabbath and Jewish festivities, exempted the detainees for tax offences from paying their maintenance in prison and forbad the confiscation of the communities' supplies[371]. This privilege was later extended to Tortosa in 1310[372] and to Girona, Barcelona and Daroca in 1312[373]. Royal privileges could also give coverage against the confiscation of specific goods and merchandises, like the wine[374] and the silk[375]. Specific legal protection was also provided to vulnerable groups of people, such as the poorest inhabitants of the community[376] or the relatives of the taxpayer.

These regulations, therefore, created a legal framework that ensured the legitimacy of the use of coercion in those cases not covered by their scope. As noted above, this violence was lawful and it was probably accepted by the Jewish subjects as something natural and inevitable. In fact, the targets of proposal ¶13 are not the ideological foundations of the royal policy regarding the methods of tax collection. The goal is the prevention of the abuses committed by some *over-enthusiastic* officials—as Assis described them (Assis 1997: 213)—apparently without the consent of the king.

---

[370] There were occasional exceptions of resistance. Meyerson (2004: 134), for example, narrates the case of a group of Jews from Morvedre who attempted to get a tax collector into hot water in 1323. On his part, Baer (2001, II: 31) considered his methods of collection as "akin to outright robbery".

[371] ACA, reg. 197, f. 140r [Régné (1978), 2742].

[372] ACA, reg. 207, f. 162r [Régné (1978), 2917].

[373] ACA, reg. 209, f. 203v-204r, 208r, 215r and 232v [Régné (1978), 2951].

[374] ACA, reg. 211, f. 185r [Régné (1978), 2995] and ACA, reg. 211, f. 186v-187r [Réngé (1978), 2996].

[375] ACA, reg. 213, f. 208v [Régné (1978), 3045].

[376] James II prohibited the use of coercion against the poorest inhabitants of Lleida in 1322 [Régné (1978), 3232].

The Catalan Jews were not the only victims of these excesses. The evolution of the *Corts* and of the power of the three *braços* to influence in royal decisions entailed a thorough development of the safeguards against this sort of abuses. The *Cort* of 1283 was a cornerstone in this sense. The *braços* forced a weakened Peter II to create mechanisms to monitor and punish the abuses of his men (see *Cort* of Barcelona, 1283/XIV). In the subsequent assemblies, these legal instruments became more refined and effective. Perhaps, the most important mechanism was the *taules* (tables), trials created to investigate the potentials crimes and abuses of powers committed by the royal servants[377]. The right to submit *greuges* also accomplished this function. These instances were complemented with a number of specific measures agreed in the *Corts*, such as specific restrictions to the imposition of physical punishments[378] or the interdiction of expropriating without a just cause and a due procedure[379].

Nevertheless, the Jews were not allowed to appeal to this system of guarantees. Only the intervention of the king could ensure the respect of the royal privileges. In the specific context of tax collection, there are dozens—perhaps hundreds—of documents attesting all sorts of abuses that had to be amended by the monarch. These acts are characterized by an excessive use of physical and psychological violence. Admittedly, the violence exerted by royal officials was one of the main daily dangers for the Catalan-Aragonese Jewry (Assis 2008: 25).

The rich, varied and abundant cases prevent the classification of these felonies into comprehensive categories. However, among the most habitual abuses it is worthy to mention the unjustified increment of burdens[380], brutal actions without observing due

[377] See also Cfr. Chapter 6.

[378] For example, Alphonse III declared: "*item ordinamus quod nullus condepnetur ad mortem vel mutilationem membrorum vel etiam tormentis subiciatur per nos, vel Illustrem Reginam consortem nostram aut inclitum Infantem Petrum primogenitum et generalera procuratorem nostrum vel eius locum tenentes aut per alios officiales vel judices nostros vel eorura, ei deffensione debita non concessa; et quod contra formara prescriptam a nostra Curia vel ipsorum nulla littera valeat emanare*" (*Cort* of Montblanc, 1333/XXV) ["We command that nobody shall be tortured by us, our wife the eminent Queen, our eldest son the glorious *Infant* Pere, our *procurador general*, his lieutenants or by any other official or judge without ensuring due defense. Against this right no rule can be enacted" (our own translation).].

[379] "*Item quod vel officiales nostri non spoliemus aliquod vel aliquos cuiuscumque condicionis aut status existant sine cause cognicione possessione vel quasi eorura que obtinebunt ac possidebunt vel quasi, et si aliquera vel aliquos contra formara prediciam spoliavimus restituantur integre salvo jure proprietatis*" (*Cort* of Barcelona, 1283/XIX) ["We and our officials shall not unlawfully deprive anybody—no matter his condition or estate—of the goods that he has or possesses. If someone is thus deprived, he must have his goods fully restored, thereby protecting his right to property" (our own translation)].

[380] For example, in 1284, the person in charge of the construction of a bridge in Torrelles [de Llobregat?] violently forced the Jews of Vilafranca to defray the project. The contribution of the Jews had not been authorized by the king (ACA, reg. 62, f. 107r [Régné (1978), 1249]). In 1344, King Peter III prohibited to the batlle of Murviedro to increase the burdens of the Jewish communities and to seize the goods of the taxpayers (ACA, CR, Pedro III, c. 16, n. 2185 [Assis (1993-1995, II), 1040]).

processes[381], an excessive use of violence[382] and the systematic violation of royal privileges[383]. In some cases, all these typologies appeared to converge, which turned tax collection into something similar to a looting[384]. Royal responses show that these actions were considered illegitimate by the monarch and exceeded the normal and acceptable use of violence for tax collection purposes. The final aim of proposal ¶13 was putting an end to this violence.

11. c. Proposal ¶17: Royal couriers

On its part, the nature of the facts outlined in proposal ¶17 substantially differs from the scope of ¶13. The subjective target in both cases is the same—royal officials—and apparently the problematic is identical—violence. At first sight, the reasons to divide the pretensions of the drafters into two different proposals can be attributed to a thematic subtlety, to an attempt to be as precise as possible. However, there is a clear legal nuance that turns both petitions into two separate goals. In proposal ¶13, the reported conducts were not unlawful *per se*. The foundations of their legitimacy were not challenged. The right of the king and his men to use violence within certain limits was out of discussion. The complaint was motivated by the frequent violations of these limits that traced the borders of legality. It was the *excess* what had to be corrected. The deeds described in the following petition had no legal coverage. They could not be justified under the umbrella of an overreaching caused by a hermeneutical misunderstanding. They were simply illegal.

At the beginning of this chapter, it has been stated how Catalan legislation was notoriously concerned with the security of roads and how this protection had been

[381] For example, in 1287, two Jewish inhabitants of Borja (Aragon) reported that tax collectors broke into their houses at night and robed money and some objects (ACA, reg. 70, f. 191v [Régné (1978), 1778]).

[382] For instance, in 1287, the king had to intervene because the Valencian authorities exerted too much violence during tax collection and overstayed the sums (ACA, reg. 74, f. 2v [Régné (1978), 1789]). A similar report was submitted one month later r1819. Almost forty years later, in 1321, a tax collector injured several Jews in Besalú (ACA, reg. 220, f. 75v [Régné (1978), 3197]). In 1341, Peter III commanded that only the people expressly designated by the king will be authorized to collect the taxes of the aljama of Zaragoza. The inhabitants of the communities had previously reported that the collectors used to stole valuable goods, such as jewels, linen and wool (ACA, CR, Pedro III, c. 12, n. 1601 [Assis (1993-1995, II), 970]).

[383] In 1317, the king reprehended the batlle of Lleida for his continuous vulneration of the privilege granted to the community in 1314 (ACA, reg. 214, f. 118v-119r [Régné (1978), 3067]).

[384] A case occurred in Zaragoza in 1311 is very sound. The collectors acted with immense violence against the Jews, who were beaten, humiliated and brought out of their quartier. Then, the officials encouraged the crowd to keep beating them (ACA, reg. 208, f. 106v [Régné (1978), 2942]).

extended to the Jews since at least the twelfth century. Still, protection and security shall not be confused with freedom of movements. Displacements were often restricted and subject to conditions and authorizations. Catalan Jewry was specially bound by those constraints, as evinced by the absolute power of the monarch to permit or prohibit changes of residence. Controls on mobility not only affected to resettlements, but also to temporary displacements—to trade, to manage an official or family affair, etc. These trips had to be authorized by the king, who conferred a documental safeguard (usually called *guidatticos*) to the traveler. Unauthorized displacements were punished, but no legal penalty reached the proportions of brutality reported in the proposal.

Notwithstanding the legislative efforts, medieval roads were extremely dangerous (see the monography Legassie 2017). Any journey entailed a serious risk to be robbed, murdered or kidnapped. Road blockers stalked travelers at every corner. Jewish merchants, who might draw the raiders' greed and animadversion in equal measure, were attractive victims. As clearly stated in the proposal, often these raiders on the lookout for wealthy Jews were not banished outlaws. Officials and knights at the king's service used to take advantage of their authority to obtain a booty. Their participation in kidnappings, robberies and extortions is well attested[385]. According to Shneidman, corruption was a usual practice among local officials, who aimed to complement their squalid incomes with illicit revenues (Shneidman 1970, II: 471-472; see also cfr. Chapter 12). These outrages were severely punished by the king when they were reported. However, any delinquent strives to remain unexposed. A crime of this sort with no probability of success is rarely committed, especially when the perpetrator has a lot to lose. It implies that the number of accounts is presumably very small compared to the actual amount of assaults. Otherwise, the drafters would not have insisted in a matter that was already considered illegal.

One document compiled by Yom Tov Assis (Assis 1993-1995, II) in his collection of royal letters concerning the Jews narrates an episode that perfectly meets the object of the complaint[386]. The missive was sent by Peter III in 1336 to Peregrino of Ansano, *justicia* of Aragon, who was commanded to investigate the assault reported by a certain Vidal Avenaçora. The account narrates how this Jew from Zaragoza was assaulted by the *alcaide* (castellan) of Fraga and his men. Apparently, they seized the victim in a road and forced him to pay a fine—rather a ransom—to be released. In addition, they confiscated his money, weapons and clothes.

[385] For example, in 1289, Alphonse II ordered to proceed against some knights and officials who had kidnapped a certain Vidal Avincay from Lleida and asked the community for a ransom (ACA, reg. 80, f. 65r [Réngé (1978), 2008]). A similar intervention was carried out two years later when the knight Guillemedo de Verdu sequestered Mosse Çaporta of Tarragona. In this case, the king gave an ultimatum to Guillemedo before proceeding against him and his goods (ACA, reg. 86, f. 38v [Réngé (1978), 2412]). In 1312, James II was informed that the batlle of Senona [?] used to arrest and extort the Jewish travelers from Tarragona under the false legal pretexts (ACA, reg. 251, f. 44r [Régné (1978), 2953). A special mention deserves the work by Batlle (2016: 145-147) reconstructing the kidnaping of Moshe Abraham Cohen, a Jew from La Seu D'Urgell (North Catalonia), in 1330.

[386] ACA, CR, Pedro III, c. 26, n. 3589 [Assis (1993-1995, II), 811].

There might be more documents attesting similar facts waiting to be discovered. Nevertheless, we should not stick to the literacy of the proposal. The text probably does not report an accurate description of actual facts, but a stereotyped narration based on collective imagination. Considering other examples mentioned above, the word *courier* should be interpreted in a broader sense. Presumably, this term does not only refer to royal emissaries, but it subsumes all kind of officials and people at the service of the monarch. Likewise, references to the confiscation of clothes are not surprising, since they could be a really valuable item depending on the texture (Burns 2004). Therefore, the scope of the text embraces all sorts of assaults and robberies suffered by Jewish travelers at the hands of the king's men. Given that those actions were already illegal and severely punished, it might be assumed that the target of the drafters was to achieve a greater degree of effective protection.

As most of the demands of the *Agreements*, proposal ¶13 was ignored by the king. No privilege or decree limiting the use of violence in tax collection was enacted in the following years and nothing suggests that coactions decreased thanks to the drafters. On the contrary, with proposal ¶17 the petitioners achieved a partial—but only nominal—victory. In fact, it was one of the few claims that obtained a positive response. As pointed out by Jaume Riera (Riera 1987: 175-177), King Peter issued a privilege in 1357 stating the renovated royal commitment against the abuses of his officials against Jewish travelers[387]. The enactment apprehended royal governors, procurators and any official—which confirms that the proposal did not just refer to the couriers—for this "*abusus in terris nostris"* and "*scandala".* Since the Jews were "*sub clipeo nostre deffensiones constituti existunt, partem non modicum esse nostri thesauri et ob hoc tenemur ipsos a contumellis et vexacionibus preserservare*"[388]. For these reasons, Peter III decreed:

> [Those who] *a judeis quibuslibet quitquam pretere, exigere vel extorquere pretextu servitutis predicte seu occasione eiusdem, sive intra civitatem aut aliquem locum constitute fuerint sive extra, malum aut dampnum in personis vel bonis quimdolibet aut ubilibet irrogare* (…) [will be punished] *ad penam perpetui exilii seu relegacionis in insulam Sardinie, in qua, scilicet, in villa Alguerii, tenantur omni tempore remanere.*[389]

[387] The document is ACA, reg. 899, f. 228v-229r.

[388] *Ibidem.* "[*The Jews*] are under our protection; they are an important part of Our Treusury and we must protect them from insults and vexations" (our own translation).

[389] *Ibidem. "*[*Those who*] demand money to a Jew or extort him under the pretext of a road toll, no matter whether in the city or in any other place, or cause damage to his person or goods (…) [will be punishable] by perpetual exile in the Island of Sardinia, particularly in the village of Alghero, where they will remain all the time*"* (Our own translation).

Although their contributions to the study of the *Agreements* were published together as a single work, Riera and Feliu, however, appeared to disagree on who achieved the privilege. The text of the proposal mentions a former attempt to obtain a grace against these extortions, but it failed due to the lack of means of the delegates. For Riera, it is clear that the privilege of 1357 was a victory for the drafters (Riera 1987: 172). Feliu linked the privilege with the first delegation (Feliu, E. 1987: 164, fn. 17). In fact, it lacks importance. Notwithstanding this preliminary success and who achieved it, the promises of the monarch proved to be a rhetoric mirage. The attacks and robberies continued until the end of the Jewish presence in the Crown. Thirty years later, in 1386, an old Peter III issued a new privilege with a similar content and with similar results[390], which evinced that the situation remained the same.

Conclusions:

a) Both proposals complain about the violence exerted by royal officials. However, violence in the Middle Age did not have moral implications *per se*. It can be considered legitimated depending on its lawfulness. Therefore, if violence was respectful with customs and privileges, it was an acceptable political tool.

b) Several privileges limited the use of violence and coercive methods against Jewish communities by tax collectors. The complaints of the drafters targeted its use when it was disrespectful with the legal framework or was exerted without the consent of the king. Abuses of that sort were very common.

c) The kidnapping and robbery of Jewish travelers committed by royal officials and servants were usual. While the use of force in tax collection could have legal coverage, these kinds of attacks were never considered legitimate.

d) Proposal ¶13 was completely ignored by the king. In the case of petition ¶17, the king issued a privilege hardening the penalties against his officials who acted as road blockers. Nevertheless, the measure was not effectively implemented, as proved by the persistence of the problem in later periods.

[390] ACA, reg. 1109, f. 54v.

Chapter 12: ¶14 and 18. The drafters claim against economic abuses

¶14

עוד הסכמנו שישתדלו הנבררים להוציא חותם מאת אדננו המלך יר״ה שלא תהינה הקהלות מוכרחות לפרוע שום שלארי לנוגשי המס והאשיקנסיאונש באשר שכרם היה מאז על גנזי אדנני המלך יר״ה ולא על הקהלות.

> *Likewise, we have agreed that the delegates will obtain from Our Revered Lord the King a privilege guaranteeing that the communities will not be forced to pay any salary* [salari] *and allocation* [asiknasions] *to his tax collectors since their retributions had always stemmed from the royal treasury and not from the communities.*

¶18

עוד הסכמנו להשתדל להקל מעל הקהלות עול הוצאת המטות שעושין ומבקשין מהם בני חצר אדננו המלך יר״ה כיד אדננו המלך הטובה, עלינו ויען כי הוא משא כבד עלינו ולמלך אין שוה בנזקנו ובפזור ממוננו.

> *Likewise, we have agreed to make efforts to release the communities from the obligation to supply the officials of Our Revered Lord the King—appealing to his generosity—, because it is a heavy burden for us and the king does not benefit from the damages to our patrimony and its decrease.*

12. a. Proposal ¶14: the salary of tax collectors

Like the petitions discussed in the former chapter, these two sections dwell on two aspects of the relationship between the Jewish communities and the royal officials. The scope, however, is different. Here, the drafters did not focus on the alleged abuses committed by those officials, but on the economic aspects of this relationship. To some extent, these new proposals also describe two abusive situations—the complexity of these interactions came out in many different forms. Physical violence, which was the overreaching element of the former chapter, is absent. This time, emphasis is laid on the economic and logistic dimension that ruled the links between the community and the

king's administration. As stated in these paragraphs, these two sections targeted the suppression of the duties to pay the salaries of tax collectors and to provide them with accommodation. This petition targeted one of the core elements of the relationship between the king and his Jews: the payment of taxes. Along the current contribution, the fiscal importance of the *aljamas* has been reiteratively remarked. They were the chest of the king, a multipurpose source of revenues at the continuous disposal of the monarch. For this reason, these two sections cannot be considered minor proposals.

In proposal ¶14, the drafters ambitioned to obtain a privilege exempting Jewish communities from the obligation to pay the salaries of tax collectors. The use of Catalan terms for salaries [*salari*, שלארי] and allocations [*asiknasions*, אשיקנסיאונש] leaves no doubts about the intentions of the petitions. As noted in the text, these expenses inherent to the process of tax collections were usually covered by the community itself. The drafters opposed this system because they considered it abusive. In their opinion, there was no reason to accomplish this duty since these salaries were supposed to be disbursed with the incomes of the royal treasury. The perspective offered by the drafters is, in fact, partial and simplistic. Although these payments were requested to the *aljamas* and they caused an additional economic harm, the functioning of the retribution mechanisms was more complex.

Since the thirteenth century, the fiscal policy of the Crown had evolved considerably. The renaissance of the Roman legal tradition contributed to enrich its fiscal apparatus and to refine its mechanisms and safeguards. These new perspectives converged with the pressure of the *Corts*, which progressively led to the definition of more accurate and sophisticated systems of tax legislation, administration, collection, accountability and safeguards[391]. The resulting mechanisms embrassed the taxation of the Jewish communities. Nevertheless, the contributive process of the *aljamas* had several particularities. For instance, Jewish communities were not covered by the same safeguards than their Christian neighbors—as discussed, for instance, in chapter 6.

The steps of the process of collection were also different. It involved the participation of communal and royal authorities. The duties and limitations of both groups were not common to all the communities—privileges and customs defined these aspects—, but they shared the same elemental foundations. In principle, the greatest part of the process was conducted by the Jewish officials[392]—elected or designated by the secretaries of the *aljama* or chosen by drawing of lots—, usually appointed for a year. They were in

[391] See the monography by Tomàs de Montagut (1996) on the evolution of the Catalan fiscal institutions.

[392] In some documents, the *porter* (gatekeeper) is mentioned as collector. This Christian official was a sort of permanent royal representative and supervisor in the *aljama*. Assis (1997: 184) considered that the participation of the *porter* was in replacement of the Jewish *collectors.* In fact, the role of this officials in the process of collection is not clear at all, but it seems more likely that he acted as a link between the Jewish collectors and the external royal officials or even as a supervisor. Thus, for example, the *porter* of Tàrrega, a certain Domènec Miguel, is described as the collector of the *questias* (ACA, CR, Alfonso III, c. 7, n. 913 [Assis (1993-1995, II), 635]).

charge of appraising the goods of their neighbors and of conducting the collection (Assis 1997: 183-186).

The whole process was supervised by royal officials. This task was usually performed by the local *batlle*, together with his men and, often, with the assistance of notaries or court scribes (Turull 1990: 249-262). Other officials could intervene under special circumstances[393]. Until the prohibition of appointing Jews for public offices decreed in 1283, Catalan-Aragonese monarchs used to prefer to commission Jewish *batlles* for collecting Jewish taxes, since it contributed to avoid tensions, to enhance communication and was more cost-effective (Assis 1997: 186-190; see also Epstein 1968: 13ff and Romano 1983).

The retribution of the *batlles* and their men has not been studied in depth. The work of reference in this regard is Jesús Lalinde's *La jurisdicción real inferior en Cataluña* (Lalinde 1966). Although it was written fifty years ago, his conclusions on this issue are still widely accepted by recent historiography (for example, Cardús 2000: 16-17 and Turull 1990: 276-277). Until the dawn of the thirteenth century, the *batlles* used to be allocated by an allocation on the collected revenues—usually a third. During the fourteenth century, however, this initial method of payment was progressively replaced by a fixed salary founded by the royal treasury, but this new system did not become fully implemented until de fifteenth century (Lalinde 1966: 213-215). Several records attest that in the first half of the fourteenth century, allocations were still the most habitual mechanism of retribution. For instance, the *batlle* of Terrassa still received his salaries from the revenues in 1326[394].

Legal production evinces that this method of payment had become problematic and a source of concern since the second half of the thirteenth century. Corruption soon became a usual practice among the *batlles* and other royal officials, probably to complement their poor incomes and high institutional expenses (Shneidman 1970, II: 471-472). Though the conferment of allocations was a royal prerogative, officials tended to fix their retributions without the consent of the king, obliging taxpayers to pay them. The determination of these amounts did not used to follow any pattern or logic and it was generally higher for the Jews[395]—which probably motivated the complains of the drafters. In addition, they used to demand food and another provisions[396]. These practices caused some unrest among the taxpayers of the Crown and the king was forced to take action to control his men. In the *Cort General* held in Monzón in 1289, which was attended by representatives of the whole Crown, Alphonse II proclaimed that:

[393] In one of the documents cited in the former chapter, it is mentioned a certain Gillemus de Nauel, who was specially sent to Besalú by request of the royal *porter* of the *aljama* Berengarius de Cardona. ACA, reg. 220, f. 75v [Régné (1978), 3197]

[394] AHCT, Llibre dels batlles Berenguer des Far, Guillem d'Ullastrell, Ramon Çabadia i Berenguer Morella, 1325-1326, f. 4r [Cardús (2000), 37]. In an article published by Mayol (2001: 147), the author evinces that revenues were still the main mechanism to remunerate tax collectors in Mallorca in the last quarter of the fourteenth century.

[395] ACA, reg. 57, f. 187r [Régné (1978), 1431]; reg. 84, f. 33v [Régné (1978), 2326].

[396] See below the discussion on ¶18.

> *Statuim, e ordenam, que algun Official no gos pendre servey de algu, sino solament de menjar, e de aquell poca cosa, e si ho fara, que enontinent perda lo Offici, e que li sie imputat, aixi com a furt*[397].

And:

> *Ordenam, e statuim, que algun Official nostre no gos pendre servey, ne encara se gos vnir ab algun altre Official, ne agabellar, ne gos ferse de familia, o casa de algun Noble de nostra Senyoria, ne gos tenir renda de null hom, sino solament salari de nos, tinent aquell Offici, e si ho feya, que perda lo Offici, e sie exillat de la terra per vn any, salvant empero aquells, qui ans que tenguessen lo Offici per nos hajessen aquellas rendas, o beneficis*[398].

The expression *salari de nos* ("[to receive] a salary from us") must not be interpreted as a fixed and public salary. It just means that the king was the only one empowered to decide on the retributions of his officials, including allocations. In fact, the second statement contemplates the exception of those officials who *per nos hajessen aquellas rendas, o beneficis* ("[to whom] we have granted these revenues or benefits"). As noted above, posterior legislation, as well as documentation, evinces that in the next decades it was still usual to remunerate royal officials with allocations, which supports the chronology proposed by Lalinde.

The *constitutions* approved in the *Cort* of Monzón of 1289 did not succeed in creating a clear framework for the retributions of royal officials. In the subsequent decades, new measures were adopted in order to cease the abusive practice of the king's men, especially during tax collection. Twenty years later, in 1321, James II had to clarify in the *Cort* of Girona that allocations had to be expressly approved by the king. Even if the royal treasure owed money to one of his collectors, this official could not interpret that he had the right to autonomously exact a part of the revenues[399]. In the *Corts* of

[397] *Constitutions y altres drets de Cathalunya* (1974), Cort de Montso, 1289/V, p. 154 ["We decree and command that no official shall demand any service [*to taxpayers*], excepting a bit of food. Otherwise, he will lose his office and will be accussed of theft" (our own translation).].

[398] *Constitutions y altres drets de Cathalunya* (1974), Cort de Montso, 1289/V, p. 154 ["We decree and command that no official shall demand any service [*to taxpayers*], or to align with other officials, or to cause disturb, or to join the family or house of any baron in our domains. While in office, they shall neither attempt to obtain any revenue [*from taxpayers*], but only a salary from us. Otherwise, they will lose their office and will be exiled for a year, excepting those who have the right to receive these revenues or benefits" (our own translation).].

[399] "*Item ad suplicacionem omnium predictorum statuimus et etiam ordinamus quod aliquis officialis noster, cui nos debeamus aliquam peccunie quantitatem, non possit impetrare a nobis*

Perpignan held between 1350 and 1351, Peter III was pushed to insist on the same ideas:

> *Sanccimus, ordinamus et statuimus, quod nullus Vicarius, Baiulus, acessor nec quivis alius Officialis nec locumtenens eorum, nec eciam aliquis de domo vel familia ipsorum audeant recipere procuracionem vel comissionem alicuius persone super redditibus aut aliis iuribus infra districtum ipsorum colligendis, exceptis tamen redditibus et emolumentis Nostris quos Nostris oficialibus vel hiis qui de eorum sunt domo vel familia, iuxta potestatem per Nos eis traditam vel tradendara, colligere liceat et levare*[400]. (Cort of Perpignan 1350-1351/XVIII)

These *constitutions* set the basic legal framework regarding the retribution of tax collectors. To sum up: i) since the end of the thirteenth century, fixed salaries became the general rule; ii) royal officials were prevented from autonomously demanding special allocations as retributive provisions; iii) the king could expressly authorize these allocations. However, the existence of written rules does not automatically imply their fulfilment. Neuman pointed out that it was usual the payment of briberies by the Jewish communities under the form of unofficial revenues and gifts (Neuman 1944, I: 81-82). Although the documentation he cites to support his assertion belongs to the second half of the thirteenth century[401], it is easily transposable to the mid-fourteenth century, as evinced in the *pragmàtica* (royal order) issued by Peter III in 1341 against this sort of practices[402]. Together with the *constitution* agreed in the *Cort* of Perpignan, this order attests that the problem was an ongoing issue when the *Agreements of Barcelona* were signed in 1354.

Therefore, Catalan-Aragonese monarch could opt between several mechanisms to remunerate their officials. An assignment on part of the revenues still was the most

---

aliquam assignacionem sibi fieri super exitibus proventibus esdevenimentis vel juribus officii sibi comissi" ["On request of the abovementioned [*representatives*], we decree and command that non of our officials to whom we owe money shall interpret that he has been graced with an allocation on the revenues or rights related to his task" (our own translation).]. (Cort of Girona, 1321/XVIII)

[400] "We sanction, decree and command that non of our *veguers, batlles* or councelors, as well as their leutenants or relatives, shall receive incomes or rights on the revenues related to their tasks as tax collectors, excepting the rents and rights we have expressly conceded to our officials and relatives" (our own translation).

[401] Namely, ACA, reg. 12, f. 21r [Jacobs, 203; Régné, 188] and Adret I: 1091.

[402] "(…) *contra quos de mandato nostro inquiritur, vel alias super debities, et negotiis fiscalibus dictae remissiones, et gratiae postulantur* (...) *et salaria sint merito exsolvenda* (...)" ["(...) against those at our service who concede fiscal remissions and other graces (...) and get an unmerited salary (...)" (our own translation)] (Pragmatica dada en Valentia, a 15 de las Chalendas de Setembre 1341 in *Constitutions y altres drets de Catalunya*, "Pragmaticas", p. 100).

common. However, it did not imply that the officials were free to decide the percentage or even the system to perceive their salaries. It was a privative royal prerogative. Otherwise, the retribution was considered illegal. Records provide example of both typologies[403]. The drafters, nevertheless, did not appear to target unlawful allocations. The proposal complains about the royal policy in this regard rather than on the attitude of the collectors. Indeed, salaries obtained through allocation can be subsumed into the domain of ¶13. To some extent, the objective of the proposal can be linked to the scope of section ¶16.

It is noteworthy that this proposal provides and additional detail regarding the salaries of royal officials that is not depicted in Lalinde's analysis: the payment of allocations was not incompatible with the retribution via a fixed salary[404]. This fact appears to be the greatest source of anger for the Jewish communities. The remuneration of tax collectors was sometimes an unnecessary burden that the drafters did not succeed in relieving since both retribution systems still coexisted in the following century.

12. b. Proposal ¶18: the *cena*

Proposal ¶18 deals with another sort of subsidiary burden frequently imposed to the Jewish communities: the duty of hospitality towards the king and his house and officials. This fiscal obligation was not particular to the Crown of Aragon. Almost every territory in medieval Western Europe had incorporated and developed this duty under different nomenclatures—*yantar* in Castille; *gastungspflicht* in Germany; *droit de gîte* in France, etc. In the Catalan-Aragonese lands, this tax was commonly known as *cena.*

When this tribute emerged in the High Middle Ages, it was exclusively imposed to the inhabitants of the villages where the king—or count—was expected to stay during his journey. According to its original definition, local subjects were obliged to provide the royal court with accommodation, food, clothes and any other requested supply.

The scope of this contribution, however, evolved throughout the late middle ages. According to Johannes Vincke, the *cena* became a regular tax in Catalonia in the eleventh century, when the domains of the counts of Barcelona had notoriously

[403] For example, in 1343, Peter III compeled the *aljama* of Calatayud to pay the salary of Pedro Sánchez de Cariñena, in charge of collectin *peytas, tributis* (…) *et aliis exactionibus* in the *aliamas judeos et sarracenos* (ACA, CR, Pedro III [IV], c. 19, n. 2548 [Assis (1993-1995, II), 1028]). However, in 1347 he prohibited his officials of Girona to do the same (ACA, CR, Pedro III [IV], c. 23, n. 3193 [Assis (1993-1995, II), 1072]).

[404] As stated in the proposal:

באשר שכרם היה מאז על גנזי אדנני המלך ירי״ה

["Since their retributions had always stemmed from the royal treasury" (our own translation)].

increased. In consequence, the displacements of the county court became more frequent, long and costly (Vincke 1962: 161-162). Throughout the thirteenth and the first years of the fourteenth century, the literal duty of hospitality (*alberga*) was progressively replaced by a monetary contribution (Miquel 1993: 279). At this stage, the *cena* became unfolded into two different categories. On one hand, the villages where the king was supposed to be physically present paid the *cena in praesentia*, which sometimes kept its original function of providing accommodation and supplies. On the other hand, the rest of municipalities paid the *cena in absentia*, which usually consisted of a fixed small annual sum (Sánchez 1995: 76). As stated by Marina Miquel i Vives, the amount of both kinds of *cenes* depended on the incomes and size of the municipalities (Miquel 1993: 283-289). Some important cities, such as Barcelona, Tarragona, Zaragoza, Tortosa and Valencia—where the stays of the king used to be longer and more frequent—were exempted (Schwenk 1975: 7).

The Jewish *aljamas* were also obliged to pay the *cena*. Nevertheless, the contribution of the communities was independent of the fiscal obligations of their municipalities. There are records attesting the payment by *aljamas* belonging to cities which were in principle exempted, like Tortosa and Valencia[405]. In addition, some privileges limiting the scope of the *cena* were exclusively granted to the Jewish communities. This tax has gripped the attention of several historians specialized in the Catalan-Aragonese Jewry, such as Yitzhak Baer (1965 [1913]), Abraham Neuman (1944, I), Isadore Epstein (1968 [1924) and Yom Tov Assis (1997). However, these authors diverge on the meaning and evolution of the *cena* regarding the Jewish communities.

The basic elements of the *cena* were almost identical in the Christian and Jewish cases. For the *aljmas*, the *cena* also was substitute to the ancient duty of hospitality or *alberga* (Neuman 1944, I: 79) and it could be *in praesentia* or *absentia*. According to Yom Tov Assis, the payment of the *cena* in kinds was replaced by a monetary contribution during the reign of Peter II (Assis 1997: 174-175). Baer considered that this evolution did not conclude until the early fourteenth century (Baer 1965: 21). Both visions are not contradictory, since Assis focuses on the beginning of this new conception and Baer on its consolidation. In any case, the evolution of the Jewish *cena* paralleled the evolution of the Christian one.

Until de mid-thirteenth century, the *cena in praesentia* generally included all the members of the royal house and his officials, which entailed a great economic and logistic effort for the communities. Throughout the second half of the century, a concatenation of privileges restricted this duty to the king, the queen and the *infants.* The Jewish *cena* acquired then a mixed nature: it conserved the traditional obligations towards the royal family, while the maintenance of the officials and of the rest of the members of the court was usually monetarily paid (Assis 1997: 174). The first of these

[405] For example, ACA, reg. 216, f. 37v [Régné (1978), 3090] and ACA, CR, Jaime II, c. 13, n. 2678 [Baer (1929), 159].

graces was granted in 1260 to the community of Barcelona[406]. Similar concessions were issued for Girona and Besalú in 1269[407] and Lleida in 1284[408], for example. From time to time—as usual—these privileges were confirmed again[409]. In 1351, Peter III restricted the scope of the *cena* those officials who were performing a mission and limited the number of beds depending on the category of the official[410].

The *cena in praesentia* entailed several problems at the core of the *aljamas*. Jewish communities were not isolated. They were in the center of medieval towns and their inhabitants shared many common spaces with their Christian neighbors. Interactions were constant and fluid at the public sphere (marketplace and royal and baronial courts). But the private domain was the clear and almost immovable frontier between the different social groups. Christian and Jews kept distances when it came to family and religious life. These borders were set by a mix of social uses and legal obligations. The Jews did not belong to the *corpus mysticum*, which framed the religious, social and political Christian community (see, for example, Cohen, J. 1983: 19-32 and 1999; Chazan 2007: 43ff.). In the Jewish case, hermetism and strict observance of the Law were the only chance to protect themselves as a social and religious group[411].

Hosting huge groups of officials in Jewish houses implied a breakdown of these limits. Their privacy and traditions were jeopardized by the presence of people alien to their community and faith. They were contaminating elements that shook the foundations of communal life. In a *shelah* sent to Shlomo ben Adret, an anonymous Jew complained that some officials that his community hosted ended up sleeping by accident in the communal wine store[412], which contravened the Jewish laws on the purity of wine production:

---

[406] ACA, reg. 11, f. 229r [Réngé (1978), 130].
[407] ACA, reg. 16, f. 152v [Régné (1978), 412].
[408] ACA, reg. 46, f. 154 [Régné (1978), 1109].
[409] The privilege of Girona-Besalú, for example, was confirmed in 1271 (ACA, reg. 37, f. 23 [Régné (1978), 474]). In the case of Barcelona, it was confirmed again in 1333—see Baer (1965: 21).
[410] See Bofarull (1847-1851, VI), 96. The document is approached by Amador (Amador 1876, II: 297-298) and Baer (1965: 21-22, fn. 35).
[411] The relationship between communal association and the social survival of Judaism as a religious group has been pointed out by several authors. Martin P. Golding (1959: 12) stressed that "The community of which the Jew is a member is not simply a social body, a combination of individuals. Is a mystical body, a super-natural ordering of individuals into a unitary group". Social barriers were needed in order to preserve the *Jewishness* of the group. Otherwise, assimilation would have been inescapable, as argued, for example, by Lorberbaum (2001: 99). The limits to this interaction are quite represented in the sections of the Mishnaic treatise *Avodah Zarah* compiled and translated by Walzer *et al.* (2000-2018, II: 471-473). Many *responsa* of Adret set limits, for instance, to medical assistance to Christians (I: 120), the employment of Christians to help in Jewish funerals (I: 22) or to work during the Sabbath (IV: 315). The studies by Yom Tov Assis (1988b) and David Nirenberg (2002) on sexual interactions are also very clarifying. Of course, the Christian dogma developed similar rules.
[412] Neuman (1944, I: 78) also referred to this *responsum*, though he interpreted that the officials drained the wine. However, if they had done it—and no element in the text supports this translation—, the *responsum* would have been senseless. The author does not complain about

המלך מעובד׳ כוכבים קבץ חיילות בשבת על כסא מלכותו וצוה לשוטריו לתת לפרשים מקום לחנותן וחלקו בתי היהודים לשרים ולפרשים לחנותן שם והיהודים שוכנין בקצת הבתים והפרשים בני החיל יושבים לעצמן בשאר הבתים ונפלו בתי יהודי אחד לשר אחד ולעבדיו ויהודי שכן במקצת בתי החצר וכן תוצר של יין ופתח האוצר פתוח לחצר ויש לאותו לאותו חצר דלתים ומנעול מבחוץ ביד ישראל וכן יש לאותו חצר חלון אחד פתוח לחצר ויש לו דלתים לסגור אותו כל ומן שירצו אבל פתוח היה עכשיו ויש סמוך לאותו חצר חדר אחד ויש פתח בין החדר והאוצר והעובדי כוכבים שוכבים באותו החדר ובבקר קם ישראל ופתח מבחוץ דלתי האוצר ומצא חביותיו כאשר המה אבל היה נראה שנכנסו העובדי כוכבים שם בלילה שלא מדעת לשכב שמה ועכשיו נחלקו בעלי הוראה על היין יש אוסר ויש מתיר הודיענו הדין עם מי זהו תורף השאלה אלא שבשאלה יש טענות וראיות לזה ולזה.[413]

In this case, the presence of strangers in the community—though their behavior is not described as violent—accidentally altered the most inner and intimate social and religious rules. Nevertheless, clashes were often caused by the disrespectful and even violent attitude of the guests, who did not feel compelled to be considered with their Jewish hosts. Aggressions and robberies were not unusual (Neuman 1944, I: 79; Epstein 1968: 7-8; Assis 1997: 173), which caused severe economic damages to the community. Although we have not found any clear evidence, it might be supposed that the community as a whole compensated its members for the losses and damages caused by royal officials. In fact, the most cautious *aljamas* used to elaborate or ask for invoices to ensure that the expenses of the accommodation did not exceed the overall amounts that had been agreed with the king or his officials (Assis 1997: 192). Besides, some prominent barons implement parallel *cenes* in their lands, which entailed a double burden for the Jews—the baronial *cena* did not substitute the royal *cena* (Barton 2014: 152-153). Altogether, the implications of the *cena* were too costly in many regards—not just economically—for the Jewish *aljamas*

Another element that caused the generalized rejection of the *cena* was the systematic violation of the royal privileges. Although since the second half of the thirteenth century most Jewish communities were exempted from hosting royal officials, many documents attest that these graces were often disobeyed. In 1315, for example, the community of Lleida complained because the royal officials contravened the privilege of 1284 and

---

the economic lose, but on the effects on the *kashrut*. Otherwise, they would have complained to the king. Our interpretation is supported by Epstein (1968: 8).

[413] "The King gathered his men on Shabbat and ordered his officials to find a place for his knights to stay. Thus they divided the houses of the Jews among the king's officers and knights. Thereby they stayed in some houses and the Jews in others. The entrance to the wine store is in a courtyard, but we closed the door from the outside with a lock. There is also a window to the courtyard, but it was also closed. There is an adjacent room in the same courtyard with an opening to the storage. The officers were supposed to sleep in that room. In the morning, we opened the external door and we found all the barrels full, but the officers apparently had gone in by accident during the night and had slept there. Now our masters have divergent opinions on the purity of the wine" (our own translation). Adret V: 120. Also in his *responsa* I: 715 and I: 716, Adret dealt with how the involvement of gentiles could alter the purity of wine.

forced the Jews to provide them accommodation and supplies[414]. Just some months later, King James II had to reprehend his *batlle* in Montblanch for similar reasons[415]. Events of that sort might have taken place regularly. According to Amador de los Ríos, the privilege of 1351 was the result of the continuous concatenation of grievances in this regard (Amador 1876, II: 297).

Although the replacement of the hospitality duties with a monetary contribution was the general trend in the fourteenth century, special events like the celebration general *Corts* or coronations required the accommodation of many. Then, it was the king himself who neglected the privileges. In 1318, for example, when the *Corts* had been summoned in Tortosa, the Jewish community complained about the great number of people they were obliged to host despite the privilege of 1294 exempting them from any duty of hospitality towards the *ricos homines* and *militem terra nostra*. In his response, James II justified his decision adducing the presence of King Sanç of Mallorca and the great number of representatives from the entire Crown who would attend the *Cort*—"pluribus nobilis et barones, milites, cives et homines villarum congregato". Nevertheless, he committed to ensure the protection of his Jewish subjects[416].

The *cena* was a useful fiscal instrument that could be imposed with certain discretionarily. It contributed to reduce the economic burden inherent to the constant displacements of the itinerant Catalan-Aragonese royal court. The unfolded nature that this tribute acquired since the dawn of the fourteenth century reinforced the benefits of the *cena.* In fact, accounts of its existence can be found in the fifteenth century[417]. Analogous conclusions apply to the practice described in proposal ¶14. Notwithstanding the general trends towards the implementation of fixed public salaries, the allocation of part of the fiscal revenues to retribute tax collectors was a mechanism economically advantageous for the royal treasury. In light of these reasons, it is not surprising that the drafters did not obtain any response from the king. These two proposals just enlarged the list of failures of the *Agreements.*

Conclusions:

a) Both proposals deal with some of the economic aspects of the relationship between royal officials and the Jewry.

[414] ACA, reg. 211, f. 278r [Régné (1978), 3018].
[415] ACA, reg. 160, f. 219 [Régné (1978), 3041].
[416] ACA, reg. 216, f. 37v [Régné (1978), 3090].
[417] Amador de los Ríos (1876, III: 81-83, fn. 1), for example, reported the sums payed by the Catalan-Aragonese documents according to a document of 1438.

b) In proposal ¶14, the drafters complained about the obligation of the Jewish community to pay the salaries of Christian tax collectors. Although steady salaries were becoming a usual practice, the allocation of part of the fiscal revenues to remunerate tax collectors was still the most frequent mechanism of retribution.

c) The target of proposal ¶18 focuses on the abolition of the duty to provide tax collectors with accommodation and supplies. This duty has a fiscal nature and was called *cena*. Several privileges conferred since the second half of the thirteenth century limited the scope of this obligation to the royal house. However, exceptions were usual.

d) The accommodation of royal officials within the Jewish was a constant source of problems. To the high expenses for the community and the habitual episodes of violence, the presence of non-Jews broke all the social barriers between both religious groups.

e) Apparently, the king did not pay attention to any of those proposals.

Part II: The *Agreements* and Jewish Authority

Chapter 13: The problem of communal authority

13. a. Exile and authority: rethinking traditional politics

In his major work *The Guide for the Perplexed*, the well-known Rabbi Moshe ben Maimon (Maimonides, the Rambam, 1135-1204) reflected on the political nature of man and religious law (Maimonides 2002). The Aristotelian echoes of the idea that *man is a political animal* are evident (Aristotle 1998: 4). However, Maimonides' approach to the *first teacher* was largely influenced by the Muslim *mutakallimun* (متكلّمون), specially via the comments and works of the *second teacher*, the philosopher Abu Naser al-Farabi (872-950), who made a similar reflection in his book *The Virtuous City* (al-Farabi 1985: 228-229)[418]. The appropriation of this reflection by some of the greatest names of the Jewish and Muslim classical political thought, as well as by the whole Western tradition—the direct inheritors of Greek philosophy—give evidence of its accuracy. As a gregarious animal, men trend to organize themselves in societies and to build up political structures capable of ruling them. That was Aristotle's thesis, and it has been perhaps the single unanimous axiom for political philosophy and social science since then.

Narrowing our scope, we can assert that *Judaism is political by nature.* The religion set in the Sinai after the fleeing of the Israelites from Egypt was a state religion. The faith in the existence of a unique and disembodied god, the submission to his will and the obedience to the Torah were inseparable from the political dimension of Revelation provided by Divine Law. The Jewish Israelites did not only belong to a community of believers exclusively bonded by spiritual laces; they were also subjects to a Jewish political construction. There was no difference between the sacred and the political. There was not even a sacralization of the political; Judaism was itself a political body (Elazar 1974: 221; Gutenmacher 1991: 43; for example).

Although we have highlighted the eschatological foundations of Christian politics in chapter 6, its theological bases completely differ from Jewish conceptions. The rupture between both religions in this regard, the disconnection of Christianity from the Jewish political tradition, is absolute. In political terms, Christianity grew under the umbrella of the Roman legal system. The main target of early political exegesis was the Christianization of the Empire and its institutions without replacing them (Peterson 1935; also Taubes 2009: 77-82). The Roman political system had been improved and

[418] Original title: رسالة آراء المدينة الفاضلة ومضاداتها

matured for many centuries and its efficiency was unquestionable. There was no necessity for iconoclasm. But the acculturation process was bidirectional and Christianity was also *romanised*. The juxtaposition of the old imperial system and the new eschatological conceptions were orientated towards a political *imitatio Dei*. In Judaism, the elemental foundations of politics are not derived from the biblical text; they are within the text.

The revelation in the Sinai ushered a dynamic political *ethos* which has been constantly evolving throughout the last three millennia. Its progress has not been interrupted by the critical moments and challenges faced by the Jewish people along its history. Invasions, diasporas, geographical dispersion and decentralization, as well as any other historical ordeal, have rather nourished and strengthen it. For some authors, Biblical Books accomplished a constitutional function (Elazar 1977; Elon 1994, I: 230-232: Mittleman 1996: 33, etc.). However, biblical politics are just a beginning. The context of Jewish politics in the Diaspora precluded the practical realization of those principles. They did not, nevertheless, demise. They were always present in this historical process as the elementary and axiomatic configurative elements of Judaism as a religion, legal system and political identity. We can, nevertheless, point some of the main features of this primal construction.

In that sense, Elon's assertion was not an outburst of chauvinist enthusiasm, but an accurate observation. The institutional structure established in the *Tanakh* embraces all the aspects required for the correct functioning of any sovereign state. Supreme political authority was conferred to the monarch[419], whose duties and rights are established along the Scriptures (Deut. 17:14-20 and 1 *Samuel* 8 provide the primary framework). Religious authority was, however, in the hands of a priestly caste (established in *Ex.* 28:1) with the Temple of Jerusalem as its neuralgic centre *(*institutionalized in *Deut.* 12:2-27, built by Solomon in 1 *Kings* 6*)*. The *Torah* also establishes a judiciary in charge of interpreting the law (*Ex.* 18: 13-27), which was posteriorly divided into secular and religious courts (1 *Chronicles* 19:11)[420].

The conquest of Jerusalem by the future emperor Titus and the destruction of the Second Temple (70 c.e.) during the First Judeo-Roman War (66-73 c.e) forced a rupture with the former biblical model. The politics of the *Tanakh* were erected on four pillars: (i) a Jewish kingdom (ii) under a Jewish king as its political chief; (iii) a priestly caste as spiritual leaders; (iv) and a temple as a central political, social and religious symbol of the Jewish state. All those elements came to an abrupt end with the destruction of the Temple and the Diaspora. The practical realization the Biblical political provisions became materially impossible.

[419] Since the last decades of the Middle Ages, several authors have challenged the obligatory character of monarchy. Well-known examples are Abravanel or Spinoza. However, this position did not have adherents in earlier periods.

[420] The division commanded in this verse is further developed in the Mišnah (Sanhedrin, chap. 2). The attributions, and even existence, of two independent judiciaries has been a traditional matter of discussion. In the next chapter, the issue will be addressed from the perspective of some Catalan authors.

The Jewish people, who used to be united as a single nation spread along three continents and became subjects to non-Jewish kings. Solomon Zeitlin stressed, *"*After the Second Temple had been destroyed the Jews ceased to exist as a political nation. Scattered all over the world they were united in religion only" (Zeitlin 1940: 36). This assertion is accurate regarding the loss of national sovereignty, but it cannot be argued that the Jewish people ceased to exist as a political nation. As he himself argued in this paper, the political ties of Judaism survived in the diaspora, but without the umbrella of a unitary state. He incurred in self-contradiction. Those ties were forced to evolve into new forms of social organization based on communal association. The *kahal* or *kehillah* ("קהל" or "קהילה"), small self-managed communities, became the elemental political construction in order to maintain Jewish identity in the exile.

Those kinds of communal association appeared as soon as a group of Jewish people settled aiming to rule their life according to the *Halakhah*, and their flexible nature permitted their adaptation to any geographical and political conditions (Elazar 1981: 31). Although they emerged as soon as the Jewish state and its institutions were dismantled by the Roman Empire, as Yitzhak Baer demonstrated in an already classical work, it was during the Middle Ages that the *kehillot* became the elemental form of Jewish association and organization (Baer 1950; this thesis has been supported by a large number of authors, like Morell 1971; Elazar 1977 and 2000; Elon 1994, II: 667; and Shapira 2014, for example).

The lack of legitimated central authorities caused by the suppression of monarchy led those communities to gain full autonomy regarding the interpretation and implementation of the *Halakhah.* In addition, they were usually provided with self-government prerogatives by the host leaders to a greater or lesser degree. The sum of all those elements turned them into autonomous communities with some jurisdictional powers over their members, including the collection of taxes, the enactment of norms and the capacity to impose penalties, and provided with a wide range of all sorts of institutions (some enumerations of the most usual powers of the *kahal* can be found in Elon 1974a: 645 and 1993: 41; Elazar and Cohen 1984: 163). Salo Baron was right when he asserted that they were like states within another state (Baron 1942, I: 208).

Notwithstanding the fast and wide spreading of the communal system—boosted by the natural necessity of self-organization—, and the general and strong commitment of the Jewish people in preserving their religion, laws and ways of life, the process of decentralization and loss of political referents opened the door to a wide range of questions on the legitimacy of communal leadership and functioning: What is a community? Who should rule? Why? Which are the attributions of the communal government? To which extend can the *halakhah* be amended attending material needs? Who should inforce the law and under which limits? Etc. Or, to summarize in two seminal questions, what is a community from a legal and political perspective? How can self-government structures be legitimized?

The *Torah*, as well as the rest of Books of the *Tanakh*, did not attend to those questions. Biblical politics focused on high politics, not on the insignificant wheeling and dealing

of local corporations. The Scriptures are prolific in describing the attributions of kings, high priests, and national courts, but they do not say a word about how a local assembly should be held. Local leadership, legislative competences or the functioning of the decision-making processes are completely absent in the biblical text. Furthermore, biblical politics presumes the existence of a sovereign Jewish kingdom. Even considering the antecedent of the exile in Babylonia (c. 597-536 b.c.e), the *Tanakh* did not establish a legal framework for a diasporic context.

The *halakhic* sources of the Oral Torah provide some basic legal guidelines for communal association and self-government, but they are far from being a detailed descriptive catalogue. Their approach to legal issues is descriptive and casuistic in nature, often relying on non-conclusive discussions. It is not a coincidence that these sorts of *impressionist* sources were compiled at the beginning of the Diaspora: dispersion and decentralization make it necessary to set new normative models, and they should be strict enough as to guarantee the survival of Judaism, but flexible enough as to allow their enforcement anywhere in the world. The Talmuds and the rest of sources of the *Halakhah* perfectly combine rigidness and flexibility (Dorff and Rosett 1988: 227ff; Hayyim David Halevi in Walzer *et al.* 2000-2018, I: 297). Judicial analogy became the basic instrument to develop political theories (Clark 1998-1999).

The reflection on the nature and meaning of communal association has drawn the attention of many authors since the mid of the twentieth century. For scholars like Martin Golding, Daniel Elazar and David Novak, the idea of community has underlying mystical resonances linked to the notion of covenant (Golding, M. 1959; Elazar 1974, 1981 and 2000; Novak 2005). According to their views, Biblical covenants not only were the bases of the social and religious body of Ancient Israel, but they also defined the way the Jewish people would always understand politics and society. This theological perspective presupposes that the justification of the association precedes the association itself. Likewise, it virtually excludes the eventual contribution of external influences. In the end, these authors relegate the role of necessity and the gregarious instinct to associate to a secondary position.

Communal organization was necessary for Jews in exile as long as they aimed to protect their identity and traditions. If Jews had opted for their full integration into the host society, they would have probably been assimilated and Judaism would have disappeared. Furthermore, in a period in which political membership was completely subrogated to religion, every socio-religious minority tended to associate in communities. Therefore, the communal phenomenon was not exclusive of the Jewish people. It was the only chance for a minority to survive.

On the opposite side, historians like Yitzhak Baer and Gordon Freeman conceived the communities as organic entities that responded to the need for association and had the capacity to adapt their structures and functioning to changing environments (Baer 1950; Freeman 1981). These authors appear to be more realistic considering the general nature of medieval religious communities. It could be asserted that Jewish people have always been a community-based society, having an inherent anthropological trend to covenant

association. Perhaps it is a valid explanation, but it does not entail that diasporic communities emerged because a previous *halakhic* argument allowed it.

Whether the reality of communal association was ahead of any theoretical definition or not, the matters related to authority and leadership remained. Who rules and how she rules—which are the legal instruments—are essential questions. The imprecision of the religious tradition and the disparity of historical experiences in the exile produced many possible answers and solutions for these problems.

In that sense, the original general trend was to consider that authority emanated from the religious sages to a greater or lesser extent. They had been the custodians of religious knowledge after the disappearance of priesthood, as well as the self-proclaimed successors of the Biblical priests as conductors of liturgy and legal interpreters. In other words, they were the main guarantors of Jewish identity. They were the most educated group and their lore was respected by their neighbours, whose acceptance was the ultimate source of communal rabbinic authority (*Mishnah Avot* 1:1; *BT Sanhedrim* 5a-b and 26a; see also, Zeitlin 1940: 43; Turkel 1993; Berger 1998; Lifshitz 1998: 60-61; Walzer et al. 2000-2018, I: 253, in relation to the rabbinical interpretation of *Deut.* 17: 8-13).

Indeed, the Oral Torah procures wide theological support to their leadership, tracing their legitimacy to Moses and the Revelation (*BT Berakhot* 5a, *BT Menahoth* 29b and *BT Megillah* 19b, for example). David Biale suggested that together with the liturgical and exegetical monopoly, the first rabbis attributed to themselves monarchical prerogatives (Biale 1986: 38ff). However, in the Middle Ages rabbinic authority coexisted and even competed with the lay powers of the community, regardless of the form they adopted.

The double-headed nature of communal authority was no more than a manifestation of a deeper dichotomy between the secular and the religious which became a key element in communal politics. As noted by several authors, though holding different interpretations, the political conception and management of the community relied on a constant tension between Biblical and traditional politics and the material necessities resulting from the particular context of the community (Susser and Don Yehiya 1981: 98; Blidstein 1990; Chazan 1992b; Mittleman 1996; Lorberbaum 2001 and a long etcetera). Gerald Blidstein referred to this distinction with the terms “ideal” and “real” for the Jewish political conceptions in Catalonia, although this terminology clearly reflects this dichotomy in the broader European context.

The observance of the *Torah* and the *Mishnah* was unquestionable since the objective of those communal associations was to manage themselves as Jewish entities. There was no doubt on that point. However, the traditional political conceptions—especially those of the *Tanakh*—were unable to cover the specific needs of communities whose contexts, locations, threats and challenges were completely diverse. The flexibility of the *Oral Torah* gave room to retrain the primal religious legal sources; but, at the same time, this retrofit could not undermine their position as the leading spiritual, legal and political

referents of Judaism (Elon 1981: 187ff and 1994, II: 684; Dorff and Rosett 1988: 227ff). This equilibrium proved to be hard to find.

In addition to this dichotomy between the religious and the secular—or "ideal" and "real"—, there was a third element that contributed to mold the political and legal constructions of each individual *kahal*: the legislation of the host kingdom. As a matter of fact, this element could be included under the scope of the "real" since its legal provision can be seen as contextual. However, the term "real" usually refers to secular legislation non-derived from the Torah or the Mishnah—though respectful with the general *Halakhic* principles. "Real" politics or legislation were a communal product resulting from the self-government attributions of the *kahal* and, therefore, Jewish legislation. The legislation of the host land was an external imposition careless about Jewish law, and its relationship with the *Halakhah* has traditionally been a matter of doctrinal discussion.

The *Talmud* openly accepts the authority of the host kingdom, reflected in the statement *the law of the kingdom is valid law* ("דינא דמלכותא דינא", "dina de-melkhuta dina") (*BT Baba Batra* 54b-55a, *Nedarim* 28a, *Gittin* 10b and *Baba Kamma* 113a). Once again, the *Talmud* mentions the concept, but it does not theorize on legal and political implications. It was clear, nevertheless, that the communities also needed to develop and implement the legislation of their land. The two main issues that arose out of the *dina de-melkhuta dina* are its limits and its relationship with the *Halakhah*. Obviously, any limit set to the power of the host king by a disarmed and fractioned minority like the Jews was rather a legal fiction than a real limitation. Submission to the external royal authority was, indeed, one of the keys of the survival and the Jewish people as an autonomous social minority (Baron 1942, I: 214; Biale 1986: 56). On the other hand, it was supposed not to serve as a legal subterfuge in order to evade communal legislation—though this last condition was not always respected (for general surveys, see Landman 1968; Shilo 1974; Lederhendler 1989: 15ff; Elon 1994, I: 63ff).

Thus, each *kehillah*, no matter its geographical location, had to deal with a dynamic of powers structured in a triangular tension between three political elements: the "ideal", the "real" and the *dina de-melkhuta dina*. Over this tension, the *kehillot* erected their views on communal self-government and models of authority.

13. b. Notion and emergence of the majority rule among Franco-German Jewry

In this process of political and legal construction, context was an essential configurative force that determined how the community faced the task of implementing and amending the *Halakhah*. It also contributed to set the necessary range of self-government institutions. The specific economic necessities and structural particularities of each

neighbourhood, as well as the impact of the politics of the Christian lords, required local solutions and precluded unitary responses. Decentralization caused for the community to become the central political entity and the epicentre of theoretical and practical political development.

However, decentralization was not a synonym for isolation. Contacts between urban nucleuses were fluent, and the political and cultural frontiers traced by the Jewry did not always match those of the Christian kingdoms. The relationship between *kehillot* with similar contexts and in the same geographical area used to result in a certain degree of homogeneity in the region. In those cases, the role of charismatic, recognized and authoritative scholars was fundamental to define common doctrines of self-government (like the Geonim in the Islamic territories, the *Tosafists* in Central and West Europe or scholars like Shlomo ben Adret and the Rosh in the Iberian Peninsula) (Elazar and Cohen 1984: 167; Elon 1994, II: 488; Roth 2019: 29).

The regionalization, and even individualization, of the *halakhic* response resulted in the formulation and enforcement of many different self-government systems. A unique approach to politics never existed. The conceptions on political authority in a community in Egypt had little to do with those of a *kahal* in England simply because their context had nothing to do. For this reason, it is difficult to speak of a single Jewish political tradition. Medieval Jewry produced several and diverse political traditions, whose evolution was usually committed to a geographical area.

Some authors have proposed theoretical models to systematize the elemental paradigms on which medieval scholars relied to formulate their theories. Those contributions have approached the subject from different perspectives. They probably have some shortages in attempting to compile the whole range of rationales behind every communal system, but they perfectly capture the general logic.

In his work "For the Most Part"[421], Shalon Rosenberg elaborated a tripartite synthesis based on the role of religious law in the different Jewish political traditions (Rosenberg 1989). This perception can determine the ulterior political and, specially, the role of secular law. In this case, Rosenberg's model targets political philosophy rather than practical realization, but it is nevertheless useful for our purposes. He notes that these paradigms are not absolute, since some scholars held eclectic positions (Rosenberg 1989: 194). Thus, he acknowledges three possibilities:

a) Theory of Integrity: the law is imperfect and the legislative authority must amend it according to current real needs.
b) Situationalist theory: the law is perfect, but it might be implemented attending the circumstances. If necessary, it can even be ignored. Rosenberg linked this possibility with Maimonides' thought (Rosenberg 1989: 196).

[421] Original tittle: "על דרך הרוב"

c) Formalist theory: the law is perfect and it must be literally applied even when it can cause social harm.

Gerald Blidstein (1981: 218-221) focuses on how the communal government was perceived. This determines its legitimation to legislate. He considers two alternatives, both essentially west European:

a) The community possesses the natural authority to legislate "without bothering to explain or substantiate it" (Blidstein 1981: 218). This conception was inaugurated by Judah ha-Kohen and Eliezer ha-Gadol (see below) relying on the capacity of the townsmen to impose measurements and rates (*BT Baba Batra* 8b). However, he stresses, the two rabbis—and his posterior supporters—"did not fell themselves obliged to demonstrate from where the citizens derived such an authority *(...)* the community—even the local community—is a virtual reservoir of power: Jewish history and law attest to this" (Blidstein 1981: 219).
b) The community is equated to a *bet din* (court). This conception was not monolithic. It manifested in different ways through different rationales, but they all converged on attributing the legitimacy to rule of communal leaders via their equation to a *bet din*. Two basic Talmudic precepts were usually argued to justify it:
    - *BT Moed Katan* 17a empowers the *bet din* to confiscate private property as punitive measure and to give judgement in civil cases.
    - Several precepts (*BT Bava Kamma* 84b, *Gittin* 88b and *Sanhedrin* 24a-b) permit the appointment of non-ordained judges to act as the *agents* of the disappeared Sanhedrin, which virtually turns communal leaders into a *bet din*. In his own words: "it grants legal authority to a bet din composed of laymen when these laymen are accepted by those under their jurisdiction *(...)* therefore we will turn now to the community, the Kehillah as legislator" (Blidstein 1981: 221).

In his article "Models of Authority and the Duty of Obedience in Halakhic Literature", Avi Sagi postulates the existence of two seminal models legitimatizing the power of communal leaders to rule over their fellows (Sagi 1995). Unlike the legalist approach of Rosenberg and Blidstein's institutional classification, Sagi reflects on the epistemological nature of authority and obedience. Although he proposes a dual division, he acknowledges the existence of alternative models. Nevertheless, these two possibilities cover a wide range of medieval theories on the subject:

a) Epistemic model: knowledge legitimatizes authority. According to that model, community rule may be in the hands of the most versed members in the study of the *Halakhah*. The power is, therefore, temporary. The leaders hold it as long as

they are the wisest men, and they can be replaced if a wiser man appears or if they err. It is neither absolute nor exclusive: individuals are entitled to pronounce judgments and to question the opinions of the sages. However, if the decision of the sages is not mistaken, it is entirely valid. Sagi points Maimonides as a paradigmatic example of this trend (Sagi 1995: 7).

b) Deontic model: it considers that authority emanates from certain people or institutions which have been invested with the power to enact rules and compel to their compliance. This legitimation is provided by religious law or the community itself. In his own words, *"*three basic arguments are adduced to justify deontic authority in both hermeneutical and the legislative context: (1) God's command; (2) divine charisma; (3) public consent*"* (Sagi 1995: 15). This model was the most implemented and the most clearly supported by religious sources.

These proposals are comprehensive enough as to classify many of the self-government systems formulated by medieval Jewry, but their final realization entirely depended on each community or region. The Catalan case—which will be analyzed in the next chapter—is striking due to its eclecticism. Located between Al-Andalus and Ashkenaz, Catalonia received influxes from both sides. Nevertheless, the Ashkenazi influence was much more notorious in the political field, especially in *Old Catalonia*[422]. As will be argued in the next chapter, the Catalan model was halfway between Rosenberg's integrity and situationalist theories, the community was considered to possess natural authority and it relied on the deontic model. In fact, Catalan Jewish politics were inheritors of the theses of the *Tosafists*[423], the spiritual leaders of Franco-German Jewry between the eleventh and fourteenth centuries.

In Western and Central Europe, dialogue played an axial role in Jewish politics. It was the only instrument capable of keeping communal political structures and cohesion, as well as the main mechanism to interact with the external environment. Ultimately, it was the major chance to face violence. One of the elementary rationales behind the necessity of dialogue in the community was the absence of a central authority powerful enough as to impose its will by force. In the Islamic world, Jewish population used to enjoy greater communal and personal prerogatives—except for some darker periods marked by intolerance—than their European coreligionists. It was not unusual in many Islamic territories that Jews were appointed for high political and even military charges[424]. Perhaps it was this privileged position which favored the rising of autocratic communal chiefs, as occurred in Al-Andalus.

[422] Catalan counties in the eastern edge of the Llobregat river, where Islamic domination had been rather anecdotal.

[423] From the noun "תוספות" ("tosefot": additions) and the verb "הוסיף" ("hosif": "to add"), probably because of their engagement in producing *Halakhic* commentaries.

[424] For instance, the Andalusian poet, philosopher and ibn Gabirol's protector Shmuel ibn Nagrella ha-Nagid (d. 1055) was the *vizir* of the *taifa* of Granada.

The situation for the Jewry settled in Christian Europe was completely opposed. Most of the times, local oligarchs were not powerful enough as to take the absolute control of the communities. Thus they were forced to reach agreements and to organize communal self-government institutions according to this reality. It was in this context that the "majority rule" emerged as the leading principle in order to appoint communal officials and to generate norms and policies. There were exceptions of powerful men who took control of their *kahal* and ruled it as they pleased, like Jahuda Alatzar in the *aljama* of Valencia. But even then, the "majority rule" was nominally the official system.

Notwithstanding the social factors that facilitated its predominance, this principle laid on the strong theoretical foundations developed by the *Tosafists.* In his contribution to *The Principles of Jewish Law,* Shmuel Shilo skimpily defined the concept as *"*deciding a matter according to the majority opinion*"* (Shilo 1974: 163). The basic formulation of the idea is, in fact, that simple: the functioning of the community—including legislation, appointment of officials, economic measures, etc.—was to be decided according to the will of the majority of its members. This principle became the cornerstone of communal public law in West Europe. Menachem Elon synthetized the general features of these communities:

> The representative and elective institutions of local Jewish government and intercommunal organizations were built up on the principles of Jewish law, and the halakhatic scholars, as well as the communal leaders, were called upon to resolve the numerous problems arising in the field of administrative law. These related among others: to the legal standing, composition, and powers of the public authority; to the determination of relations between the individual and the public authority and between the latter and its servants; the composition of the communal institutions and the methods of election and appointment to the latter and other public positions; to the legislative institutions of the community, the modes of legislation, and the related administration of the law; to the legal aspects an administrations of its institutions; to the imposition and collection of taxes; and to many additional problems concerning economic and fiscal relations in the community. This wide range of problems was dealt with in a very large number of response and communal enactments, in the course of which the halakhic scholars and public leaders developed a new and complete system of public law within the framework of the Halakha.
>
> (Elon 1974: 645)

BT Bava Batra 8b was the main source used to justify the power of the community to enact rule and, in many cases, to support the rule of majority:

וְרַשָּׁאִין בְּנֵי הָעִיר לְהַתְנוֹת עַל הַמִּדּוֹת וְעַל הַשְּׁעָרִים וְעַל שְׂכַר פּוֹעֲלִים וּלְהַסִּיעַ עַל קִיצָתָן[425]

[425] "Similarly, it is permitted for the residents of the city to set the measures used in that city, the prices set for products sold there, and the wages paid to its workers, and to fine people for

Although this Talmudic statement is prone to be read as a call for the majority rule, it is not a clear commandment. Nowhere in the Talmud there is an explicit stance for this principle. And, of course, there is no normative development. Notwithstanding the apparent simplicity of the concept, its implementation raises a wide range of doctrinal questions about its nature and scope: What a majority is? Who has the right to vote? How the decision-making process should be conceived? Which powers has the majority over the minority? Which is the legitimation of the majority to impose its will? Which coercive measures can be enacted to ensure the implementation of a rule?

It goes without saying that communal scholars did not provide unitary answers to these questions. They conducted the development and implementation of this principle through different paths and positions. Decentralization played its magic again. In all cases, nevertheless, the theoretical formulations were closely linked to how communal association was perceived by its members, to the meaning of this partnership. Blidstein's models of authority relied on this same point. In Central and West Europe, the community was frequently conceived as a contractual union (Finkelstein 1924; Landman 1968: 35; Morell 1971; Revital 1974; Biale 1986; Eleazar 2000; Lifshitz 2016), but even this basic idea was understood in a notorious variety of ways.

The *teshuvah* written by Judah ha-Kohen and Eliezer b. Judah—probably from Mainz (Shapira 2011-2012: 186)—is usually considered the first unequivocal statement in favor of the rule of majority as the preferable system of decision-making. The argumentation is still primal and does not provide a deep development of its rationales and functioning:

כל ישראל לכוף ולהכריח איש את חברו כדי להעמידו על האמת ועל המשפט ועל חקי האלהים ותורותיו. *(...)* לכן כשהקהל מסכימים יחד לעשו׳ סייג וגדר לתורה אין היחיד יכול להוציא עצמו מן הכלל לבטל דברי המרובי׳ לומר לא הסכמתי בהסכמה זו אלא בטל יחיד במעוטו. והמרובין רשאין להשביע ולגזור ולפדות ולהפקיר ממונו ולעשות סייג לכל דבר. *(...)* הלכך אין היחיד יכול להוצי׳ עצמו מכלל צבור. ולא מבעיא בדבר שצריך לעשות סייג וגדר לתורה אלא אפי׳ בדבר הרשות כגון מס ושאר תקנות שמתקנים הקהל לעצמן אין היחיד יכול לבטל ולהוצי׳ עצמו מתקנתן דתניא רשאין בני העיר להתנות על המדות ועל השערי׳ ועל שכר הפועלים ולהסיע על קצתם. הלכך לא יעלה דבר זה על לב איש לעולם *(...)*[426]

violating their specifications, in order to enforce observance of these *halakhot*. This marks the end of the *baraita*, the details of which the Gemara proceeds to analyze". Translation: The William Davidson Talmud.

[426] "All Israelites are obligated to coerce and compel one another to live in accordance with truth, justice, God's laws and His precepts. *[...]* Therefore, if the kahal agrees together to enact decrees forming a fence around the Torah, an individual may not exclude himself from the collective and cancel the pronouncement of the many by saying that he did not agree to the enactment. The individual, being a minority, is himself canceled [out]; whereas the many are authorized to bind by oath, to decree, to place under a ban, expropriate his property, and enact any [such] decree. *[...]* Moreover, the inability of the individual to cancel decrees, or to exclude himself from such decrees, is not limited to matters requiring a fence around the Torah, but even extends to such optional matters [reshut] as taxes and other takkanot that the kahal enacts for itself. Thus we read: ''Townspeople are authorized to stipulate regarding prices, measures, and

Yitzhak Baer, who made one of the first attempts to date the text, concluded that this *responsum* had been written in the thirteenth century. In his opinion, the period in which this first statement in favor of the rule of majority was formulated suggests that Jewish theoreticians were under the influence of *Ius Commune* (Baer 1950). The strong parallelisms between those systems might be the result of a process of legal and political acculturation. He took up this hypothesis again in his works on Iberian Judaism (Baer 2001). Two years after the publication of this article, this thesis was rejected by professor Irving Agus, who alleged that the *teshuvah* had been written some centuries before, probably in the eleventh century (Agus 1952). This second dating has received a wider acceptance (for example Grossman 1975; Walzer *et al.* 2000-2018, I: 391ff; Shapira 2014; contra Morell 1971 and Kaplan, Y. 1995, who held positions less critical with Baer's views). Therefore, the responsa was produced long time before the renaissance of Roman law.

Note that Blidstein used this *responsum* as the paradigm of the first model of authority he proposed. As he pointed there, the two authors assumed communal authority and majority rule as self-evident axioms. They did not consider necessary to justify or to reflect on the origins of these concepts. For this reason, there is no shadow of any sort of meta-reflection about the nature of communal partnership and its authority. They mention the legal sources allowing the majority to impose norms and to coerce the inhabitants of the *kahal* to obey them, but they do not discuss the ultimate origins of this authority. It is an accepted and unquestionable reality.

Notwithstanding the pioneering character of this *responsum*, the rule of majority was still far from becoming the foundational principle of Jewish self-government. In the following centuries, the legitimation of this idea was strongly contested by a wide number of intellectuals. The grounds for this rejection shall be found in the associative nature of the Central European *kahal*. Perhaps, the contractual conception of the community had its higher expression in Jacob ben Meir Tam (1100-1171), Rashi's grandson. His radical view of the community as a mere partnership led him to argue against the majority rule. In his opinion, any decision adopted by the community must require the consent of all its members; otherwise, the *kahal* would not be able to compel the people to obey it (see a translation of his statement in Walzer *et al.* 2000-2018, III: 397).

The ultimate rationale in favor of unanimity is jurisdictional: if the community is a partnership, public law cannot rule the relations between its members; they are partners on equal terms in a sort of private law society (Revital 1974; Elon 1981: 186; Lifshitz 2016: 74ff). This conception is attested by the use of contractual terminology by several Jewish thinkers of the period. Nevertheless, some authors have pointed out the

---

the pay of laborers. . . . And they are authorized to enforce their decree'' (BT Bava Batra 8b). Therefore, no one should ever entertain such an idea". Translation: Walzer *et al.* (2000-2018, I: 394-395).

possibility that Tam rejected majority rule for decisions adopted by lay governments because he held that political rule should be in the hands of the communal scholars (Biale 1986: 50; Mittleman 1996: 75).

Some scholars have considered that Tam's views were an exception to the continuous preference for majority rule in Jewish communities. Menachem Elon¸ for example, identified several coetaneous authors who clearly advocated for majority rule in order to prove this alleged exceptionality (especially through Elon 1994, II; see also Agus 1954; Shapira 2011-2012: 183-184; Kanarfogel 1992). These authors have attempted to divorce unanimity from the Jewish tradition alleging that Tam's major influences came from German Law, which used to prefer unanimity over majority rule. However, it is difficult to estimate whether unanimity was or was not marginal. Indeed, the contractual conception of communal partnership implies a weaker development of the notion of *res publicum*. Ruling institutions did not have authority *per se* and the individual preserves its self-sovereignty—we will develop this point thoroughly in chapter 15. It turns unanimity into the natural decision-making system, especially in early stages.

This does not preclude the alleged claims for the Germanic influence in Tam. But perhaps this matter should be understood in a wider sense. Although many inner sociological and contextual—as well as religious and intellectual—elements might explain the contractual conception of the community in this part of Europe, the impact of the environment should not be dismissed at all. It is striking that the vindication of the associative foundations of these Jewish communities somehow parallels the vindication of the associative foundations of Germanic societies by authors such as Otto von Gierke (Gierke 1868-1913), for instance. In fact, the natural authority of the community opposed to the contractual conception is the greatest difference between the Catalan and the French-German Jewish political traditions—as we shall discuss in the next chapter. This question is not original and has led to long scholarly disputes, but no comprehensive and comparative analysis has been conducted[427]. Unfortunately, we cannot deepen here on this hypothetical cultural influence.

Posterior *teshuvot* show a deeper reasoning on the nature of communal association and its authority, which allowed Jewish thinkers to explore new decision-making methods. With Rabbi Meir of Rothenburg (the Maharam, 1215-1293), the sophistication of the *Tosafist* political thinking reached its maturity. His *responsum* n. 968 [*Prague*] is a good example:

על בני העיר שנקשרו יחד [מקצתן] או [רובן] ושמו לשם ראש אחד שלא מדעת כולן ורוצי להשתרר על השאר שלא כדת להטיל המס וכל מילי דשמיא ודמתא [כרצונם] להקל ולמחיר לא אדונים הם בדבר זה כי [אינם רשאים] לחדש

[427] For a survey on the different historiographical positions in this regard, see Lifshitz (2016: 141ff). The main argument of those authors who reject the existence of a cultural influence relies on the differences between Gierke's *fellowship* ("genossenschaft") and the Jewish partnership. It is unquestionable that the German corporation and the Jewish partnership are different concepts built on different foundations; however, this fact does not preclude *per se* a hypothetical social blending.

דבר בלא דעת כולם דהא דאמר (ב"ב ז ע"ב) ורשאי בני העיר להסיע על קיצותן היינו מדעת כולם וקמ"ל דבדבור בעלמא בלא קנין הן הדברי הנקני באמירה ורשאי לקנוס את מי שקבל עליו [תחלה] ועבר על [תקנתן[רשאי לגבות הקנס כאשר קימו וקבלו עליהם [לקנוס] בכך או בכך העובר או ז טובי העיר שהוברר מתחלה מדעת כל אנשי [העיר] לעיוני במילי דמתא לקנוס ולענוש גם הם רשאי [להסיע] על קיצותן(...)[428]

The contractual grounds of communal association are clearly noticeable here. The community can legislate and coerce because there is a seminal foundational accord between its members accepting the authority of communal institutions over them. For the Maharam, the uncertain origins of communal organization take the form of a social contract not so distinct from those of Hobbes, Locke or Rousseau. Meir's position rejects the modern religious argument in favor of a prolongation of the mystical covenant. It is a human construction, a partnership based on a primal agreement.

At times, Meir of Rothenburg seems to share Tam's bet for unanimity, though admitting the primacy of the majority rule. Meir's views are, indeed, ambiguous and even cryptic in some regards. Some phrases of his *responsum* 968 [*Prague*] appear to completely subscribe Tam, while in some other *responsa* his defense of the majority rule seems out of doubt. This has led to interpretations as cryptic and confusing as Meir's expositions. In his classical book on the life and works of the Maharam of Rothenburg, Irving Agus asserted that Meir opted for the majority rule for the implementation of *halakhic* prescriptions and to strengthen the political and economic situation of the community. As clearly reasoned in the above cited response, the previous acceptation of Talmudic and communal authority was indispensable. From his side, unanimity was relegated to the rest of cases, especially when the decision was prone to cause a personal damage to the minority (Agus 1947, I: 108ff; see also 1954). The same line was followed by Yehiel Kaplan in his survey on decision-making mechanisms in the Jewish communities (Kaplan, Y. 1995: 242-244), while Samuel Morell put more emphasis in the pre-eminence of unanimity (Morell 1971: 98ff). David Biale, on the other hand, interpreted that for Meir the majority rule only applied in cases of urgent needs (Biale 1986: 51), an idea also supported by Joseph Isaac Lifshitz in his recently published biography (Lifshitz 2016: 165-174).

[428] ''Regarding townspeople who got together—some or most of them—and appointed one chief, not by unanimous consent: they seek to lord it over the others unlawfully, to impose the tax and *[to dictate]* all religious and civil affairs at their will. . . . They are not masters in this, for they are not authorized to institute new *[arrangements]* without unanimous consent. Now, the Talmudic statement *[that]* ''they are authorized to enforce their decree'' *(BT Bava Batra 8b)* means: unanimously. . . . They are authorized to impose a penalty upon someone who initially accepted the enactment and subsequently transgressed it. They are authorized to exact the specific penalty they [all the members of the community] initially ''confirmed and accepted'' upon themselves. Alternatively, the seven good men of the town who were initially selected with the unanimous consent of the townspeople to oversee their civil affairs and to impose penalties—they too are authorized to enforce their decree". Translation: Walzer *et al.* (2000-2018: 400-401). Some words have been omitted by the translators, but they were just rhetoric formulae. An alternative translation is found in Agus (1947, II: 489). Agus' version reflects more clearly the contractual spirit of the text, but his translation is excessively free.

As noted by these authors, the majority rule intends to provide a viable legislative solution to manage the needs of the *kahal*. Meir states that this should be done even if *"*there are no great needs" ("גדול צורך שאין", Meir 865 [*Berlin*]). And *need* must not be confused with *urgency* or *extraordinary*. Meir's idea of *need* corresponds to the current material requirements of the community as a social, political and economic entity. It is difficult to conceive further legislative casuistry out of the scope of *halakhic* development and the material management of the community. Agus's idea that the community could lawfully enact rules against individuals attending personal interests, even requiring unanimous consent, is senseless. In contrast, the hypothesis formulated by Walzer, Lorberbaum and Zohar provides a fairer explanation: Meir set an impossible precondition in order to prevent abusive legislation and to protect the individual in front of the tyranny of the majority (Walzer *et al.* 2000-2018, I: 400; and also Shapira 2011-2012: 193ff and 2014: 276ff). Therefore, Meir placed majority rule as the single valid system in practise.

Meir of Rothenburg and Tam, among many others, exemplify the wide presence of the contractual model based on consent. Nevertheless, its importance has been sometimes overstated to the point of considering it an axiom among medieval European scholars. However, there were alternative conceptions on communal authority. As Blidstein notes, the second possibility was to consider that the authority came from the *kahal* itself. In this case, consent became irrelevant. Individuals are bound to communal legislation as they would be bound to public law in a sovereign nation. This conception was especially assumed in Catalonia, as it will be discussed in the next chapter.

Nevertheless, majority rule should not be confused with liberal democracy. Some authors, like Irving Agus, Daniel Elazar and David Novak (their abovementioned works are clear examples), have conferred to European medieval communities a completely democratic nature, setting thereby an idealized account based on a mythicized past. This idea has been expanded to the point of attributing to Judaism an inherent democratic character—even when, for instance, Arab Jewry developed alternative political systems. In a paper refuting these theses, Avraham Melamed rightly noted that *"*the precarious romance of the Jewish political experience with liberal democracy is a phenomenon of modern times*"* (Melamed 1993: 51). David Biale branded them as *"*apologetics*"* (Biale 1986: 51). Most communal governments were, at best, controlled by familiar oligarchies which excluded most of their fellow neighbors from decision-making. In some cases, political primacy could lead to something close to totalitarianisms—as occurred to the *aljama* of Valencia under the rule of Jahuda Alatzar.

The theoretical preference for majority rule did not always imply its practical realization. It was an idea, an intellectual conclusion often favoured by the circumstances, but it was by no means immune to the onslaughts of reality and to human condition. The alleged spiritual authority of the rabbis—as well as their theories on self-government—was often contested and rivalled by the wealthiest and most ambitious members of the community, whose aspirations used to be more mundane. As Aaron Schreiber recommended, *"*claims that Jewish communal decision-making was

always thoroughly democratic must be treated with great skepticism*"* (Schreiber 1979: 329).

The theoretical dominion of majority rule was not absolute for its supporters either. The authority of the scholars was frequently considered superior to the consent of the community. Knowledge was supposed to prevail over majority. The members of the community were allowed to enact legislation except if a wiser man reputed for his knowledge disagreed. The sages, they considered, had the natural right to say the last word in the decision-making process (Kanarfogel 1992: 79-84; Walzer *et al.* 2000-218, I: 381-286, for example).

The rationale for this limit laid on a literal interpretation of *BT Bava Batra* 9a. This *gemarah* introduces the case of a group of butchers who agreed to enact a number of rules in order to regulate their professional sector. One of the butchers of the community refused to accept the rules arguing that his colleagues had no power over him. The two parties decided to submit their dispute to a sage. He concluded that the butchers, as well as the townsmen, had the right to set binding norms—the legislative method is not stated—, except if there was a scholar in the community. If this was the case, the sage asserted that he would be the supreme legislative authority in the community:

חַד אָזַל לְמַשְׁכֵּיהּ נְקָרְעוּהּ דְּחַבְרֵיהּ בְּיוֹמָא דְּעָבֵיד מַאן דְּכֹל הֲדָדֵי בַּהֲדֵי עִנְיָינָא דְּעָבְדִי טַבָּחֵי תְּרֵי בֵּי ״הָנָהוּ בַּר יֵימַר רַב אֵיתִיבֵיהּ לְשַׁלּוֹמֵי רָבָא חַיְּיבִינְהוּ דְּרָבָא לְקַמֵּיהּ אֶתוֹ לְמַשְׁכֵּיהּ קָרְעוּ דְּחַבְרֵיהּ בְּיוֹמָא עָבַד מְנַיְּיהוּ מִילֵּי הָנֵי מִידֵּי לֵיהּ אַהְדַּר דְּלָא עֲבַד שַׁפִּיר פָּפָּא רַב אָמַר רָבָא לֵיהּ אַהְדַּר לָא קִיצָּתָם עַל וּלְהַסִּיעַ לְרָבָא שָׁלְמָיְא דְּמַתְנוּ״ כְּמִינַּיְיהוּ כֹּל לָאו חָשׁוּב אָדָם דְּאִיכָּא הֵיכָא אֲבָל חָשׁוּב אָדָם דְּלֵיכָּא הֵיכָא

(*BT Bava Batra* 9a)[429]

Therefore, it is impossible to equate Medieval Jewish self-governments to democracies in the current meaning of the term. Nevertheless, these *claims* alleged by Schreiber are usually accompanied by a vindication of the self-sufficiency of Jewish politics that appears to suggest a total isolation of medieval Jewry regarding external influences. The

[429] "The Gemara relates: There were these two butchers who made an agreement with each other that whichever one of them worked on the day assigned to the other according to their mutually agreed-upon schedule would tear up the hide of the animal that he slaughtered that day. One of them went and worked on the other's day, and the other butcher tore up the hide of the animal that he slaughtered. They came before Rava for judgment, and Rava obligated him to pay the butcher who slaughtered that animal. Rav Yeimar bar Shelamya raised an objection to Rava: Isn't it stated among actions that the residents of a city may take: And to fine people for violating their specifications, i.e., those ordinances that the residents passed? Rava did not respond to him. Rav Pappa said: He did well that he did not respond to him, as this matter applies only where there is no important person in the city, in which case it is permitted for the residents of the city to draw up ordinances on their own. But where there is an important person, it is not in the residents' power to make stipulations, i.e., regulations; rather, they are required to obtain the approval of the city's leading authority to give force to their regulations". Translation: The William Davidson Talmud.

question on whether the Latin tradition had an impact or not on Jewish theories has been recurrent since the first half of the twentieth century (see, Cohen, B. 1944a and 1944b).

When in 1950 Yitzhak Baer asserted that the response by Judah ha-Kohen and Eliezer b. Judah had been written in the thirteenth century inspired by Roman law, his conclusion was fiercely criticized. The dating was wrong and, in consequence, so it was the intellectual and political background of the text. However, it gave ground to extrapolate this fact to the whole Jewish political experience, assuming that no gentile influx penetrated the intellectual walls of the Jewish quartiers. In a monography on the political organization of Roman-Galilean urban centers, Martin Goodman postulated that big cities were largely influenced by Greco-Roman politics, while small rural villages remained closer to the pure Jewish political conception (Goodman 2000: 119ff). Haim Shapira, before challenging the presence of Roman law in medieval communities, acknowledged that Jewish ancient local entities were *"*rooted in the encounter between the Jewish tradition and the Greco-Roman tradition*."* (Shapira 2011-2012: 200). Nevertheless, this promptitude to admit cultural exchanges in the field of politics in ancient times is not found when it comes to the Middle Ages.

The rejection of cultural blending is inconsistent with historical evidence. Influences and interactions are inevitable (in the next chapter we will provide some examples related to Catalan Jewry), and they always tend to enrich any tradition or culture. This does not imply that Jewish politics were imported. The theoretical grounds for communal self-government were a Jewish product which relied on Jewish foundations, but they were neither impervious nor alien to their environment. In the same way, Judaism *can be* democratically interpreted, but asserting that it had been inherently democratic since almost the times of the first *berit* is not supported by history.

Conclusions:

a) In its original conception, the political nature of Judaism was inseparable from its purely spiritual or moral strands. To be a Jew meant to belong to a religious group, but also to a political and ethnical body. The *Tanakh*, also as a political work, contains the basic institutional construction of this body.

b) With the destruction of the Second Temple, the dismantling of the traditional structures of power and the Diaspora, the Jewish people were forced to find new forms of organization. The community, essentially local in nature, emerged as the primary social, political and economic unity.

c) Furthermore, new self-government models legitimizing communal authority were needed. The local nature of the *kehillot* and the absence of central common authorities led to the appearance of a great number of different theories in this regard.

d) The Franco-German community was perceived by its members as an association of equals. Communal institutions lacked natural authority. Agreement and consent were the main foundations of authority.

e) Among the *Tosafists*, the majority rule progressively crystalized as the preferential system. The formulation of the scope and limits of this principle was not, nevertheless, unitary. Its definition and material implementation depended on each community. In general, the theories on majority rule used to confer pre-eminence to the will of the intellectual leaders over the consent of their fellow members.

Chapter 14: The conception of communal authority in Catalonia and Valencia

14. a. Introduction

The aim of this chapter is to study the conception of communal authority in the *aljamas* of Catalonia and Valencia. In doing so, our objective is to explore both the general legal framework procured by royal legislation and the theoretical foundations delivered by the Jewish intellectual leaders of the period. This analysis will set the bases for the posterior discussion on the contents of the *Agreements of 1354* regarding communal—and supra-communal—organization. The scope of the following chapter will comprise the process of political reforms carried out during the thirteenth and the first half of the fourteenth centuries, until the year 1354.

The parameters of communal organization in Catalonia and Valencia followed the same path than the rest of Jewish communities in the Diaspora. The general foundations for self-government were based on two main axes[430]. On one hand, royal privileges provided the basic set of limits and rights for communal self-management and autonomy. These privileges were often royal graces individually conceded to the *aljamas*. Nevertheless, several elemental prerogatives can be considered as *universal*. In fact, the general trend since the reign of Peter *the Great* (1276-1285) was the homogenization of the communal regime, though a total uniformity never existed. On the other hand, the intellectual leaders of the *kehillot* developed political principles and theories relying on halakhic principles and on the actual needs of the communities. In other words, it can be said that the king bestowed an empty building, and that the community furnished the interior for its habitability.

Most of the privileges approached in this chapter had been previously mentioned in chapter 2, when the jurisdictional clashes between communal and royal judiciaries were addressed. Many reasons explain this apparent reiteration. Firstly, considering that the privileges instated or recognized the main communal institutions, the same document could contain the general regime both for judges and for the government of the *aljama*.

However, such a distinction was not usual at all, which leads us to the second reason. In Christian medieval law, there was no difference between executive and judiciary attributions. The king was considered the highest protector and administrator of earthly

[430] We refer here to the conditions which gave legal room for the materialization of Jewish autonomy. Other authors have also reflexed on the basis of two axes to explain the inner formulation of Jewish politics. For example, Daniel Elazar did so with the concepts *kinship* and *consent*—see Elazar (2000: 416). From the other side, Elon spoke about the *"*opportunity granted to a group of people living as a minority under foreign rule to exercise autonomy, and the readiness of the foreign regime to grant this autonomy*"*—see Elon (1981: 185, the same in 1977: 9-10).

justice in his domains. He and his officials had the *jurisdictio*, the capacity to judge and to rule over the people (Montagut 2020: 25-26). In the Jewish tradition, the exclusivity of the judiciary is only stated for religious law, in which there is a clear boundary between monarchy and priesthood. Within the scope of lay politics and royal legislation, the attributions of the Jewish king resemble those of the Medieval Christian monarch.[431] This dichotomy between secular and religious judgments persisted in the Middle Ages.

14. b. The nature of communal power in Catalonia and its evolution before 1270

In the next pages we will delve into a number of political theories formulated by some of the brightest Jewish intellectuals of the period. However, all these theories and models of authority—not just in the Crown, but across Europe—had a common and axiomatic point of departure that restricted their viability in advance: *the limits set by royal privileges over the communal autonomy must be respected*. This principle was out of discussion. Community inhabitants and leaders were aware of it; they know it was their only chance to survive as a religious and social minority. In addition, the king was their greater protector. The framework delimited by the privileges and their incontestable obedience were, perhaps, the most straight and noticeable manifestation of the principle *dina de-melkhuta dina*. Privileges were not only direct commands of the king, but they delimited the materialization of Jewish principles. Although compliance was accepted as an axiom, several Catalan authors theorized on the doctrinal limits of this statement. Obviously, those reflections were just speculative games. The *aljamas* had no real chance to systematically oppose the king's will. Nonetheless, these scholars held sharply permissive views on that matter, almost acknowledging the omnipotence of the monarch. Let's see some examples.

Moshe ben Naḥman's approach is widely exposed in his responsum 47[432]. The query was raised by his Barcelonan friend Samuel Hasardi, a scholar engaged in moneylending. According to Hasardi's question, King James I decided to devaluate the Catalan currency. This measure affected the lending contracts signed by Hasardi before

[431] The basic provisions ruling the monarchic institution in Israel are developed in Deut. 17: 14-20 and 1 Sam. 8. Those precepts do not mention the judicial competences of the king, but they are implicit. 2 Chronicles 19: 11 is perhaps clearer when states: "And take notice: Amariah the chief priest is over you in all matters of the Lord; and Zebadiah the son of Ishmael, the ruler of the house of Judah, for all the king's matters; also the Levites *will be* officials before you. Behave courageously, and the LORD will be with the good". Also the Mishnaic treatise *Sanhedrin* (especially in chapter 2) differences between the religious judgments and the king's judgement.

[432] For a translation and comment, see Septimus (2003).

the overvaluation, which caused him serious financial troubles. He asked whether this decision should be considered legal regarding the limits of the *dina de-melkhuta* or not. Naḥmanides replied that any king possesses by birth a number of prerogatives inherent to his condition and supported by ancient traditions. If the monarch tried to innovate or to exceed those attributions, he would be acting without legitimation and out of the coverage of the *dina de-melkhuta*. In this particular case, Naḥmanides concluded that the regulations on coinage had always been in the king's hands; thus, his decrees on that subject had to be respected.

The Provençal scholar Menachem Meiri (1249-1316), a contemporary of Shlomo ben Adret, stood for a more idealistic interpretation of the *dina de-melhuta.* In his commentary on *BT Bava Kama* 113b (Meiri 1950: 320-322), Meiri considered that only the prerogatives granted to kings of Israel in the *Tanakh* are lawful, even for the Christian kings. He stated that royal laws must be obeyed, no matter their severity, because kings always pursuit the benefit of the country and its people. Meiri affirmed that the legislation produced out of this scope, even when it was valid according to the traditions of the kingdom, is arbitrary. Otherwise, the laws of Israel would be abrogated. Considering the period in which he wrote his Talmudic commentary *Beit ha-Baḥirah* (הבחירה בית, "The House of the Splendor")[433], perhaps Meiri had in mind the religious persecutions and the aggressive missionizing zeal of the Christian preachers when he set these limits to royal power. Barely six years later, Jews were expelled from the neighbor kingdom of France. Probably he considered that Christian kings overreached their functions with this sort of decrees.

For his part, Shlomo ben Adret, true to his style, kept a more disenchanted and realistic approach. In his long responsum VI: 254, the RASHBA alleged that the *dina de-melkhuta* covers every subject that affects the king's interests, a prerogative that he extended to private law (Adret I: 895).

As discussed in chapter 2, the concession of privileges increased throughout the thirteenth century. As a matter of fact, there are no notices of comprehensive privileges granted before the reign of James I (1213-1276). This does not imply that Catalan-Aragonese monarchs did not enact any privilege before, but their number must have been minor and their range less generalist (See, Baer 1929: 1-80). In some cases, some texts might have been simply lost. One of the key reasons of the rising production of legislation in this regard laid on the territorial expansion of the Crown during this period, when the incorporation of conquered lands, the increase of Jewish population and the necessity of attracting settlers to the new dominions required additional measures. Other factors, like the tendency to legal positivizing entailed by the rediscovered Roman law or the rise of cities, could also explain this phenomenon.

The internal construction of communal power and organization encompassed this process. Before the thirteenth century, manifestations of the inner political functioning are scarce. However, Catalan communities had always possessed their own self-

[433] Between 1287 and 1300, according to Ta-Shma and Derovan (2007: 786).

government institutions emerged from elementary *halakhic* interpretations and instinctive adaptation to the enviorement, though they were still far from the degree of development and depth reached by the Andalusian Jewry and the *Tosafists.*

The case of the *aljama* of Valencia completely differed from the experience of the communities in Old Catalonia. The city became a flourishing urban centre since the dismembering of the Umayyad Caliphate of Cordoba in 1031. The succession of Islamic rulers that controlled the city until it was conquered in 1238 granted a great political autonomy and legal prerogatives to its community (see Ashtor 1973-1979, II: 281-286). Once annexed to the Crown of Aragon, James I enacted a new privilege in 1239 based on the rights endowed to the community of Zaragoza[434]. Like Valencia, Zaragoza had been one of the leading Andalusian cities and the home of a huge and dynamic Jewish community. James I probably considered appropriate to ensure the continuity of this wide autonomy. In fact, Muslim legislation became a recurrent source of inspiration for Christian monarchs. An evidence of this legal blending can be found in terminology: in several documents, communal law is referred with the Arabic word *açuna* ("السنّة", "as-suna")[435]; the term for communal leaders is *muqaddamin* ("مقدّمين", "advanced [members], leaders", usually translated as *"*adelantados*"* or "adelantats") instead of *nemanim* ("נאמנים", "trustees") or *berurim* ("ברורים", "the elected ones"), like in Catalan *aljamas*.

The prolific institutionalization of the Catalan-Aragonese *aljamas* during the thirteenth century was not confined to the external framework embodied in the privileges. The inner conceptions about communal politics, organization and authority also experienced a noticeable qualitative growing and refinement. The process was led by a succession of bright and charismatic scholars capable of exerting a notorious influence on the whole Catalan-Aragonese Jewry. Nevertheless, this evolution was not exclusive of Jewish communities, but it paralleled the political rise of cities. Relevant authors like Baer and Assis noticed the influence of local government institutions in communal political organization (Baer 2001, I: 127, 219; Assis 2008: 67ff). As it will be discussed below, these influences did not lead to subtle and debatable similarities; on the contrary, the general trend was to equate the institutions and functioning of both kinds of governments.

For the Jewish communities, the thirteenth century was not just a period of institutionalization and intellectual production, but an age of deep political transformations that radically changed their structures of power. In the case of Catalonia, Barcelona is the city which exemplifies it the most. At the dawn of the

[434] ACA, reg. 941, f. 176v-177r [Baer (1929), 91]. At the beginning of the text, it is stated that "*Noverint universi, quod nos Jacobus, dei gratia rex Aragonum* (...) *damus et concedimus vobis, fidelibus nostris judeis habitatoribus et populatoribus in Valencia et in suo termino* (...) *quod habeatis illes consuetudines et foros, quod havent judei Cesarauguste* (...)" ["Everybody shall know that we James, King of Aragon by the grace of God *(...)* concedes to you, our loyal Jews in Valencia and its dominions, the same customs and charters that the Jews of Zaragoza have *(...)*" (our own translation).].

[435] Cfr. Chapter 2.

century, the local community was under the totalitarian rule of a *nasi* ("נשיא", "prince"). Bernard Septimus asserted that this traditional form of government could have been a last carryover of Arab influence in the city (Septimus 1979; also quoted by Gutenmacher 1991: 65). The *nasiim* virtually were the monarchs of the *aljama*. In that sense, they used to legitimate their power alleging a Davidic ascendance (Septimus 1979: 205; Baer 2001, I: 92). The communal aristocracy and intelligentsia were the main upholders of the regime (Assis 2008: 77).

In the first decades of the century, the disconformity of the popular classes against their rulers became noticeable**.** Social unrest led to small revolts whose intensity and violence progressively increased. The most important of these uprisings was headed by a certain Samuel Benveniste against the penultimate *nasi* of Barcelona, Makir ben Sheshet (d. 1227) (the episode has been addressed at length in Septimus 1979 and Klein 2006: 96ff; see also Baer 2001, I: 90ff and Assis 2008: 76ff). The tentative ended up in a complete failure. Catalan and Provençal scholars closed ranks in defence of the establishment. Benveniste was discredited, excommunicated, sentenced to flogging, and forced to travel across Catalan communities begging pardon. However, the ruling of the *nasi* was mortally wounded. Similar events took place in other major cities of the Crown, like Zaragoza (Assis 1977 and 2008: 76ff).

The fall of the *nasiim* materialized when the scholars withdrew their support. The reasons of this change of position are still unclear. Septimus suggested that it could be linked to the Maimonidean controversy, which was in its peak by then (Septimus 1979, also 1983). The same line was accepted by Elka Klein (Klein 2006: 117ff) It appears that the *nasiim* and the aristocrats largely subscribed Maimonides' thought, whose ideas on the philosopher-king were useful in order to legitimate their power. From their side, most Catalan intellectuals—then largely committed with the mystical currents that had flourished in Provence—aligned themselves against the Andalusian rabbi (see, Septimus 1983; Scholem 1987; Baer 2001, I: 96ff; Ribera-Florit 2002, etc.).

Although the works of the Rambam attempted to provide a legal framework for the hypothetical reign of the Messiah (Lorberbaum 2001, Part 1), the *nasiim* could take advantage of his theories as a philosophical justification to strengthen their doubtful genealogies. Maimonides' ideal monarch largely relies on the views of Plato and Aristotle, though his conception is closer to a kind of prophet-king (Kreisel 1999: 23-29) rather than to the classical king-philosopher (Rosenthal 1968 and Jobani 2018). Nevertheless, if legitimation could not rely on the sole name of tradition, an alleged moral and intellectual superiority could give ground for the despotic government of the nasiim.

In addition to Septimus' suggestion, also the *Tosafist* influence could have determined the change of loyalties. This hypothesis appears plausible considering that the intellectual leadership of the opposition was assumed by Naḥmanides (the Ramban, 1194-1270), as Septimus himself noted. Naḥmanides played a major role introducing the ideas of the *Tosafists* on communal self-government in Catalonia. During the

Maimonidean controversy, Naḥmanides kept an ambivalent position. Although he himself was a mystic and a kabbalist, he advocated for a moderate rejection of Maimonides' works. In that sense, it is difficult to believe that he exclusively based his opposition against the status quo on his anti-rationalist views. This philosophical radicalism does not match his attitude during the controversy. Although his views on Maimonides might have influenced him, it is more feasible that his defiance had its origins in his sympathies for the political ideas of the *Tosafists*.

The increasing popular unrest forced the king to intervene. In 1241, James I granted a privilege reformulating the political regime of the *aljama*. The new royal grace gave an end to the ruling of the *nasiim* and allowed the community to choose two or three delegates to manage its affairs. The victory of the scholars and the popular classes entailed the introduction of the "rule of majority" in Barcelona, though still poorly developed and implemented. The privilege stated:

> *Noverint universi, quod nos Jacobus etc. concedimus vobis toti conventui judeorum Barchinone* (…) *ut possitis eligere inter vos duos vel tres iudeos probos homines et legales vel plures, si volueritis, iuxta congitionem vestram, qui videant et cognitiorem vestram, qui videant et cognoscant diligenter in personis illis, qui aliquam fecerint stultitiam vel dixerint aliqua injuriosa verba aliis probis hominibus judeis, super quibus valeant ponere penam et bannum, quod habeamus nos et loco nostri detur bajulo nostro Barchinone, et ipsi etiam propria autoritate possien eicere inter vos et de vestro callo judayco* (….).[436]

In 1272, James I confirmed and improved this privilege[437]. The content was essentially the same: the community was allowed to choose a number of representatives to deal with judicial and executive matters. However, the king timidly expanded the prerogatives of the *aljama* or, at least, permitted to understand better the scope of the former privilege. The document states that the leading officials were habilitated to resolve internal matters according to the *Halakhah* ("*legem judeorum et bonas consuetudines legis judeorum*" ["the law of the Jews and the good Jewish customs"]) and that their office could be temporary (*"si necesse fuerit pro tempore, ipsos inde removere et alios loco eoroum substituere"* ["if it were eventually necessary, they can be removed or substituted"]). Nevertheless, these points were probably implicit in the privilege of 1241.

---

[436] "Everybody shall know that we, James etc., authorize the entire Jewish community of Barcelona *(...)* to chose two or three men among you—or even more, if you wish—, who will be empowered to diligently prosecute and judge those *[Jews]* who disturbe or defame the rest of good Jewish men. They *[the delegates]* will be allowed to impose penalties and bans over them, which will be observed by us and the *batlle* of Barcelona. They will also have authority over you and over your community of Barcelona *(...)*" (our own translation). ACA, reg. 16 f. 158r [Régné (1978), 29; Baer (1929), 93].

[437] ACA, reg. 21, f. 32v [Jacobs (1894), 634; Régné (1978), 517; Baer (1929), 106].

14. c. Positive Consolidation and *Halakhic* Development, 1270-1310

The succession of royal privileges conferred to the Catalan *aljamas* in the thirteenth century reached its peak in 1280. This year, James' successor, his son Peter II *the Great*, granted a new and unique privilege for all the communities in Catalonia. The new measures considerably enlarged communal autonomy; but their major goal was, without a shadow of a doubt, the notorious level of legal uniformity they ensured. This homogeneity was not absolute since the king could—and indeed he and his successors usually did—grant additional privileges to particular *aljamas* or even to individuals. Notwithstanding the limits of this apparent unification, the privilege provided standardized bases for the inner organization of the communities. The grace permitted the *aljamas* to appoint between two and seven officials annually to manage communal government according to the Jewish Law:

> *Noverint universi, quod nos Petrus, D. g. rex Aragonum, concedimus vobis universis aljamis judeorum Catalonie, quod quelibet aljama possit perpetuo constituere de duobus usque septem probos homines de dicta aljama annuatim vel ad aliud tempus, sicut eis expedire videatur, qui possint cognoscere et terminare questions, controversias et querimonias* (…) *et possint condepnare et punire judeos et judeas dicte aljama vel locorum, qui sunt de collecta ipsius aljame* (…). *Possint etiam facere statuta et prohibitiones, districtus et ordiantiones super gestibus et actibus eorum et ponere vetita et alatmas et niduy*[438].

This privilege culminated the general inclusive Jewish policy of Peter II before the crisis of 1282, and it also suggests that Barcelona was not the only city ruled by an autocrat. The series of privileges granted throughout the thirteenth century contributed to redefine the conceptions of communal authority. They allowed the implementation of the "majority rule" by those communal sectors opposed to the government of the *nasiim* and implied the royal acceptance of this system. They also entail the retrieval of the communal council or *etsa* ("עצה") as one of the leading institutions of the community

[438] "Everyone shall know that we Peter, King of Aragon by the Grace of God, concede to all the Jewish *aljamas* in Catalonia that every community will always be allowed to appoint between two and seven good men every year—or for longer periods, if you prefer—, who will be in charge of the matters, disputations and ceremonies *[of the community] (...),* to condemn and punish the inhabitants of their *aljama* and *collecta (...).* They will also be authorized to enact decrees, prohibitions and ordinances on communal affairs, and to impose *alatma* and *niduy*" (our own translation). ACA, reg. 44, f. 167v-188r [Régné (1978), 823; Baer (1929), 121].

and the heart of the decision-making process (Assis 2008: 79-80). This institution, whose origins can be traced to the Second Temple period, was supposed to be inherent to the existence of a community, but its role had been diminished by the *nasiim* and ignored by the kings. In these new privileges, the single function recognized to the *'etsa* was the election of officials. Its legislative attribution progressively increased during the first half of the fourteenth century, partly due to the influence of the *Corts* and Christian local assemblies.

The concession of a privilege could be a royal initiative or a request of the *aljamas.* As stated at the beginning of this chapter, royal graces provided a basic legal framework. which set the main communal institutions, the limits to their autonomy and defined the bases of the relationship between the *aljamas* and the king. However, they were not enough to develop and exercise this autonomy. The privileges delegated this task to Jewish Law. In fact, the permission to enforce the *Halakhah* was their ultimate finality. The responsibility of developing a Jewish political and legal construction within the community was in its members' hands. This duty was primarily assumed by the spiritual leaders, whose scholarly authority was largely respected by their coreligionists. Their knowledge of the *Halakhah* and their sensibility towards the situation of the Catalan-Aragonese Jewry allowed them to define the parameters communal authority and self-government. In almost all cases, the commentaries on the *Tanakh* and Talmud and, specially, the *shelot ve-teshuvot* became their elementary tools to formulate their ideas.

Naḥmanides had been the most charismatic and active scholar during the first half of the thirteenth century. His commitment with the social turbulences of his time and his leading role importing the theories of the *Tosafists* to Catalonia made him one of the key figures of the period. He had been the fundamental driver of the reformation process, but the crystallization of these reforms and the internal consolidation of the "rule of majority" were conducted by his disciple Shlomo ben Adret, the Rashba (Barcelona, 1235-1310).

Adret succeeded Naḥmanides as the leading scholar of Catalan academies when he moved to Palestine after the Disputation of Barcelona. Adret's leadership transcended intellectual authority and became a political reference, just as his master did. This allowed him to make a common front against the numerous challenges faced by Catalan Jewry during the second half of the century. In addition to his task as political architect, Adret coped with the missionizing onslaughts of the Dominicans, whose fervour increased after the Disputation of Barcelona (Cohen, J. 1983: 156ff; Nirenberg 1996: 198; Baer 2001, I: 281ff, for example). In addition, the Maimodean controversy was reawaken at the time. Adret took radical sides with the anti-rationalist and banned the study of philosophy for people under twenty-five (Adret I: 415; see also Saperstein 1986). He also discredited the messianic and ecstatic movement started by Abraham Abulafia (1240-1291) (Adret I: 548. About Abulafia's kabbalah, see Idel 1989; Wolfson 2000 and Hames 2007, for example).

Nevertheless, it was his labor as legal expert which turned him into one of the main figures of medieval Judaism in Europe. His widely known reputation as Talmudist and scholar led him to produce around 3,000 responsa dealing with all aspects of communal life. These questions and responses constitute an invaluable historical testimony on the history and organization of Catalan-Aragonese Jewry in the second half of the thirteenth century. The *teshuvot* are the vehicle through which Adret developed and exposed his political ideas.

The responsa as a means of theoretical exposition presents some particularities. Firstly, their aim is to offer concise legal answers to specific questions, which inevitably entails an overall lack of systematization. The ideas expressed in the *teshuvot* cannot have the cohesion and unity of a philosophical treatise. This can lead to apparent contradictions and theoretical gaps. Secondly, they contain practical solutions to real problems. The viability and practical realization of the answer were the main intended targets of any *responsum*. Therefore, the producers of *teshuvot*—including Adret—usually do not dedicate themselves to speculation or to propose unattainable ideal solutions. Adret wrote as a legal expert, not as a philosopher.

In his responsa, Adret held a practical and realistic conception of politics. He was aware of the real situation of the Catalan-Aragonese communities and of their status as autonomous entities subjected to the will of a gentile monarch. In consequence, he attempted to address the real political, social and economic needs of the *aljamas*. Adret's premise was that a rigid interpretation of the Torah could not fill this task. The strict observance of the Scriptures cannot impose itself to reality. The *Halakhah* should be approached with flexibility and relying on local uses. In that sense, Adret used to avoid dogmatism.

Adret justified these views adducing the wide interpretative spectrum provided by the Talmud to cope with the "needs of the hour". In the *teshuvah* III: 393, Adret alleged the Talmud statement "Jerusalem was destroyed only because they restricted their judgments to Torah law"[439] (*BT Bava Metzia* 30b) to defend the capacity of the community to rule and impose penalties beyond the literacy of the Torah:

עמדתי על כל טענות הקונדרס הוה, ורואה אני שאם העדים נאמנים אצל הברורים רשאים הן לקנוס קנס ממין או עונש גוף, הכל נפי מה שיראה להם, וזה מקיום העולם, שאם אתם מעמידין הכל על הדינין הקצובים בתורה ושלא לענוש אלא כמו שענשה התורה בחבלות וכיוצא בזה נמצא העולם חרב, שהיינו צריכים עדים והתראה, וכמו שאמרו ז״ל לא חרבה ירושלים אלא שהעמידו דיניהם על דין תורה (...)[440]

[439] "תורה דין בה שדנו על אלא ירושלים"

[440] "If the appointees *[berurim]* find the witnesses trustworthy, they are permitted to impose monetary fines or corporal punishment as they see *[fit]*. Society *[olam, literally, ''the world''*] is thereby sustained. For if you were to restrict everything to the laws stipulated in the Torah and punish only in accordance with the Torah's penal *[code]* in cases of assault and the like, the world would be destroyed *[ha-olam harev]*, because we would require two witnesses and [prior] warning. The Rabbis have already said that ''Jerusalem was destroyed only because they

The respect for the law of the Torah cannot precede the protection of the community and its inhabitants. The survival of the Torah depends on the survival of the Jewish people. This inescapable relationship leads to the existence of two separate laws: on one hand, the religious law; on the other hand, the legislation of the community. In this second case, the decrees and judgments should pursue the welfare and political stability of the group. This objective legitimates the community to rule independently of the *Torah* if the final goal is to "build a fence around the *Torah*". In other words, the physical continuity of the Jewish people, the worshipers of the true God and His law, is indispensable. Adret clearly summarized this position in his responsum IV: 311:

שלה נאמרו אתן הדברים שאמרתם אלא בבית דין שדינין על פי דיני תורה כסנהדרין או כיוצא בהם, אבל מי שעומד על תיקוני מדינה אינו דן על הקינים הכתובים בתורה ממש אלא לפי מה שהוא צריך לעשות כפי השעה (…) וכן אמרו מכין ועונשין שלא מן הדין ולא לעבור על דברי תורה אלא לעשות סייג לתורה (...)[441]

Following the steps of his master, the political though of Adret was strongly influenced by the *Tosafist* notions of the nature of the community and the rule of the majority (Ta-Shma 1985; Kaplan, Y. 1995; Lorberbaum 2001: 94; Assis 2008: 301-304, etc.). This affinity becomes evident even in the allegorical images used by Adret to refer to the legislative and coercive powers of the community. Thus, he compares the authority of communal institutions to the king and the High Court (Adret III: 411, IV: 142 and V: 126 and 242, for example) or to the *geonim* (Adret I: 729).

Adret's theories cannot be considered a mere transposition of the Franco-German political conceptions. The context of the Iberian Jewry differed from that of the Central European communities in many regards, which resulted in different political challenges. The particular social demands of the Catalan-Aragonese *aljamas* inevitably entailed the development of distinct responses. The communities of the Crown of Aragon, even more than the Castilian, were the recipient of influences both from the Islamic world and Ashkenaz. This contributed to add more particularities to their political formulations. Perhaps one of the most illustrative examples of the intertwined nature of Iberian communities is the surprise shown by Asher ben Jehiel (d. 1327) when he settled in the Peninsula and discovered that the Jews were allowed to impose death

restricted their judgments to Torah law'' *(BT Bava Metzia 30b)".* Translation: Walzer *et al.* (2000-2018, I: 402-403).

[441] "Those rules cited by you *[that witnesses who are next of kin, etc., are incopetent]* apply only to a court that judges according to the laws of the Torah, like the Sanhedrin or a similar body. But whoever is appointed on the basis of a communal enactment does not judge directly according to the laws set down in the Torah itself; he may do whatever is necessary to satisfy the needs of the hour *(…) It* has also been said that punishment not prescribed by strict law may be imposed—not to transgress the Torah but in order to make a fence around the Torah…" Translation: Elon (1994, II: 691).

penalties (in Novak 2005: 144-145 the author offers a report of the episode with documentary references). This prerogative was often granted by Muslim rulers, but it was unimaginable in Central Europe. Adret had to expressly justify to his northern fellow the use of the capital punishment on the grounds of the "needs of the hour" ("צורך השעה") and the *dina de-melkhuta* (Adret II: 279, III: 393 and IV: 411).

Unlike most of the *Tosafists*, Adret considered that the community was not just a partnership of people, but a holistic entity independent of the sum of its members. As shown in his responsum 968, for example, Meir of Rothenburg linked the power of the community to legislate and impose penalties to a hypothetical foundational consent of its members. The sovereignty of the association relies on a social contract whereby individuals ceded their will to a range of ruling institutions. In other words, Meir's position was based on a theory of consent. Adret, by contrast, did not match this definition of communal association, as argued by Daniel Gutenmacher in his doctoral dissertation (Gutenmacher 1991). According to his analysis, Adret cannot be considered a theorist of consent since he appears to suggest that communal authority is inherent to its institutions and that individuals are subjected to them by nature (Gutenmacher 1991: 116-121). Perhaps the initial authoritarian system of government in Catalonia hampered the development of a theory of consent and reinforced the idea of natural authority of the community.

It is noteworthy to mention that Adret's idea of the inherent power of the constitution does not annul the notion of partnership as the basis of communal association. These are two different concepts that should not be confused. Above all, there was a perception of the community as a group of Jewish people belonging to a same ethnic-religious body and subjected to the same Divine law, who decided to join in order to preserve their traditions and identity. In the ontological—not material—plane, the members of the community were conceived as equals who had the duty of contributing to this final objective (Adret V: 183). No communal society can function without solid ties of solidarity between its members**.**

This natural power is exercised according to the majority will. The compulsion of any rule agreed by the majority of members of the community is out of discussion for Adret. Unlike Rabbenu Tam, who considered that any individual can oppose any communal measure he disagrees with, for the RASHBA the minority is inevitably compelled by the coercive force of the majority. In his *teshuvah* 3: 411, he states:

וכל שכן לענין הדין, כי הם זכות או חוזק יד יש לקהל אחד על אחד ואפילו ליחיד על רבים בדיני הממונות או הנהגות והסכמות (…) לפי שכל צבור וצבור היחידים כנתונין תחת יד הרבים ועל פיהם הם צריכים להתנהג שכל עניניהם, והם לאנשי עירם ככל ישראל לב״ד הגדול או למלך[442]

[442] "So too are the decrees or enactments of the majority of the kahal regarding the needs of the community *[kehillah]*. Since the majority enacted it, even against the will of individuals, it is valid. *(...)* For in each and every public, individuals are considered to be under the rule of the

Adret expressed a similar reflection in his *responsum* I: 769, but highlighting the impossibility for individuals of escaping from the will of the majority:

עוד השיב שאין רשוב ביד אדם להסתלק ולפטור עצמו מתקנת הקהל ולומר לא אכנס בתקנות וכיוצא בהן, לפי והיחידים משועבדים לרוב וכמו שכל הקהלות משועבדות לבית דין הגדול או לנשיא כך כל יחיד ויחיד משועבד לצבור שבעירו[443]

One of the key functions of the majority was the appointment of communal officials. Officials were the representatives of the majority and the depositaries of the power of the community. Their functions were not homogeneous, but they often shared a number of common attributions, which included (the following list is largely based on the numeration in Epstein 1968: 35):

a) The capacity to contract loans and to pay communal debts.

b) Control and management of communal properties.

c) Power to invest or to speculate with communal funds.

d) The right to appoint certain communal officials.

e) In some cases, the authority to impose excommunications and other penalties, as well as other judiciary attributions. When it was expressely stated, they were entitled to interpret communal rules.

f) Fiscal and legislative attributions.

As noted above, the terminology to refer to the highest officials of the *aljama* was not uniform. In Catalonia, they were generally known as *berurim* or *ne'emaim*. Sometimes,

---

many and must pay heed to them in all their affairs. They *[the minority]* stand to the people of their city as all Israel stands to the high court or the king". Translation: Walzer *et al.* (2000-2018, I: 404-405).

[443] *"[Rashba]* also responded that no person has permission to renounce and free himself from communal legislation and to say "I will not enter *[the jurisdiction of]* the enactments and anything like this", because the individuals are subjugated to the majority. Just as all the communities are subjugated to the highest court or to the nasi *(prince, head of highest court),* so is each individual subjugated to the community in his city". Translation: Gutenmacher (1991: 114).

the institutional title was more specific to highlight the particular functions of the officer. For example, the *berurim al ha-mishpat* ["ברורים על המשפט" "elected to give judgement"] had judicial attributions. As Eduard Feliu noted, although this nomenclature appears in the Talmud, their medieval meaning had been molded by the influence of Latin, vernacular languages, and Arabic (Feliu 1998-1999: 113). In Valencia, like in Aragon, the most usual term was *muqaddamin*. In Christian documents, they are mentioned under a set of terms such as *secretarii*, *adelantados*, *prohoms*, *administradors*, etc. There was not an exact correspondence between the Hebrew and Latin/vernacular names; they were just approximated conceptual translations

Adret considered that the will of the majority must prevail over the scholarship of the candidates. He vindicated that the seven good townsmen frequently mentioned in the Talmud were not the most versed men in the study of the *Halakhah* or the richest members of the community, but those chosen by their fellow neighbors. In accordance to this idea, Adret equated the legislative attributions of the sage described in the Talmudic narration about the enactments of the butchers to the power of the elected officials (Adret IV: 185; see, *BT Baba Batra* 9a; see previous chapter). In his opinion, seven was the appropriate number of secretaries because they were enough as to represent the whole community without further authorizations. Nevertheless, many *aljamas* were not allowed to choose more than three secretaries. In other cases, like Valencia, the number of representatives raised to twelve (as pointed out in Adret IV: 315). As he noted in III: 443, this amount is figurative, and the number of delegates might vary according to the needs of the community or its population. In I: 617, he states:

ואקדים לך הקדמה כי שבעה טובי העיר המוזכרים בכל מקום אינם שבעה אנשי המובחרים בחכמה או בעושר וכבוד אלא שבעה אנשים שהמידום הצבור פרנסים סתם על עניני העיר והרי הן כאפטרופוסין עליהם (...) ואם תאמר הם פרנסים ידועים הם למה לי שבעה (...) לפיכך כשהן שבעה יש להם רשות לכל דבר כאלו עשו כן כל בני העיר אף על פי שלא העמידו אותם על דבר זה בפירוש אבל פחות משבעה אין כחן שוה להיותם ככל בני העיר עד שיטלו רשות בפירוש בני העיר (...)[444]

For a thinker such as Adret—who was a pious man of faith, but also a supporter of the will of the majority—, there can be an apparent contradiction. How these men, who are

[444] *"[The seven good townsmen],* who are frequently mentioned, are not seven people who excel in wisdom, wealth, or honor, but seven people chosen by the people and authorized generally to be the administrators and trustees of the town affairs *[and they are like the town guardians] (...)* You may ask: if the leaders are recognized, why is there a need for seven? *(...)* When they are seven, they have full authority to act on all matters without further specific authorization, *[and their acts are]* as if done by all the townspeople. However, if there are less than seven, they do not have the general authority to act for the townspeople but are limited to the performance of those acts townspeople specifically authorize". Translation: Elon (1994, II: 727-728), with some personal additions.

not required to be educated people, can accomplish their task as secular rulers and also protect the observance of the Torah? The question appears even more relevant considering that the office of *rabbi* did not exist in Catalonia in the institutional sense and the control of religious morality and liturgy drew on the community itself—notwithstanding the influence of the intellectual authorities in those affairs (Feliu 1998-1999: 117; Ray 2006: 99 and 114; and Assis 2008: 315-319). Adret attempted to give a solution stablishing an inextricable linkage between the rule of majority and deliberation. His opinion in this regard resembles classical dialectics. The chance to propose and discuss plays a fundamental role in assuring the rightness of government. He held that public debate and participation in the decision-making process contributed to find the best options for the community (Adret II: 104; see also Gutmann 2018).

This set of opinions about deliberative participation and the rule of majority may be equivocal. We argued in the former chapter that these theories cannot be equated to our current ideas about democracy and representativeness. They are different concepts. These rights were reserved only to male taxpayers. The rest of members were systematically excluded from public life. Adret enumerates the excluded people in the teshuvah III: 428:

> ודוב הקומות עכשיו גדולי הקהל בעצה והסכמה עושי כל צריכי הצבור. לפי שאי אפשר לנשים ולקטנים ולחלושי הדעת להסכים בצרכיהם, והיחידים בעלי עצה מן הסתם כאפוטרופין עליהם לפקחעל כל הנינים הצריכים[445]

Fiscal solvency was strictly observed. Adret insisted on that point in other responsa (III: 443 and IV: 312, for example). In some *aljamas* not every taxpayer was allowed to participate in public deliberations or to become official, but just the wealthiest contributors. In Valencia, for example, James II decreed in 1297 that all the secretaries of the *aljama* must be capable of paying an annual minimum of 30 pounds in taxes[446]. However, five years early, two secretaries of the *aljama* had already resigned because their personal financial situation made their tax contributions decrease[447].

His pragmatism and commitment with the stability of the Catalan-Aragonese Jewry prevented Adret from turning into a political proselytising (Gutenmacher 1991: 97). His political views favourable to the rule of majority were evident, and he always advised its implementation in his *responsa*. Likewise, he was openly critic with tyrannical and despotic communal governments (Adret V: 245). However, he had to acknowledge the existence of alternative political systems within the Crown. This forced tolerance was in accordance to his defence of the local customs as a source of law. Adret's theories on

[445] "In most places today, the men of the community who are great in counsel and authority execute all the needs of the public, since it is not possible for women and minors and the feeble-minded to make such decisions, and these councilmen alone are as agents for them, to watch out over all their affairs". Translation: Ray (2006: 108).
[446] ACA, reg. 195, f. 46r [Régné (1978), 2661].
[447] ACA, reg. 87, f. 19v [Régné (1978), 2464].

secular politics inevitably implied the acceptance of political diversity. It was inherent to his political and legal realism. In his answer to a *shelah* by the community of Zaragoza (Adret III: 394), he explained:

ואומר אני שמנהג המקומות בעניינין אלו אינו שוה בכל, לפי שיש מקומות שכל ענייניהה נוהגין על פי זקניהם ובעל עצתם, ויש מקומות שאפילו הרבים אינן רשאין לעשות דבר בלתי עצת כל הקהל ובהם כמת הכל. ויש מקומות בממנין עליהם אנשים ידועים למן שיתנהגו על פיהם בכל ענייניהם הכללים והם אפוטרופין אליהן, ורוה אני שאתם נוהגין כן שאתם ממנים עליכם קרויין מוקדמין. וכל מקום שנגו כן פסלו כל השאר לדברים אלו ואלו לבד מסכימין וטועין צריכי צבור הכללים, ואלוהם שקראום חכמים שבעה טובי העיר, כלומר שמנו אותם על כללי עניני הצבור[448]

Adret´s tolerant acceptance of other kind of communal political regime can be symptomatic of the transitory period experienced by Catalan-Aragonese aljamas in the thirteenth century. The huge amount of legal and political doubts he was asked to solve and the subsequent thousands of responsa he produced point to that direction. Adret´s bet for stability rather than for dogmatism prevented him from openly attack alternative forms of government. Furthermore, the Crown of Aragon was not a uniform and cohesive territory in almost every regard. Its Jewry was not an exception. As showed by authors like Pinchas Roth or Florence Touati-Wachsstock, there was certain correspondence between the territorial divisions of the Crown and the general *halakhic* lines followed by the Jewry, which favoured regional differences and discords (Touati-Wachsstock 2004; Roth, P. 2015). Despite the wide recognition of Adret's authority among all the Catalan-Aragonese, his position of dominance was specially exerted in Catalonia. On the other hand, Adret did not state anywhere in this *responsum* that he was exclusively referring to Catalan-Aragonese *aljamas.* Perhaps, he included in his reflection some foreign communities whose political functioning he might know.

In light of this exposition, Adret can be linked to the systematization of the models of authority proposed by Rosenberg, Blidstein and Sagi we reproduced in the former chapter (cfr. Chapter 13). According to the legalist perspective of Rosenberg, Adret swung between the theory of integrity and situationalism. He did not exactly defend the amendment of the *Halakhah*, but advocated for the coexistence of two parallel systems. Regarding Blidstein, Adret undoubtedly suits in the first possibility. Like, for example, Judah ha-Kohen and Eliezer b. Judah, the Rashba considered that the *kahal* possessed a natural authority which did not need to be justified. This implies that Adret held a

[448] *"*I tell you that the custom in not everywhere the same. There are places where everything is managed by the elders and the councillors. In other places, even the majority is not allowed to do anything without the previous agreement of the whole community. There are also places where some people are designed and entrusted to take care of the general affairs of the community and to be like its guardians. I have noticed that you do it that way: you chose people called *muqadamin [adelantados]*. Everywhere this system has been adopted, no other practice is allowed anymore and only these people can look after the necessities of the community. They are those named the seven good townsmen by the sages, those appointed to look after the affairs of the public*"* (Our own translation).

deontic model of authority according to Sagi's classification. In general terms, this classification can be extended to the main Catalan spiritual leaders and political thinkers.

The role of Adret in the evolution of communal government was fundamental. His defence of the majority rule largely contributed to outpace unipersonal regimes and to legitimatize the reforms contained in royal privileges. Throughout the second half of the thirteenth century, the leverage of the *Tosafists*, the concession of privileges and the influence of the local political environment coalesced and moulded the political structures of the *aljamas*. All those elements crystalized during the next five decades. However, the inner life of the community was more complex than that. Political control remained in the hands of a few wealthy families and the system was often distorted. As already stated, Corruption and external interferences—frequently invoked by members of the community—were habitual. What we have exposed here are just the theoretical foundations of the system.

14. d. Communal Authority after Shlomo ben Adret (1310-1354)

The death of Adret in 1310 left a void in the spiritual leadership of Catalonia and in the whole Crown of Aragon (Baer 2001, II: 18). The vacuum lasted for at least thirty years. During this period, there was no identifiable political and religious authority with the charisma and influence of Naḥmanides or Adret. Although Adret had many bright disciples, like Yom Tov Asevilli (1260-1320) and Bahya ben Asher (1255-1340), they were not political figures, or they did not develop their careers in the Crown. This period is unusual in the chronology of the Crown of Aragon. Aside from Naḥmanides and Adret in the thirteenth century, the second half of the fourteenth century and the first decades of the fifteenth century were dominated by great names like Nissim of Girona (1320-1380), Hasday Cresques (1340-1410), Sheshet Perfet (1326-1408) and Joseph Albo (c. 1380- c. 1433). Only the agony of the Catalan-Aragonese Jewry initiated by the dramatic events of 1391 put an end to this succession of influential scholars.

This apparent political orphanage did not stop the process of evolution initiated in the previous century. The concession of privileges and the elaboration of internal ordinances continued refining the complex communal self-government system. These forty years were characterized by a notorious trend to equate communal institutions and functioning with the political constructions of the emerging cities. It is possible that the lack of great communal intellectual referents capable of offering political solutions based on the Jewish tradition favored institutional acculturation and the incorporation of

elements from the local Christian governments. On the other hand, the king and his officials, as well as the Jews themselves, probably felt more comfortable dealing with institutions they could easily identify.

Barcelona was the starting point for this second wave of reforms. In 1327, the king accepted a number of *takanot* proposed by the community in order to reformulate its internal organization[449]. The ordinances were written in Catalan and contained twenty-six measures aiming to provide further legal security to the decision-making processes, to set clear limits to the power and competences of communal institutions and to establish mechanisms of control in order to prevent corruption. The document also attempted to fight external interferences and abuses of authority, which were potentially harmful for the autonomy of the *aljamas*. Notwithstanding this claim for internal independence, the text set a clear correspondence between communal and local institutions.

Despite this set of rules being elaborated under the form of internal ordinances entirely conceived and formulated by the community itself, the instigation and participation of the king is almost certain[450]. The simplicity of the former institutional construction had become insufficient to provide a proper response to the needs of a community in continuous growth. It had not eradicated either the institutional monopolization by the plutocracy, and social unrest had arisen again. Some months before the approval of the statutes, in April, the complaints of the inhabitants of the Barcelonian community against the corruption of its leaders pushed James II to designate an external auditor to inquire on this issue[451]. The measure might have resulted unsatisfactory and inadequate to solve the structural problems of the *aljama*, which would have led the king to sponsor a deeper reform. It is particularly striking that the complainants were headed by a secretary, Astruc Saltell, who had been appointed for this office the previous year thanks to the express support of the *infants* Peter and Alphonse, sons of James II[452].

The involvement of the king would also explain the abrupt interest of the community to equate its institutions as much as possible to the city government. In addition, the original document in the Archive of the Crown of Aragon is classified among the privileges conceded by James II.[453]

Paradoxically, the first concerns reflected by the ordinances are related to the external interferences in the communal affairs. The concession of individual privileges by the king, local lords, or members of the royal family to their favourite Jews had been a traditional challenge for communal authorities. Those personal graces turned the

[449] ACA, reg. 230, f. 106-107v [Régné (1978), 3454; Baer (1929), 189]. We have divided the text according to Baer's edition.
[450] Baer considered the statutes only as a product of the community—see Baer (2001, I: 227ff). Assis (2008) did not discuss this possibility.
[451] ACA, CR, Jaime II, c. 134, n. 223 [Assis (1993-1995, I), 443].
[452] ACA, CR, Jaime II, c. 134, n. 152 [Assis (1993-1995, I), 367].
[453] The register number 230 of the *Cancillería Real* to which this document belongs is part of the *Graciarum 21* of James II.

recipients into untouchable. The scope and object of privileges were diverse, but they used to consist of legal and fiscal immunities, the exemption of communal duties or the appointment of the king's trusted men as officials of the *aljama*. They discredited the authority of communal institutions, distorted their functionning and caused economic damages since the fiscal exemption of the larger donors did not imply a reduction in the general contribution of the *aljama* (Epstein 1968: 29-32; Assis 1997: 209-223).

Hundreds of concessions of that sort were granted to many Jews. It was a usual practice. Just to mention some examples: in 1301, James II rewarded Mahaluix Alcoqui, a Jew from Lleida, granting him immunity before communal courts[454]. In 1302, the physician from Zaragoza Salomó Abenjacob was exempted from taken mandatory public offices in his *aljama*[455]. The abovementioned appointment of Astruc Saltell in 1326 is also a clear evidence of the magnitude of the problem. It is also noteworthy the case of the king's daughter Maria, a nun in the convent of Sigena (later she became prioress), who was a prolific intermediary between her family and many Jews who aimed to receive the favor of the royal house—sometimes as a reward, and sometimes as an act of mercy attending their misery[456].

The community of Barcelona pursued the reversion of this praxis. The first point of the document stated that every member of the *aljama* who had been awarded with a special privilege must renounce to it. In the two next items (2 and 3), the ordinance extended this measure to future concessions, preventing anyone from *"recaptar assi mateix ne a altre neguna letra o manament aixi del senyor rey com del senyor infant com de qualquier altra persona"* ["to achieve for himself or for another person a privilege or commission from the king, the *infant* or any other person" (our own translation)]. The non-compliance of any of those three dispositions carried a fine of one thousand *morabitins*.

Its inevitable unviability makes these norms striking. The community could not force the king to comply with them. The only chance to guarantee their effectivity relied on self-discipline, in the capacity of the communal authorities to punish those members who were awarded with a privilege. But at the same time, the king, as he often used to do, could annul the judgement without further formalities. Perhaps they expected the king to compromise—if he was engaged in the elaboration of the text, probably he already committed unofficially—to not to concede individual privileges to the inhabitants of the *aljama*. Nevertheless, James II died just three months after the approval of the document and his successor never confirmed this point.

Nevertheless, the main focus of the statutes was the redefinition of government institutions. The epicentre of this reform was the improvement and institutionalization

[454] ACA, reg. 198, f. 310r [Régné (1978), 2757].
[455] ACA, CR, Jaime II, c. 14, n. 1828 [Assis (1993-1995, I), 99].
[456] ACA, CR, Jaime II, c. 134, n. 207 [Baer (1929), 186; Assis (1993-1995, I), 416]; c. 134, n. 212 [Assis (1993-1995, I), 425]; c. 134, n. 214 [Assis (1993-1995, I), 437]; c. 23, n. 2956 [Assis (1993-1995, I), 461]; Alfonso III, c. 2, n. 264 [Assis (1993-1995, II), 571].

of the *etsa* as the pivotal legislative and controlling body of the *aljama* and the responsible for appointing the highest officials. The assembly was provided with clear and ruled competences, as well as with a stable structure. It was composed by thirty men from the wealthiest families of the community. It was expected to be annually renewed. In order to avoid nepotism, corruption and family monopolies, the members of the *'etsa* could not be "*pare e fill ne sogre ne genre*" ["father and son or father-in-law and son-in-law" (our own translation)]. The document declared:

> [els] *quals XXX se facen totes les eleccions, que seran mester ne son acostumades de fer en la dita aliama, aixi d'eleccions de secretaries com de jutges e reebedors de compte como de totes les eleccions. Encara se dege ordenar a coneguda daquells, per quina manera la aliama pagara les questes e les altres contribucions (...). E que hi vayen fer aquelles ordinacions o contraforts, que a ells sera vist faedor, o que puguen triar certs homens, aixi daquells XXX com d'altres, a coneguda dels quals se puguen fer e acabar totes les coes damuntdites. E tot aço encara, que los dits XXX ordenaran en tots los feyts de la aliama, haya lo dita aliama per ferm sens tot contrast*.[457] (Point 4)

Therefore, almost every decision, including the appointment of secretaries, was in the hands of the *etsa*. The agreements of the institution must be adopted by simple majority (point 5). In fact, the appointments of secretaries and assembly members were reciprocal. According to the text, the "thirty" were in charge of appointing three secretaries, five judges and five *reebedors de comptes* (a kind of fiscal supervisor or auditor). The renovation of secretaries and assembly members were supposed to occur in different periods. When the office of the council ended, the secretaries were in charge of electing the new members and vice versa (point 9). The problem is that the document ignores the system of election of the original *'etsa*, which in turn was responsible of appointing the first set of officials. The secretaries were empowered to designate substitutes for the absent members of the assembly and to decide the day and place of the meetings (points 7 and 8).

In addition to the prohibition of choosing members from the same family, the statutes included further measures to shield the independence of the *'etsa*. The election of foreigners and Christians for the council was expressly prohibited (point 24) and nobody was allowed to gather privileges which could undermine the authority of the

[457] "Those thirty will decide all the appointments for the necessary or customary offices of the *aljama*, such as the election of secretaries judges and *reebedors de comptes [= fiscal supervisors or auditors]*. They will also approve the procedure to pay the *questies* and the rest of taxes *(...).* They will be empowered to enact these ordinances and regulations or to appoint some men—among these thirty or someone else—to manage these affairs. Those thirty will rule over all the affairs of the *aljama* without interferences" (our own translation).

assembly[458] (point 17). None of the "thirty" or the other officials could have two consecutive offices (point 13).

The composition and attribution of the new *etsa* paralleled those of the Barcelonan local assembly, the *Consell de cent* ("council of the one hundred", definitely established in 1274), an institution with fiscal and representative powers, as well as with some normative attributions (for a general reference, see Udina 1977; Ortí 2001; Dantí 2002).

This later reform soon proved to be unable to solve the endemic problems of the *aljama*. Some years later, the situation remained the same. Apparently, these ordinances could not stop the generalized corruption among communal leaders, the institutional monopolization by the wealthiest families and the continuous external interferences. The pretended reinforcement of political autonomy and transparency lasted until 1333, when the king commissioned one of his officials, Gerard de Palaciol, to inquire on the accusations of embezzlement against the whole former government team of the community[459]. Once again, the means of the community appeared to be insufficient to manage the situation and the *aljama* itself asked for a royal intervention.

In the following years, royal interventions by request of Barcelonian Jews became as frequent as they used to be. In 1337, two members of the *aljama*, who had been appointed *ad hoc* to conduct some special tasks, resort to Alphonse III to get the expenses of their works reimbursed by the secretaries. One of the claimers was Hasdai Cresques—perhaps the grandfather of the philosopher—, who was one of the reported secretaries in 1333. This exchange of accusations and suspicious sabotages evinces the dangers and complexities of the communal political life. The interference of the king became, again, a useful tool to attack rivals. The counterpart of this stratagem were the accusations of informing, a weapon equally sharped and destabilizing for self-government (see cfr. Chapter 3).

Similar circumstances also led the king to intervene in the *aljama* of Valencia in April 1327. Just weeks before James II reacted to the pleas of Astruc Saltell and his allies in Barcelona, the monarch dictated some special guidelines in order to solve the clashes between rival families in this community, whose political situation was stagnant[460]. In this new directive, the king ordered the communal assembly to appoint six *adelantados* of clever reputation and with no family ties between them. The elected officials were commanded, in turn, to elect three judges.

---

[458] This measure offers ruled solutions to problems like the one submitted by the *aljama* of Zaragoza to Adret in the *responsum* III: 394. A number of delegates were commissioned by the *aljama* to obtain some privileges from the king. They accomplished their task, but they also successfully negotiated a number of additional graces for the community. Those lasts negotiations were not covered by the budget allocated by the *aljama.* The delegates attempted to have their expenses payed by the community alleging the general benefits of their goals. Adret considered that the community was not obliged to pay since its members did not authorize these negotiations. The statutes of 1327, thus, set limits to this sort of independent actuations. See also Cf. Chapter 15.

[459] ACA, CR, Alfonso III, c. 20, n. 2376 [Assis (1993-1995, II), 715].

[460] ACA, reg. 229, f. 274r [Régné (1978), 3434; Baer (1929), 188].

This provisional enactment did not precede an integral institutional reform like the one carried out in Barcelona. The situation of Valencia was notoriously different. In those years, the *aljama* was already under the virtual control of Joan Sibili. His death six years later paved the way to the consolidation of Jafudà Alatzar as the indisputable autocrat of Valencia. It took some decades for Valencia to reach the political development of Barcelona, whose inner organization almost emulated. In 1367, the *aljama* of Valencia adopted the statutes of Barcelona, including the *Council of the Thirty*[461], but the evidence of its activity are scarce. The assembly is mentioned again in 1372 in a letter by Queen Leonor—then the owner of the *aljama*[462]. The date of this letter is quite significant. It was written five years before Alatzar's death, when he was a notably aged. Two years before, some families had essayed a rebellion against him sending a letter to Queen Eleanor complaining about his authoritarianism and corruption[463]. Even though the queen did not adopt any serious measure against Alatzar (Riera 1993: 69), the manoeuvre reflects that his power was not as uncontested as it used to be within the community[464].

Notwithstanding their questionable effectivity, the *Statutes of 1327* were, therefore, a capital legal document to understand the evolution of the legal status and inner organization of the Jewish communities in the first half of the fourteenth century. They transformed the institutional organization of several Catalan-Aragonese *aljamas*, making them evolve in accordance with the higher and more complex political, economic and social demands. They also contributed to the institutionalization of the theories on the rule of majority. For the purpose of this dissertation, the importance of these ordinances lays on the fact that they were still in force when the *Agreements of 1354* were signed. Thus, they were a synthesis of the legal and political mentality of the period on communal statecraft and a referential point to understand the purposes of the drafters.

In Barcelona, the statutes were in force until 1386. That year, Peter III decided to abrogate them attending their inefficacy to avoid corruption and social unrest. The king decreed a new statute[465], whose general aim was to reinforce the control of the '*etsa* on the *berurim*. He also attempted to shield the methods of election against manipulations and to ensure the participation of the three *mans*—in this case, it was stated that public offices must be evenly divided among the *mans.* Ultimately, the king increased his own power of control over the *aljama.* The new normative did not have time to prove its efficcy. Less than five years later, the community of Barcelona was obliterated.

[461] ACA, reg. 928, f. 25-26r. Again, the archivist document is included within a set of privileges (*Graciarum* 54).
[462] ACA, reg. 1580, f. 90v-91r [Baer (1929), 308].
[463] ACA, reg. 1579, f. 102v-105v [Baer (1929), 302].
[464] Riera also mentioned the emergence of satiric graffiti in the *call* against Alatzar, as described in ACA, reg. 1579, f. 165v.
[465] ACA, reg. 948, f. 114v-122v [Baer, 381].

The statutes of 1327 are an insightful sample of communal self-regulation. However, previous chapters have shown that the legal framework of the Catalan-Aragonese communities was composed of several normative dimensions. In fact, the regulation of the Jewish *aljamas* was threefold. The internal normative production *(takanot* and *haskamot)* was just one of these layers. Self-government was a prerogative granted by Catalan-Aragonese monarchs as a grace to their Jewish subjects. As discussed in previous chapters, the grounds for communal autonomy—including its set of powers, attributions and limits—were provided by royal privileges. Besides these graces, Jewish *kehillot* were also bound by the legislation of the Crown as any other subject was. Thus, royal—or baronial—legislation was a second regulatory dimension. Restrictions to travel, limits to interest earnings or the prohibition to hold public offices can be included into this category. Finally, there was a co-regulative dimension involving the Jews and their neighbors. Co-regulation was largely based on private agreements. Moneylending contracts are the clearest examples: they established sums, terms and conditions—often according to local customary patterns—that became legal obligations. Other commercial agreements, and even the distribution of butcheries in public markets[466], were a matter of co-regulation. Therefore, the legislative environment of the Jewish communities was composed of: i) royal/baronial legislation, ii) self-regulatory sources, and iii) co-regulation. Nevertheless, these categories were not unconnected. As the highest authority of the Crown, the King used to have a great political and legal influence in self-regulation and co-regulation processes.

[466] Butcheries for *kosher* products were usually allocated via privilege or through an agreement between the *aljama* and the *universitat.* In this particular case, co-regulation tended to be problematic and used to lead to disputes between the two parties. Royal arbitration was not unusual. See, for example, the interventions of James II in Barbastro in 1297 (ACA, reg. 253, f. 12r [Régné (1978), 2640]) and of Peter III in Girona in 1342 (ACA, CR, Pedro III, c. 14, n. 1830 [Assis (1993-1995, II), 993]).

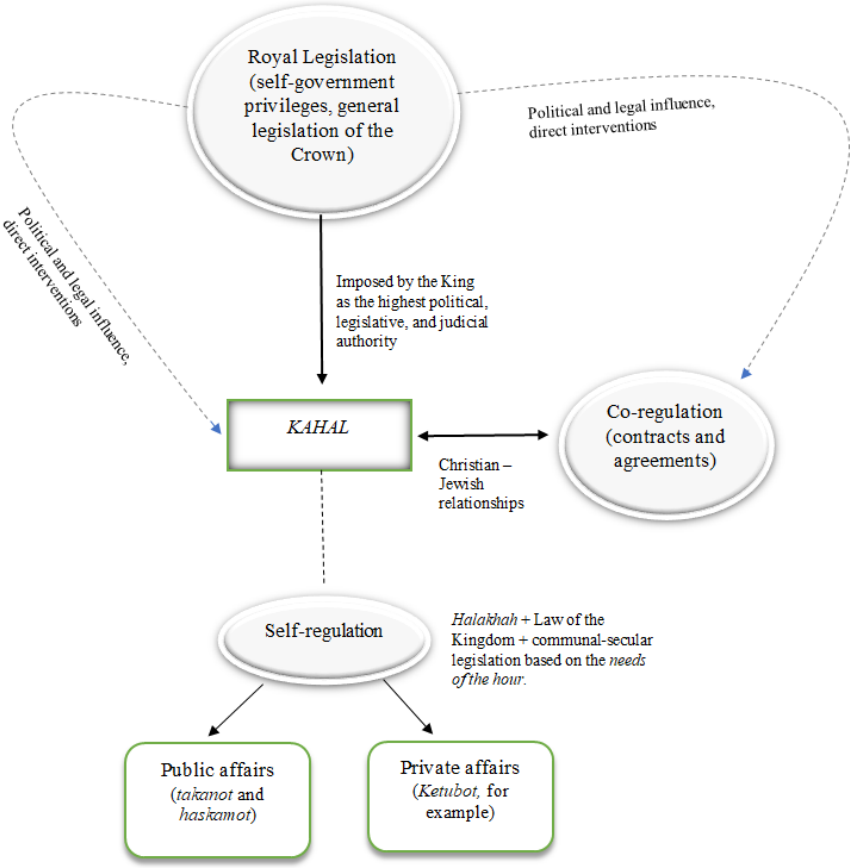


Figure 4: Regulative dimensions of the Jewish *aljamas.*

Daniel Elazar and Stuart Cohen, in their joint book *The Jewish Polity: Jewish Political Organization from Biblical Times to the Present* (Elazar and Cohen 1984), plotted the political organization of the Barcelona community according to these two statues on the following graphical representation of *Figure 4.*

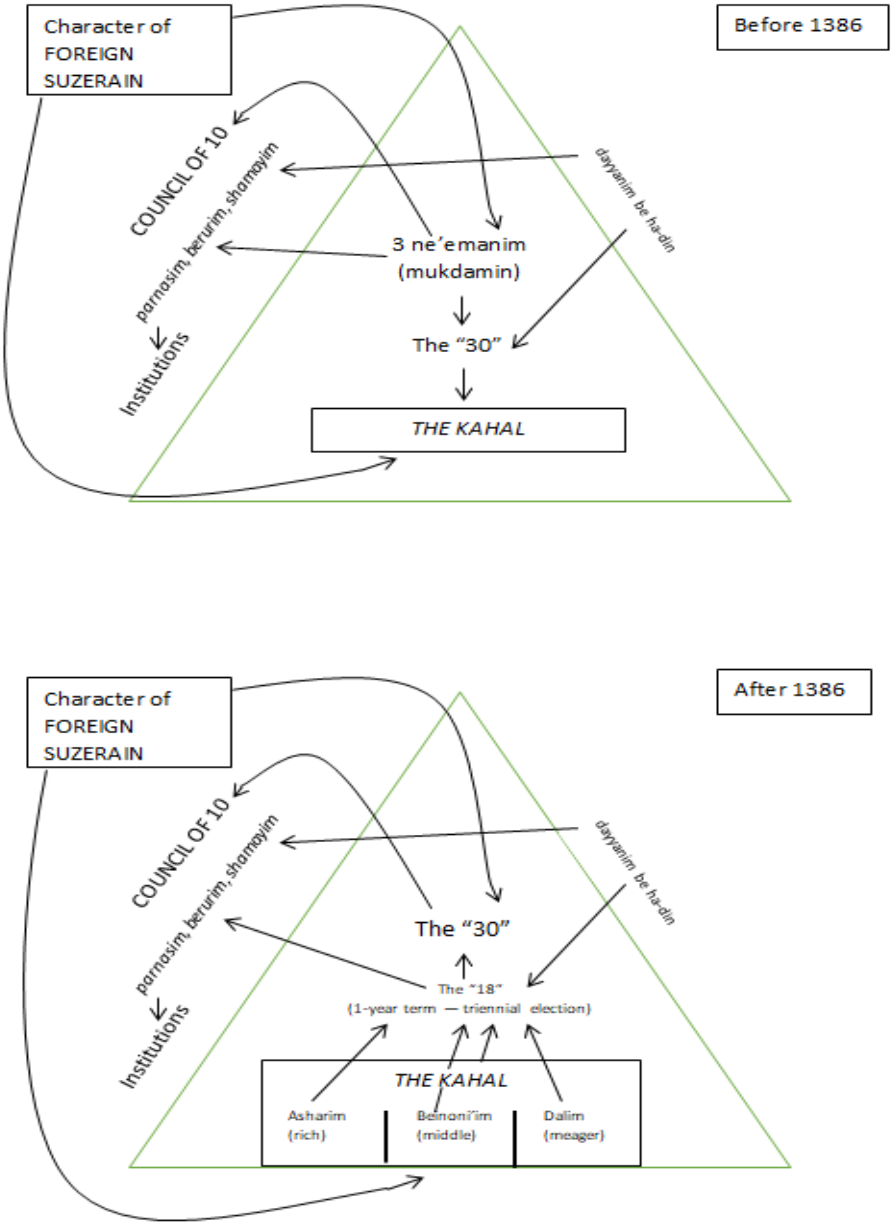


Figure 5: Institutional organization of the Jewish community of Barcelona (Elazar and Cohen 1984: 197).

Cresques Salomo built his political career under this new framework. In fact, he contributed to the expansion of the ordinances of 1327 across Catalonia. In 1341, Cresques successfully negotiated the extension of the statutes to the *aljama* of Girona[467]. He held the office of *barur* in Barcelona on several occasions, which granted

[467] ACA, reg. 1815, f. 51v-52r [Baer (1929), 386]. The event is mentioned in a letter written by the infant Violant in 1386. The infant and latter queen acquired the *aljama* of Girona in 1382 (ACA, reg. 1807, f. 13r-15v [cfr. Riera (1990: 96)]) and commanded a number of dysfunctional reforms which led to the extreme impoverishment and instability of the community. Five years after the concession of this privilege, in 1346, the king had to intervene in order to ensure its

him a considerable political weight not just within his community, but among the Catalan Jewry in general, as evinced by his handlings in favor of the *aljama* of Girona and his participation in the drafting of the *Agreements* of 1354. Professor Anna Rich Abad elaborated an approximate and discontinuous—due to the lack of documentation—table listing the *berurim* of the *aljama* of Barcelona in the second half of the fourteenth century. Note that Cresques Salomo is mentioned several times in the decade of the 1350' (*Table 2*)

YEARS IN OFFICE	NAMES OF THE SECRETARIES
1349	Issach Bonjuha de Bellcaire, Astruch Bonsenyor des Cortal, Hasday Taroç
1351	**Cresques Salamó**, Cresques Alfaquim, Samuel sa Porta
1354-1355	**Cresques Salamó,** Issach Perfet Issach
1358-1359	Massot Avengena, Benvenist Samuel, Vidal Ferrer

Table 2: List of *berurim* in the *aljama* of Barcelona between 1349 and 1359 (Rich 1999: 119).

His political influence led Cresques to meet Nissim ben Reuven Gerondi (the Ran) sometime at the end of 1340', perhaps the greatest Catalan intellectual of the mid-fourteenth century. Nissim contacted the veteran politician on behalf of his friend and possible mentor rabbi Perez ha-Kohen, who was looking for supports to be employed in Barcelona or its *collecta.* Cresques Salomo, together with Moshe Natan, sponsored the scholar (Feldman 1965: 51; Alsina and Feliu 1985: 17-19).

This is one of the first biographical highlights of Nissim at our disposal. By that time, Nissim was at the beginning of his intellectual career, but he had already started to produce some of his main works (Feldman 1965: 51 and 2007:281). During the next couple of decades, he became the most prominent *halakhatic* authority in Catalonia, breaking the intellectual void caused by Adret's death almost forty years ago. He did not have the charisma of Adret and Naḥmanides, and never exerted a real and strong leadership as they did, but he produced some of the most influential works of the period. Nissim also educated the next generation of political and *halakhic* leaders, including Hasdai Cresques and Bar Sheshet. He was knowledgeable and productive in the fields

compliance by the community members (ACA, CR, Pedro III, c. 23, 3187 [Assis (1993-1995, II), 1062]).

of philosophy, science, medicine and astronomy; but his greatest contribution belongs to the sphere of political theory.

Nissim's political though was an inheritor of Adret's contributions. However, there are several contextual, formal and intellectual discrepancies between both authors. The contextual differences, obviously, rely on the specific circumstances of their particular lifetimes. Adret led the *halakhic* response in a period of social and institutional changes. His *responsa* contributed to homogenize the political foundations of the *kahal* in Catalonia and to crystalize the majority rule as the basic principle of self-government. He conducted the transition initiated by Naḥmanides and assured its evolution. From his side, Nissim belonged to the next generation. He grew and lived in the society resulting from that transition, when all the changes had been assimilated and accepted as something inherent to the nature of the community. Nissim reflects a new reality.

Formal differences between both authors are evident. Adret exposed his views on the thousands of responsa he produced following a casuistic method. As noted above, this entailed a lack of systematization and cohesion. In the case of Nissim, his *teshuvot* are notoriously scarcer, barely seventy-seven responsa have been preserved. This number is even probably inferior since a second contemporary scholar named Nissim of Girona had traditionally been mistaken with our Nissim of Girona (Feldman 2007: 281). Contrary to the Rashba, the exposition of Nissim political theories are more compact. His ideas are developed and systematized in a series of *derashot* ("דרשות", *"*sermons*"*) he wrote throughout his life. The topics of those sermons are diverse, including prophecy, ethics, community ties, metaphysics and liturgy; but the *Derashah* 11 is entirely dedicated to politics.

In addition to the general relevance of Nissim's political thought for the Jewish tradition, his ideas might have had a special influence in the *Agreements of Barcelona*. Feldman and Baer considered that Nissim probably had a hand in the elaboration of the text (Feldman 1965: 51; Baer 2001, II: 26). More precisely, Baer suggested that Nissim could have written the lyrical prolegomena. The relationship of the Ran with two of the drafters seems to corroborate this hypothesis. It is highly possible that the drafters probably looked for the engagement of a *halakhic* authority in order to furnish the agreements with religious and intellectual legitimacy. And still if he had nothing to do with the project, his theories were influential enough as to be regarded as a manifestation of the general political mentality in Catalonia.

The *Derashah* 11 starts as a commentary on *Deut.* 16:18[468], but the purposes of the author soon appear to be more ambitious. This verse led Nissim to argue for the existence of two parallel normative systems. On one hand, there is the realm of secular politics, which is embodied by the king and his officials. They must rule the society

[468] *"*You shall appoint judges and officers in all your gates, which the LORD your God gives you, according to your tribes, and they shall judge the people with right judgement*"*. The interpretation of *Deut.* 16 and 17 also played a pivotal role on Naḥmanides' comment on the *Torah*—See Naḥmanides (2010, V: 416-419).

according to its material needs—the *needs of the hour*—, even when that implies contravening the Revelation. On the other hand, there is the *Torah*, whose defence is in the hands of the priests and the *Sanhedrin.* They are in charge of preserving the spirit and rituals of the *Torah*; their actions must be completely respectful with the contents of the Scripture. The influence of Adret is evident, but Nissim provides further and more solid theoretical grounds.

In the last decades, the role of this sermon within the Jewish political tradition has been strongly vindicated by some modern scholars. Nissim's division of powers confers a great autonomy to secular politics in front of the rigid and liturgy-focused religious law of the *Torah*. However, there is no unanimity on the interpretation of the scope of politics and their independence from religious law attending *the needs of the hour*. For Aaron Kirschenbaum, the separation of secular law from the strict *Halakhah* only applies in case of urgency, when the physical survival of the community is in danger (Kirschenbaum 1991). For scholars like Gerald Blidstein, Shalon Rosenberg and Menachem Lorberbaum, the distinction implies a permanent division in two different legal realms (Rosenberg 1982; Blidstein 1990; Lorberbaum 2001). Lorberbaum considered that Kirschenbaum was mistaken when he interpreted the *needs of the hour* as a synonym for emergency. In his opinion, this concept refers to the real and habitual political requirements derived from the material situation of the communities (Lorberbaum 2001: 133; also supported by Novak 2005: 148). The theses of Lorberbaum, Blidstein and Rosenberg appear to offer a more convincing explanation in accordance with the political heritage of the Rashba.

Which Blidstein and Rosenberg suggested, and Lorberbaum confirmed[469], is that the use of the institution of monarchy in Ran's sermon is rather allegorical. The king is a metaphor, a personification of the secular power (Blidstein 1990: 56). Although the absence of a proper king, his sphere of authority—lay politics—has not disappeared and it must be managed. This duty is to be fulfilled by those institutions that have been legitimated to do so. Therefore, the object of Nissim's reflections was not the idea of monarchy as a unipersonal and hereditary government, or to set a legal framework for a hypothetical messianic king—as Maimonides did—, but the exercise of secular power itself. In other words, Nissim was theorizing on the prerogatives of the lay communal authority.

Nissim proposed a bicephalous construction based on a separation of powers and on a secularization of monarchical attributes. Blidstein rightly compared this theory with the Gelasian doctrine of the *Two Swords* (Blidstein 1990: 57). Equating the government of the community to the rule of the king was not a novelty. Adret and the *Tosafists* had often resorted to this comparison, though rather as a rhetorical figure than as a conceptualization. The division of law was not Nissim's invention either. The ultimate

[469] Lorberbaum included this theory in his contribution to the three volumes (a fourth is being prepared) of the *The Jewish Political Tradition*—Walzer *et al.* (2000-2018). The participation of dozens of the most reputed scholars of that field in this choral project adds support to the exposed ideas.

origins of this separation can be traced back to 2 *Chronicles* 19:11. Adret had already pointed the coexistence of two parallel legal systems with different jurisdictions and the impossibility of the *Torah* to deal with all the matters resulting from the *needs of the hour*. But the Rashba's functional and dispersed answers did not provide solid theoretical grounds on the burdens and rationales of this distinction. Nissim attempted to fill these gaps conferring a social value to the *Torah* and providing clear bases for the sphere of politics (Lorberbaum 2001: 146).

Nissim starts his comment accepting the premise that every society needs to have laws and judges in order to survive[470]. Even a group of thieves, he says, has norms. Its finality is the protection of the social order. The Jewish people are not an exception; they need governors and rules. However, Judaism presents a particularity. They are also commanded to elect judges to guarantee the observance of the *Torah*. And they must do so according to the rules and procedures established in the *Halakhah.* For Nissim, this is the *true justice* ("*מישפט אמיתי*"). The task of judges is inexcusable, even if their judgement can be harmful for the community or contrary to the interest of the public. But social order must still be protected. For this reason, *Deut.* 16:18 commands: *"*You shall appoint judges and officers*".* This is the origin of Nissim's legal duality. On the one hand, the king and his officials must legislate and rule to protect the society according to the *needs of the hour* ("צורך השעה*"*). On the other hand, religious judges are told to judge following only religious law. In Nissim's own words:

ידוע הוא, כי המין האנושי צריך לשפט שישפוט בין פרטיו (…) וכל אומה צריכה יישוב מאדיני (…) וישראל צריכים לזה (ב)[כ]יתר האומות, ומלבד זה צריכים אליהם עוד לסיבה אחרת, והיא: לעמיד חוקי התורה על תילם ולהעניש חייבי מלקיות וחייבי מיתות בית דין העוברים על חוקי התורה, עם היות שאין באותה עבירה הפסד יישוב מדיני כלל. ואין ספק, כי בכל אחד מהצדדים יזדמנו שני עניינים- האחד: יחייב להעניש איזה איש כפי משפט צדוק אמיתי, והשני: שאין ראוי להענישו כפי מישפט צודק אמיתי, אבל יחייב להענישו כפי תיקון סדר מדיני וכפי צורך השעה. והי יתברך ייחד כל אחד מעניינים האלו לכת מיוחדת, וציוה שיתמנו ה"שופטים" לשפות המשפט הצודק המיתי (…) ומפני שסידור המדיני לא ישלם בזה לבדו, השלים הי יתברך תיקונו במשפט המלך[471]

(Gerundi 2003: 412-414)

[470] As noted at the beginning of this chapter, the judicial and governmental functions should be equated. The king, both in Christianity and Judaism, is empowered to judge and to rule. Therefore, when Nissim discusses the capacity of the king to give judgements, his political and executive faculties are implicit.

[471] "It is well-known that men need judges to judge between individuals *(...)* And every nation needs some kind of government *(...)* The people of Israel need it as the rest of nations do, but they also need it for another reason: to preserve the laws of the Torah against those who furrow it and are punishable by a bet din with the capital penalty according to the rules prescribed in the Torah, whether their crimes are harmful for the nation or not. And there is no doubt here, these concerns require two functions—the first: to punish a man according to true judgment. And the second: to judge him not according to true justice, but for the sake of the benefit of society and the needs of the hour. The Almighty assigned these tasks to two kinds of servants; he commanded to appoint judges to give judgement on the bases of true righteous justice. *(...)* And because the welfare of the nation cannot be preserved just with this, God permitted the election of a king*"* (Our own translation).

Nissims considers that the *Torah* encase a Divine Immanence which irradiates the terrestrial world and benefits society. For this reason, the commandments of the *Torah* must be preserved and the Sanhedrin must judge respecting its procedural rules. Like Maimonides (Maimonides 2002: 308-310), Nissim asserts that the religious *mitzvot* are not meaningless, although sometimes their finality cannot be comprehended by human intellect (Gerundi 2003: 436-437). They all tend to an end, which always is beneficial for society and contributes to its perfection (Gerundi 2003: 415-417). The judges of the *Torah* are the natural depositaries and protectors of those influxes. They give judgement according to the will of God, even when it is apparently against the interests of the public. For this reason, the *Torah* demands strict and deep inquiries to ensure that judgments are compliant with true justice. The decisions of the judges are, therefore, supposed to be infallible[472].

However, society is a human construction with down to earth necessities which require a ruler capable of fulfilling them. The possibility acknowledged by the *Torah* of appointing a king with powers separated from the prerogatives of priesthood pursues this objective. The monarch must give judgement according to the context and do whatever is needed to ensure the continuity of the social order.

Nissim argues that the procedural requirements of the *Torah* are too strict. Sometimes, they are virtually inapplicable. They cannot be expected to guarantee peace and justice. In his opinion, if the Jews only relied on the principles of the *Torah*, criminals would be immunes and they would proliferate to the point of shaking the whole foundations of society (Gerundi 2003: 414-415). This interpretation is close to the views of Adret (Adret II: 279, III: 393, IV: 311, etc.). Although Nissim does not explicitly state it, the destruction of the Jewish society would inevitably entail the destruction of Judaism. The conclusion is clear for him: there must be religious judges to judge according to the *Torah* and lay judges to judge according to the will of the king:

> יהשותפות הזה רומז למה שאמרנו, שכמו שבמעשה בראשית נראה שפע אלוהי בתחתונים, שמאיתו נתהוה כל שנתהוה, כן כל דיין שדן דין אמת לאמיתו ממשיך השפע ההוא, ישלם מצד דינו לגמרי התיקון המדיני או לא ישלם, שכמו שבמעשה הקרבנות- עם היותם רחוקים לגמרי מן ההיקש היה נראה השפע האלוהי, כן במשפתי התורה היה נמשך ושופע גם כי וצטרך כפי הסידור המדיני תיקון יותיר אשר היה משלימו המלך. ונמצא שמינוי השופטים היה

[472] Naḥmanides exposed the same views in his comment on the verse: "According to the sentence of the law in which they instruct you, according to the judgement they tell you, you shall do; you shall not turn aside to the right hand or to the left from the sentence they pronounce upon you" (*Deut.* 17:11). Departing from Rashi, the Ramban states:

> "(...) וענינו, אפלו תחשוב בלבך שהם טועים, והדבר פשוט בעיניך כאשר אתה יודע בין ימינך לשמאלך, תעשה כמצותם (...)"

("And the meaning of this (statement) is that even if you think in your heart that [the judges] are mistaken, and the matter is as obvious in your view as you know to differentiate between right and your left, you shall nonetheless act in accordance with their command"). Ramban (2010, V: 417).

לשפוט משפטי התורה בלבד, שהם צודקים בעצמם, כמן שאמר: "ושפטואת העם משפט צדק", ומינוי המלך היה להשלים תיקון הסידור המדיני, ואל מה שהיה מצטרך לצורך השעה.[473]
(Gerundi 2003: 417-418)

Nissim admits that the will of the king can be fallible. He can also be excessively proud and vain, or prone to make mistakes. His decisions and judgements are not under the influxes of the *Torah*; they are just human products. Nissim justifies this risk recalling that the king rules only under God's acquiescence and people's acceptance. Notwithstanding the independence of royal legislation from the *Sanhedrin* implies that the king was to some extent independent from the Torah, his position and powers are provided by the Torah and God, to whom the king owes obedience. The exhortations of the *Torah* praising good government and imposing conditions to the exercise of power must be observed by the monarch (Gerundi 440-444). These elements, Nissim concludes, provides kings with enough legitimacy to govern and judge with independence from the *Torah*.

……

That was the general political context of Catalan-Aragonese Jewry when the *Agreements of Barcelona* were written. Of course, the implementation of these theoretical and legal constructions was often challenged by reality. Intestine fights and external interventions on the affairs of the community were the most recurrent categories. The consequences of these events were not necessarily negative for the interests of the *aljamas*, but they always were undermining for communal autonomy. Rather than the practical realization of ideals and provisions, we aimed to highlight the political and legal logic interiorized by the Catalan Jewry, the self-evident elements that shaped the elemental views of the community on institutional organization, the epistemology behind decision-making, the relationships between powers and, finally, the nature of politics itself. These elements are fundamental to understand the

[473] *"*This partnership we were talking about implies that just as in the Beginning the Immanence of God spread along the terrestrial world and became the source of the whole creation, every *[*religious*]* judge sentences under this Immanence, no matter whether his judgement is beneficial for the nation or not; and just as the deeds of the sacrifices—which are inaccessible through logic—make visible the Immanence of God, the judges of the Torah extend those influxes, although the requirements of the nation make a king necessary to complement their judgements. Therefore, the judges *[*of the *Torah]* were appointed to judge only according to the laws of the Torah, which are righteous in themselves, as it is stated: 'They shall judge with righteous judgements'; and the king was appointed in order to complete them and fulfil the requirements of the nation regarding the needs of the hour*"* (our own translation).

magnitude of the potential impact of the *Agreements* and the political pretensions of the drafters.

Conclusions:

a) Communal authority relied on two axes: royal privileges and the inner political construction.

b) The thirteenth century was a period of political transformation for Catalan-Aragonese Jewry. At the dawn of the century, most *aljamas* were under the rule of authoritarian leaders supported by communal aristocracy. The generalized popular unrest and the spreading of the *Tosafist* thought among the Catalan Jewish intelligentsia forced political change.

c) The majority rule was widely implemented in the Crown. However, communal institutions were often controlled by oligarchs. Corruption and nepotism were endemic problems. The king used to intervene in communal affairs frequently.

d) Spiritual leaders played a major role in the political development of the Catalan-Aragonese Jewry. Between 1250 and 1354, Moshe ben Naḥman, Shlomo ben Adret and Nissim Gerundi were the most outstanding political thinkers. They three were favourable to the rule of majority and to the autonomy of secular politics from religious law.

e) Since 1327, the statutes of Barcelona (probably boosted by the king) became the legal framework of reference for many *aljamas*. They were still in force when the *Agreements of 1354* were signed. In this new stage, the influence of local governments on the institutional self-organization of Jewish communities is undeniable.

Chapter 15: The supra-Communal Question in the *Agreements of 1354*: Prospects and Possibilities

15. a. Introduction

In the last two chapters, we have raised the issue of the legitimacy of communal governments in the Diaspora, focusing on some of the implemented strategies in order to rethink biblical politics. We have then narrowed our scope to the intellectual development and practical realization of these strategies by Catalan and Valencian Jewry. This analysis has provided a panoramic picture of the political mentality and institutional organization of the society to which the three drafters belonged. Their proposals, political understanding and even personal ambitions were framed within this range of theories, traditions and external impositions, whose constitutive elements had been largely interiorized by European communities. Any attempt to forego this idiosyncratic construction would have been immediately considered illegitimate. Moreover, they would not know how to do this. The interpretation of the political measures contained in the *Agreements of 1354* is inseparable from this matrix.

The intention to create a supra-communal organization is immediately evident at a first sight from the text. More than a third of the document deals with different aspects of this construction. It has been, in fact, the most appealing feature for the large number of scholars who have noticed the existence of the Barcelonan *Haskamot*. However, the text is unspecific about the nature, limits, and prospects of this organization. Most of the proposals suggests that their aim was to establish a temporary council only empowered to accomplish the objectives of the *Agreements.* Nevertheless, some measures insinuate that the final goal of the drafters was the creation of a stable and permanent institution. Modern scholars have been unable to procure an answer to this enigma, or they have simply ignored it.

It has been already noted in chapter 1 that there are two major editions of the Hebrew text of the *Agreements*—the hypothetical original Latin text is lost. These two versions have become the elemental source for those scholars who have addressed the *Agreements*, no matter the depth of their inquiries. On one hand, the American erudite Louis Finkelstein edited the text in his classical book *Jewish Self-Government in the Middle Ages* (Finkelstein 1924: 328-347). The transcription was accompanied by a brief contextualization and a partial translation. Five years later, the German Scholar Yitzhak (then Fritz) Baer included the document in the first volume of his digest *Die Juden im Christlichen Spanien* (Baer 1929, I: 348-359), together with some explanatory notes.

Two additional versions of the text have been edited. The first one was published by Herschel Schorr in the journal *He-Ḥalutz* (החלוץ) under the title "On the agreement that came from the communities of Spain in the year 1354, with an introduction and

testimony"[474] (Schorr 1852:20-35). This was the very first edition of the document. Together with the text, Schorr bestowed a generalist introduction of two pages to the history of *Spanish* Jewry. Finkelstein was largely influenced by this edition (Finkelstein 1924: 328). On his part, Bert Pieters included a reproduction of the original manuscript in his book *De Akkorden van Barcelona (1354)* (Pieters 2006). Nevertheless, none of those works have had the academic impact of Finkelstein and Baer.

It has been also pointed the scarcity of works dealing with the *Agreements* in depth. Baer dedicated some pages of the second part of his *History of the Jews in Christian Spain* to the contents and aftermaths of the meeting (Baer 2001, II: 24-28). Catalan historians and Hebraists Eduard Feliu and Jaume Riera prepared a translation of the text and a comprehensive study (Feliu, E. 1987 and Riera 1987). Finally, Pieters published his already mentioned book in 2006. Still, the *Agreements* had been succinctly mentioned in an unmanageable amount of works, often as a mere historical anecdote. The authors generally owe their knowledge on the matter to Finkelstein or Baer.

However, Baer and Finkelstein portray two different realities. The divergences between these historians have strongly conditioned the approaches of posterior scholars. It is easily identifiable whether an author has read Baer or Finkelstein without consulting the bibliographical references.

Finkelstein held a literal and naïve interpretation of the *Agreements*. He was not an expert in Hispanic Jewry, a factor that vitiated his conclusions. The references of his book show that he was unconcerned about the context and consequences of the *Agreements*. The only source he quoted is the introduction that Schorr added to his edition. Thus, Finkelstein fully assumed the account of the drafters, which led him to believe that the *Agreements* were the result of a great synod attended by representatives from all the *kehillot* of the Crown. According to this view, he attributed the failure of the project to the opposition of a number of wayward *aljamas*. Ironically enough, he considered that the meeting had been devised by the Aragonese communities, while the Catalan *aljamas* would have played an obstructionist role (Finkelstein 1924: 102). This antithetic mistake might have been due to a misunderstanding of the differences between the Crown of Aragon and the Kingdom of Aragon.

In stark contrast, Baer was a renowned expert on the history of the Catalan-Aragonese Jewry. He approached the *Agreements* as a political and cultural manifestation of a society that he knew very well. His conclusions did not exclusively rely on the text itself, but on a deep research on the period and its circumstances. He was sceptic about the idea of a great synod, a position that has been shared by Feliu, Riera and Pieters.

Baer and Finkelstein, notwithstanding their contraposed views, have become the basic sources for the study of the *Agreements*. Despite Finkelstein's theory lacking historical evidence, the popularity and mainstreaming of his *Jewish Self-Government in the Middle Ages* have contributed to spread and to perpetuate this misconception among a

[474] "דברי הברית אשר בו איזה הקהילות בספרד בשנת ה"א קט"ו (1354) עם הקדמה והערות"

wider public. Renowned scholars like Daniel Elazar, Stuart Cohen (Elazar and Cohen 1984: 188; also Elazar 1977: 17, 1981: 32) and Menachem Elon (1994, II: 797-798)[475], who were great experts in the field of Jewish politics but were not specialized in Catalan-Aragonese Jewry, are clear examples. Baer's digest, on the contrary, is a work addressed to the experts in the matter.

Nevertheless, Baer and Finkelstein's controversy only deals with the initial legitimacy of the *Agreements* and their drafters. In other words, Finkelstein did not challenge this legitimacy as he accepted that they were the result of a sort of national consent. Baer, on the contrary, was most inclined to approach them as a project launched just by three plutocrats. But, in both cases, the questions related to the projection, essence and scope of the intercommunal assembly proposed by the drafters remained unaddressed. What was their final objective? What kind of structure did they conceive? Did they plan to set a permanent or a temporary institution? How was this institution supposed to adopt its decisions? The answers to these questions are essential to understand the political dimension of the *Agreements* and to figure out to which extend they would have changed the organization of the Catalan-Aragonese Jewry. The aim of this chapter is, therefore, to provide an answer to these inquiries.

In Medieval Jewish politics, nothing was accidental. The ultimate justification of every institution, social arrangement or policy line was founded in a sacred text, an ancient tradition or in an accepted precedent. Political legitimacy was inseparable from a shared *ethos* based on exegesis or on customs validated by exegesis. Although theology was usually preceded by material needs, the resulting measures or new institutions were rapidly legitimated according to this premise. The responsa of Shlomo ben Adret give evidence of it. This trend was not exclusive of Medieval Judaism. Christian and Muslim societies also sought legitimacy in religious hermeneutics and historical usages. But, in the case of Judaism, this necessity was accentuated by the absence of a sovereign land and central authorities, as well as by the impossibility of implementing the original Jewish political commands and guidelines described in the *Tanakh*.

For this reason, it is unconceivable that the drafters intended to formulate an *ex novo* concept of intercommunal organization alien to any former tradition. They might have had reference points, a recognisable structural model they could emulate and readapt by means of analogy. Although the natural scope of Jewish politics was the community, the Medieval Jewry frequently attempted to establish supra-communal institutions to overcome the inherent problems of local self-management. The quest for a certain degree of regional centralization took different forms depending on the period or the geographical area. It is highly probable that the drafters were drawn from one or some of these past experiences.

It would be absurd, nevertheless, to regard every former project of centralization or multilateral cooperation as a potential precedent. Being hyperbolic, it would make no sense, for example, to trace back the inspiration of the drafters to the meetings of the

[475] Elon also quotes Baer, but apparently he entirely based his conclusions on Finkelstein.

Kneset ha-Gadola—the great assembly in the times of the Persian domination—, a hypothesis that could only rely on an excess of mysticism. The centralism of the *geonim*, which was based on religious and intellectual authority, could not have had any connection with a lay and exclusively political project such as that of the *Agreements either*. Perhaps these episodes had a role in shaping the Jewish notions of intercommunal relations, but they cannot be considered a direct antecedent. Elements such as the geographical proximity, cultural contacts and ideological affinities can reduce the number of logically plausible precedents to a few candidates. In fact, there are only two potential precedents—one from Ashkenaz and the other one from the Crown itself—that meet these requisites.

The first one is the Franco-German synods which took place during the golden age of the *Tosafists*. From, at least, the second half of the eleventh century onwards, the communities of North France and some regions of the Holly Empire (mainly in the Rhineland) used to hold intermittent meetings with representatives from local governments and the main spirituals leaders. These assemblies were divided into two geographically independent groups: one for the French communities and other for the German ones—especially in the Rhineland. The objective of these synods was to agree with common rules or to coordinate local legislation, especially in times of crisis.

The historical importance of these intercommunal meetings for the social, economic, and political development of the Ashkenazi Jewry is incontestable. In addition, these meetings are the main focus of Finkelstein's *Jewish self-Government.* Indeed, Finkelstein, as well as his readers, have tended to consider the *Agreements of 1354* as inheritors of this synodic tradition. This idea, however, departs from the misconceived premise that the *Haskamot* of Barcelona were agreed by a great assembly attended by representatives from the entire Crown. Notwithstanding this initial problematic, the already discussed influence of the *Tosafist* on Catalan-Aragonese politics makes this hypothesis worthy of a further analysis.

The second possibility is that the institution devised by the drafters was based on a sort of supra-communal structures well-rooted in some of the territories of the Crown of Aragon: the *collecta.* The logic of the *collecta* notoriously differed from the Ashkenazi meetings. The Crown of Aragon did not have a real tradition of intercommunal organization comparable to that of North France and the Rhineland. Perhaps the relative peace and stability enjoyed by the Catalan-Aragonese *aljamas* made unnecessary to unite in national assemblies (Baer 2001, I: 125).

Yom Tov Assis described the *collecta* as *"*a group of communities centred on a major aljama that formed one area for tax collection, as it names indicates*"* (Assis 2008: 179). Unlike the Franco-German synods, which were convened by initiative of the communities, the *collectas* were stablished by the monarchy to facilitate the fiscal control over its Jewish subjects. The finalities of the *collecta* were, on one hand, to divide the *aljamas* in fiscal regions and, on the other hand, to provide the *aljamas* with stable mechanisms to discuss the allocation of their duties towards the royal treasury.

This system was implemented in Catalonia, the Roussillon and, to a lesser degree, in Aragon. Their fiscal nature inevitably entailed a wide number of collateral legal attributions which were indispensable to organize the collection of the taxes. This fact turned the *collectas* into important decision-making centers. Despite its limited competences and reduced geographical scope, this kind of organization was more familiar to the drafters and could have had a greater decisive impact on their idea of a supra-communal institution.

In the following pages, both models will be addressed separately in order to highlight their inner constitutive logic and historical evolution. Then, they will be contrasted with an analysis of the contents of the *Agreements* related to the establishment of this assembly. The conclusions of this inquiry will unveil the finalities and ambitions of the drafters' project and will contribute to a better understanding of the political dimension of the *Agreements of Barcelona*. Obviously, the answer would not be a black and white matter in which only one of these influences had an impact on the *Agreements*. Perhaps, there were additional elements that also inspired the drafters; or maybe they simply projected an innovative institution—though this last possibility is highly improbable.

Just two final methodological precisions: first, for the analysis of the French-Rhenish gatherings, we will rely on the sources compiled by Finkelstein in his *Jewish self-government*, since his collection is perhaps the most completed ever carried out. Second, considering that the *Agreements of 1354* were a Catalan initiative, we will exclusively focus on the Catalan political thought and its materialization.

15. b. Jewish Synods in Central Europe

Contacts and exchanges between communities were a constant for diasporic Jewry. Decentralization and dispersion were not synonyms for isolation. Commerce, physical proximity, cultural affinities and even kinship relationships contributed to establish perdurable intercommunal ties. This led to the emergence of regional networks of *kehillot*—which often—but not always, paralleled the political burdens of the Christian realms. This regionalization trend was shared, to a greater or lesser degree, by the Medieval Jewry as a whole and fostered the birth and consolidation of the current main Jewish geographical branches, such as the Ashkenazi. The development of common structures and idiosyncrasies did not use to commit to trade and culture, but it usually entailed political cooperation and a certain legal homogenization.

The Franco-German synods, as they are commonly referred, are one of the most representative examples of regional integration. In spite of their fame, they have been poorly studied. The work of reference about the subject still is Finkelstein's *Jewish Self-Government*, published almost a century ago. Some renowned historians, like Robert

Chazan and Reiner Barzen, have dedicated some contributions to their study, adding relevant information to the field. However, no modern, comprehensive, and monographic book has been edited in order to overcome the evident historiographic and ideological shortcomings of the *Jewish Self-Government.* In consequence, these synods have preserved a mythical aura.

The classification into *Franco* and *German synods*—popularized by Finkelstein—is in itself a misnomer and confusing. It evokes the idea of a historical correspondence between the medieval Jewry and the current political borders of Europe. This designation needs some precisions. The *French* group must not be associated with the contemporary France, nor with the whole territories of the medieval French Kingdom either. The communities included under this nomenclature belonged to the northern regions of the realm, especially to Normandy, Champagne, and the Île-de-France.

The same applies for the *German part.* The synodic phenomenon spread along the entire Holy Roman Empire and East Europe, as Jewish population expanded in this direction since the down of the fourteenth century (Guggenheim 2004: 81-83; Chazan 2019: 185ff, for example). Perhaps, the climax of these supra-communal associations was embodied by the Council of the Four Lands, a gathering assembly that encompassed the Polish (in a wider sense) and Lithuanian communities for almost two hundred years (c. 1580 - 1764)[476]. Despite mutual influences and the existence of a shared seminal tradition, each of this association was founded over differentiated and particular features and in different historical moments. However, the term *German synods*—in the *Finkelsteinian* sense—is primarily used to refer to the political integrationist cooperation between the communities of the Rhineland, especially those of the cities of Worms, Mainz and Speyer.

The following analysis will focus on the North France and Rhenish assemblies. These are the only trans-Pyrenees supra-communal associations that present plausible intellectual and cultural ties with Catalonia, beginning with an acceptable geographical proximity. Although it has been already pointed out that the alleged connection between the synods and the *Agreements* is largely based on historical misconceptions, two elements make this hypothesis worthy of deeper considerations.

Firstly, the *Tosafists* played a leading role boosting and managing the intercommunal cooperation in the Rhineland and North France throughout the twelfth and fourteenth centuries. Their intellectual authority was one of the pillars of these legislative gatherings and of the increasing regional cohesion. As discussed in previous chapters, the doctrines of the *Tosafists* exerted a great influence in Naḥmanides and his colleagues, who introduced their postulates and methodology in the Iberian Peninsula throughout the first half of the thirteenth century. Later authors, such as Adret and Nissim of Girona, consolidated these northern influences, though deviating from some of the basic Ashkenazi political notions. In fact, Adret kept direct contact, though

[476] For some introductory readings on the Council of the Four Lands, see Zeitlin (1948); Lederhendler (1989) and Kalik (2009), among many others.

anecdotic, with Meir of Rothenburg[477]. Therefore, Catalan scholars could have noticed the existence of these meetings and imported the concept.

Secondly, the *Tosafist* influence in the Iberian Peninsula was fostered by the arrival of Ashkenazi intellectuals since the end of the thirteenth century. This migratory movement had been caused by the rising political hostility against the French and Germanic Jews. The most representative case is, without a shadow of a doubt, that of the German scholar Asher ben Jehiel (the Rosh, 1250-1327) and his son Jacob ben Asher (1270-1340), the future author of the halakhic compilation *Arb'ah Turim*. Father and son fled from Germany due to the persecutions initiated by King Rudolph I (1218-1291) in 1286. The Rosh had been an outstanding disciple of Meir of Rothenburg, who had participated in the promotion of intercommunal meetings in the Holy Roman Empire. The Maharam also attempted to leave the Empire, but he was captured and sent to prison, where he died in 1293.

Even though Asher and Jacob finally settled in Castile, they spent some time in Barcelona, where they kept close contact with the Rashba. Indeed, it was Shlomo ben Adret who sponsored Asher's candidature to the rabbinic chair of Toledo, an office he performed until his death. Father and son can be considered a link between Adret and Meir (not the only one, as already noticed), the straightest connection between Ashkenaz and the Crown of Aragon. The two migrant authors were original from a land and a period in which supra-communal organizations were experiencing a first golden age. They could have contributed to introduce this model into the Iberian Peninsula.

15. b.1 First Supra-Communal Antecedents

The origins of the supra-communal legal activity in the Kingdom of France and the Holy Roman Empire are blurred and uncertain. The *takanot* pointed out by tradition as the first attempts to overcome the local sphere are attributed to great personalities of the dawn of the French-German Jewry. The original texts of these primal enactments have not been preserved, and their contents have only survived thanks to a chain of textual transmission, as well as to the wide range of copies produced and compiled by the subsequent generations. This situation is not exclusive of the period. Also, our knowledge about the *takanot* enacted by the German communities of the thirteenth century, for example, relies on posterior copies. Nevertheless, the circumstances and development of that second case are reported much better historically, which provides greater accuracy to later testimonies. The context and proceeds of this legal activity do not become clear until the mid-twelfth century, when Rabbenu Tam became the leading

[477] Apparently, Adret asked Meir of Rothenburg for advice during the process against a *malshin* that he headed and that ended up with the execution of the slanderer. In his responsum, the Maharam supported the position of the Rashba. The *teshuva* was edited by David Kaufmann (1896: 228ff)

figure of the French Jewry. In that sense, the French attempts to produce intercommunal legislation preceded chronologically the German synods.

The roots of this synodical eclosion in the region are still a matter of academic discussion. Although some general causes common to France and the Rhineland can be pointed out, the specificities of both contexts demand an individualized approach. The historical experience of the Champagne Jewry—though not entirely dissimilar to that of other places—cannot be completely extrapolated to the Rhenish communities, for example. Nevertheless, it is worth focusing first on the common features before addressing the individual rationales. In that sense, Finkelstein suggested that the need for reaching legislative agreements emerged as a natural consequence of the fast demographic growing of the Jewish population (Finkelstein 1924: 49). Isaac Levitats, in his contribution to the *Jewish Encyclopaedia,* linked this phenomenon with the end of the central authority of the *geonim* and the urgency to fill this gap of power (Levitats 2007: 385). A third element to be considered is the impact of the violent episodes that followed to the summoning of the two first crusades. The effects of the holly wars, however, were different in both territories. For this reason, these elements will be analyzed separately.

Haym Soloveitchik, on the other hand, held that the approaches to politics—including intercommunal relationships—drastically changed thanks to the triumph of the *Tosafist* method. Unlike the former generations of scholars, who advocated for an exegetical practice based on individual study, the *Tosafists* promoted a dialectic approach to knowledge. The foundation of large networks of academies, the popularization of study trips and the exchange of ideas through discussions—just as the sages of the Talmud used to do—were, unquestionably, some of their greatest logistic and methodological contributions. Beyond their innovations on the field political philosophy, Soloveitchik considered that this logic reached the domain of communal organization, providing grounds for a greater intercommunal interaction (Soloveitchik 1987 and 1998; see also Davis, J. 1993; Kanarfogel 1997 and 2000).

Ironically, the first *takanot* with a regional impact are ascribed to a Germanic author: Gershom ben Judah (c. 960-1028), better known as Rabbenu Gershom, *Me'or ha-Golah* ("מאור הגולה", "light of the exile"). The biography of this foundational personage of the Ashkenazi Jewry is largely unknown and strongly marked by the legendary additions incorporated by popular tradition. It is commonly accepted that Gershom was born in Metz (then part of the Holy Roman Empire), but he resided in several towns of the western part of the Empire. Many Talmudic commentaries, *takqanot* and *teshuvot* have been attributed to him, though the authorship of some of them is doubtful (Schwarzfuchs 1986: 34).

His legal production was considered authoritative or at least influential by many European communities. The number of supra-communal enactments sponsored by Gershom is estimated in twenty-five (Nahon 1994: 34). In his most famous *takanah*, Gershom issued a ban against bigamy, a controversial and widely discussed matter at

the time. Marrying more than one woman had become a usual practice among the Jews settled in Arab lands and in some Christian territories of the Iberian Peninsula. This practice threatened to expand across Central Europe, which could potentially jeopardize the thin and mostly familiar-based social tissue (Grossman 2004: 68ff and Baskin 2008). Despite this *takanah* is probably Gershom's most famous enactment and one of the most wide-spread rules, several authors have questioned its authorship, a hypothesis timidly discredited by Grossman in his book about the Jewish women in the Middle Ages (Grossman 2004: 70-71). In a second *takanah*, Gershom prohibited unilateral divorces.

In both cases, neither the original text nor any literal copy has survived. Only tradition has preserved their basic points. Few ordinances have reached such a spreading and acceptance degree. The *takanot* of the Rhenish communities, which will be later discussed, are clear examples of how those enactments were assumed and transmitted. A second example can be found in the Maharam's responsum 1022 [*Prague*]. Furthermore, Gershom's legal production included a wide range of additional rules dealing with civil matters, but none of them was as influential as these two *takanot.* Perhaps one of the main virtues of Finkelstein's *Jewish Self-Government* is to have compiled them (Finkelstein 1924: 20ff and 111ff).

Some decades later, Shlomo Yitskhaki of Troyes, better known as Rashi (1040-1105), apparently enacted some *takanot* that transcended the local level. Rashi was one of the capital names in the formation of the *Tosafist* exegetical method. His *halakhic* commentaries and his works as a grammarian and exegete are one of the most influential contributions to the Jewish intellectual tradition. However, his political facet is quite more obscure.

Rashi was supposed to enact a *takanah* which was largely accepted by all the communities of the region. The legal text deals with the taxation of the gains obtained by a partnership from a shared investment. Finkelstein cites the *Hagahot Asheri* (the glosses of Asher ben Jehiel) and the responsum 886 [*Berlin*] as the main accounts of this *takanah* of Rashi (Finkelstein 1924: 148). Both Meir and the Rosh were born almost two hundred years after Rashi's death, which cast reasonable doubts on the real authorship of the *takanah.* Although the two versions barely offer a small synthesis of the alleged original text, Finkelstein decided to focus on the version reported by Asher ben Jehiel, whose account is apparently more complete than Meir's—it includes a clause related to the involvement of gentile capital. However, the *teshuvah* of the Maharam puts emphasis on the regional scope of the *takanah:*

אנחנו שוכני טרוייש עם קהלות אשר סביבותיה גזרו באלה ובנידוי וגזירה חמורה על כל איש ואשר (...)[478]

[478] *"*We the inhabitants of Troyes, together with the surrounding communities, have declared an oath and a *niduy*, as well as a drastic decree, against every man and women living here *(...)"* (our own translation from Meir 886 [*Berlin*]).

The account of Meir of Rothenburg begins with this statement. The literalism of the text suggests that the rule was agreed in an intercommunal meeting. For Finkelstein, it proves the supra-communal nature of the enactment in a sense similar to the posterior Rhenish synods (Finkelstein 1924: 37). But the reality is that he does not bring any conclusive evidence supporting this assertion. Indeed, there are many elements that can contradict this statement. First of all, the report was written almost two centuries later by an author whose political vision had been molded by the synodic experience of the Rhineland.

Secondly, the relationship of Troyes with the surrounding communities at that time still remains considerably unclear. Until almost the thirteenth centuries, the only reliable information about communal organization in France comes from Hebrew sources (Nahon 2004: 206), which are prolific on reporting specific problems and doctrinal inquiries, but vague in the description of general administrative descriptions. In fact, Meir's report does not specify which communities attended the meeting. Perhaps, the *kahal* of Troyes exerted a sort of political supremacy over a set of small and dependent neighboring communities. It would not be absurd either to inquire whether the newness of those communities and their institutions pushed them to fall under the authority of a respected scholar like Rashi.

There are still many unresolved questions which hampers any categorical assessment on the legislative context of the *kehillot*. Nevertheless, if the alleged authorship of the text and the fidelity of the reports are assumed, it is undeniable that this *takanah* transcended the communal level as soon as it was enacted. Unfortunately, the absence of further legislative acts attributed to Rashi prevents a deeper evaluation of the supra-communal legislative activity of the period.

The same reflexion might apply for the case of Gershom. The lack of stronger historical evidence and the legendary aura around these two sages currently preclude the chances to determine to which extent there was a real supra-communal legal activity in that time. Tergiversation and the omnipresent pseudo-epigraphical threat are two elements that obscure this issue. It seems highly probable that it was the reputation and personal intellectual authority of Rashi and Gershom which ensured the acceptance of their *takanot*, rather than the existence of an institutional legislative network among the *kehillot* of their respective regions.

15. b. 2 French Synods

The first well-documented attempts to establish a legislative intercommunal network in the Kingdom of France did not take place until the second half of the twelfth century. This new trend was to a great extent conducted thanks to the charismatic leadership of

two Rashi's grandsons: the already mentioned Jacob ben Meir (Tam, 1100-1171) and his brother Samuel ben Meir (the Rashbam, 1085-1158). They both were rabbis in the community of Troyes. In relation to the purported historical antecedents embodied in Gershom and Rashi and to the significance of Tam and Samuel's political role, Yacov Guggenheim asserted that *"*the Jews in Zarfat had no central organization at the end of 1130s that Rashbam and Rabbenu Tam could have called upon. In order to issue an ordinance for region far beyond their own, they had to painstakingly turn to the regional territorial affiliations that were tied to a central community (or two communities, in the case of Melun and Etampes) to obtain approval*"* (Guggenheim 2004: 81).

Therefore, the project launched by the Meir brothers did not depart from a pre-existent and institutionalized union of communities. It does not imply that those *kehillot* they aimed to coordinate were completely isolated from each other. There were strong and traditional cultural and economic ties between them. Perhaps, these bonds may have led to prior episodes of political and legal coordination—a situation that would have eased the task of Samuel and Tam—, but there is no clear evidence in this regard (Benbassa 1999: 27). Even if that had been the case, this hypothetical cooperation might have been discontinuous and non-institutional.

Tam and the Rashbam issued their *takanah* in 1150. According to Guggenheim, the text of the regulation[479] was not the result of a meeting with representatives from all the communities. Samuel and Jacob—together with some other scholars from Troyes—apparently prepared the legal document and then circulated it to the surrounding communities (Guggenheim 2004: 81). Albeit the account is unprecise on that point, Guggenheim seems to be right. It is declared in the decree itself that the writers have *taken council*—or, at least, they have *consulted*[480]—with the sages of the other communities (Finkelstein 1924: 153), which inducts to suppose that a real gathering took place. However, then the writer complains because many communities had not yet expressed their adherence to the *takanah*[481] (Finkelstein 1924: 153).

This blatant contradiction leads to three possibilities:

- First, no meeting was held, and the text was written by Meir and Tam, as suggested by Guggenheim. The silent communities did not reply to the letter. The *council* mentioned in the text only refers to the sages of Troyes.

- Second, there was a meeting and the author only complaints against those communities, which did not reply to the convocation letter.

[479] Several versions of the *takanah* had been compiled by Finkelstein (1924: 150ff). According to his list of sources—which is still currently accepted- the decree has been preserved in, at least, six different manuscripts. In addition, several posterior *takanot* and *teshuvot* included parts of the texts.

[480] "נועצנו"

[481] "יש שכבר הסכימו ויש אשר לו שמענו" ["we have reach an agreement with some of them, but we haven't heard a word from some other" (our own translation)].

- Third, the gathering was attended by some *kehillot* and the rest were just informed about the result.

It is impossible to choose one of these hypotheses with absolute certainty. But some hints suggest discarding option number two—though not categorically. The list of attendants only mentions the communities who had already accepted the *takanah*. It implies that it was not the first version of the text. On the other hand, in the second *takanah* issued by Rabbenu Tam—which will be discussed below—, it is clearly states that the text was written without the participation of the other *kehillot.* None of these reasons is conclusive enough but are more likely to suggest that the representatives of the other communities gave their consent after receiving a draft or that just a reduced number of communities attended the gathering.

The text is not specific at all about the number of *kehillot* involved in the project. The authors just mention those places that have already accepted the contents of the *takanah*—which evinces that the circulation was progressive. They seem confident about the future commitment of the rest of contacted *kehillot*, but there are no further references to that issue. It might be supposed that some other communities adhered to the project. Nevertheless, the provisional list of engaged communities is impressive: at the time the document was written, the *takanah* had been already subscribed by the Jews of Troyes, Dijon, Auxerre, Orleans, Paris, Melun, Etampes, Poitiers, Sens and Châlon-sur-Saone—including the smaller communities within their influence—, as well as by the communities of the regions of Normandy, Anjou, Lorraine and the Rhineland.

The participation of the Rhineland is striking. The rest of participating communities belonged to the Kingdom of France or to its baronial vassals, but the shore of the Rhine was part of the Holly Roman Empire. Several elements might be able to explain this situation. On one hand, the communities of the Champagne had traditionally kept a close relationship with the Rhineland. Rashi, for example, was of Rhenish ascendance and spent some years studying in Mainz and Worms (Zeitlin 1940: 33; Haverkamp 2004: 10). On the other hand, the contents of the *takanah* were general enough as to be easily exportable. They were rather a set of guidelines and principles which could be implemented in any community.

The general aim of the *takanah* is to prevent intromission of the gentiles in the communal affairs. The decree targets two different situations that were a common concern for the entire European Jewry. In both cases, the final objective was to eradicate the activities of the *malshinim*, whose dangers for the Jewish communities have already been discussed in chapter 3. Although our previous analysis focused on the phenomenon in the Crown of Aragon, the situation in the Kingdom of France—indeed, in the whole Christendom—did not substantially differ.

The first group of precepts aimed to prevent that a Jewish litigant appealed to a Christian court in a dispute which only concerned the community. The signers banned

this practice under any circumstance. In the event that the litigants could not help the engagement of the gentile authorities in their lawsuit, they had to do whatever necessary to protect the counterpart in order to resume the case before a Jewish court.

The second worry expressed by the *takanah* is the resort to gentile authorities to pressure or threat communal officials or other neighbors. Needless to say, the decree categorically prohibits this behavior. The text declares that whoever transgresses this norm or have collaborated with the infringer will be considered a *malshin* and expelled from the community. This rule, however, does not include those people who occasionally give information to the *malshin* or to the gentile authorities for fear of reprisals[482].

In 1160, ten years after this *takanah* was enacted and two years after Samuel's death, Tam launched a new legislative project. The aims of the new legal text[483] were less ambitious than those of the previous *takanah*. It was also far less original. As stated at the beginning of the exposition, the contents of this new norm were a sort of transposition of an ordinance promulgated by the *kahal* of Narbonne some years before (Finkelstein 1924: 43).

The system of adoption, according to the text itself, was essentially the same that was followed ten years ago. The intellectual authorities of Troyes and Rheims assumed the leadership and wrote the proposal, which later circulated among the neighboring localities. In comparison to the former attempt, the number of participants considerably decreased: the document was subscribed by the communities of Île-de-France, Anjou, Poitiers and Normandy. But the account is confusing and even senseless when it comes to that point. It is explained that the document was agreed by the sages of Troyes and Rheims, and then they sent messengers to those communities that were within a day's journey. Poitiers is approximately 375 km far from Troyes and 445 km far from Rheims. This distance could not be covered in a single day. In fact, it is stated in the decree that:

> ״ודבר זה קבלנו עלינו יושבי טרויש וריימש ושלחנו שלוחינו לסמוכי מהלך יום אחד ושמחו בדבר והחרמנו וגזרנו עלינו ועל כל הנלוים עלינו ועל כאשר כתוב למעלה ועל כל יושבי צרפת אניוב פוייטוב ונורמנדיא ויושבי סמוך לישובי׳ הללו מהלך יום או יומים עליהם״[484]
>
> (Finkelstein 1924: 164-165)

[482] ״ואם מדאגת המלך ידבר איש עמו לפי שעה לא יחול עליו נדוי״ (Finkelstein 1924: 154).

[483] The text has been preserved in multiple versions. We have followed Finkelstein criterion regarding the most trustworthy version—see Finkelstein (1924: 160-162).

[484] "This ordinance have we accepted upon ourselves, the inhabitants of Troyes and Rheims, and we have sent messengers to those who were within a day's journey and they rejoiced in the ordinance. We have therefore decreed a *herem* over ourselves and all those who join us, and our children, and over all the inhabitants of Isle or France, Anjou, Poitiers, Normandy, and those who live about these settlements, within the distance of a day or two…". Translation: Finkelstein (1924: 167).

The text apparently suggests that *ḥerem* was issued over the communities which received the emissaries and, supposedly, accepted the *takanah*, as well as over those other *kehillot* which did not have the chance to expressly consent. A second possibility is that the report is deliberately unprecise and that the process of acceptance was longer than described. Considering the general position towards consent, the second option seems to be more feasible.

The *takanah* provides some rules related to the management of the dowry in the event of a premature decease of the wife. Namely, two decisions were adopted in this regard. The first one declares that if the wife dies during the first year of marriage, the husband is obliged to defray the funeral and to return the dowry to his relatives in law. The second one states that the husband must also return the dowry if it was agreed to fraction the final amount and the demise occurred before the last payment.

In either of these cases, we know how the *takanot* were adopted. The circumstantial reports contained in the documents do not specify whether a voting took place, or which decision-making method did the drafters follow. Both texts give the impression that the rules were written by the most eminent scholars of one or two communities and later subscribed by the remaining participants. However, it is not clear if the rest of *kehillot* sent delegates to discuss the elaboration of the decrees or if they joined the debate at any time. The importance of this point should not be neglected since it can determine the degree of integration reached by the Jewry of those regions, as will be discussed later.

Nevertheless, one point is clear: Tam did not establish a supra-communal structure. The legislative projects he launched were episodic. The changes in the list of adherents clearly attest this. One of the most immediate historiographical consequences of this discontinuity is the lack of posterior documental evidence capable of clarifying the decision-making system. An intuitive analogy might lead to think that they were adopted by unanimity since this method is inevitably associated to Tam. This approach can be deceptive. Tam advocated for unanimity as long as no scholar could take the political and legal lead (*Mordechai*, Bava Batra 480 in Walzer *et al.* 2000-2018, III: 397). But in this case, the whole process was conducted by a group of sages. The most likely is that they reached a dialectical consensus and then just searched for adherents[485].

But why the French Jewry suddenly felt the necessity to legislate as a single body? Which elements or concatenation of events pushed the leaders of those communities to concentrate their efforts in creating a common front? Obviously, the attempts of the Meir brothers were not the result of their originality and ambition. At least, it is not the only reason. However, as it usually occurs when approaching any cornerstone in history, the potential reasons behind the fact are lost within a sort of unmanageable entelechy of economic, social, cultural, political, military, and spiritual contextual elements. In the case of the French supra-communal phenomenon, the detection of its

[485] This is most clearly noticeable in the second text, where it is stated that the text was agreed by the sages of Reims and Troyes.

specific rationales has not arisen great interest among the scarce historians who have paid attention to the period.

One of the few exceptions to that historiographical silence is Robert Chanzan. In a series of works he dedicated himself to the study of the twelfth-century French Jewry, he pointed out two main hypotheses that can explain this momentary quest for unity.

Chazan firstly adduced the necessity of self-defense. In this contribution, we have reiteratively dwelt on anti-Jewish violence. As a general concept, everybody is aware of it. Violence has been an inherent feature of Jewish history in the *Diaspora*. It has contributed to mold the Jewish identity. The eleventh and twelfth centuries have played a major role in this tragic process. Thus, it might not be surprising that Chazan considered the bloody events of the period as direct causes.

In 1095, the call for the First Crusade ignited the religious fervor of the whole Christendom. Men from all the corners of Western Europe intoned the *Deus lo vult* and gathered to march over the infidels. Although the targeted enemies of the crusade were the Muslims, the reigning anarchy and fanaticism among the Christian armies soon led the crusaders to turn against the Jews. In their way to Jerusalem, they assaulted and looted many communities. Chazan described this anti-Jewish outbreak as a logical step forward: if the Christian had gathered against the enemies of Christ, why should they be merciful with those who crucified Him? (Chazan 1997: 1 and 2006: 47).

This episode, the first large-scale anti-Jewish riots in Europe, became a turning point in the Jewish/Christian relationships, which moved from a tolerated coexistence to an open hostility that lasted for many centuries (Arkel 2009: 376). Nevertheless, the French communities had already suffered this sort of harassment during the crusades that in the decade of 1060 departed to help the Kingdom of Aragon to seize the city of Barbastro (Perchenet 1988: 65).

In relative terms, the French Jewry did not suffer this outbreak as the German and Eastern communities did. The wave of destruction only reached the cities of Rouen and Metz, as well as some minor communities, such as that of Monieux (Golb 1966; Perchenet 1988: 53; Dahan 1994: 25; Benbassa 1999: 15). For its part, the Second Crusade, summoned in 1147—i.e., between the two *takanot*—was less harming for the Jews. Apparently, the experience of the First Crusade convinced the Church authorities and Christian princes of the necessity of controlling their troops as much as possible (Benbassa 1999: 15; Chazan 2007: 53ff; Phillips 2007: 61ff).

None of the two *takanot* enacted by Rabbenu Tam dealt with the problem of Christian violence. Nevertheless, the increasing quest for unity and communal cooperation could easily be linked with the dramatic events that had shaken the Jewish communities of Central Europe for a hundred years. It is especially noticeable, though indirectly, in the first *takanah*. The concerns about the presence of *malshinim* in the French communities are symptomatic of the generalized feeling of insecurity among their inhabitants. It evinces how the hostility of the gentile authorities had escalated to the point of

jeopardizing the normal functioning of the *kehilot*. Even if they had set a common defensive front—in the literal sense—, the French Jews had little to do against the attacks conducted by the plebs and, specially, by the crusaders. But they could double their efforts against the internal enemy, as they indeed did. The denunciations of the *malshinim*, apart from eventually contributing to feed popular anti-Jewish frenzy, could provide Christian authorities with a legal coverage to proceed against the community. In that sense, the connection between fear and the search for unity held by Chazan appears to be a plausible hypothesis.

The second *takanah*, on the contrary, exclusively focused on civil matters. This apparently weakens Chazan's theory. However, it can be seen as a natural continuity of the intercommunal network emerged as a consequence of the initial response to violence. Once the pressing necessity to unite in order to face a common threat had been faced, the French Jewry perhaps decided to take advantage of the new communal affinities for other legal matters of common interests. Going further, it can be argued in favor of Chazan's interpretation that the second *takanah* granted legal tools to avoid deep rifts between families that could potentially undermine the social tissue of the community.

Prima facie, the second reason adduced by Robert Chazan gives more grounds to understand the rationales behind the second *takanah.* In his opinion, the increasing legal and political coordination of the French communities would have paralleled the progressive trend to centralization of the kingdom (Chazan 2007: 141). Apparently, it would make sense to consider that the concentration of power by the Capetian monarchy conditioned the Jewish conception of intercommunal relations.

However, Chazan's reflection should be qualified. It is true that the process of centralization in France began earlier than in other neighboring territories, but not as soon as in the mid-twelfth century. It only started to become vaguely noticeable with the reign of Philip Augustus, but its evolution was not manifest until much later (Ganshof 1952: 145-147; Bisson 1978: 470ff; Bloch 1995, II: 421ff; Petit-Dutaillis 2008: 179ff; Le Goff 2008: 78-79). In addition, there is no correspondence between the royal domains, where the king exerted direct sovereignty, and the regions of the participants. Furthermore, some of these communities were placed in Angevine lands.

Therefore, political centralism cannot explain the new claim for unity. Perhaps the feeling of belonging to the same group—that is, the first primitive seeds of posterior nations, largely favored by the emergence of linguistic communities (Bloch 1995, II: 431-437)—might be a more suitable explanation. In that sense, it can be stressed that the Jewish efforts towards regionalization preceded the centralization of the Kingdom.

As seen in former chapters—or along this entire contribution, indeed—, the *Agreements of 1354* were inseparable from the particularly bloody period in which they were written. If the First Crusade roused the first large-scale anti-Jewish movements with unconceived dramatism and cruelty, the Black Death performed this same role in Catalonia. In both cases, in spite of the temporal and geographical distance, violence

came forth as an inescapable configurative force. Not many events have the strength to mold a society as deeply as those marked by tragedy and by an extreme, unexpected and almost mystical suffering shared as a group. In that sense, the Catalan and French Jewries reacted equally to an equal stimulus.

Curiously enough, Chazan's mistaken appreciation about the weight of French centralism over intercommunal relations can give grounds for discussion when transplanted to Catalonia. The institutional influence of Catalan Christian politics, its pervasiveness within the communal structure, was already blatant and uncontestable at the dawn of the fourteenth century. The absorption of the surrounding politics without sacrificing the Jewish *ethos* was the idiosyncratic spine of statecraft in the Catalan *kahal*. The importance of coexistence and political blending should not be neglected regarding the supra-communal dimension of the *Agreements of 1354*. But we are jumping the gun now. This discussion will be retaken soon.

It is not easy to set contextual links between the two phenomena. But it will be an error to address them as a continuum, as two parts of a single process of political self-discovery and construction, like Finkelstein and other historians have implicitly suggested. If further ideological connections based on documentary evidence cannot be stablished, any similarity will be no more than anecdotic, a mere historical coincidence.

15. b. 3 German synods

The second group of synods addressed by Finkelstein is the German, with clear preponderance of the Rhenish communities. The interaction of this cluster of *kehillot* presents some remarkable differences with the French case. Ultimately, the origins and development of the Germanic synod are notoriously more clear and well-documented than the almost legendary accounts about Rashi's leadership, for example. The communities of the Rhineland reached a higher level of intercommunal political coordination, and their supra-communal legal activity became much more institutionalized and stable. In addition, they have received greater historiographical attention.

The Germanic Jewry consolidated later than the French. Although some records attest the presence of Jewish settlers in the Rhineland as soon as in the earlier decades of the ninth century (Golding, S. 2014: 4)—and notwithstanding the disappeared communities founded in the Roman period (Rosensweig 1975)—, the Jewish population of the area did not become significant until the last decades of the eleventh century. And even then, the Jewish demographical weight was still insignificant. The emergence of the first prominent communities was largely due to the migration of Jewish traders (from the Italic lands, for example) attracted by the welcoming promises of the Germanics lords and barons.

Those pioneers settled in some of the biggest and commercially active cities of the region, such as Cologne, Triers, Mainz, Worms, Speyer, Oppenheim, etc. The triad formed by Speyer, Worms and Mainz became the main axis of the supra-communal activity in the region. The group was known as Shum (for the Hebrew acronym of the three cities: "שפיר, וורמס, מיינץ": "שום") and their strong interrelation was so evident since their foundation that they were already perceived as a unity by other communities (Barzen 2004: 233-234). Physical elements, like the existence of common cemeteries, also attest their early affinity (Barzen *et al.* 2000; Haverkamp 2004: 64-65). The growth of these communities, as well as their close ties, paralleled the prosperity and the relationships of the three Cathedral cities (Barzen, Burgard and Kosche 2000; Barzen 2004:234 and Haverkamp 2004: 62).

But the influence of their host cities is not enough to explain this sort of intercommunal partnership. The Shum communities stablished their own solid ties independently from external influxes—though these influxes indeed existed. Beside the economic and commercial contacts, their bonds were also cultural—academic mobility was usual among their scholars—and even familiar.

Indeed, these communities had been founded by families in the broader sense. Mainz was the first Shum community to be set, probably at the end of the ninth century. According to tradition, the founder was the Italic Kalynomos family (Schäfer 2004: 30). His descendants played a prominent role in communal public life for a long time. The *kahal* of Speyer was also supposed to have been created by Jews from Mainz around 1084 (Transier 2004; Chazan 2019: 171). The community of Worms, for its part, was established by the family Asher, from Mainz—thus, it is highly probable that in their turn they had family ties with the Kalynomomos) (Schäfer 2004: 30; Bönen 2004; Raspe 2009). Therefore, giving the convergence of these elements, the rise of an institutionalized supra-communal relationship was a natural consequence.

There was, however, a third element that favored the cohesion of the Shum in line with Chazan's views about the French Jewry: a shared tragedy. Indeed, the conclusions of his book on the Rhenish massacres *European Jewry and the First Crusade* move along this idea (Chazan 1987: 217-222). While the explosion of anti-Jewish violence raised by the First Crusade only affected to a minor number of French communities, the wave of destruction had its main epicenter in the Rhenish region. The proportions reached by the assaults and the bloodbath were unprecedented.

The large, amorphous, and almost anarchic crowds that joined the crusade attempted to convert by force all the inhabitants of the Jewish quartiers. Those who refused were killed or attempted to seek refuge in the bishops' palaces. The local ecclesiastical authorities harbored dozens of Jews and unsuccessfully tried to appease the frenzied crowd, though they did not miss the opportunity to proselytize (Chazan 1987: 73ff; 1999: 17-19). According to tradition, many men killed their family and then committed

suicide to escape from conversion. The persecutions did not cease until the leaders of the Crusade could take the effective control over their troops[486].

The transcendence of the events of 1096 was not just relevant for the immediate future of the Germanic Jewry, but it became a cornerstone in the configuration of the Ashkenazi identity. The willingness to face a cruel and secure death instead of accepting conversion led posterior generations to turn the victims of the massacres into holy martyrs, a symbol of resilience, faith, and hope. This idea has often been presented contrasting the attitude of the Iberian Jews, who are often blamed for preferring baptism rather than defending their beliefs with their life (Malkiel 2007). The collective memory of those facts has trended to mythicize, even to overlap, the historical narrations and their significance. Nevertheless, as David Malkiel suggested, many victims were not even given the chance to convert (Malkiel 2001)[487].

In general terms, the table elaborated by Botticini and Eckstein in their work *The Chosen Few: How Education Shaped Jewish History, 70-1492* gives evidence of the demographic evolution of the Germanic Jewry in that period (Botticini and Eckstein 2012: 188). As can be observed below, there were only eight documented Jewish settlements in the Germanic territories before the First Crusade. The number evinces the novel, and almost anecdotic, Jewish presence in the region. After the massacres of 1096, the number decreased to five. In proportional terms it means that the 37.5% of the communities disappeared. The number of settlements notoriously increased throughout the twelfth century—which implies that effects of the Second Crusade were much slighter—to a real demographic explosion in the thirteenth century, when the number of Germanic *kehiltot* grew more than a 820%.

YEAR	NUMBER OF NEW LOCALES
950	5
1050	8
1100	5
1150	11
1200	62
1250	260
1300	509

Table 3: Jewish settlements in Germany from 950 to 1300 (Botticini and Eckstein 2012: 188)

[486] There is a wide bibliography on that topic. Again, Chazan dedicated a wide range of works to those events. See, Chazan (1997, 1999, 2000: 17ff and 2006: 175-181); see also Malkil (2001); Kedar (1998)—which presents an interesting historiographical survey—; Arkel (2009: 375ff); Golding, S. (2014: 22ff), among many others.

[487] For the general significance of the First Crusade, see—apart from the two cited works by Malkil—Soloveitchik (1998); Myers (1999); Brenner (2007) and Shachar (2013), for example.

These data perfectly reflect the vertiginous evolution of the French Jewry. From an irrisory number of settlements at the dawn of the twelfth century to the almost one thousand communities registered at the end of the thirteenth century, the Germanic Jewry became an important demographic area for the people of Israel. This fast growth added complexity to the Jewish intercommunal relationships and balances of powers. It built the grounds for new possibilities for trade and intellectual production and political chances and challenges. The political and legal cooperation between *kehillot* soon appeared to be a worthwhile option to explore. Regional association spread beyond the Rhineland in regions like Wetterau, Austria, Bohemia, Moravia, and the whole upper Rhineland, for example (Guggenheim 2004: 83; Schmandt 2004: 367-368).

On their part, the main axis of the Rhenish synods was the triangle formed by the Shum communities. The three *kehillot* organized all the meetings, playing an evident leading role in the region. The summonses were often attended by other communities, but the list of participants could vary on each occasion. The only permanent members were Speyer, Worms and Mainz. Probably, the earlier and solid ties stablished by those communities resisted the back and forth of a geographical scenario in full swing and growth. The affinities, convergences and even rivalries with other communities would have been transient.

According to Finkelstein (Finkelstein 1924: 56ff)—who has not still been contradicted—the first documented assembly since the times of Gershom took place in 1196, almost fifty years after the enactment of the *takanah* of Samuel and Jacob ben Meir. There had exactly been one hundred years since the massacres of the First Crusades. Four years earlier, in 1192, a third crusade had departed from Europe with the clear objective of reconquering the city of Jerusalem, seized by Saladin in October 1187. In this occasion, the Holy Roman Empire aimed to play a leading role in the commandment of the Christian forces. Emperor Frederick Barbarossa, who died in bizarre circumstances before reaching Palestine, summoned a great army for the campaign. Although the Third Crusade did not produce a wave of destruction like that of 1096, the Jewish communities probably feared a reiteration of those events.

Apparently, the first assembly was led by David Kalonymos in one of the Shum communities. The participants agreed on clarifying and harmonizing the *haliẓah* and its consequences[488]. The resulting decree stated that widows were free to get married again without requesting the permission of their brothers-in-law. The text has not been preserved, except for some quotations in latter synods and responsa (Finkelstein 1924: 56ff).

[488] Genesis 38:8 is supposed to compel widows to marry the brothers of their deceased husbands (*yibum*, "ייבום"). The offspring resulting from the new union is officially attributed to the original husband. Deuteronomy 25:5-6 confirms this practice, but in 25:6-10 it is permitted to perform a ceremony freeing the widow and the brother-in-law from this obligation. This is the *haliẓah* ("חליצה").

The political supra-communal activity consolidated and became increasingly important during the first decades of the thirteenth century, coinciding with the demographic boom of the region and of the whole Holy Empire. Finkelstein placed three gatherings between 1200 and 1223 (Finkelstein 1924: 218-256). They three were at least attended by a score of delegates, among whom David Kalonymos appears to have been the greatest authority and the head of the meetings. While the second and the third are clearly dated in 1220 and 1223—respectively—in all the surviving accounts, the exact date of the first one is unknown. For sure it took place before 1220, because one of the signers, Baruch ben Samuel, was already death in 1221 and it seems unlikely that the synod took place between 1220 and 1223. In addition, the text of the hypothetical agreement previous to 1220 appears to be in a primal stage compared to those of 1220 and 1223, which seem to target a further development of previously enacted rules.

The place where the first of these *takanot* was enacted is not clear. The most likely is that the meeting was held in Mainz, as suggested by Finkelstein (Finkelstein 1924: 220). However, the only element that support this assumption is that list of attendants begins with this city. In many more exhaustive accounts of posterior summons, the heading community of the list coincide with the location of the gathering.

Compared to the ordinances agreed in the French summons, those *takanot* are manifestly deeper, more comprehensive, and ambitious. Contrary to the monographic nature of Tam's enactments, which were focused on a single legal field, the legislative production of the Shum communities used to simultaneously deal with a great variety of topics. The three *takanot* intended to offer a basic legal framework for some of the most immediate concerns and controversial administrative issues common to the whole region. Beyond the pact-based legitimacy of the ordinances, their authority largely relies on the mutual recognition of the neighboring judiciaries. In this regard, the three texts explicitly state that a man excommunicated by one of the communities will be automatically excommunicated in the other cities[489]. Perhaps it was this mutual recognition of judicial authority which made the creation a supra-communal court-system or to homogenize the communal range of institutions unnecessary. The formal aspects of communal government, decision-making and law enforcement are not discussed in the texts.

Broadly speaking, the three *takanot* cope with the same matters and do not differ in their legal response. The dissimilarities in the formulation of their statements are textual rather than material. At first sight, the thematic symmetry and the temporal proximity can even lead to doubt whether they were really three distinct ordinances enacted at three distinct meetings or if, on the contrary, they are three different accounts of the same event. Considering that the preserved versions of the three *takanot* were written by three different authors, the literary and temporal deviations could easily be attributed to their diverse authorship. However, in front of the impossibility to affirm anything else

[489] "מנודה לעירו מנודה לעיר אחדות" (Finkelstein 1924: 226). In his own translation: *"*One who is excommunicated from his own city, is to be excommunicated in all other cities*"* (Finkelstein 1924: 237).

relying on positive documental evidence, it might be assumed that three gatherings took place at that time. The reiterations in the text might be a consequence to the aim of reaffirming the authority of the former summons and their agreements.

The thematic range addressed by the three *takanot* embraces almost every aspect of communal life. Given that the translation of the texts and an analysis of their contents are found in Finkesltein's *Jewish Self-Government* (as stated above: Finkelstein 1924: 218-256), it is unnecessary to itemize the whole contents of the *takanot* here. Nevertheless, it is worth offering a brief summary. In that sense, a number of rules are related to the outfit of the Rhenish Jews, who were prevented from dressing or shaving as the gentiles did. Some others attempted to standardize formal aspects of the judicial process, like the terms to respond to a lawsuit or the obligation of communal institutions to hear any complaint related to taxation. They also stablished the necessity to obtain the consent of the three communities before divorcing. Finally, they developed the procedure to perform the *haliẓah*. Additionally, these *takanot* enforced a range of rabbinic rules, such as the prohibition of eating with a menstruating woman or the way the prayers of the Rosh Ha-Shanah and the Yom Kippur must be recited. The rest of measures encompass aspects as diverse as lending, tax evasion, gambling, protection of personal honor, celebrations and the tithe.

There are particularly interesting measures intending to protect communal autonomy. As usual, the three ordinances include a set of rules against the informers and any external interference. In light of this purpose, it is stressed that no man could be appointed for a communal office by request of the king or the gentile powers. Likewise, it was categorically prohibited to serve the gentiles to intimidate communal officials—especially the judges—or to be freed from the duties towards the *kahal*. Obviously, the revelation of secrets to the gentiles is totally banned. Once again, the *ḥerem* appears as the leading punitive instrument. As noted above, the imposition of this punishment over an individual was automatically recognized by the participant communities as it has been imposed by a local court.

Finkelstein lists some more synods in the thirteenth and the first half of the fourteenth centuries, though no detailed account appears to have survived. This is the case of a synod held in Mainz about 1250 (Finkelstein 1924: 63-65) under the leadership, again, of a member of the Kalonymos family together with some other local scholars. The only known output of the meeting is an ordinance stating that every *ḥerem* must be agreed by the community and its rabbi. The necessity of limiting such a dangerous—but at the same time essential—mechanism for the survival of the community had become noticeably urgent. Reflecting on that point, Finkelstein resorts to a very illustrative image: the indiscriminate use of the *ḥerem* as a political weapon had turned this ancestral legal instrument into a dangerours for internal stability (Finkelstein 1924: 64).

Finkelstein also mentions a synod convened and headed by Meir of Rothenburg at about that time, during his stay in Nuremberg (Finkelstein 1924: 66ff; briefly mentioned in Agus 1947, I: 21). The only known decree agreed in this meeting states that any wife

who abandons her home losses the rights conferred by her *ketubah*, as well as the rights over any other property she brought to his husband's house before the marriage. No detail about the circumstances under which the statute was produced is mentioned. Probably, the meeting was attended by other Bavarian *kehillot* without the participation of the Shum communities. However, considering the Rhenish origins and educational background of the Maharam, this synod can probably be equated to the style and functioning of the Shum.

Finkelstein notes that it is strange that a man as influential and politically active as Meir ben Baruch only led one intercommunal encounter. In his opinion, this meeting was probably only one of several (Finkelstein 1924: 67). His main biographers did not add more information to that question. Agus Irving mentions the gathering together with a letter that Meir sent to the community of Würzburg in order to compel its inhabitants to obey his decree (Agus 1947, I: 21 and 335). Both events are depicted as consequences of an alleged turn towards intellectual authoritarianism. However, he does not consider his participation in further synods. For his part, Joseph Isaac Lifshitz, on the other hand, whose approach is more intellectual than biographical and centered on Meir's political thought, does not even mention this ordinance.

The last summon of that period mentioned in the *Jewish Self-Government* took place in Mainz in 1306 (Finkelstein 1924: 72ff). This time, the aim of the meeting was not the production of internal norms, but reaching an agreement about the repartition of the extraordinary fee of 30,000 marks demanded by the Holy Roman Empire in order to permit the recently expelled French Jews to settle in its territory. Finkelstein barely dedicated one page to this event. Compared to the thirteenth-century synods, this encounter lacks *halakhic* interest. Nevertheless, it is very illustrative of the external perception of the Shum communities as a single political body. The tight bounds between those communities were not unnoticed by the imperial authorities. Indeed, the Rhenish and Germanic rulers took advantage of this unity for many purposes, among which taxation might be highlighted (Guggenheim 2004: 84 and Barzen 2004: 234ff).

Apparently, no more synods were held until 1348, when the Black Death reached the Rhineland and a new wave anti-Jewish violence arose. It does not necessary imply a decreasing trend in the number and frequency of intercommunal meetings since 1250. The circumstances of the Rhenish Jewry were as challenging in 1280, 1310 or 1330 as they used to be in 1220, and the continuous growing complexity of the socio-economic context advised for a close supra-communal cooperation. Representatives of the Shum probably kept meeting regularly, though their encounters did not have the impact of those of the first half of the thirteenth century. This lack of documentation might be the only plausible reason behind this apparent inexplicable interruption.

In light of our final purpose with that analysis, the absence of institutional regulations and detailed accounts of the decision-making process preclude any clear conclusion. Although it is obvious that the degree of institutionalization of the Rhenish communities was much higher than that reached by the French Jewry in Tam's times, nowhere is it

stated how the gatherings worked. And, most importantly, there is no hint about the voting system. Most of the authors who have addressed the history of the Shum communities with greater or lesser depth have not inquired on this problematic. Finkelstein, for example, did not reflect on that issue.

The only exception is Irving Agus, who suggested that these synods probably agreed their decisions by unanimity (Agus 1947, I: 86). He does not add, however, any evidence supporting his assertion. He does not develop his reasoning either. It is formulated just as a laconic speculative reflection. Nevertheless, his hypothesis is convincing for the reasons adduced above. Considering this apparent apathy towards the construction of supra-communal institutions, the participant communities probably were not prone to cede their local sovereignty—notwithstanding their strong and close ties. Even in later and more evolved regional assemblies, like the Polish-Lithuanian Council of the Fourth Lands, the bulk of decisions were adopted by unanimity rule. But it cannot be assured with full certainty.

15. c. *Collecta*

The Jews of the Crown of Aragon never developed a real supra-communal tradition. Unlike other territories with a noticeable Jewish presence—such as the Rhineland—, the Catalan-Aragonese Jews apparently never showed any interest in the creation of intercommunal decision-making procedures under the umbrella of stable institutions. This apathy for political integration was not just national, but also regional. That is, the Catalan, Aragonese and Valencian communities—the Jewry from the rest of territories of the Crown notwithstanding—never carried out serious attempts to confederate. At the same time, this reticence reverberated within the different kingdoms of the Crown. Therefore, a permanent union of the whole Catalan or Aragonese Jewry never existed.

According to Yom Tov Assis, the main reason for the absence of stable supra-communal structures in the Crown was the unbridgeable differences between self-ruling traditions (Assis 2002: 12 and 2008: 164). In that sense, the *Agreements of 1354* can be considered the very first project aiming to establish a permanent and institutionalized supra-communal structure.

Nevertheless, the Catalan-Aragonese *aljamas* were far from isolation. As in the case of the Rhenish *kehillot*, there were extensive commercial, cultural and even familiar networks between the communities of the Crown. This is an assertion out of the discussion. But beyond these natural relationships, the Jewish communities were not completely disunited either in political terms. Aside from the punctual influence that renowned scholars like Shlomo ben Adret could exert over a wide range of communities, two forms of supra-communal political coordination anteceded the

Agreements of 1354. Together with the French-German assemblies, they both might be considered as potential influences for the drafters.

The first of these two antecedents are composed by a heterogeneous amalgam of punctual intercommunal meetings that took place throughout 1250 and 1340, approximately. They were attended by representatives from the communities of the Crown. Their single finality was to agree on how to implement royal decrees of general scope, usually related to extraordinary taxes. Indeed, these meetings can barely be deemed as a form of supra-communal organization. Considered as a whole, they lacked institutionalization and continuity. Only from a historical perspective can they be perceived as a unique phenomenon.

The references to the meetings are scarce and poorly detailed. The documents from the Royal Chancellery in the Archive of the Crown of Aragon are the main sources at our disposal. It inevitably entails that our knowledge about these encounters is indirect and limited to the information provided by the reports written by royal officials and Jewish spokesmen. This lack of first-hand descriptive accounts has given ground to historical vacuums that can only be filled through speculation.

Historiography has hardly paid attention to those meetings. It might not be surprising when considering the imprecision of the sources and the lack of impact for the Catalan-Aragonese Jewry. Only Yom Tov Assis has dealt with this issue more or less extensively. His views tended to an overstated enthusiasm regarding the importance and systematization of the encounters. This optimism was somehow preceded by Abraham Neuman, who in his classic work *The Jews in Spain* refers to these assemblies as *comunes* (Neuman 1944, I: 61). This term does not appear to have been of general use. It is misleading and confusing since it suggests continuity and institutionalization[490].

The main element standing out in the list of gatherings is the evident absence of time-patterns. The assemblies were summoned *ad hoc* as a mere reaction to a royal action. The representatives met to reach agreements concerning the implementation of a royal decision. The life period of the gathering was subject to this single finality. Once the attendants had fulfilled the agenda, the assembly was completely dismantled. No institutional trace remained to ensure certain continuity until the next encounter.

Indeed, this passive and reactive nature suggests that these meetings were not a Jewish initiative. The vagueness of the royal commandments to be implemented evinces that the king preferred to delegate the details to the Jews themselves. This possibility becomes more plausible if we consider the fact that these assemblies lacked normative powers beyond the objective of the assembly, as well as coercive powers beyond the *ḥerem*.

The spontaneity of these gatherings, as well as the apparent absence of time-patterns, hinders the elaboration of a comprehensive list of meetings. Yom Tov Assis attempted

[490] Neuman extracted the term from ACA, reg. 15, f. 96v, a document from 1268 [Jacobs (1894), 419; Régné (1978), 379]. However, the term is not posteriorly used.

to perform this task on several occasions (Assis 2002: 11-12 and 2008: 163-164). The list, due to the lack of strong documental evidences, should be considered open and even challengeable.

According to Assis' records, a general gathering took place in 1271, during the reign of James I[491]. The meeting was attended by delegates from the Kingdoms of Aragon and Valencia, as well as by the *collecta* of Tortosa. However, out of the 56 delegates, only 10 were representatives of non-Aragonese *aljamas*. The Catalan communities, except for Tortosa—then a baronial *aljama*—, were completely alien to the meeting. It is noteworthy that Neuman was right when he pointed out the existence of prior meetings, like the one that was held in 1268 to discuss the allocation of a subsidy of 50,000 *sb*[492].

Assis affirms that it was the only encounter held during the reign of *The Conqueror*. Nevertheless, some months later, James I imposed an extraordinary tribute to defray a journey to Lyon[493]. The royal decree only provided a lump sum, which had to be allocated by the Jews themselves. The document does not specify how the Jewish communities proceed to negotiate the distribution of the subsidy. It could have been conducted through a meeting or via epistles.

Assis also noticed the privilege granted by Peter II allowing the Catalan *aljamas* to appoint delegates to take council together on matters of general interest. This grace was part of the already mentioned general charter conceded to the entire Catalan Jewry in 1280, which unified the basic communal institutional structures[494]. As Assis himself notices, there are no proofs attesting to the effective implementation of this concession (Assis 2008 163-164).

There is a doubtful case dating from that same year that Assis does not discuss. In June, the king imposed a fine for usury over all the Catalan *aljamas*[495]. The penalty was a lump sum of 300,000 *sb* and 200,000 *sj* to be distributed. The distribution of this amount is unknown. At any case, this event occurred some months before the enactment of the privilege.

During the reign of Alphonse II, Assis points out that a possible meeting took place in 1286 with the aim of arranging the distribution of payments to the royal treasure (Assis 2008: 164). The original documents do not add any information about the negotiations, but they appear to suggest that delegations (*"*procuratores alyamis*"*) of the different territories held a physical encounter[496].

The alleged meetings held during the reign of James II are not less confusing. Assis lists three encounters. The first one took place in Tortosa, in 1302, with the aim of defraying

[491] ACA, reg. 18, f. 63v [Jacobs (1894), 500; Régné (1978), 482].
[492] Neuman (1944, I: 61).
[493] ACA, reg. 18, f. 39v [Régné (1978), 483].
[494] ACA, reg. 44, f. 187v-188r [Régné (1978), 823; Baer (1929), 121].
[495] ACA, reg. 44, f. 183v-184r [Régne (1978), 791].
[496] ACA, reg. 70, f. 14r [Régné (1978), 1684].

a campaign in Sicily. In this case, the document clearly states that a number of Jewish delegates would meet in order to discuss the payment (*"(...) ab carta vostra a tots els procuradors deles dites aljames, qui seran a Tortosa per la rao damundita (...)"*)[497]. The second one describes how an intercommunal delegation—from Lleida and Aragon—went to the royal court in 1302 to discuss a fiscal affair with the king[498].

The inclusion of the third one in the list can only be the result of a misunderstanding. This long document contains a detailed general regulation against usury *agreed* with the communities of Catalonia and the Kingdoms of Aragon and Valencia in 1326. In the last page, the king enumerates the *aljamas* which must receive a copy of the enactment[499]. However, the document does not mention any previous general meeting with delegates from the affected communities.

Assis linked these meetings with the *Agreements of 1354*. In fact, he appears to consider the *Agreements* as a later manifestation of a political process initiated by those punctual gatherings (Assis 2002: 12 and 2008: 164). This assertion should be qualified. If those gatherings influenced the *Agreements of 1354*, it might have only been from a logistical point of view. Probably, the drafters intended to take advantage of the preexisting political networks between communities in order to disseminate the proposal of the *Agreements*. They three were experienced politicians—thus they were not alien to these bounds. However, the meetings and the *Agreements* were completely different in nature.

Part of this misconception can be attributed to the generalized assumption that the *Agreements* were the result of a multitudinous assembly, instead of a project launched by just three men. On the other hand—and as will be widely discussed in the next section—, the *Agreements* aimed to set a stable institutional construction without temporal limitations, which entails a major difference regarding the *ad hoc* character of the former assemblies. Besides, the assembly planned in the *Agreements* was to be provided with wide normative and coercive capacities, an element absent from those initial meetings. Finally, the functioning and powers of the assembly were developed through a positive legal framework.

The *collecta* is the second *antecedent* we would like to analyze here. Although it was a regional construction, it was the main supra-communal institution in the Crown of Aragon. Baer stressed that it was the only *"*permanent organizational tie uniting various communities*"* in the Crown of Aragon (Baer 2001, I: 217). Due to its greater institutionalization, historical continuity, range of competences and organic complexity, the *collecta* deserves more attention than the above-discussed meetings. The academic literature on the *collecta* is to some extent paradoxical: this institution is simultaneously a well-known and unknown element in the history of the Catalan-Aragonese Jews.

[497] "*(...)* In your letter to all the representatives of the aljamas, who will be in Tortosa for the above-mentioned reason *(...)*". ACA, CR, Jaime II, c. 87, n. 382 [Baer (1929), 151] (our own translation).
[498] ACA, reg. 200, f. 174r [Régné (1978), 2807].
[499] ACA, reg. 228, f. 105v-107r [Régné (1978), 3392].

Every historian specialized in that field is fully aware of its existence and its undeniable relevance for communal politics and interrelations. However, no monographic and comprehensive work dealing with its functioning and evolution has ever been produced.

The elemental original definition of the *collecta* is simple. Almost all the authors who have written on that topic have concurred on its basic elements. Let's see some examples:

> [*The* collectas *were*] tax regions centered on a major community to which smaller communities were subordinated (Klein 2006: 145-146).
>
> *(...) grup de comunitats centrat en una aljama principal que formava un àrea per a la col·lecció de taxes, tot i que després assumí funcions de govern local*[500] (Llop 2012: 85).
>
> *Les aljames s'organitzaren més endavant en forma de federacions, anomenades collites o col·lectes, per tal de fer front mancomunadament al pagament de tributs i d'altres qüestions d'interès*[501] (Feliu, E. 1998-1999: 108).
>
> The *collecta* was a group of communities centred on a major aljama that formed one area for tax collection, as its name indicates (Assis 2008: 179).

Therefore, and aiming to summarize, the concept can be defined as a supra-communal administrative institution with fiscal purposes and composed by a main leading *aljama* and its area of influence. These territorial demarcations aimed to facilitate the imposition and collection of royal tributes. The king only needed to fix a lump sum over the *collecta*, which became the single fiscal and legal interlocutor. They were its members who were in charge of arranging the distribution of the tax and its collection.

The historical origins of the *collecta* are uncertain. Most certainly, this structure was raised in Catalonia—probably before the dynastic union with Aragon (Assis 1997: 196)—, where its presence and prominence were much more notorious than anywhere else in the Crown throughout the whole Late Middle Ages (Assis 2008: 179; Llop 2012: 85 and 2018: 268).

It has also been almost unanimously accepted that the *collecta* was created at royal initiative. The term "*collecta"*, which perfectly reflexes its finality, is Latin. The Jewish sources do not use a Hebrew term which could suggest a Jewish origin. In one of his *responsa*, Shlomo ben Adret points out that it is the king who defined the territorial

[500] "A group of communities centered on a major community which formed an area for tax collection, although they latter assumed additional functions regarding local government" (our own translation).
[501] "The *aljamas* later grouped in federations, known as *collites* or *collectas,* in order to jointly deal with the payment of taxes and other matters of interest" (our own translation).

boundaries regarding tax collection (Adret III: 440)[502]. As will be discussed below, the Jewish communities relied on their own tradition in order to address the details of the internal functioning of the *collecta*, but stemming always from a reality which was apparently alien to their own legal heritage.

Moreover, the king was the most benefited of the system of *collectas.* He could impose the tributes without negotiating and calculating the distribution among the great number of communities settled in Catalonia. It implied a saving time, means and personnel. In other words, this system proved to be more efficient (Assis 1997: 196-197 and 2008: 180; Llop 2012: 85).

Outside Catalonia, the *collecta* had little impact on the organization of the Jewish *aljamas* and it never transcended the peninsular territories. In the Kingdom of Valencia, for example, the system was never introduced. The Valencian communities were divided into northern and southern *aljamas* for tax porpoises, with the river Xúquer as the border between the two groups (Assis 2008: 195ff). In the Kingdom of Aragon, the system of *collectas* was not as well-rooted as in Catalonia (Guerson 2015: 57). Therefore, the *collecta* essentially emerged and flourished in Catalonia.

The number of Catalan *collectas* remained more or less unaltered during the thirteenth and fourteenth centuries. A total of five *collectas* existed in Catalonia: Barcelona, Lleida, Tortosa, Girona-Besalú and Perpignan. Lleida and Perpignan oscillated between Catalonia and other territories depending on the exact historical moment. The case of Perpignan is perhaps more complex. Since the Crown was divided between Peter II and James II of Mallorca (not to be confused with James II, king of the Crown of Aragon) after the death of James I in 1276, Perpignan was integrated into the newly created Crown of Mallorca—which included the Balearic Islands, the counties of Roussillon and Cerdanya and the city and territories of Montpellier—until it was conquered by Peter III in 1344[503]. Therefore, during this period, the *collecta* of Perpignan was not part of the Catalan intercommunal network.

The territorial status of Lleida was a matter of discussion during the whole thirteenth century. Obviously, that issue also affected its *aljamas* and *collecta.* The dispute revolved around which territory Lleida belonged to, whether to Catalonia or Aragon. In consequence, the *collecta* of Lleida was considered Catalan or Aragonese depending on the period. Though the dispute was solved in the mid-thirteenth century with the inclusion of Lleida into the Catalan domains (Lladonosa 1972, I: 373-374), the case of the *collecta* was more complex. A number of its *aljamas* were physically located in the Kingdom of Aragon, such as Fraga, Ribera and Monzon. Finally, in 1268, it was decided that the *aljamas* of Lleida had to contribute with the rest of Catalan

[502] "שהמלכים מחלקים להם גבולות" ["it is the King who sets the limits"] (our own translation). With regard to the *collecta* in the Hebrew sources, Adret only mentioned in a *teshuva* that Barcelona, Tarragona, Vilafranca and Montblanc (main *aljamas* in the *collecta* of Barcelona) had a *"*common chest*"* in order to pay their tributes ("תיבה") (Adret III: 411).

[503] As explained in chapter 9, the Crown of Mallorca remained vassal of the Crown of Aragon for many years.

communities[504]. The declaration was confirmed and fully implemented in 1284[505]. Nevertheless, Lleida kept strong ties with the Aragonese Jewry and participated in some common projects and tax contributions[506].

The *collecta* of Girona-Besalú was also a particular case, but due to different reasons. It was its particular internal structure which made this *collecta* distinctive. Rather than a traditional *collecta* as above described, Girona-Besalú was a sort of confederation composed by these two *aljamas* and their respective areas of influence. The documental records, indeed, tend to be reluctant to use the term *collecta* applying to Girona and Besalú[507]. Although they were considered as a whole regarding fiscal issues—just like a normal *collecta*—, in practice, each *aljama* was responsible of its area of influence. In case of conflict, however, Girona used to have a certain preeminence given its greater demographic and economic importance—Girona was the second most important community in Catalonia after Barcelona (Assis 1997: 199). Nevertheless, the relationship between both communities always remained fraught. Apparently, Besalú never accepted at all its secondary role within the *collecta.* Ultimately, this led Besalú to separate from Girona in 1342, which put an end to this union[508].

While the number of *collectas* was more or less stable and only subject to the territorial changes of the Crown, their internal composition was much more voluble. In most of the cases, the *collectas* used to have an immovable nucleus of members. The *aljamas* of Tarragona and Vilafranca, for example, belonged to the *collecta* of Barcelona throughout the whole thirteenth and fourteenth centuries. However, other communities joined and left the *collecta* depending on the political situation of the municipality. The most common cause for variation was the pass of a municipality from the baronial or ecclesiastical hands to the royal domains and vice versa.

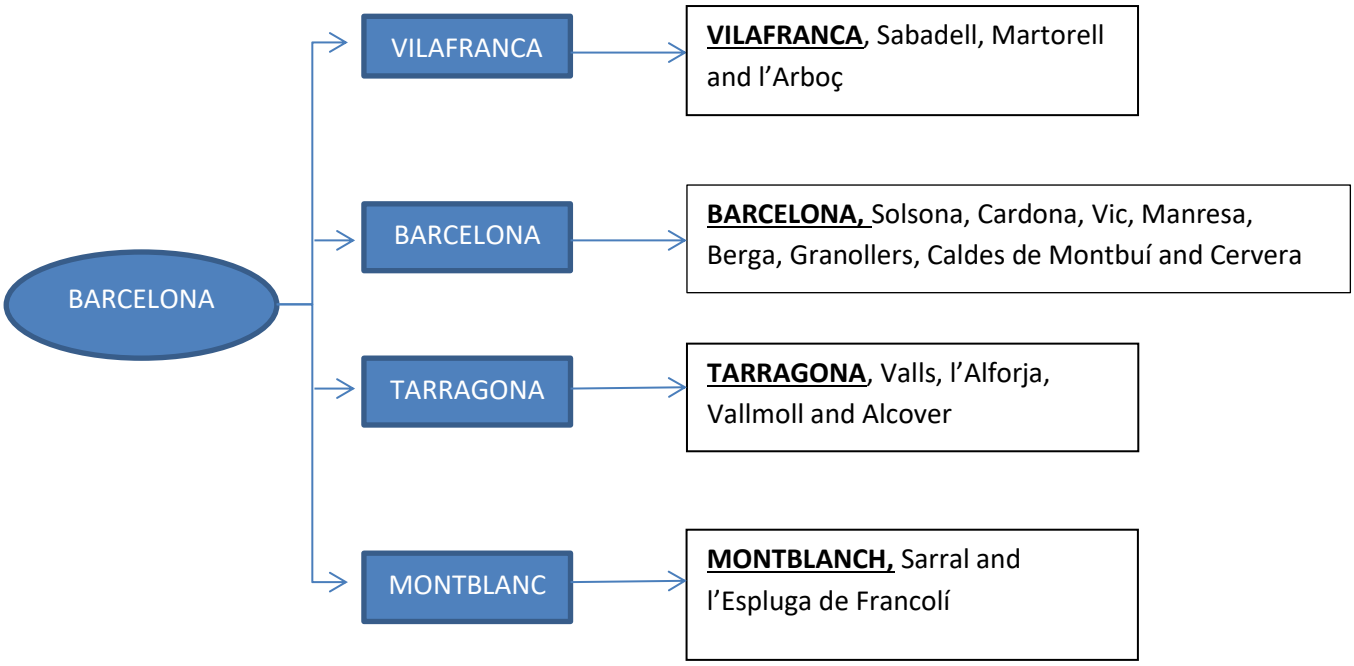
In that sense, several recent studies have proved that the communities located in baronial and ecclesiastical lands did not integrate into the system of *collectas* (for example, Bensch 2008 regarding Empúries and Llop 2018 for the case of Vic). It implies that Tortosa did not become a *collecta* until the counts of Montcada transferred the property of the city to James II. When one of these localities was acquired by the king, its *aljama* automatically became part of a *collecta*. Conversely, when the situation was the opposite, the *aljama* left the collecta.

---

[504] ACA, reg. 15, f. 96v [Jacobs (1894), 419; Régné (1978), 379].
[505] ACA, reg. 46, f. 173v [Régné (1978), 1115].
[506] For example, James II compelled Lleida to contribute with the Aragonese *aljamas* in 1302 regarding an extraordinary subsidy. ACA, reg. 200, f. 174r [Régné (1978), 2807].
[507] In fact, until 1258 the term *collecta* is not used in the documents (ACA, reg. 10, f. 54v [Jacobs (1894), 151; Régné (1978), 97; Baer (1929), 97]). And even then, the expression "*aljamas* of Girona and Besalú" is notoriously more common than *"collecta".*
[508] The separation had to be approved by King Peter III: "*Statuimus etiam et perpetuo ordinamus, quod aljama judeorum de Bisulduno et singulares judeis eiusdem aljama sint separati perpetuo a collecta dicte aljame judeorum Gerunde*" [*"*We decree and command the Jewish aljama of Besalú to be forever separated from the abovementioned Jewish aljama of Girona*"* (our own translation)]. ACA, reg. 1676, f. 8r-10r [Baer (1929), 214]. The separation also included the *aljamas* of Figueres, Sant Llorenç de Samuga, Olot and Camprodon.

Vic is a paradigmatic example. Since the ninth century, the city had been under the joint control of the Bishop of Vic and the Counts of Montcada. Therefore, its *aljama* was independent. However, when the part of the city ruled by the bishop became part of the king's possessions in 1316, ten Jewish families were integrated into the *collecta* of Barcelona. The decision was contested by Girona, which aimed to incorporate these families into its area of influence. Though the king favored the interests of Barcelona, he decreed a general tributary exemption for the Jews of Vic until the population of the *aljama* reached 20 families[509].

Despite these variations, some authors have attempted to provide comprehensive lists of the *collectas* and their members, as well as the unofficial subdivisions of their structure. Needless to say, the nature of the lists is necessarily diachronic. Once again, Yom Tov Assis has played a leading role among the scholars who have undertaken this task (Assis 2008: 183-184 and 186-191). Other authors have also addressed the composition of the Catalan *collectas*, such as Victòria Mora (Mora 2002: 51-52), Sílvia Planas (Planas 2002: 77-85), Prim Bertran (Bertran 2002: 100-107) and Albert Curto (Curto 2002) in their respective contributions to the collective work *La Cataluña Judía*.



[509] ACA, reg. 216, f. 24v [Régné (1978), 3089] and reg. 216, f. 86r [Régné (1978), 3098]. Both documents date from 1318. In 1330 the privilege was still in force: ACA, CR, Alfonso III, c.9, n. 1128 [Assis (1993.1995, II), 646].

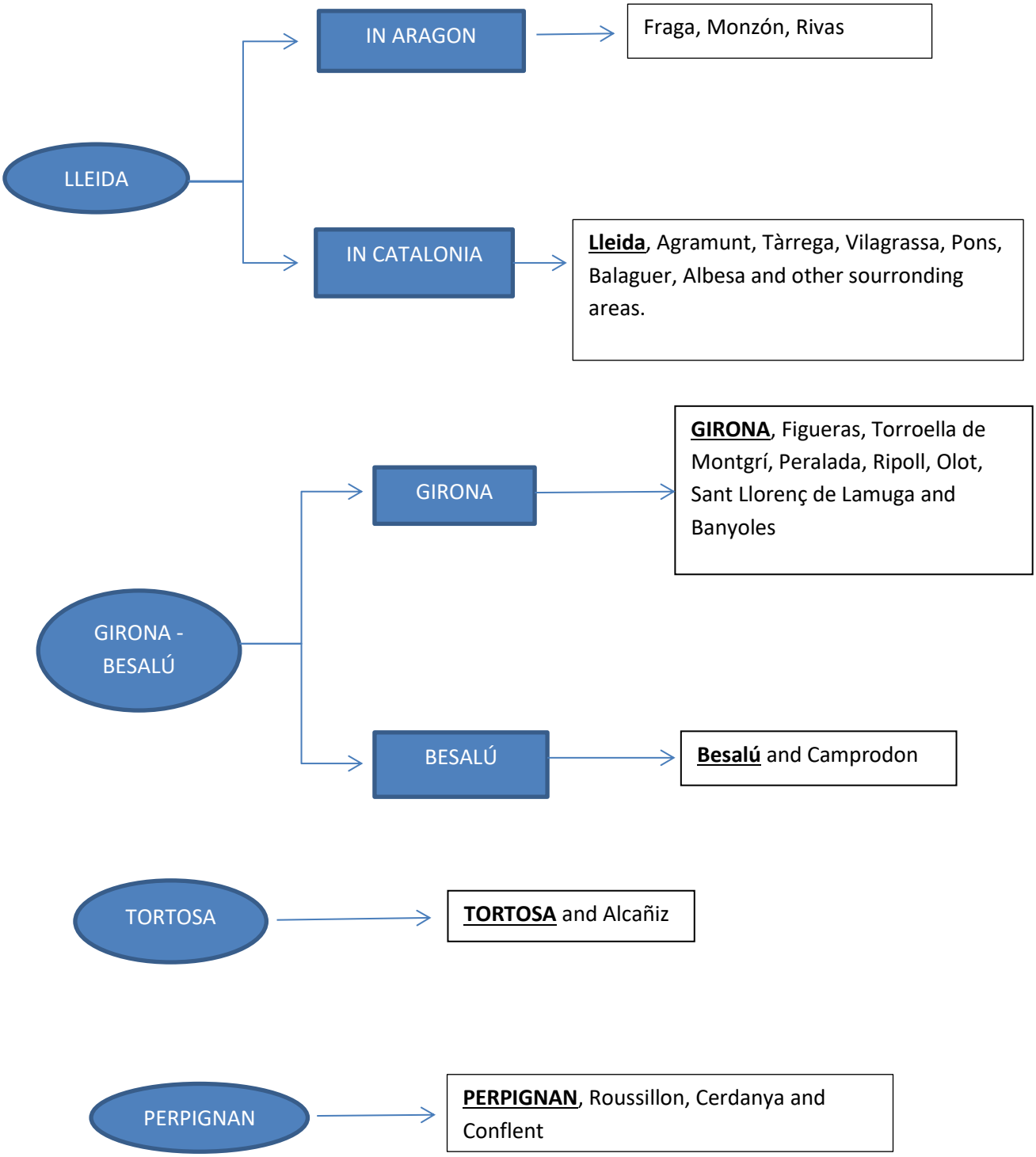


Figure 6: Catalan *collectas* (our own elaboration according to Mora 2002: 51-52; Planas 2002: 77-85; Bertran 2002: 100-107; Curto 2002 and Assis 2008: 183-184 and 186-191).

The tax burdens over the *collectas* depended on their size and wealth. As a rule, the biggest and richest *collectas* used to contribute to the royal treasury with higher sums than those more impoverished. Yom Tov Assis calculated an annual average contribution of 22,000 to 25,000 *sb* for Barcelona, 8,000 to 13,300 for Girona-Besalú

and only 3,000 *sj* for Lleida (Assis 1997: 198). As already mentioned, the distribution of the lump imposition was carried out by the communities themselves. Nevertheless, the proportionality between wealth and tax contributions was generally a rooted principle both for the monarchy and for the Jewish *aljamas*[510].

As the system consolidated and proved its efficiency, the *collectas* progressively transcended their original fiscal finalities and acquired new official and unofficial functions. Their inherent supra-communal nature offered many possibilities to their members in this regard. It gave grounds to a higher degree of political and legal cooperation between communities, as well as to act as a single body towards the outside. This situation was especially beneficial for the smallest *aljamas*, which used to take advantage of the *collecta* to get privileges that otherwise they would have been unable to negotiate (Mora 2002: 50).

Hence, the *collecta* became a more complex political entity. Its role as a regional organization gained importance throughout the last decades of the thirteenth century and beyond. Their political relevance progressively equated their relevance as fiscal demarcations, which apparently was publicly perceived. In fact, the term *collecta* was also used out of legal contexts as a synonym for *aljama and its surroundings*[511].

Their increasing political prominence led Eduard Feliu to timidly suggest the hypothesis of a connection between the *collecta* and the Christian *carreratge* (Feliu, E. 1998-1999: 109, footnote 102). The issue is interesting since both concepts were similar—unfortunately, Feliu did not go deeper into this point. The definition provided by Maria Teresa Ferrer evidences the common nature of both constructions:

> [El carreratge] *fou en els seus orígens una associació entre una ciutat o vila important i algun o alguns llogarrets de la rodalia. A canvi de protecció jurídica, política i militar* (...), *aquests llocs havien de pagar una quantitat anual al municipi que els havia emparat, proporcionada a la població que tenint, i havien de participar en la host municipal*[512] (Ferrer 1999: 3).

[510] On the Jewish side, Adret's *teshuva* III: 381 is categorical on the proportiallity between wealth and tax contributions. He states: "וכל מה שהוא תקנת הצבור ונעשית על ידי ממון נותנין לפי ממון" ["In all matters of the public good requiring funds, contributions must be made according to financial means." Translation: in Walzer *et al.* 2000-2018, III: 348]. On the king's part, for example, James I cancelled a tributary debt of Girona-Besalú in 1260 considering the extreme poverty of the *collecta* (ACA, reg. 11 f. 177v [Jacobs (1894), 170; Régné (1978), 127]). A similar measure was adopted by Peter III in 1347 (ACA, CR, Pedro III, c. 23, 3196 [Assis (1993-1995, II), 1071]).

[511] For example, a document dating to 1321 refers to the *collecta* of Villafranca (ACA, reg. 220, f. 14v [Régné (1978), 3184]). In another case, a *collecta* is attributed to Vic in 1335 (ACA, CR, Alfonso III, c. 25, n. 2978 [Assis (1993-1995, II), 779]).

[512] "[*The* correratge] originally was an association comprising an important city or locality and one or more surrounding villages. In exchange for legal, political and military protection (…)

Nevertheless, there are some differences between both systems. Firstly, the *collecta* did not have a defensive character, though it entailed numerous benefits to the smaller communities. Secondly, the composition of the *collecta* of Barcelona, for example, did not parallel that of the *carreratge* of Barcelona[513]. But these dissimilarities do not imply that the *collecta* and the *corretatge* were not tied. In chapter 14, it has been pointed out that the communal institutional organization tended to emulate the Christian political environment. Further research is required in this regard.

The advantages of the *collecta* as a framework for the communities are well-known and have often been outlined. The preponderance of the *collecta* as regional political construction simultaneously involved advantages and disadvantages for its members. Although the overall picture can be considered positive for the Catalan *aljamas*, the union into a single body entailed that the imposition of penalties and other harming measures was inevitably shared by the communities. It would be difficult—and even misleading—to elaborate a comprehensive list of pros and cons. The circumstances and variables to be considered would be immeasurable, and their repercussions would be subject to the particularities of the moment and place. Nevertheless, archival documentation provides a good number of examples capable of offering an elemental portrait.

The concession of privileges was perhaps one of the most evident advantages for the members of the *collecta*. Since the mid-thirteenth century, privileges were granted for the *collectas* rather than for individual *aljamas*. It permitted the smaller communities to obtain legal graces and improvements that otherwise they would have been unable to request. The cases in this regard are particularly abundant. Thus, for example, in 1260 James I freed the *collecta* of Girona-Besalú from the obligation of providing accommodation and supplies to the royal suite[514]. The same king decreed in 1274 a series of procedural privileges (right to know the accusation, right to be represented by a defender, prohibition of torture, etc.) for Perpignan and its *collecta*[515]. In 1300, James II prevented his officials from collecting taxes during the *Shabbat* in Lleida and its *collecta*[516]. Two years later he prohibited the use of torture against the Jews of the *collecta* of Barcelona without his permission[517]. A couple of dozens of royal provisions could be added to the list.

This practice was generally retroactive: privileges conceded to a larger *aljamas* were sooner or later extended to the whole *collecta.* For example, Tarragona and Montblanch,

---

those villages owed to pay an annual fee proportional to their population and were committed to contribute to the local militia" (our own translation),

[513] According to the composition provided by Ferrer, Tarragona, for example, never became associated with Barcelona. See Ferrer (1999: 5-6).

[514] ACA, reg. 11, f. 229r [Régné (1978), 130].

[515] ACA, reg. 19, f. 145r [Jacobs (1894), 557; Régné (1978), 605].

[516] ACA, reg. 197, f. 140r [Régné (1978), 2742].

[517] ACA, reg. 199, f. 96r [Régné (1978), 2783].

both belonging to the *collecta* of Barcelona, experienced this process[518]. Besides, the reduced number of interlocutors led to a certain degree of uniformity among the prerogatives of the *collectas.* It was easier to homogenize, as far as possible, four or five regional entities than dozens of local communities. This advantage was notoriously exploited during the reigns of James I and Peter II. Just to quote a couple of examples: a privilege conceded to Girona-Besalú in 1271 extended to this *collecta* the rights granted to Barcelona[519]. Also, Lleida benefited from the privileges of Barcelona in 1287, when Alphonse II permitted its inhabitants to judge according to the Jewish law in the same cases[520].

On the other side, royal decrees containing general regulations were usually enacted targeting the whole *collecta.* These legal acts were not necessarily harmful to the Jewry, but often they foresaw restrictive measures. Many decrees were related to the prevention of usury, as well as of other aspects of moneylending. The ordinance imposed to the *collecta* of Barcelona by James I in 1264 is quite representative. The enactment stated that if a Jewish creditor left his *aljama* for a year[521], his debtors would have all their dues automatically prorogated[522]. Though less frequently, regulations on civil matters were also approved, like the decree enacted for the same *collecta* to rule the *Ketubot*[523] in 1271.

Halfway between the inherent fiscal nature of the *collecta* and the privilege, the reduction and condonation of tax debts were decided as well for the whole *collecta.* Without a shadow of a doubt, this was one of the greatest advantages that the unity under a single institutional body entailed for the Catalan *aljamas*. Once again, the cases are unmanageable. There are dozens or even hundreds of documents attesting it[524]. The same applies for the royal commitments to not concede moratoria to the debtors of the Jewish moneylenders, a really welcomed measure by the *aljamas.*

The negative aspects of belonging to a *collecta* were, nevertheless, as numerous as the advantages. As a unique entity in front of the royal powers, its members had to share some burdens and misadventures, which were especially prejudicial for the smallest communities. The range of adverse consequences was wide enough as to result in rich and diverse cases. Of course, the impact of the unfavorable facets of the *collecta*

[518] ACA, reg. 196, f. 151v [Réngé (1978), 2688] and reg. 208, f. 12r [Régné (1978), 2928].
[519] ACA, reg. 14, f. 128r [Régné (1978), 499].
[520] ACA, reg. 75, f. 52r [Régné (1978), 1831].
[521] It has been already mentioned that several *Corts* agreed measures against usury, especially as an implementation of religious decrees. The most important ordinance was set in Girona in 1241 (*Cort of Girona* of 1241). Nevertheless, the general legal framework was sometimes confirmed, amended or even adapted to particular moments and situations. It was the case of a decree enacted by James II in 1315 confirming the validity of the former regulations to the *collecta* of Barcelona (ACA, reg. 211, f. 301v-302v [Régné (1978), 3019]).
[522] ACA, reg. 13, f. 226v-227r [Jacobs (1894), 305; Régné (1978), 279].
[523] ACA, reg. 37, f. 26v [Régné (1978), 487].
[524] Just some examples: ACA, reg. 10, f. 28r-v [Jacobs (1894), 135; Régné (1978), 75]; reg. 11, f. 177v [Jacobs (1894), 170; Réngé (1978), 127]; reg. 19, f. 155 [Jacobs (1894), 559; Régné (1978), 608]; reg. 46, f. 154r-v [Régné (1978), 1110] and reg. 71, f. 152v [Régné (1978), 1135].

depended on the particular case, but some of them were common to the entire Catalan Jewry. Though a comprehensive list will require a complete monography, it is not difficult to point out some of the main disadvantages.

Let's start with one of the most evident and direct cons: the imposition of penalties. It has been already discussed in chapter 2 that the Jewish judicial authority had a communal scope. The *kahal* was an independent political and social entity with the power to dispense justice among its inhabitants. And within the *collecta*, each community was responsible for their internal order and compliance. However, for the king, the *collecta* was a single entity with a joint responsibility. In practice, it implied that the imposition of penalties targeted the totality of the members. It might be assumed that the *collecta* hold the infringer community accountable, but royal documentation is in general careless about this sort of internal affairs. From their side, Hebrew sources do not provide many details in this regard. The nature of these penalties was always economic since it would have been impossible and senseless to make a whole *collecta* participant of a physical punishment for the offence of an individual or group of individuals.

Usury and tax fraud were the most common causes behind these general and shared penalties. Considering that the *collecta* essentially was an autonomous fiscal demarcation in charge of self-managing tax collection, all members were deemed liable for the unlawful acts against the royal treasure. Corruption was a usual phenomenon in the Jewish communities. When it was a purely internal issue, the king adopted a pragmatic approach. If he considered that his intervention could erode the communal order, he tended to turn a blind eye. However, when there was a risk of social unrest—a potential damage for tax collection—he meddled without delay.

But tax corruption against the royal treasury, especially when it was committed by communal officials, never went unpunished. The physical responsible were usually the secretaries or representative of the *collecta*[525]. The measures laid down by the king to prevent corruption also addressed the whole *collecta*, both when they were to be implemented by his officials[526] or by the communal leaders[527].

Penalties for usury were a different issue. There is no apparent reason, *prima facie*, for imposing collective punishments on offences whose perpetrators could be individually identified. But the fact is that this sort of sanctions was quite usual. The only reasonable explanation for this custom is that the king considered that usury was somehow promoted by the communal institutions, maybe as an intentional policy or by default.

[525] For example, in 1271 James I condemned a number of secretaries of the *collecta* of Barcelona. ACA, reg. 14, f. 128r [Jacobs (1894), 397; Régné (1978), 501].
[526] A document writen in 1284 contain some instruction for royal officials to prevent corruption in the *collecta* of Girona-Besalú. ACA, reg. 46, f. 62r [Régné (1978), 1113].
[527] In order to avert frauds, a royal ordinance in 1322 compelled the Jews from Lleida who had lent money in Cervera to pay their taxes in Lleida. ACA, reg. 222, f. 103v-104r [Régné (1978), 3238].

The attitude of the monarch towards usury was ambiguous and probably biased. We already discussed the important role that moneylending played in invigorating the Catalan-Aragonese economy, a circumstance that was not alien to the rulers of the Crown (see cfr. Chapter 5). The response of royal justice against this practice was apparently subjected to practical considerations. In time periods when cash flow was needed or when the king reckoned that keeping a good relationship with the Jewry should be a priority, the king looked away. This deliberate neglection was often complemented with the grant of moratoria.

On the other hand, the prosecution of usury seemed to obey an economic rationale. The disproportionate number of fines for usury, as well as their regional scope, gives ground to this hypothesis. See, for example, the case of Barcelona. As exposed above, the average contribution of this *collecta* oscillated between the 22,000 and 25,000 *sb*. In 1280, Peter II decreed a common fine of 300,000 *sb* and 200,000 *sj* to be distributed among the four *collectas* (Perpignan was then part of the Kingdom of Mallorca) plus the *aljama* of Tarragona[528]. Though the allocation of the sum is unknown, it may be assumed that Barcelona bore the highest part of the expenses[529]. In May 1290, Alphonse II imposed a fine to the *collecta* of Barcelona of 15,000 *sb*[530]. Two weeks later, a second penalty of 95,000 *sb* was proclaimed[531]. In 1298, with James II in the throne, the king issued a fine of 100,000 *sb*[532]. And in 1325, the same king agreed to punish the Jews of Barcelona with 15,000 *sb*[533].

A first glance is enough to see that some of those penalties largely exceeded the usual annual contributions of the *collecta*. A campaign of prosecution of usury was considerably cost-effective for the royal treasury thanks to the facilities inherent to the *collecta* system in terms of personnel and logistics. Fines could increase public incomes to an extent which could not be reached by the official fiscal policy of the Crown. Thus, there are many reasons to be suspicious about the final end of the penalties against usury.

Another disadvantageous consequence for the Jews was the fiscal allocations to third parties to settle royal debts. It has been already discussed in chapter 8 the negative perception of the Jewry of these practices. They were perceived as harmful for the relationship between the Crown and the Jewry, as well as a cause of defenselessness against the recipients. The *Agreements* are categorical in this regard. To the extent the *collecta* was a fiscal unity, the allocations included all its members[534].

---

[528] ACA, reg. 44, f. 183v [Régné (1978), 791].
[529] This supposition is entirely based on the fact that Barcelona and its *collecta* were the largest contributors of Catalonia.
[530] ACA, reg. 82, f. 49r [Régné (1978), 2132].
[531] ACA, reg. 83, f. 52v-53r [Régné (1978), 2139].
[532] ACA, reg.196, f. 148v [Régné (1978), 2683].
[533] ACA, reg. 227, f. 256r [Régné (1978), 3352].
[534] The examples provided in chapter 8 give evidence of this practice. Nevertheless, some of them can be particularly highlighted: ACA, reg. 17, f. 62r [Jacobs (1894), 486; Régné (1978),

The institutional external functioning of the *collecta* was conceptually simple. The monarch, in his unchallengeable position as lord and owner of his Jews, communicated his decision, tax burden or penalty to the *collecta.* The secretaries or delegates were automatically bound. Unlike the formal and byzantine negotiation processes required to legislate over his Christian subjects, no formalities were needed when the king dealt with the Jewry. The *kehillot* and *collectas* were seldom in the position to oppose or to open a fair negotiation.

The internal decision-making procedures were rather more complex and unknown. This complexity is largely due to the multiple geographical and temporal variables that dominated the Jewish political life. Sources are scarce and disperse, a mosaic full of gaps formed by hundreds of remnants. Dozens of documents, both Christian and Jewish, contain small hints but never a real description. The proper organization and interpretation of the pieces in order to obtain a clear picture of the functioning of the Catalan *collectas* will require a deeper and single-intentioned research.

Nevertheless, two elements can be pointed out as certain and undisputable: (i) A unitary system never existed. Each *collecta* developed its own inner mechanisms, just as every *kahal* was itself a social and political microcosm. And, in addition: (ii) The internal functioning of any *collecta*, as well as the relationship among its members, did not remain unaltered throughout the thirteenth and fourteenth centuries. The dynamics, tensions and strength of the *status quo* tended to vary according to several factors. Considered as a whole, it can be said that the *collectas* never set formal decision-making procedures beyond some voluble customs and punctual arrangements.

Shlomo ben Adret provides one of the few—and the clearest—Hebrew accounts on the institutional functioning of the *collecta* in his *teshuva* III: 411:

> ואם למנהגנו, דע כי אנחנו וקהל בילא פרנקנאה וקהל טראכונה ומונטבלנק תיבה אחת וכיס אחד לכילנו בפרעין המסים והארנונות וכל דבר שמוטל עלינו מצר המלכות, וכל אשר היו ריצין לעשות הסכמות מחודשות בפסק או בנתינח וכרונות או בהודאות המבוקש לנו מאת אדוננו המלך, לעולם אין אנו גוזרין עליהם דבר, אף כי אנו הרבים והמדינה ראש לכל הדברים, ואם נעשה בלתי עצתם לא ישנעו לקולנו, ולעתים נשלחה אנשים אליהם ופעמים יבאו ברורים מהם אצלנו בהסכמתם, ואם לא ישמעו אלינו לעשות אחת מאלה נכירחם בזרוע הממלכה לבא אלינו או להסכים ולהרים במקומם כמינו. אבל מקומות אחרים יש כי הקהלה הראשה תגזור על בנוריה ויביאום בכבל רוצון, כי בכל אלו הענינין נחלקו המקומות למנהגין.[535]

372]; reg. 58, f. 61r [Réngé (1978), 1404]; reg. 82, f. 95r [Régné (1978), 2286] and ACA, CR, Jaime II, c. 6, n. 878 [Assis (1993-1995, I), 69].

[535] "Concerning our customs: Do know that we [in Barcelona] and the kahal of Villafranca and the kahal of Tarragona and of Montblanc share a common fund and purse for the payment of various taxes and *[other]* government impositions. Whenever we wish to revise the enactments concerning the assessment *[of tax liability]* or the submission of records and declaration of capital assets as required by our master the king, we never impose decrees upon the *[other* kehillot*]* even though we are the many and the capital city for all matters. If we acted without their counsel, they would not obey us. With their consent, we sometimes send people to them, and at other times representatives [berurim] come to us. However, if they do not heed us

Although the exact year in which this *teshuva* was produced is unknown, Adret's lifetime coincided with the maturity of the *collecta* system. It makes this *responsa* one of the most valuable testimonies of the decision-making process within the *collecta,* as well as of the role of the main *aljama* and the rest of members. Nonetheless, the description of the Rashba should be carefully approached. It can lead to excessively optimistic interpretations (as in Morell 1971: 102 and Elon 1994, II: 669-671) since Adret apparently reports a democratic and harmonious picture. But he was writing about a specific place in a specific moment. Furthermore, it is impossible to know to which extent he was being sincere—he was not a mere outside observer, but a communal leader. In fact, the *responsum* itself gives grounds for arguing against this democratic optimism.

First, Adret explicitly states that he is exclusively talking about the *collecta* of Barcelona, whose dynamics cannot be extrapolated to the rest of Catalonia. In addition, he points out that each *collecta* has its own customs and that in some of them the main *aljama* exerted an authoritarian power over its area of influence. Thus, the internal functioning was not democratic everywhere.

Second, Adret himself stresses that this alleged democratic conduct was not unconditional. The community of Barcelona was theoretically prone to fairly negotiate the affairs of the *collecta* with the other members. However, if they refused to meet, Barcelona could resort to the king and other coercive methods to ensure their participation in the decision-making. Therefore, the Rashba left a door open to authoritarianism. The documentation suggests that it was not simply a last resort for cases of negligence, but a habitual practice to favor the interest of the largest community.

The cases show how the relationship between the members of the *collecta* was far from idyllic. Decision-making processes and internal coexistence were dominated by an endless range of intrigues, rebellions, and turf games of power. Adret's Barcelona was not an exception. During the lifetime of the Rashba, the largest Catalan *collecta* dealt with a concatenation of difficult junctures contradicting his friendly accounts. Indeed, the convulse scenario extended beyond the death of the well-known Barcelonian leader.

In 1266, shortly after Adret reached his thirties, James I empowered the *aljama* of Barcelona to pronounce *ḥerems* against its neighbors[536]. This royal grace virtually provided the community with full powers over the *collecta.* From a legal point of view,

---

regarding either of these *[arrangements]*, we compel them by the force of the government either to come to us or to make enactments or *[impose]* a *herem* in their locality identical to ours. However, in other localities, the capital community [kehillah] will sometimes decree enactments regarding its neighboring towns and villages and include them regardless of their consent. Concerning all these matters, localities are divided in custom*".* Translation: Walzer *et al.* 2000-2018, I: 403-404).

[536] ACA, reg. 219, f. 208 r-v [Régné (1978), 355].

deliberating policies and decisions with the rest of members became a mere formality. It appears, however, that the *kahal* of Barcelona did not make use of its absolute power in the upcoming years: in 1285, Peter II—employing his *porter reial*—had to compel the secretaries of the city to issue a *ḥerem* against some rebellious *aljamas* which refused to pay the agreed contribution. Curiously enough, the anathema also had to target the *collecta* of Lleida[537].

Notwithstanding its prominent position, the *aljama* of Barcelona also incurred in rebelliousness and default. In 1285, while the community was forced to react against the breach of its coreligionists, Peter II commanded the *collecta* to appoint a number of delegates to audit the accounts of the capital[538]. Likewise, five year later, the Barcelonian Jewry conflicted with King Alphonse II due to an unpaid fiscal debt of 95,000 *sb*[539].

In the last decade of the thirteenth century, the partnership between the members of the *collecta* notoriously deteriorated. Seemingly, Barcelona started to make use of its powers. The *aljamas* of Vilafranca and Tarragona became the epicenter of a large period of peripheral resentment against Barcelona. In 1289, both communities refused to pay their contribution and the king had to intervene[540]. Likewise, two years later, Tarragona and Vilafranca, as well as Montblanc, persevered in their defiance[541]. It is noteworthy that in the decade of 1280', Adret already played an important role in the communal life of Barcelona (see the biographical chronology in Feliu, E. 2002-2003: 37-38).

The unrest continued many years after his death. In 1318, another document states that Vilafranca and Tarragona claimed against the authoritarian attitudes of Barcelona[542]. Their perseverance finally led King James II to intervene against the main *aljama* to guarantee the rights of the members of the *collecta*[543]. Hence, the inner functioning of the *collecta* of Barcelona was much more troublesome and conflictive than Adret had suggested.

These typologies of conflicts were common to all *collectas.* For example, Besalú refused to pay its debts in 1291[544]. For its part, the *aljama* of Lleida was also authorized to impose *ḥerems* against the rebellious communities of its *collecta*[545], as it indeed did in 1289 and 1300[546]. Lleida also appears to have lapsed into a centralist despotism,

[537] ACA, reg. 57, f. 185r [Régné (1978), 1428].
[538] ACA, reg. 57, f. 215r [Régné (1978), 1452].
[539] ACA, reg. 81, f. 130r [Régné (1978), 2153].
[540] ACA, reg. 80, f. 49r [Régné (1978), 2005 and 2006].
[541] ACA, reg. 86, f. 40v [Régné (1978), 2415].
[542] ACA, CR, Jaime II, c. 48, n. 5908 [Assis (1993-1995, I), 197].
[543] ACA, reg. 171, f. 197 r-v [Régné (1978), 3178 and 3179].
[544] ACA, reg. 84, f. 22 r [Régné (1978), 2313].
[545] ACA, reg. 57, f. 182r [Régné (1978), 1432].
[546] ACA, reg. reg. 80, f. 75r [Régné (1978), 2019] and CR, Jaime II, c. 8, n. 1088 [Assis (1993-1995, I), 52].

which caused a royal intervention in favor of the rights of the smaller *aljamas* at the beginning of the fourteenth century[547].

……

The *collectas* were, therefore, complex institutions that played an important role in the economic and political life of the Catalan Jewry. Despite their evolution and functioning being continuously neglected by the historiography, the relevance of these entities is unquestionable. In addition, they were the closest constructions to a real supra-communal organization—notwithstanding the occasional meetings held by representatives from the four corners of the Crown. Their potential influence in the conception of the *Agreements of 1354* cannot be obviated and will be discussed in the upcoming sections.

15. d. Sections of the Text dealing with Internal Organization

After presenting both the potential external and internal influences of the drafters in relation with the supra-communal dimension of the project, the next section aims to discuss the contents of the *Agreements* in light of those historical precedents. As pointed out at the beginning of the chapter, our target is to understand the intentions of the delegates in this regard and the nature of the supra-communal institution which would have resulted from the *Agreements* if they had succeeded. To ease the upcoming analysis, the text of the corresponding proposals has been quoted and translated below. They have been numbered according to the division proposed by Baer and subsequently by Feliu (Baer 1929: 348-358 and Feliu, E. 1987), to facilitate the argumentation and the references to the proposals.

Following the general methodology of this work, the text has been quoted from Baer's edition, while the translation has been carried out by the author. The stylistic difficulties of the text, as well as the insurmountable differences between two so distant languages such as Hebrew and English are, have suggested a non-literalistic approach. Therefore, the content of the proposals has prevailed over linguistic exactitude. This includes the omission of some rhetorical and idiomatic expressions, changes in the structure of the sentences and the inclusion of some missing elements required by the English grammar (for example, eluded subjects). The use of *aljamiados* is indicated in the translation. The

[547] It was the case of Tàrrega. ACA, reg. 217, f. 148v [Régné (1978), 3114].

references to the text in the argumentation will be identified according to Baer's numeration of the paragraphs, with symbol ¶.

¶7

מלבד זה הסכמנו, שבכל העניינים הנזכרים ובכל הדברים הנתלים או נוגעים בהם יהיה כח לנבררים להשתדל למראית עיניהם להשיגם ולברור עליהם משתדלים ושלוחים באיזה מקום ומלכות ולהשתדל להשיג בהם כל מיני תקונים עם אדננו המלך יר״ה ועם כל שר ומושל ואיזה אדם בעולם.

> In addition to which we have agreed and regarding all the above-mentioned issues and those related to them, the delegates will be empowered to elect representatives *[משתדלים]* and deputies anywhere in the kingdoms in order to obtain privileges from our Revered Lord the King or from any other lord or baron.

¶9

ומאשר עריצי גוים לא יוסרו בדברים וגדלה נקמה, הסכמנו להיותנו לאגדה אחת וכיס אחד יהיה לכלנו באיזה דבר אואלוט יגיע חלילה לאיזה מקום שיהיה, יען כי נזק כזה נמשך לכל פן ילמדו ממעשיהם, לא תקום ולא תהיה, אבל הנקמות הפרטיות, רצוננו על המקרים הפרטיים אשר אין בעד המקורים ההם נמשך נזק כללי, ולא בעד נקמתיהם תועלת כללי נמשך, ועון אין הקול יוצא בכללות מן מלכות למלכות, כל אחד יחוש לעצמו.

> Since the tyrannical infidels cannot be appeased with words—revenge will be terrible![548]—, we have agreed to unite as a single body and to set a single common fund *[to deal with the consequences if]* a wave of assaults *[avalot, אואלוט]* took place far and wide –God forbid! Since we all are affected by such damages and *[disorders]* tend to spread, [we should do whatever we can] to stop or minimize them. However, *[each community]* will deal with *[the consequences]* of individual attacks—that is, those occurred exclusively in one community and not simultaneously in all the kingdoms.

[548] The literal translation of this first sentence is "Since the tyrannical infidels are not appeased with speeches and the revenge is great". The syntagms seem to be disconnected. Eduard Feliu interpreted the last part of the sentence as an apposition referring to Divine Punishment: "*Gran és el judici diví"* [*"Great is divine punishment"*] (Feliu, E. 1987: 156). This paragraph is particularly complicated and almost impossible to preserve the literalism of its content.

¶12

עוד הסכמנו שישתדלו בענין קשטיטוסיאון הו׳ שנים.

We have also agreed that they would manage the affair related to the constitution *[konstitusion]* of the six years.

¶22

עוד הסשמנו שישתדלו הנבררים להפיק חותם מאת אדוי המלך יר״ה להכריח כל קהלה וקהלה מקהלות המשתפות בזה לפרוע חלקה המוטל עליה כפי החלוקה הנעשית בינינו ושינגשו לפרעין הוצאות אלו כנגישת מסי אדוננו המלך בגוף או ממון בחרמות ובנדוין, ושתעשה הנגישה הנזכרת על פי הנבררים ובהסכמתם ולהוצאת הקהלה שתסרב לפרוע הלקה.

Likewise, we have agreed that our delegates must focus part of their efforts on obtaining a privilege from our Revered Lord the King compelling all the communities which have joined us to pay their part of the contribution we arranged. *[The decree must also contain measures]* forcing them to pay for the expenses just as if they were taxes of Our Lord the King—*[committing]* themselves and their capital under *ḥerem* and *niduy*. *[The enforcement]* of these coercive measures will be at the request and agreement of our delegates and at the expense of the defaulting community.

¶23

ולפי שאין כל הקהלות משתתפות עמנו היום ומהם בכתכם השכילו להיות המלאכה נכונה בעיניהם וכי הם נכונים לעלות ולראות עמנו ואחרו מן המועד אשר יעדוהו אולי לסבות הכרחיות, ומהם הידיעונו גדוליהם כי ישרה המלאכה בעיניהם, אמנם לא עלה בידם להיותם אתנו לאגדה אחת, ואנו צריכים להשתדל בקצת ענינים כלליים ותועלתיים ואין מן הראוי שנבזבז ממוננו והם יקחו חלקם בתועלת בהיותם יושבים בבתיהם צפונים ולא יתנו חלקם בהוצאה, על כן הסכמנו שבכל אותם החותמות והנהגות ודרכים שישיגו הנבררים שימשך בהם לאותם הקהלות תועלת שיפיקו חותם מאת אדננו המלך יר״ה להכריחם לפרוע חלקם באותם הענינים כפי התועלת המושג עליהם למראית עיני הנבררים.

Although not all the communities have currently aligned with us—some of them have written informing us that the proposal might be suitable for them and that

they are willing to come to visit us, but causes alien to their will have delayed their participation; the elders from the rest of communities let us know that, though they consider it an honorable task, they could not meet us—, we should address some matters of common interest. Nevertheless, it would not be just for us to run will all the expenses, while the others enjoy the benefits at the comfort of their houses without assuming their part. Therefore, we have agreed to ask our Revered Lord the King for a pronouncement stating that every community which profited from a privilege or decree obtained by our delegates will be compelled to satisfy its part of the debt under the conditions decided by the delegates themselves.

¶24

עוד הסכמנו להפיק חותם מאת אדננו האמלך יר״ה שאם אלי יבוא שום יחיד מכל הקהלות המשתתפות עמנו או מזולתם לבטל דבר מכל דברי ההשתתפות הנזכר, או לבטל ולגרוע כח הנבררים הנזכרים או שום אחת מן התקנות וההסכמות אשר הסכמנו עליהם למראית עיני הנבררים הנזכרים, שיתחייבו כל הקהלות להבדל ממנו וליסר אותו ולהתנהג עמו באותו צר חומר וענין שיסכימו בו ויודיעום הנבררים, ובזה יוכלו לעשות כל אותן ההוצאות שיראה בעיניהם להוצאת כל הקהלות המשתתפות.

Likewise, we have agreed on requesting a privilege from our Revered Lord the King stating that if a person from one of the participating communities, or from anywhere else, aimed to invalidate any part of the abovementioned measures, or to invalidate and reduce the authority of the delegates or the scope of the ordinances and accords the delegates have agreed upon, all the communities must banish, punish and treat him according to which was agreed by the delegates. To that end, the delegates will be allowed to spend as much as necessary at the expense of the participating communities.

¶25

עוד לפי שדבר ההתחברות הנזכר שנתנו הקהלות על לבם והסכימו בו לעשות להצלת קבוצם אין התועלת נמשך בו אלא לפי מה שיהיו האנשים הנבררים, על זה הסכמנו שלא יוכל שום אדם בעולם להשתדל להוציא כתב מאת אדננו המלך יר״ה להיות לו יד ושם בנבררים הנזכרים ובכל הענינים הנזכרים ולא לעשות שום השתדלות אחר תוך החמש שנים הן אחריהם, אם שיסכימו בהמשכת הזמן אם לא, בקנס חרם ונדוי ושיבדלו כל הקהלות ממנו ושינהגו אותו כדין מלשין ומסור, ושישתדלו הנבררים על פי הכח הניתן להם להוצאת הקהלות אף אחר עבור זמנם על פי הדרך שיוציאו במה שישתדלו בו תוך זמנם.

Likewise, we have concurred that this union that our communities have selflessly created for the sake of our safety will only survive as long as nobody jeopardizes the role of our delegates. For this reason, we have agreed that no one shall try to obtain from our Revered Lord the King any privilege appointing him delegate or giving him power over the abovementioned matters, as well as to conduct any action aiming to undermine the delegates' five-years office or the extensions we might agree upon. *[If someone did so,]* he must be punished with a fine and with *ḥerem* and *niduy*. Furthermore, all the communities must deal with him as the laws against the informers state. Once he has been neutralized, our delegates will be able to keep working in accordance with the powers conferred to them by the communities and without budget ceiling until the end of their office.

¶26

עוד הסכמנו להפיק חותם מאת אדננו המלך יר״ה או ממורשהו יקיים כל הענינים הנזכרים ושיקנוס כל העובר עליהם אותו קנם שיראה בעיניו.

We have also agreed to obtain a privilege from our Revered Lord the King or from his deputy validating these measures and issuing adequate punishments for the transgressors.

¶27

עוד אנו מבארים שבכל מקום הנזכר בקונדרס זה להפיק חותם או חותמות מאדננו המלך יר״ה, שהרשות נתונה לנבררים להפיק חותם על ידי עצמם או ידי זולתם כאשר יראה בעיניהם.

We would like to emphasize that when we speak about requesting a privilege or a provision form our Revered Lord the King, they are our delegates who will be empowered to receive them personally or through one of their assistants if it were necessary.

¶28

עוד הסכמנו שהנבררים שישתדלו בכל הענינים הנזכרים ושיהיה כח בידם על כל הענינים הנזכרים ועל פי הענין הנזכור, רצוננו בכל הדברים הכוללים לכל קהלות המלכות, יהיה על פי דרך זה, שיהיו בהם שנים בעד קהלות קטלונייא ושנים בעד קהלות ארגון ואחד בהד קהלות ולינסיאה ואחד בעד קהלות אי מיורקה אם יתרצו בזה ושיהיו השנים מקטלונייא אותם שהסכימו בהם כבר הקהלות שנשתתפו על זה, שהם אנקרשקש שלמה ואחר שיברור עמו והאחד מולינסיא דון יהודה אלעזר או אותו שיברור תחתהיו, ובעד יתר המלכיות אותם שיסכימו הם בברירתם.

We have also agreed that the delegates in charge of conducting the aforesaid tasks—regarding matters involving all communities of the kingdoms—will be elected as follows: two of them from Catalan communities; two from Aragon; one on the side of the Valencian communities; and one from the island of Mallorca. The delegates of Catalonia will be those agreed by the communities gathered here: *en*[549] Cresques Salamo and another one that he himself will appoint. The one from Valencia will be *Don [דון]* Jahuda Alatzar or whoever he will select. And from the rest of kingdoms, those *[their communities]* decide to choose.

¶29

עוד לפי שקהלות ארגון לא נשתתפו עמנו עדין, על כל הסכמנו שיהיה כח ויכולת ביד השנים מקטלונייא או אחרים במקומם להשתתף עמהם ולהסכים עמהם בכל אותם תנאים ודרכים שיראה בעיניהם שראוי להשתתף עמהם, הן בענין חלוקת ההוצאות איך יתחלקו בינינו, הן בענין ברירת האנשים שישתדלו בענין השתוף הנזכר ודרכיהם ודבר הכח שניתן להם, ובכלל כל מה שיצטרך לעשות לתשלום השתוף הנזכר למראית עיניהם, וכל מה שיסכימו עמהם יהיה מקוים ומקבל עלינו ועל כל המשתתפים עמנו.

Likewise, since the Aragonese communities have not yet joined us, we have agreed that the delegates from Catalonia or from elsewhere will be empowered to meet them and to discuss with them their terms and conditions to align with us. It includes the distribution of the expenses or how will be allocated among us, the appointment of the men in charge of the abovementioned tasks, their powers and protocols, and in whatever they *[the Aragonese communities]* deem it necessary to cooperate with us. Everything they agree on will be welcomed and accepted by us and by the rest of the communities which have joined us.

[549] In the original: *אנקרשקש שלמה*; transliterated: *En-Creshkesh Shalomo.* The original Hebrew has preserved the Catalan article *"*en*"*, which usually precede personal names. The authors of the text decided to prefix it in the Hebrew style.

¶30

עוד הסכמנו שיתחיבו כל הנבררים הנזכרים לפקח ולהשתדל בעניני מנוים וכל העניינים המוטלים עליהם ולא יוכלו להקל מעליהם את עול סובלם, אבל יחויבו להשתדל ולהתנהג כפי כונת הקהלות אשר הפקידו להם את כל סבל שמירת קבוצם ועניניהם בכח השבועה.

Furthermore, we have agreed that all delegates must promise to look after their tasks and obligations with due diligence, as well as to resignedly support the weight of their responsibilities. They are bound by oath to endeavor and to proceed according to the will of the communities which appointed them to conduct the difficult task of safeguarding the public.

¶31

עוד הסכמנו שאם אולי יזדמן לנבררים או לאחד מהם שלא יוכלו לפקח על העניינים המוטלים עליהם, שיוכלו למנות אחרים במקומם ויהיה כחם ככחם באותו ענין או ענינים מיוחדים שיסכימו בידם.

Likewise, we have agreed that if our delegates—or one of them—become unable to perform the duties entrusted to them, they will be authorized to appoint substitutes in charge of conducting their tasks—or just those tasks they agree to delegate.

¶32

עוד הסכמנו שיתחיב כל קהל וקהל מהקהלות המשתתפות בזה להחרים חרם באותו נוסח שיתנו להם או שיסכימו בו הנבררים עליהם ועל כל הקהלות המשתתפות בזה ועל כל הנלוים עמהם, להתנהג בכל אותם הנהגות ותקונים ודרכים אשר הסכימו שלוחי הקהלות וכתבום על ספר חתום מידם או בכל מה שיסכימו הנבררים הנזכרים מהכח הנתן להם מהשלוחים הנזכרים ושכל העובר עליהם במזיד יהיה מוחרם ומנודה לכל קהלות הקדש, עד שיתירוהו הנבררים אשר ינהגו במנוים. ומלבד כל אלה העניינים הפרטים אשר נתנו עליהם כח ויכולת לנבררים על פי מה שכתוב למעלה, הסכמנו עוד שאם ידאה בעיניהם שיצטרך לקהלות איזה דבר ישיגו בו תועלת כללי שיהיה כח ורשות בידם להשתדל ולהוציא חותם או חותמות הצריכים על זה.

We have also agreed that all the participating communities and those that will align with us must oblige themselves—under a *ḥerem* they will pronounce according to the proper formulation or that agreed by our delegates—to observe all the pronouncements, ordinances and decisions subscribed and written by the communities, as well as those agreements reached by the delegates in compliance with their already mentioned functions. Those who transgress *[this oath]* must be excommunicated and banished from the domains of the communities until our delegates decide to forgive him. In addition to all the specific matters we have entrusted to the delegates, we have agreed that if they consider that the communities need anything for the sake of the common good, they will have the power and the authority to achieve and to defray that privilege.

¶33

עוד הסכמנו שבכל מה שנתן לנבררים עליו יכולת, יוכלו להוציא כל אותן הוצאות שיצטרכו בדברים ההם למראית עיניהם ויחויבו כל הקהלות המשתתפות בזה לפרוע חלקם בכל מה שיוציאו הם על פי החלוקה אשר ביניהם.

Regarding the matters which have been entrusted to our delegates, we have also agreed that they will have no expenditure ceiling and that all the participating communities will be obliged to cover their corresponding part of the distribution they have accepted.

¶34

עוד הסכמנו שלא יתחייבו הנבררים ליתן חשבון מקבלותיהם והוצאותיהם אלא כל אחד למלכותו רצוננו בזה אותם שבקטלונייא לקטלונייא ואותם שבארגון לבני ארגון כפי שיסכימו ביניהם בזה וכן ולינסיאה ומיורקה.

Furthermore, we have agreed that the delegates should not be requested to justify their gains and expenses but in their respective kingdoms. Thus, our decision is that *[the delegates]* from Catalonia *[*will be held accountable*]* in Catalonia; those from Aragon in Aragon according to their rules and the same for Valencia and Mallorca.

¶36

עוד הסכמנו שתעשה חלוקת ההוצאות רצוננו מה שתפרע קהל ולינסיאה וכן יתר קהלות המלכות הנזכרות למראית עיני דון יהודה אלעזר ואנקרשקש שלמה.

> Likewise, we have agreed that the distribution of the expenses—that is, what should be paid by the community of Valencia and the rest of communities in the aforementioned kingdoms—will be made in accordance with the will of *don* Jahuda Alatzar and *en* Cresques Salamo.

15. e. The Supra-Communal Dimension in the *Agreements of 1354*

The former pages have shown that supra-communalism was a usual trend among the Jewish groups in Medieval Europe. Medieval communities, always aware of their delicate position, tended to unite when the situation required it. The forms and ambitions of intercommunal associations varied from one territory and tradition to another, but the achievement of a greater regional coordination was always the final target.

Considering the wide territorial scope of the *Agreements* and their binding character, it is probable that the drafters were influenced by or relied on some theoretical or institutional precedent, as suggested at the beginning of this chapter. A project of such magnitude can hardly be conceived overnight. Identifying the main features of the supra-communal dimension of the *Agreements* can be a key element to understand their nature and relevance. This is the final objective of this chapter—to analyze their political dimension and potentiality.

A quick glance at the text of the *Agreements* is enough to ascertain that it is a political and legal text. They propose a number of measures regarding the public to be agreed by a number of political actors—namely the Jewish communities, the king and, ultimately, the Pope. In addition, compliance of the accords was expected to be ensured through the imposition of penalties. Thus, the political and legal character of the *Agreements* is incontestable. Nevertheless, these aspects have been repeatedly neglected by the few authors who have approached them in detail (we are referring again to Finkelstein, Baer, Feliu, Riera and Pieters).

Two circumstances can explain this attitude. The first one is that the respective fields of expertise were alien to the political and legal domain[550]. The second one is that the *Agreements* do not provide many details on their institutional fabric. The competences of the assembly of delegates in charge of implementing the pacts are listed and developed with notorious profusion and clearness; but the internal functioning, temporal extension and political nature of this executive body are largely obviated.

In fact, a first reading of the text can even lead to challenge the idea of setting a permanent institution. On several occasions, the temporal nature of the association is highlighted and limited to five years[551]. These statements are inserted between apparently contradictory claims in favor of a perennial unity for the sake of survival—this is the main topic of the introduction, indeed. Despite the initial five year delimitation, the text tends to progressively delineate a permanent institution. As will be discussed along the following pages, the drafters left the door open for negotiating extensions. Together with the wide powers conferred to the delegates, it shows that the drafters expected to create a long-lasting institution.

It has also been pointed out that the idea of departing from the influences of the delegates in order to analyze the supra-communal dimension of the *Agreements* came from the connection that several authors—starting with Finkelstein—stablished between them and the Ashkenazi synods. In contrast, it seems realistic to presume that a Catalan-Aragonese institution might have had Catalan-Aragonese foundations. Only a simplistic perception of the Medieval Jewry as a single group could *a priori* lead to Finkelstein's position. Nevertheless, this hypothesis is not unreasonable considering the strong ties between the Catalan scholars and the *Tosafists* since the mid-thirteenth century. On the other hand, the absence of a real supra-communal tradition in the Crown of Aragon could entail that the drafters *imported* the idea.

The main objective of the first sections of this chapter was to set the bases for this discussion. Of course, the identification of the *source of inspiration* of the *Agreements* has only a theoretical importance. Most certainly, the drafters were not concerned about it. Refuting or validating Finkelstein's views would have an anecdotic importance. However, the stark differences between the Catalan and Ashkenazi political traditions entail that the identification of the proper influences is indispensable for the study of the project.

---

[550] Riera was the only one who addressed the political context and implications of the Agreements. Unfortunately, his analysis was not sufficiently deep as to reach solid conclusions.

[551] The duration of the *Agreement* is initially fixed at the end of the introduction:

> "(...) מיום הנתן אלינו כח ויכולת מאת אדננו המלך ירה על העניינים הנמשכים עד תום חמש שנים"
> (Baer 1929: 352)

"(...) from the day that our Revered Lord the King confers us the power and validates these decrees until a total period of five years".
(Our own translation)

The period is mentioned again in ¶25.

There are two possible methods to conduct this analysis. The first one is to rely on documental evidence attesting to the influences—or absence of influences—from the Ashkenazi supra-communalism. In this sense, the *responsa* and other scholarly works are the best potential contact points between both traditions. The second path is to contrast the text with the essential characteristics of the Catalan-Aragonese and Ashkenazi political traditions. None of these systems alone is completely reliable. For this reason, we will go down both paths.

Let's start with the analysis of the documental sources. The scholarly production of some of the most representative authors of the period can shed some light on the hypothetical influence of the Rhenish supra-communalism in the Catalan-Aragonese political conceptions. Treatises on political theory, as well as the huge *responsa* literature produced in Medieval Catalonia, can contain some key references to evaluate this interregional flux of ideas. Considering that a comprehensive study on the works of the three or four generations of authors which lived in the Crown of Aragon since the first German synods until the Agreements of 1354 would require an additional monography, we will focus on the works of some of the most representative and influential thinkers of that period.

As pointed out at the beginning of this chapter, some authors acted as transmitters of the *Tosafist* intellectual trends into the Iberian Peninsula and, with greater emphasis, into Catalonia. In that sense, we highlighted the role of Naḥmanides (1194-1270) as the main introducer of the *Tosafist* thought in the Crown, and of Adret (1235-1310) and Nissim of Girona (1320-1376) as the leading inheritors of this tradition. Additionally, we noticed the importance of Asher ben Jehiel (c. 1250-1327) and his son Jacob ben Asher (1269-1343), who arrived in the Peninsula (first to Catalonia and then to Castile) escaping the prosecutions of King Rudolph I in Germany. Their works potentially are the most important referential points to stablish an intellectual relationship between the *Agreements of 1354* and the Rhenish synods.

However, the three Catalan authors appear to be ignorant of the political interactions in the Rhineland. In fact, there is no mention or reflection on supra-communalism in their works. Naḥmanides, the oldest of these sages, kept a legalistic approach to communal politics, combined with an idealistic theorization on biblical politics. During his lifetime, he wrote about fifty works together with an important number of *responsa*. His production includes several *novellae* on Talmudic treatises and other legal texts, as well as a complete commentary of the Torah[552]. The Ramban focused on the legal governance of the community, and his influence as a religious scholar contributed to the spreading and acceptance of his theses and judgements along Catalonia. Nonetheless, he did not explore the possibility of designing and implementing regional institutions. Even the inner organization of the *collecta* appears to be out of his scope of interests. Despite his political dissertations on the Torah being fundamental to the understanding

[552] For a catalogue of his works, see "Naḥmanides" in the *Jewish Encyclopaedia*—Kaplan, J. *et al.* (2007).

of the Catalan conceptions[553], his theories were derived from exegesis and had not a direct origin in the reflection on his environment (Diamond 2009; see also chapters three and four in Caputo 2007).

The Rashba and the Ran followed the same tendency. Adret barely addressed the functioning of the *collecta*, the closest regional structure to a supra-communal institution. Indeed, the above quoted responsum III: 411 is his major contribution to this topic. For his part, the *teshuvot* of Nissim of Girona (Gerundi 1984) only deal with some minor legal aspects of communal legislation and do not go beyond the local level. His political views expressed in his *Derashah* 11 (Gerundi 2003) approach the nature of communal authority in general terms, without paying attention to its materialization regarding the Catalan institutional foundations.

What is more striking is the absence of mentions to the Rhenish supra-communal meetings in the responsa of the Rosh (Yehiel 1607), whose judgements, on the other hand, were not as influential in Catalonia as they were in Castile[554]. The most important work of the Tur, his son, for the Iberian legal thinking, the *Arbah Turim* (*ארבעה טורים*, Asher 1610), is more focused on ritual law than on political constructions. The lack of references to the intercommunal meetings in the Rhineland in the works of these two Rhenish authors is surprising. Perhaps, given that the authors never aimed to import the German political system into the Iberian Peninsula, they considered it trivial to describe the institutional panorama of their homeland. It could also be that the Rhenish Jews never perceived those meetings as an institutionalized supra-communal structure, but just as punctual gatherings to reach agreements of common interest.

The lack of documental references attesting a direct influence of the Ashkenazi supra-communalism does not necessarily entail that there were no points of contact between the *Agreements of 1354* and the Rhenish gatherings. Considering the inconclusive results of this first discussion, the only remaining possibility is the comparative study. Of course, an approach based on analogies and contrasts can entail the risk of becoming too speculative and unprecise. However, the elements collected and discussed in the previous chapters identifying the main features of both political traditions are enough as to carry out a substantial analysis and to formulate a sound hypothesis.

As discussed in chapter 13, the Germanic *kahal* was perceived, at this stage, as a contractual union. Perhaps, this notion was a consequence of the early age of these *kehillot*. In the case of the Shum communities, they had been founded between the end of the ninth and the beginning of the eleventh centuries, only some decades before the first supra-communal meetings took place. The new founded communities were, in many cases, the result of an association of migrant families. They could not build on communal authority upon well-rooted structures whose legitimacy was substantiated by tradition. The inhabitants of *kehillot* were considered partners on equal terms. The

[553] For example, his comments to the attributions of the king in the Deuteronomy are the bases of Adret's and Nissim's dualistic division between religious authority and secular government, as already discussed in Chapter 14.
[554] Again, we base this assertion on the lack of documental evidences.

responsa of Meir of Rothenburg, for example, is clear in this regard: communal authority is based on consent. The use of commercial language in the political domain, as studied by authors like Revital and Lifshitz, clearly shows the perception of the community as a partnership (Revital 1974; Lifshitz 2016; see also cfr. Chapter 13).

The perception of the *kahal* as an association composed by equals led many political theoreticians and exegetes to consider unanimity as the only admissible decision-making system. It was deemed that in a private association the majority was not allowed to impose its will over the minority. Decisions must be produced by consensus. This general rule was complemented with exceptions aiming to avoid political stagnation in cases of urgency in which a fast response was required. The authority of the rabbis, who were considered the natural leaders of the community, also contributed to preserve institutional dynamism. Since the second half of the thirteenth century, authors like Meir of Rothenburg—with his theory of a primal consent (or social contract) as the basis of communal authority (*responsum* n. 968 [*Prague*])—provided grounds to ease the rigid functioning of communal self-government, but without rejecting the unanimity as the pillar of decision-making.

As pointed out before, there is no clear historical evidence attesting to how those principles were transposed to the intercommunal gatherings. It seems highly probable that the delegates who attended the meetings followed the same logic, as Irving A. Agus suggested (Agus 1947, I: 86). Therefore, it might be assumed that their decisions were agreed by consensus. On their part, the previous supra-communal enactments launched by Rabbenu Tam in North France also required the consent of the participants to become binding.

Despite the deep impact of the Ashkenazi influence, the Catalan communities laid on very different political foundations. In contrast to the Germanic *kehillot*, the Catalan *kahal* was much older and emerged from a tradition of authoritarian governments. As Daniel Gutenmacher proved in his doctoral dissertation *Political Obligation in the Thirteenth Century Hispano-Jewish Community* (Gutenmacher 1981), the authority of the communal institutions was considered inherent to the existence of the *kahal* itself. Ergo, the consent of its members was unnecessary. The equation that Nissim of Girona made between the monarchy and the community as recipients of the secular power clearly exemplifies the Catalan design. The undeniable preeminence of the public over the mere partnership facilitated the implementation—often just theoretical—of the majority rule as the preferable decision-making system. It also entailed a lesser dependence on religious authority, which was moral rather than institutional.

Unlike the Rhenish Jewry, the Crown of Aragon lacked a real supra-communal tradition fed with the extrapolation of those communal self-government principles to a bigger body. Aside from some punctual intercommunal meetings, the closest construction to a regional organization was the *collecta*, which was not a Jewish creation. Each *collecta* has its particular inner dynamics, and documental sources are not profusely descriptive. According to Adret's account, decisions were agreed by all the member *aljamas.*

However, evidence suggest that the main *aljama* used to exert a clear supremacy over its partners.

Hence, both models, though apparently similar, were opposed. The Ashkenazi community was erected over private foundations, while in Catalonia the notion of the community as a public entity was predominant. Of course, this distinction was not absolute. It is undeniable that the Ashkenazi community progressively developed a wider notion of the public—based on a primal consent or through the institutionalization of religious authority. Likewise, private relationships were also fundamental for the social tissue of the Catalan community. Nevertheless, the seminal divergences set two different models to be opposed.

The differences between both systems are clearly revealed in the decision-making process—the rule of majority versus unanimity. This opposition must be, therefore, one of the main axes of our argumentation. It has the potential to become a key element to understand the nature of the institutional dimension of the *Agreements*, as well as their position within the Jewish political tradition. In this regard, while *majority* is a broad concept which admits a wide range of variables—simple or qualified majorities, for example—, *unanimity* is a precise and unequivocal notion. For this reason, to facilitate the analysis, we will firstly focus on the potential use of unanimity in the *Agreements*.

We deem important to clarify first from which angle the problem of decision making will be addressed. From the second half of the past century onwards, logical and mathematical argumentation has been put at the service of social disciplines—such as economy, political science and law—to improve empirical demonstrations and the formulation of hypothesis and recommendations. The development and implementation of theories based on the Pareto efficiency principle, for example, has contributed to the analysis of the functioning and optimization of decision-making by juries, courts of justice and executive boards, as well as to predict patterns of voting before a poll (DeAngelo 1981; Makowski 1983; Cebula and Kafoglis 1983 Brennan and Lomasky 1984; Levi 1990; Dougherty *et al.* 2014, just to cite some examples).

Many authors have started modelling the reach normative side of Arabic medieval legal theology into non-standard deontic logic (Hashmi 2019-2020), as well as the mystical grounds of Hebraic mysticism have been formalised into dialectical logic—e.g. the doctrine of *coincidentia oppositorum*, the interpenetration, interdependence and unification of opposites (Usó *et al.* 2019). Likewise, the interesting binary voting system figured out by Ramon Llull has drawn the attention of many scholars (Sierra and Fidora 2011). The foundations and outputs of the different majority systems have provided grounds for the elaboration of several theories of justice (for example, Buchanan and Tullock 1974; Barry 1970; Fishkin 1979; Nagel 1991; among many others).

Coming back to our subject-matter, this line of study has turned unanimity and majority rules into two opposed theoretical models to reach the most optimal and fair decisions. This belongs to fundamental research carried out at a formal theoretical level. When historical facts, developments, and data are clear enough to apply the models, they can

lead to fruitful results and findings, as shown by Jeremy Ober's work on the epistemic grounds of the development of Greek institutional knowledge (Ober 2008)

However, this was not our case. We have faced the philological work to establishing first the data stemming from non-homogeneous elements and disparate interpretations. We have tried to rebuild the constitutive communal backbones of Catalan Jewish communities that can shed light to the *Agreements* of 1354.

The tendency of a set of communities in a particular territory to embrace one of these two systems—unanimity or the majority rule— was not the result of a rationalist abstract analysis on their potentiality in terms of optimization and fairness of the decision-making. It was, in fact, something almost *instinctive*, the consequence of a wide range of factors which molded communal political notions with a clear survival aim in troubled times and environments. Some of the main elements that conditioned the Catalan and Rhenish traditions have been already pointed out—antiquity, foundations of the association, historical tradition, etc.

This *instinctiveness* had its supra-communal reflection, which is not unique to Medieval Jewish politics. The material importance of implementing one system or the other runs through modern international relations. This is, perhaps, one of the clearest examples of that point. Of course, attempting to state a direct and epistemological analogy between both cases would lack historiographical foundation. Nevertheless, the interaction between modern States can be a departing point just for clarifying the concepts. Ultimately and in a broader sense, modern States and medieval Jewish communities are two political and sovereign entities—despite the limitations of the *kahal*—which must interact with their neighbors. The elementary bases are quite close.

The creation of the leading international organizations and the renaissance of international law after the two World Wars gave way to an abundant literature on policy-making procedures at the supranational level (Hill 1928; Morgenthau 1948; Loewenstein 1954; Visscher 1957; Maggi and Morelli 2006, despite the chronological difference). We can quote also that the European integration process during the 1990' and 2000' arose similar reactions (König and Slapin 2006; Sieberson 2010, for example). Regardless of the specific topics addressed in those works—which are not interesting for the purposes of the current dissertation—, there is a clear common trend to link international voting systems with the idea of sovereignty. In those organizations in which the Sates are not prone to cede part of their national sovereignty, decisions are agreed by consent. Normal L. Hill summarized this point quite clearly:

> The decisions of international bodies may be based either on the rigid principle of unanimity or on the more convenient doctrine that the majority shall govern. In a world where national sovereignty is so widely stressed, the former method has a natural appeal. The rule of unanimity has, in fact, been treated by many persons as an inevitable corollary of the theory of sovereignty, which, as it is generally understood, would subject no state to any limitation against its will. (Hill 1928: 319)

This premise can be extrapolated to the relationship of the individual with the *kahal* in Ashkenaz: the community was an association of equals who did not cede their *individual sovereignty* to the public, which entailed a clear preference for the unanimity rule. In contrast, the Catalan Jews did not believe in an *individual sovereignty* that challenged the natural authority of the communal institutions.

Considered from the intercommunal perspective, the operating principles in the *kehillot* were not that different. The *kahal* was an autonomous political entity theoretically independent from the rest of communities. As already mentioned, they were like a sort of *states* within another state. Communal enactments and judicial decisions were particular to each community, binding within its own domains, and could not be intervened by other communities—despite the wide range of material exceptions we have exposed. The degree of *communal sovereignity* that the Catalan-Aragonese communities were ready to cede is fundamental to understand the scope and ambitions of the *Agreements.* Therefore, the ties between sovereignty and decision-making are another key factor to be considered in our analysis.

Let's focus on the text and get started with the first step in the administrative lifetime of the delegates' assembly: the appointment of its members. The *Agreements*, in ¶28, are clear and plain regarding the composition of the institution: two delegates were to be elected representing the Catalan communities, two for Aragon, one for the Kingdom of Valencia and one for the Kingdom of Mallorca. That is, the drafters foresaw the election of six delegates for all the Iberian and Balearic territories of the Crown. Apparently, the scope of the *Agreements* was limited to the communities within the royal domains[555], though the participation of the baronial and ecclesiastical *aljamas* is not expressly excluded. Even if we assume as a fact the exclusion of these groups, there were dozens of Jewish communities and settlements in the king's lands. The mathematical equation is quite easy: six delegates could not represent the entire range of Catalan-Aragonese communities.

The lack of a real representativeness in the *Agreements* is still more obvious when the mechanism of election is described (¶28). Two of the drafters, Jahuda Alatzar and Cresques Salamo, had self-assigned the office. Moshe Natan was the only one who refused to become a delegate, probably due to his advanced age—he was about 64 years old, and he died in 1360. Hence, the unique delegate for Valencia was appointed beforehand, as well as one of the two Catalan representatives. In addition, the designation of the second Catalan delegate was directly entrusted to Cresques himself. In the event that Cresques or Jahuda decided to refuse the office or became unable to conduct their tasks, they were empowered to choose their own substitutes (¶28 and 31).

The measures envisaged by the drafters to ensure the monopolization of the assembly did not just aim at eliminating internal opposition, but they also aimed to impede any external intromission. As has been reiteratively pointed out along this dissertation, the

[555] The King is the only recipient of the agreements. In addition, when the texts deals with the violence exerted by Christian officials (¶13, 14, 17, 18 and 19) or the fiscal policy (¶15 and 16), only the royal powers and domains are taken into consideration.

interventions of the kings in the Jewish political affairs were habitual. Perhaps, they were too habitual for the interest of the Jewish elites. For this reason, the delegates expected to obtain a privilege from the king committing to not to appoint any member of the assembly (¶25). A similar measure was also agreed in the *Takanot* of 1327, but it was never respected. Perhaps the drafters considered that the pressure that a common front of *aljamas* could exert would have guaranteed the effectivity of this measure.

The delegates would have also been competent to constitute their working teams (¶7). In the enunciation of this faculty, there is a striking lexical particularity. The word they used to refer to the representatives or petitioners they would have been able to appoint to act as permanent intermediaries before the royal court was *mishtadlim* ("משתדלים"). In the upcoming centuries, this word became notoriously popular to designate this kind of office everywhere in Europe. It was commonly used, for example, in the Polish-Lithuanian Council of the Four Lands. Eli Lederhendler stated in his work on the evolution of Jewish politics in Russia, that the *Agreements of 1354* is the first document in which this term was used in this sense (Lederhendler 1989: 19-20).

On the other hand, at the moment of writing this version of the *Agreements*, an undetermined number of communities had not yet spoken out (¶23). It implies that they could not negotiate the appointment of the delegates, but only accept or refuse it. The case of the Aragonese communities is different. Their participation in the drafting and in the first steps of the negotiation of the *Agreements* had been null. Indeed, the text betrays some anxiety from the drafters for achieving their support for the project. They were virtually prone to negotiate anything to attract them to their cause (¶29). The undercover pleas of the delegates are understandable. Without the explicit support of the greatest Aragonese *aljamas*—like Zaragoza, which was one of the largest communities in the Crown—, the *Agreements* were doomed to failure, and the drafters knew it.

Therefore, the delegates' assembly did not aim to be a representative body. To some extent, it was an imposition for the Catalan-Aragonese Jewry. The greatest part of the Jewish *aljamas* had no voice in the appointment of its members. This construction diametrically differs from the associative logic of the Rhenish partnership. Needless to say, the *Agreements* did not give any room at all for the implementation of unanimity rule, especially in terms of protecting communal sovereignty. Perhaps the internal functioning of the assembly was expected to be founded on the bases of consensus. However, the text does not add more information in this regard. The reduced number of delegates would have probably led to informal and smooth decision-making procedures.

The initial unbalance of power between the delegates and the *kehillot* could have been contested with a range of supervisory competences attributed to the communities. If the accountability, the limitation of activity or budget constraints of the delegates would have somehow remained on the *aljamas'* hands, the assembly could still be considered a representative body. Nevertheless, the bounds that the drafters aimed to establish between the delegates and the communities increased their powers at all levels.

In financial terms, for example, they self-assigned an unlimited budget at the communities' expenses (¶24, 33 and 36). In ¶9, it is mentioned the existence of a

common fund, but it should not be confused with the budget of the assembly. The single aim of this fund was to cover the economic damages of future anti-Jewish disorders, a measure that was alien to the role of the delegates. The text foresees a sort of financial assessment, but with a very restricted scope. In addition, it is stated that the delegates would only be accountable in their respective kingdoms, which hampered the conduction of a deep, effective, and global financial monitoring (¶34). To ensure the payment of the expenses, the drafters requested the king to equate the legal protection of these wages to that of royal taxes (¶22 and 23).

Regarding their margin of discretion, the delegates were supposed to act according to the will of the communities (¶30). Nevertheless, they had the faculty to decide their own tasks beyond the objectives of the *Agreements.* In that sense, ¶32 confers them total freedom of action if their operations could yield benefits for the rest of communities. According to the literalism of the text, they could set these new goals without a preliminary agreement or negotiation.

The full powers of the delegates are confirmed by the appropriation of wide punitive capacities. Though these capacities are limited to the imposition of *ḥerems* and some economic punishments and only within the scope of the *Agreements*, the delegates arrogate a judicial supremacy comparable to a sort of Supreme Court of all the Catalan-Aragonese Jewry. The pursuit of a certain judicial homogenization had been one of the targets of almost all the supra-communal organizations and enactments. The *takanot* of Gershom, notwithstanding its limitations, foresaw a penalty against the infringers. In the *collecta,* for example, the *ḥerem* often has a regional scope. Perhaps in the Rhenish assemblies this ambition appears more clearly[556]. But the homogenization set by the synods of the Rhine qualitatively differs from the contents of the *Agreements*. In the first case, the judicial decisions of a community were supposed to be respected and implemented by the rest of partners. However, in the *Agreements*, the capacity to impose penalties lied directly on the hands of the delegates (¶32).

The possibility of extending the duration of the office is the last element that would virtually have conferred an unlimited power to the delegates. Although the text of the *Agreements* foresaw an initial duration of five years, the text opens the door to arrange extensions (¶25). Bearing in mind the wide prerogatives of the delegates, it might be assumed that the final decision would have remained in their hands. If the totality of the *Agreements* had been approved with the acquiescence of the king, the chances of the communities to oppose the will of the delegates would have been almost null. In fact, ¶24 section states that anyone who contravenes the *Agreement* must be immediately punished and banished from all the communities of the Crown. This section virtually illegalizes any opposition to the delegates' will.

[556] We refer to the already quoted statement, as transcribed and translated by Finkelstein: ״מנודה לעירו מנודה לעיר אחדות״ (Finkelstein 1924: 226). In his own translation: *"*One who is excommunicated from his own city, is to be excommunicated in all other cities*"* (Finkelstein 1924: 237).

Hence, it is not possible to consider the *Agreements* as an inheritor of the Rhenish associative supra-communal tradition. The absolute power of the delegates almost prevented the participation of the communities in the association. The Catalan-Aragonese *aljamas* would have not been partners, but subjects to a group of delegates with totalitarian attributions. This potential blow to communal autonomy and sovereignty inevitably leads to one capital question: why the delegates thought that the communities would have accepted those conditions? The answer is simple. Apart from political influence of the drafters over the Catalan and Valencian Jewry, they relied on the aiding and abetting of the king. Indeed, the delegates would have been the only valid interlocutors between the monarch and the Jewry (¶ 27). The sections of the texts asking the monarch for measures targeting the anchoring of the *Agreements* are numerous (¶22, 23, 24, 25, 26 and 32).

Although any direct connection between the *Agreements* and the gatherings of the Rhine has been discarded, it does not imply that the assembly of delegates was a continuation of the *collecta* system. Obviously, given that the hypothetical foreign influx has been rejected, it might be almost automatically assumed that the project was founded on Catalan bases. Political ideas do not emerge out of nowhere. Catalan Jewish politics were predominantly communal, just as Jewish politics used to be everywhere in the Middle Ages. It has been shown the apparent lack of interest of the Catalan Jewish scholars on theorizing on supra-communalism. The management of the *collecta* was the result of a complex wire of agreements, interventions from royal powers, improvised solutions, and superficial transposition of communal principles. Each *collecta* was a particular political cosmos with its own inner inertias and dynamics. The only shared feature was the clear preponderancy of the main *aljama*.

Therefore, it is not possible to describe the *Agreements* as a qualitative evolution of the *collecta*. The idea can be tempting considering that the *collecta* was the only supra-communal glimpse in the Crown, but the differences between both designs are evident. The *collecta*, perhaps due to its non-Jewish origin, did not aim to corner communal sovereignty—though, in practice, the situation was rather opposite. Despite the habitual despotism of the leading community, the *collecta* never aimed to become anything more than a union of *kehillot.* In contrast, the delegates described in the *Agreements* would have exerted a clear and legally legitimated power over the whole Catalan-Aragonese Jewry. His status would have not been that of a set of representatives from the communities of the Crown—in Catalonia, two delegates but five *collectas*—: They would have become their virtual leaders.

Moreover, the *collectas* were not implemented in the Kingdoms of Valencia and Mallorca, and only very timidly in the Kingdom of Aragon. This makes improbable that the communities from these lands—especially in the case of Valencia, the only non-Catalan territory whose participation is clearly attested in the document—would have accepted a system that was practically unknown to them.

However, the drafters probably took advantage of the intercommunal networks already in place. Catalan-Aragonese communities kept narrow political contacts, which allowed

them to organize the above discussed meetings. As noted, they were not politically isolated. The organization of the meetings to discuss the *Agreements*, though only attended by the drafters, and the posterior negotiations might have been carried out in accordance with those ties. In that sense, the structure of the *collecta* only implied the existence of closest bounds in the five regions in which Catalonia was divided. Most certainly, the influence of the poor Catalan-Aragonese supra-communal tradition on the *Agreements* was limited to facilitate communication.

The non-representative power holding by the delegates was, nevertheless, in accordance with the Catalan political tradition. It was based on the premise that authority did not rely on contractual association. Although the *Agreement* required an original acceptation by the communities, it cannot be equated to Meir of Rothenburg's primal consent. The consensus was only needed to pass the enactment. Then, the capacities of the delegates would have been independent from the will of the *aljamas*. To some extent, it is possible to link this conception with the theory of the dual powers exposed by the Ran in his *Derashah* 11. The secular government, embodied in the figure of the king—whose legitimation does not depend on the support of his subjects, but rather of God himself—would have been totally transferred to the delegates. They would have become the *princeps* and managers of the *public*, the holders of the monarchic imperative. The only theoretical innovation in this regard was that the focus of political authority was moved from the communal level to the supra-communal level.

Conclusions:

a) Louis Finkelstein—along with some later authors—appear to trace links between the *Agreements* and the Franco-German supra-communal tradition. In the Rhenish case, the supra-communal encounters reached a high level of institutionalization from the thirteenth century onwards.

b) In Catalonia, as in the rest of territories of the Crown, the Jewry never developed a proper supra-communal tradition. Apart from some punctual gatherings to discuss the common implementation of royal commands, the *collecta* was the only institution with regional scope.

c) The *collecta* was a Catalan regional institution composed by a principal *aljama* and its area of influence. Apparently, the *collectas* were created by royal initiative as a means to facilitate tax collection. Nevertheless, their structure and functioning soon evolved to become real decision-making centers.

d) There is no documentary evidence linking the *Agreements of Barcelona* with the Rhenish supra-communal tradition. The organic functioning of the assembly envisaged by the drafters does not coincide with the Ashkenazi synods either.

e) This assembly was not a prolongation of the systems of *collectas*. While the *collecta* was a union of *aljamas* under the leadership of the biggest community, the assembly of the *Agreements* had a personalistic nature. Nevertheless, the drafters most likely instrumentalized the intercommunal networks of Catalonia and Valencia to design and launch the project.

f) The supra-communal assembly envisaged in the *Agreements* was not a representative institution. If the drafters had succeeded—royal support was fundamental in this regard—, they would have accumulated an indisputable and almost monarchical power over the Catalan-Aragonese Jewry.

Chapter 16: The fate of the *Agreements of Barcelona:* Consequences and Causes

In the former pages, we have analyzed the range of proposals that the three drafters agreed upon. We have discussed the nature and meaning of each petition, its scope and rationales. We have also pointed out some of the specific successes and failures of the project. Our methodology has been based on an individualized approach to each proposal addressed to the king. On the contrary, we opted for a joint analysis for the internal measures. The reasons for this strategy are simple: While each demand to the monarch was unique, specific and independent from the rest of proposals, the internal regime designed in the *Agreements* was the result of the sum of the whole set. It would have made no sense to address them individually. Therefore, we have presented the pieces of the puzzle, but they need to be put together. For this reason, the objective of the current chapter is to offer a general overview of the outputs of the *Agreements of 1354*, as well as to discuss the causes behind their final demise.

In order to enable the analysis, let's start by reproducing again the list of proposals contained in the text. The drafters asked the monarch for the following provisions:

1. A privilege stating that the king would not appoint commissaries or inquisitors to investigate and judge Jewish issues, except if the communities themselves asked for their intervention (¶19).

2. A privilege forbidding inquisitorial processes against the Jews—that is, initiated *ex officio* by royal judicial authorities (¶20).

3. A privilege stating that court scribes and notaries could act as procedural representatives (¶21).

4. A privilege authorizing the Jewish communities to send delegates to the *Corts* (¶11).

5. A *constitution* against the participants in the assaults against the Jewish *calls* (¶10).

6. A privilege committing the king to not concede allocations on the taxes paid by the *aljamas* (¶16).

7. The abolition of the office of the "protector aljamarum judeorum nostre terre" (¶15).

8. A privilege allowing the Jews to change their residence to baronial domains (¶35).

9. A privilege preventing royal tax collectors from using violence against Jewish taxpayers (¶13).

10. A privilege against the royal officials who acted as road blockers (¶17).

11. A privilege exempting the communities from paying the salaries of tax collectors (¶14).

12. A privilege exempting the Jewish communities from the obligation to provide royal officials with accommodation during their missions in the *calls* (¶18).

To these privileges and *constitutions*, we should add their claims for a greater unity of the communities to fight against the *malshinim* (¶8).

The end of a range of internal measures was to set the bases and the elemental framework for the supra-communal assembly which would have been in charge of managing the petitions to the King and to the Pope. These proposals also aimed to define the regime of the members of this institution. The implementation of these measures needed two approvals: On one hand, the Jewish communities—or at least most of them—had to consent to legitimate the measures; on the other hand, they had to be approved by the king. Although the scope of these proposals was purely internal, the royal sanction was indispensable. As pointed out on several occasions in former chapters, the basic elements of communal self-government—including the institutional structures—were provided via royal privileges[557]. This was the fundamental limit to Jewish autonomy. Considering the deep modifications on the social and political configuration that the adoption of these agreements would have entailed for the Catalan-Aragonese *aljamas*, the project could have not succeeded without the authorization of the king.

In addition, the drafters requested the intervention of the king to ensure the proper implementation of several internal proposals (¶22, 23, 24 and 26). Thus, his personal and direct involvement was required in the project to make it happen. This fact also evinces that the Hebrew text of the *Agreements* was not the version submitted to the monarch, but a translation—perhaps to be circulated among the *aljamas* or for recording purposes (as suggested in Pieters 2006: 112). This supposition is also substantiated by

[557] Just to refresh some of the graces already quoted in this regard, see for example the privileges granted to Barcelona in 1241 (ACA, reg. 16 f. 158r [Régné (1978), 29; Baer (1929), 93]) and in 1327, which were elaborated by the community but sanctioned by the king (ACA, reg. 230, f. 106r-107v [Régné (1978), 3454; Baer (1929), 189]).

the participation of two Christian notaries—who probably did not understand Hebrew—attesting to the content of the *Agreements.*

As stated in chapters 1 and 15 this battery of measures and statements can be summarized as follows:

1. To confer power of electing representatives to the delegates before the royal court, or before any baronial or ecclesiastical lord (¶7).

2. To create a common budget to face the damages of the assaults (¶9).

3. To obtain a privilege to force the *aljamas* to pay their contributions as if they were royal taxes (¶22).

4. To obtain a privilege to force the *aljamas* to defray the expenses of those privileges which would benefit the whole Jewry (¶23).

5. To forbid any individual from obtaining a privilege conferring him power over the contents of the *Agreements* (¶24).

6. To obtain a privilege validating the *Agreements* and allowing the delegates to impose penalties on the transgressors (¶25).

7. Only the delegates would be empowered to obtain privileges (¶27).

8. Definition of the system for electing the delegates (¶28).

9. To empower the delegates to negotiate the involvement of the Aragonese communities (¶29).

10. The duty of the delegates to act with diligence and loyalty (¶30).

11. To authorize the delegates to obtain more privileges for the benefit of the communities (¶32).

12. Obligation for the communities to be bound under oath to respect the agreements and to punish the transgressors (¶32).

13. No expenditure ceiling for the delegates and obligation of the communities to defray them (¶33).

14. The delegates would be only accountable in their respective kingdoms (¶34).

15. Allocation of initial expenses (¶36).

The rest of petitions were addressed to the Pope. Although they are out of the scope of this dissertation, it is worth succinctly discussing them here because this is needed to offer an overall picture of the outputs of the *Agreements* and because some of them are directly or indirectly related to other proposals. Thus, for example, the drafters asked the Pope for a number of bulls condemning the attacks against the *calls* (¶2 and 3). At the same time, they claimed to the king for major jurisdictional protection against them (¶10). They are the two sides of the same coin. Besides, some of the few and ineffective successes of the drafters were achieved with these proposals. This set of demands includes:

1. A bull excommunicating the participants in anti-Jewish disorders or aggressions alleging false accusations (¶1).

2. A statement rejecting those miracles that incite violence against the Jews. At the same time, they ask the Pope to declare heretic the preaching of these falsities (¶2).

3. A ban on the constructions of towers and other structures around the calls with the aim of attacking their inhabitants during Easter (¶3).

4. To limit the inquisitions for heresy against the Jews to those acts and assertions considered offensive or heretical by both religions (¶4).

5. Enlargement of procedural rights in case of inquisition trial (¶4).

6. If a repentant Christian decided to bring back what he had stolen during an assault, he should give it back directly to the victim or to an intermediary priest (¶5).

Since the very beginning of the current study, it has been repeatedly noted that the project was an absolute failure. This is the unanimous conclusion of all the experts who have studied the *Agreements of Barcelona* (Baer 1965 [1913], 2001 [1959]; Finkelstein 1924; Riera and Feliu 1987; Pieters 2006). The impact that this unifying attempt had on the future of the Catalan-Aragonese Jewry—if it is possible to speak of a real *impact*—was anecdotic. A quick glance at our individualized analyses of the petitions addressed to the king is enough to realize that the number of achievements was notoriously poor. The same can be applied to the proposals submitted to the Pope. At the internal level, the drafters could not convince their coreligionists to support the creation of the supra-communal assembly they envisaged. In fact, no institution of this sort was ever created in the Crown of Aragon. The appointment of Hasday Cresques by Peter III as a sort of *Supreme Judge* for certain Jewish affairs in 1370 was the greatest level of supra-

communal institutionalization ever reached by the Catalan-Aragonese Jewry (Ben-Shalom 2012: 314).

Unfortunately, the documentation related to the negotiation processes between the drafters and the *aljamas* has not been preserved. These documents would have been crucial to understand the evolution of the events, as well as the causes of the failure of the project. However, this sort of documents produced out of the institutional channels and without a great historical impact—in the sense that they were not worthy to be preserved for the generations to come—are seldom kept in historical archives.

Regarding the proposals addressed to the lay and religious Christian authorities, only some partial and nominal successes were achieved. Rather than the result of a common action, these *triumphs* were accomplished thanks to the obstinacy of the launchers of the project. Cresques Salomo was, without a shadow of a doubt, the most committed drafter. He invested his fortune and energy to negotiate with Peter III the concession of privileges and led an embassy to Avignon to request to the Pope the bulls mentioned in the *Agreements.* The graces obtained by the drafters were already identified by Baer (2001, II: 24-28) and, more extensively, by Feliu and Riera (1987).

Among the proposals submitted to the king, the drafters only attained one privilege (in 1357) against the royal couriers and officials who used to rob Jewish travelers. The statement recognized the abuses and the need to stop them. To that end, the king decided to punish the culprits exiling them to Sardinia. This document has already been discussed in chapter 11[558]. The effectiveness of this goal is more than doubtful. As already stated in this same chapter, these actions were already illegal, and their perpetrators were theoretically punishable—though royal justice perhaps was not that efficient. Without further material and logistical measures to prevent these crimes, any privilege issued in that sense was doomed to become wastepaper. In fact, royal officials did not cease to assault and plunder Jewish travelers. In 1386, at the end of his reign, Peter III enacted a new privilege in similar terms and with the same results[559].

In relation to the proposals addressed to the Pope, Peter III agreed to cooperate with the drafters—as requested in the *Agreements* (¶1)[560]. In 1355, he sent a letter to Innocent VI summarizing the concerns of the Jewish communities and asking for a bull condemning the assaults against the *calls* and setting limits to the power of the inquisition[561]. According to Baer, the Pope partly accepted the demands of the drafters and issued a bull condemning the anti-Jewish disorders and releasing the Jews from any responsibility on the propagation of plagues (Baer 1929: 358). Baer found a Spanish translation of the bull in a digest by Ribera and Asín Palacios (1912: 240), but Riera could not find the original document (Riera 1987: 171, fn 4). Although Ribera and

[558] The document is ACA. Reg. 899, f. 228v-229r. Published in Riera (1987: 177-178).
[559] ACA¸ reg. 1109, f. 54v. Published in Riera (1987: 178-179).
[560] "...אשר בדבריו הצודקים והנאים, יליץ [המלך] בעדנו אל מלך הגוים ובהאפיפיור יר"ה". "…[That the king] intercede before the King of the Nations [*or* of the gentiles] the Revered Pope with right and pleasant words…".
[561] BNC, ms. 988, f. 89v-90r. Published in Riera (1987: 174-175)

Asin—as well as the text itself—do not mention the *Agreements of 1354*, the date, place[562] and the subject matters coincide with the issues addressed in Peter's letter**.** This version of the bull is incomplete:

> *… en dos folios se trata de una carta apostólica contra los cristianos de los «regnos del muy amado en Jhesu Christo, filio nuestro, don Pedro, Rey illustre de Aragón, que á los judíos morantes en los ditos regnos et tierras, sin razón alguna los fieren, plagan, apedrehan et encara los matan, diziendo los ditos christianos que por los peccados de los judios vienen mortaldades, faltas de fruytos, et fendo los ditos males a los ditos judios que cessan las ditas pestilencias* (…)»[563].

This alleged papal response did not substantially differ from the bull *Sicut Judeis* issued by Pope Clement VI in 1348 when the mobs started to blame the Jews for the Black Death[564]. Apparently, the bull did not mention the powers of the inquisitions to judicate the Jews for heresy. In fact, the prerogatives of the ecclesiastical trials to process Jewish suspects increased throughout the fourteenth century[565]. Perhaps, this proposal was a reaction against this evolution, which kept its path during the following decades. For example, in 1376, the Catalan Dominican friar Nicolau Eymerich published the *Directorium inquisitorum*, one of the most important inquisitorial manuals written in the Late Middle Ages. Eymerich deemed ecclesiastical inquisitions authorized to prosecute three kinds of Jews: the proselytes, the false converts, and the blasphemers (Eymerich 1587: 352-359; see also Blasco 1987).

Needless to say, this reiteration of the papal posture against the assaults and aggressions did not have a real effect on the faithful Catalan-Aragonese subjects. During the following decades, anti-Jewish violence persisted and even increased until its dramatic

---

[562] "*Dada en Auinyon dotzeno kalendas febrero, quatren anyo de nuestro pontificado*" = 12 February 1356.

[563] "It is a two-page apostolic letter against the Christians of the «kingdoms of our son loved by Christ *don* Peter, the illustrious king of Aragon, where their Jewish inhabitants are attacked, hurt, stoned and even killed without any reason, just because the Christian say that Jewish sins cause diseases and hungers that can only be stopped doing evil to the Jews (…)»" (our own translation).

[564] Vatican, Archivum Secretum Apostolicum, Reg. Vat. 142, fol. 67v. See cfr. Chapter 7.

[565] The inquisition was first stablished in 1229 (in Aragon it happened in 1242) to prosecute the Catars and the Valdensians. In the first inquisitorial manual, which was produced in 1249 by Bernard de Caux and Jean de Saint-Pierre, there is no mention of the Jews (*Processes inquisitionis*, translated and edited by Wakefield 1974: 250ff). Nevertheless, the manuals written in the first half of the fourteenth century, like Zanchino Ugolini's *De haereticis tractatus aureus* (c. 1330; see Ugolini1 1579: 220-221) and Bernardo Gui's *Practica inquisitionis heretice pravitatis* (1331; see Gui 1886: 35-36, 67-71, 289-292, for exemple), described how to proceed against Talmudic falsities, false converts, Jewish preachers and slanderers of the Catholic dogma. See also Yerushalmi (1970).

peak in the summer of 1391. The events of that year caused the definitive destruction of a huge number of *aljamas*—including the community of Barcelona—and became the beginning of the one hundred years agony of the Iberian Jewry (see Riera 1990 and Gampel 2016). The letter that Hasday Cresques sent to the community of Avignon after the wave of assaults of 1391—in which he lost a son—attests to the dramatic context of the Catalan-Aragonese Jewry in the second half of the fourteenth century. In Cresques' own words, "If I told you about all the suffering we have dealt with, you would be astonished"[566].

Therefore, out of the 35 proposals in which Baer (1929) and Feliu (1987) divided the text[567], the drafters only achieved one privilege and one bull. A meager successes which, in addition, lacked real effectiveness and entailed great economic expenses for Cresques Salamo, Moshe Natan and Jahuda Alatzar. The Jewish communities, on their part, did not appear to show any interest for the project.

Once the outputs of the *Agreements* have been discussed, it begs the question *why did they fail?* Considering the events that anteceded and motivated the project, any modern and omniscient observer would wonder why the Catalan-Aragonese Jewry did not feel necessary to embark in a common endeavor to protect themselves and their communities. This attitude becomes even more questionable if one looks upon later facts such as the massacres of the summer of 1391 and, of course, the expulsion in 1492. Admittedly, the Jewish communities could not know the future, but the situation in 1354 was delicate enough as to consider the possibility of exploring new forms of self-organization. Given their position as a threatened religious and social minority, a permanent union—or at least a closer cooperation—seems the most logical solution. Nevertheless, the Catalan-Aragonese Jewry apparently opted for a stoic immobility and ignored this opportunity to forge a common front.

As shown in the former exposition of the outputs of the project, the causes of the failure resulted from a cluster of external and internal factors. The range of external factors is easily identifiable. To some extent, they have already been pointed out in the chapters dedicated to the petitions to the king. The basic conclusion we can draw is that most of the proposals were unrealistic. Perhaps the drafters overstated their possibilities, as well as the false appearance of stability in 1354—especially regarding peace and its fiscal and social consequences. It would explain, for instance, their optimism on the proposals related to taxation (¶14, 15 and 18, for example). However, the Crown soon got involved again in the same circle of conflicts and fiscal pressure.

Other petitions, like those dealing with jurisdictional issues within the royal domains, could even belong to the realm of possibility (¶8, 19, 20 and 21). Some other, such as the abolition of the inquisitorial process—that is, initiated *ex officio* by royal

[566] "אם אמרתי אספרה לכם רבי התלאות שמצאונו ישתוממו". The letter has been edited, studied, and translated into Catalan by Feliu (2004-2005).
[567] In fact they divided the text in *introduction* and 37 paragraphs in the body text (Opening + 35 proposals + an additional text with the date and signatures).

authorities—were against the social and political evolution of the Crown. Finally, several of them were simply too ambitious. In ¶11, for example, the petitioners demanded the right to send representatives to the *Corts*. This claim contravened the very nature of the feudal system, as well as the political foundations of Christendom since the times of Saint Augustine. In other words, the drafters asked for a revolutionary modification of the most seminal and elementary bases of medieval society.

The battery of proposals submitted to the Pope was, perhaps, more realistic. Nevertheless, they entailed another logistical problem. The king was the direct sovereign for the Catalan-Aragonese Jews. He knew the communities and their problems; he had the duty to look after their welfare and security and, above all, he was more accessible. On the contrary, the Pope was a person ignorant and uncommitted towards the daily problems of the *aljamas*. He had no real duty to ensure their protection. In addition, the drafters could only negotiate with him through an intermediary or through an embassy expressly sent to the papal court. The signers tried both options. As seen, Peter III contacted the Pope on their behalf, but apparently, he omitted most of the petitions in his letter. From his side, Cresques Salamo led and defrayed a costly delegation to Avignon to personally obtain the bull. Altogether, the Pope was a too far figure for the real possibilities of the drafters.

As mentioned above, the greatest hindrance to explore the internal causes of the failure is the lack of documentation. Thus, it is impossible to know to what extent the suspicions against the drafters among their coreligionists, the ability of the drafters to negotiate or the particular ambitions of each *aljama* played a part in these events. Obviously, the lack of primary sources leaves a wide field for speculation. Many interpretations and hypothesis could be formulated and none of them could be verified or denied. There are only two basic causes that can be unquestionably pointed out. Although they are not enough as to depict the whole cluster of elements that sank the project, they can shed light on some of its inherent defects.

Firstly, the project had been launched by only three influent plutocrats. In fact, they are the only signers of the text. Moshe Natan, from Tàrrega, was one of the richest men in Catalonia; Cresques Salamo was a wealthy merchant who served several times as *barur* in Barcelona and was very influent in Catalan intercommunal politics; and Jahuda Alatzar, who was the autocratic ruler of Valencia. Given their power and influence, it might be assumed that they were at least supported by their home communities. Nevertheless, nothing suggests that they count on further initial adherents. Apparently, their strategy was to unilaterally elaborate the *Agreements* at their convenience and to gain supporters later. The prologue of the text mentions a first meeting of the communities, but probably it was no more that the encounter of the three drafters[568]. In fact, pleas for the lack of unity are constant in this introduction[569].

[568] "על פי הדברים האלה התעוררו אצילי בני ישראל, היה האבן הראשה העיר ההוללה אשר להם נאוה בגדולה תהלה, וקבצו מהקהלות כאסוף בצים עזובות"

Although the success of the claims addressed to the king and the Pope would have benefited the entire Catalan-Aragonese Jewry, some of them clearly targeted personal interests[570]. It might be assumed that these collateral and personal benefits for the drafters were not deemed as worrisome by their coreligionists as far as they also met the common interest. However, the internal proposals would have conferred them an absolute—and almost monarchic—power over the Jewish communities. As declared in ¶28, the supra-communal assembly would have consisted of two Catalan delegates, two from the Kingdom of Aragon, one from the Kingdom of Valencia and another one from Mallorca. Of course, the signers did not miss the opportunity to secure their leadership adding a clause in the text stating that Jahuda Alatzar and Cresques Salamo were to be the Valencian and Catalan delegates, respectively. In addition, Cresques Salamo was empowered to appoint the second Catalan delegate at his discretion. It implies that Cresques Salamo and Jahuda Alatzar would have become the official chiefs of Catalonia and Valencia.

The drafters claimed in the *Agreements* that many communities had already subscribed the text, though the number and identity of these *aljamas* is not mentioned (¶23). It is highly likely that they were not that many since the drafters never counted with many supporters to begin with. Probably, all these *aljamas* belonged to the sphere of influence of Barcelona—perhaps its *collecta*—and the city of Valencia. These probably were the only communities that participated in the meeting of the drafters. Nevertheless, the drafters admit that several communities had not still replied, and they put the focus on the Aragonese Jewry (¶29). Indeed, they were willing to accept any demand from the Aragonese side to gather their support. Apparently, the Aragonese *aljamas* finally did not have any participation in any of the stages of the project.

The relationship of the Catalan Jews with their Aragonese neighbors is a complex issue, which has been already addressed in chapter 12, for example. In a broad sense, the Catalan and Aragonese Jewries belonged to the same political binding agent, the Crown of Aragon, and they were geographically close. Interactions were fluent and constant. Despite belonging to the same political reality, it was a composed reality. Catalonia and Aragon were different and autonomous territories with their own institutions and social idiosyncrasies[571]. Catalan and Aragonese Jews, as well as the Catalan and Aragonese

---

"Thus, the most prominent sons of Israel awoke, and the communities gathered in the fundamental stone, the praised city which is worthy of all greatness and honor, as a set of abandoned eggs" (our own translation).

[569] "יעשה ירצה כאשר בעיניו הישר איש כל לכן" ["Every man has done what they wanted to do" (our own translation)].

[570] We argued, for example, that the final target of ¶21 was to conceal some doubtful moneylending operations in which Moshe Natan was involved.

[571] Shneidman (1970, I: 232) summarized this idea stating that "in the opening year of the fourteenth century, Aragon and Catalunya entered upon two separate courses: in Aragon, where the ancient traditions became institutionalized, the path led to a monopoly of power by the aristocratic class; in Catalunya, where a new a new system was being evolved, it led to the creation of a national identity.

Christians, were similar in many regards, but at the same time they were also different. In the Jewish case, these divergences could lead to great and endemic frictions[572].

The drafters were unable to create links between both territories. The Aragonese *aljamas* maybe felt themselves excluded from the elaboration process of the *Agreements* or even considered it a Valencian and Catalan imposition. Therefore, the unsolved lack of unity and the drafters' incapability to develop ownership of common project hindered the success of the *Agreements of 1354.*

Secondly, the project was economically too demanding. This element probably discouraged many communities from taking part in it. In the former decades, the juxtaposition of natural—hungers, pandemics—and human disasters—an endless concatenation of wars and conflicts—had impoverished the Crown of Aragon, including its *aljamas.* This difficult economic situation is constantly reflected in the *Agreements* and is the object of several proposals (¶9, 14, 15 and 16, for example). Nevertheless, to ensure the implementation of the *Agreements,* it was necessary to disburse considerable sums of money without any guarantee of success. In fact, the delegates' freedom of expenditure is depicted along the text as a paramount measure to perform their task (¶24 and 33).

The sources of the expenses associated to the project were numerous and embraced all the aspects of the *Agreements*. To begin with, the legislative activity of the king, especially concerning the enactment of privileges, was not free. They usually had to be paid (Ferro 2015: 352-354)[573]. Although there was not a fixed fee, the drafters aimed to obtain about fourteen privileges—apart from other legal enactments. Besides, a clause in the *Agreements* empowered the delegates to ask for any other privilege and measure that they considered beneficial for the communities (¶32). Hence, the achievement of these graces was probably expected to be very costly. The communities would have been in charge of defraying all these operations and would have had little power to control the expenses of the delegates (¶34).

To the costs inherent to issuing the privileges, the very organization of a meeting would have brought additional expenses. The representatives of the communities would have had to fund the travelling—including the purchase of the *guidatticos*—, face the dangers of the roads, and deal with the suspicion of local authorities, who used to be reluctant to

---

There are various reasons why Aragon and Catalunya took different paths. Economically, Aragon remained agricultural while Catalunya became mercantile; politically, the Aragonese maintained their ancient noble-dominated tradition, while the Catalans had to fuse the old noble class with a rising middle class; culturally, the Aragonese remained stagnant, while Catalans evolved a literature and a language; psychologically, the Aragonese still thought of their self-interest while the Catalans began to think of the "national interest"".

[572] Touati-Wachsstock (2004), for example, studied these divergences at the *Halakhic* domain.

[573] Just to mention an example, see ACA, CR, Alfonso III, c. 5, n. 580 [Assis (1993-1995, II), 600]. In this letter, the king orders the *aljama* of Cervera to pay its part of the expenses associated to a number of privileges granted to the *collecta* of Barcelona. In Adret's responsum (III: 402)—which is related to III: 394 (see below)—, there is a disclosure of the costs associated to a privilege issued to the community of Zaragoza.

authorize this kind of meetings[574]. Ultimately, perhaps the most cost-demanding part was the defrayment of an international embassy to negotiate with the Pope for an undetermined period of time. Thus, the final sum that the Catalan-Aragonese communities would have been forced to disburse was a luxury that not all of them could afford.

Notwithstanding the evident lack of supports, the delegates obtained one bull and one privilege. The efforts and economic resources invested to achieve the privilege are unknown. No record of the process has apparently survived. As will be discussed later, the only element that is known for certain is that the enterprise was defrayed by the *aljama* of Barcelona. On the contrary, the achievement of the bull is clearly attested. This task proved to be especially onerous, since Cresques Salamo personally travelled to Avignon leading a delegation to negotiate face to face with the Pope. Although Peter III had already acted as an intermediator between both parties, it seems that Cresques wanted to get the grace personally.

The wealthy merchant funded the whole expedition with his own resources. Of course, once he achieved the bull, he wanted to have his expenses reimbursed. He based his claims on a clause of the *Agreement* requesting the king to force all the communities, even those who had not signed the document, to contribute to the reimbursement of the delegates' expenses if their achievements entailed a common benefit (¶32). Nevertheless, the Catalan-Aragonese *aljamas* did not appear to share his point and resisted to pay.

It was not the first time that a number of delegates acted independently or exceeded their functions in order to obtain improvements for their communities and then asked for a reimbursement. In a *responsum* to the community of Zaragoza, the Rashba resolved a conflict between the community and a number of wealthy delegates who were sent to negotiate with the king a number of issues. According to Adret's summary, the delegates exceeded their tasks and negotiated and achieved an additional fiscal privilege. Then, they expected to have the cost of the privilege reimbursed by the community alleging that they had contributed to the common good. They also adduced that they had been authorized to do it by the rest of rich men of the *aljama*. Needless to say, the communal leaders disagreed and refused to pay. Adret aligned himself with the secretaries and declared that the delegates did not have the right to get their money back if they acted without the consent of the community:

ולפיכך אלו השלוחים מצד שפרשו אותם העשירים, ואפילו היו רבים וגדולי עצה שבעדה, אם עשו שלא מדעת המוקדמין לא עשו ולא כלום, ולא עוד אלא שלא נאמדו דברים בשותף כיורד ברשות דמי בכיוצא בזה

[574] For example, in 1346, Arnau of Mont-rodon, Bishop of Girona, vetoed the creation of a Jewish commission to negotiate some improvements with the king. ADG, Registres de Lletres Episcopals, vol. 9, (1344-1355), fol. 154r [Escribà and Frago (1992), 235].

ואין דמיון אחד כולל אותם, עוד שאם כן נתן הרשות ביד כל יחיד ויחיד מהצבור ולעשות מה שלבו הפץ בצרכי המדינה ונמצאו כולם ביד כל היחידים.

(…)

אם הפיקו שאר כתבים מדעת עצמם שלא נשתלחו עליהם כחותם המלשינות, איני דואה לחייבם על זה אם עשו מדעת עצמם לבד בלא הרשאת אותם עשירים אשר שלחום ובלא הרשאת המוקדמין.

(Adret III: 394)[575]

In the same way as in the case described by Adret, Cresques' endeavor to get his money back was long and fruitless. His initial contacts with the rest of communities to make them pay failed. Their reticence to meet these expenses is not surprising considering the general failure of the *Agreements.* Allegedly, even his colleagues Moshe Natan and Jahuda Alatzar gave him the cold shoulder—they are not mentioned again in the documents. His own community, where he was a very influent man, also ignored his demands. Moreover, the community of Barcelona was at that time engaged in his own war to reclaim the expenses associated to the achievement of the privilege. Though Cresques died in 1356, his heirs did not renounce to levy the debt. They resorted to the king, who had supported the negotiations with the Pope, and soon proved to be prone to help them. In the following years, the heirs and the community of Barcelona, both with the express support of the king, unsuccessfully tried to gain the money back.

In 1357, Peter III commissioned Juceff Avinardut, a Jewish physician of the royal house[576], to request the payment of the fees related to the concession of the privilege against the road's assailants that the *aljama* of Barcelona had disbursed in advance[577]. According to the document, the privilege was founded by the institutions of the *aljama* of Barcelona, but the other communities, as well as many Jews of Barcelona, refused to pay their part. Thus, the king addressed Juceff to the royal porter of the Barcelona, Pere de Mir, and to the rest of royal porters of the Crown's mainland, to force all the Jews in the royal domains to meet the expenses. He also commanded to the communities of Barcelona, Zaragoza and Valencia to request the payment to the baronial *aljamas* in

[575] "Therefore, given that those delegates were sent by the rich men—no matter how numerous and influent in the [*communal*] assembly they were—, if they proceeded without the consent of the *adelantados*, what they did is illegitimate. It has nothing to do with the alleged statement 'the partner has the authority to enter in the property he shares' [*BT Bava Batra 42b*]. There is no a single similarity between both situations. Moreover, if every individual had the authority to meet the needs of the community according to the dictates of his own heart, everything will be in the hands of the individuals. (…) If they achieved other privileges beyond what they were authorized to—like in the case of the privilege against the informers—, and if they acted without the consent of the rich men who commissioned them and without the consent of the *adelantados*, I do not see why [*the community*] should be compelled to pay" (our own translation).

[576] He is identified as *físico domini regis* in ACA, reg. 1149, f. 80r [Baer (1929), 254].

[577] ACA, reg. 1149, f. 55r-v [Baer (1929), 258.1]. Nevertheless, he appointed him a couple of months earlier (ACA, reg. 736, f. 182v [Baer (1929), 261.1]).

their respective kingdoms, authorizing them to resort to the *ḥerem* if necessary. Besides, Peter III imposed a 10 *sous* fine per each day of delay. The king justified his decision alleging that:

> (…) *per haver e obtenir lo dit privilegi, sien estades feters moltes messions per laljama dels juheus de Barchinona, qui aquell privilegi per si e per totes les altres aljamses e singulars juheus de nostra senyoria deça mar han empetrat, e sia cosa raonable, que ço, que esgarda profit comu e universal de totes les dites aljames, deja esser comptat a messio daquelles*[578].

He sent another letter to Juceff regarding the achievement of the papal bull[579]. As the king himself points out, the delegation was funded by Cresques Salamo—who had already passed away—, but the *aljamas* rejected to reimburse the expenses. After hearing the claims of Cresques' heirs, he considered reasonable to request the payment to "totes les aljames de nostres regnes, terres e senyoria, aixi deça mar com della mar e aixi dels lochs reyals com de nobles e richs homens e alters quals se vol, comanan a vos sobre aço plenerament nostres veus*"*[580], just as was stated in the *Agreements.* He commanded Juceff to transmit to Pere Mir the same instructions that he arranged for the collection of the cost of the privilege.

Not even the harsh intervention of the king made the *aljamas* contribute. According to a document from 1358, the initial plan was that Juceff Avinardut monitors the collection in the three kingdoms as a single operation. However, the commissioned physician could not combine this task with his other duties. Consequently, Peter III changed his approach and agreed to designate a number of *aljamas* to be in charge of the collection in each kingdom—Barcelona, Lleida and Girona in Catalonia; Zaragoza, Calatayud and Teruel in Aragon; and Valencia in the Kingdom of Valencia—, whereas Juceff remained as the ultimate supervisor[581]. The same year, the monarch included the community of Mallorca into the list of contributors[582].

---

[578] "(…) The Jewish *aljama* of Barcelona has carried out many tasks to achieve this privilege, which has benefited all the royal *aljamas* in that side of the sea. Thus considering this general benefit for all the above mentioned *aljamas*, it is reasonable to request them to pay" (our own translation).
[579] ACA, reg. 1149, f. 55v-56r [Baer (1929), 258.2].
[580] *"*To request the payment to] all the *aljames* in our kingdoms, lands and dominions, both in that side of the sea and in the other one, in royal domains as well as in the lands of barons, rich men or wherever. We trust you our voice" (our own translation).
[581] ACA, reg. 736, f. 182v-183v [Baer (1929), 261. 2].
[582] ACA, reg. 1419, f. 90v-91r [Baer (1929), 262].

When Juceff Avinardut died almost ten years later—in 1368—, the issue was still open. Since "las cosas tenidas en dita sua comission no hayan podido haver acabamiento"[583], the king commissioned then a certain *mestre* Astruch Azday from Zaragoza to continue the task[584]. Unfortunately, the chain of documents finishes here, as Riera pointed out (Riera 1987: 172). Hence, we do not know whether the *aljama* of Barcelona and the heirs of Cresques Salamo got their money back; but after ten years of unsuccessful dealings, it does not seem probable that Azday accomplished his missions.

Therefore, the story of the *Agreements* ended here, with a useless bull and a worthless privilege. Most of the demands were completely ignored and the Catalan-Aragonese Jewry refused to unite under the same supra-communal institution. In contrast, those who participated in the *Agreements* lost vast amounts of money for launching a project that was doomed to failure. Apparently, the three drafters were unable to formulate an attractive and coherent offer for the *aljamas*, which did not share their optimism. Those ambitious proposals that aimed to improve—or even save—the communities of the sons of Israel were shelved and diluted within the bureaucracy of the Royal Chancellery. The claims for unity were disregarded and the project soon became an almost forgotten anecdote. The Jews of the Crown of Aragon kept its path as fragmented as usual and unaware of the calamities to come.

Conclusions:

a) The project of the *Agreements of Barcelona* failed.

b) The drafters only achieved one privilege against the couriers and officials who used to attack and rob Jewish travelers, as well as a bull condemning the assaults against the *calls.* The bull was personally obtained by Cresques Salamo, who led a Jewish delegation in Avignon. None of these enactments proved to actually be effective.

c) At the internal level, the Catalan-Aragonese Jewry did not support the constitution of a supra-communal assembly and ignored the rest of proposals.

d) Though there is no documentary evidence attesting to the process of negotiation, it might be assumed that the unsurmountable lack of unity and the high costs associated to the project prevented the *aljamas* from supporting the drafters.

[583] "[Since] the things for what we commissioned him have not still been accomplished (…)" (our own translation).
[584] ACA, reg. 736, f. 183v-184r [Baer (1929), 261. 3].

e) The proceeds to achieve the royal privilege were defrayed by the community of Barcelona, whereas Cresques Salamo personally funded the embassy to Avignon to obtain the papal bull. The rest of communities refused to reimburse the expenses.

f) King Peter III intervened to force the Catalan-Aragonese *aljamas* to reimburse the expenses. Although the documentation related to this process only covers ten years, it seems probable that the community of Barcelona and Cresques' heirs never did recover the money.

Conclusions

Theses

The previous chapters have evinced the historiographic value of the *Agreements of Barcelona*. The collection of proposals addressed to the major Catalan-Aragonese political and ecclesiastical authorities render a detailed account of the situation of the Jewry of the Crown of Aragon in the mid-fourteenth century. They constitute a portrait of the complex relationships network between the Jewish communities and the gentile powers. These interactions are key to understanding the social conditions and idiosyncrasies that conditioned the existence of this marginalized ethnic religious minority. The fear of a community increasingly harassed by their neighbors, their anxieties regarding an uncertain future and the foundations of the legal framework to which they were subject converge in just a small number of manuscript pages. On the other hand, the proposals targeting the internal regime of the participating communities show a new dimension of the Catalan Jewish political tradition. On balance, this document synthesizes this historical moment.

The *Agreements of Barcelona* are usually missing in the general academic production on the history of the Crown of Aragon. In contrast, their existence is well-known among the experts in Catalan-Aragonese Jewry. However, the *popularity* of the document so far has not led to an in depth analysis. The *Agreements* were rediscovered in the 1920' thanks to the editions published by Louis Finkelstein (1924) and [Yitzhak] Fritz Baer (1929). Baer also dedicated some pages of his major works *Die Juden im Christlichen Spanien* (Baer 1929: 348-359) and *A History of the Jews in Christian Spain* (Baer 2001 [1945-1959], II: 24-28) to the *Agreements.*

From that time on, the text was recurrently mentioned in many works, but it was not properly approached until the publication of Eduard Feliu and Jaume Riera's study in 1987. In their joint work, Feliu (1987) provided a full Catalan translation of the *Agreements*, while Riera (1987) made a brief analysis of its contents. Some years later, Bert Pieters (2006) published a small book on the *Agreements*, but his contribution discussed the cultural development of Catalan Jewry rather than delving deeper into its proposals.

We have tried to fill this historiographic gap. We have carried it out from a legal and historical approach. As argued from the beginning of this dissertation, the *Agreements* constituted a legal text that would have had legal effects. We do not share the opinion of Pieters, who held that the *Agreements* were a mere declaration of principles. The drafters attempted to produce a binding document whose contents were to be warranted by a system of penalties. For this reason, we consider the *Agreements* as a sort of—and an attempt at—a supra-communal *haskamot* or ordinance. We opted for the term *haskamot* instead of *takanot*—the most popular category to classify them—just to

highlight the notion of agreement. Our objective was to find out the political and historical causes that motivated this legal manifestation and to position it within the Catalan Jewish political tradition.

The thesis is divided into two separated parts. We have dedicated the first part to inquire into the petitions addressed to the king. The methodology we have followed—specific commentaries on each section of the text—has proved to be functional, as it has prevented us from following a lineal exposition. Each chapter deals with different and almost unconnected topics. Nevertheless, we deemed it suitable to offer a full analysis of the *Agreements*. Otherwise, we would have been pushed into looking for alternative strategies based on chronological criteria rather than thematic. Had we chosen this path, the text would have just become the threshold, not the object, of our research. This was not our aim. We deemed the text of the *Agreements* a window to the context of the Jewish communities, and we aimed to prove it. We had the opportunity to explore the multiple dimensions of the relationship between the king and his Jewish subjects. We think that some additional mechanisms that we have included in this dissertation—such as the elaboration of a glossary of Hebrew, Catalan and Latin terms and the internal references linking the chapters to each other—have contributed to ensure the coherence of our exposition. These are the main theses we contend, numbered by order of appearance in the previous chapters:

1) Several royal privileges allowed Jewish communities to have their own jurisdictions, which coexisted with royal courts. Given the local scope of most of these privileges, there was a general lack of homogeneity among the *aljamas.* The authority of Jewish courts was often challenged by the interferences of royal officials, the intervention of the king in communal affairs, and the appointment of special commissaries to conduct criminal inquiries.

2) The *malshinim* were one of the biggest concerns of the Jewish communities. The drafters attempted to prompt a judicial response against them by encouraging a supra-communal unity. Kings were often favorable to the prosecution of the *malshinim.* They even empowered the *aljamas* to impose death penalties on them. However, when royal interests were hindered by the execution of a *malshin*, monarchs did not hesitate to order their acquittal.

3) The monitoring engagement of Christian notaries in moneylending could be perceived by Jewish lenders as an intrusion. For this reason, many Jews advocated for a greater limitation of the Christian notaries' powers. Notaries were allowed to participate in judicial processes as legal representatives in Valencia. On the contrary, those two professional activities were considered incompatible in Barcelona. The case of Tàrrega is doubtful due to the absence of primary sources, but apparently the custom there was less restrictive than in Barcelona.

4) Although the participation of Jews in the *Corts* was not expressly banned, Christian notions of statecraft and the institutional monopolization by the urban bourgeoisie prevented it. Claiming the right to participate in legislative processes was likely very tempting for the drafters. Nevertheless, legal protection against abuses and arbitrary taxes might have been more attractive goals.

5) The Black Death led to the first massive wave of assaults against Catalan Jewish communities. The crowds blamed the Jews for causing what they deemed a "divine punishment". The king's forces—which remained loyal to the Crown except for Tàrrega—proved to be unable to suppress the popular uprising. King Peter attempted to prosecute the assailants, but he did not succeed. Many of them fled to baronial domains, where the king had no direct jurisdiction. For this reason, the drafters aimed at obtaining a commitment from the three *braços* denying safe harbor to criminals. Apparently, the proposal never reached the *Corts.*

6) Public expenses were defrayed with the king's private patrimony, which consisted partly of Jewish taxes. Therefore, the monarch could allocate communal revenues to third parties to meet his debts, and the Jews could not avoid it. Allocations became a usual practice in the fourteenth century to palliate the long-lasting financial crisis of the Crown. Beneficiaries of the allocations used to be more aggressive during tax collection.

7) The institution of the protector *aliamarum iudeorum terra nostra* was established with the alleged aim of providing effective protection to the Jewish communities of the Crown against the endemic injustices and attacks of which they were victims. The office was entrusted to Pere of Fenollet, who died in 1353—he remained inactive during the riots of 1348. Prince John, who was four years old, became the new *protector.* The royal family held this office until the last Catalan king died in 1410. This institution proved to be no more than an excuse to obtain additional revenues from the *aljamas.*

8) Baronial jurisdiction offered several appealing advantages for royal Jews. The degree of protection was usually higher, privileges often were more generous, and the fiscal pressure was much lower. However, home communities never welcomed changes of residence since it entailed losing a taxpayer. Changes of residence to baronial lands had to be authorized by the king. In the first half of the fourteenth century, the situation went out of control. Many royal Jews attempted to move to seignorial domains to avoid the increasing tax burdens of the king. Peter III decided to issue more restrictions, including prohibitions against migration.

9) Several privileges limited the use of violence and coercive methods against Jewish communities by tax collectors. The complaints of the drafters were directed against it when it was disrespectful with the legal framework or was

exerted without the consent of the king. On the contrary, the kidnapping and plunder of Jewish travelers committed by royal officials never had any legal coverage. In fact, it is one of the few proposals that received a positive response from the king, although the implemented measures did not have any real effect.

10) Although public fixed salaries were becoming a usual practice, the allocation of part of the fiscal revenues to retribute tax collectors still was the most frequent mechanism of retribution. Regarding the duty to provide with supplies to tax collectors—known as *cena*—, it had been progressively reduced to cover the needs of the royal house. However, exceptions were usual. This practice used to entail several problems for the *aljamas*, especially because it broke all social barriers between both religious groups.

11) The Franco-German community was perceived by its members as an association of equals. Communal institutions lacked natural authority. Agreement and consent were the main foundations of authority. Among the *Tosafists*, the majority rule progressively crystalized as the preferential system.

12) In Catalonia, communal authority relied on two axes: royal privileges and the inner political construction. Since the mid-thirteenth century, the majority rule became widely implemented in the Crown. However, its actual implementation was often hampered by inner struggles for hegemony, oligarchical monopolization of communal institutions, and external interferences. Since 1327, the statutes of Barcelona were the referential legal framework for many *aljamas* when the *Agreements* were signed.

13) There is no documental evidence linking the *Agreements* of Barcelona with the Rhenish supra-communal tradition. The projected assembly was not a prolongation of the *collectas* either, though the drafters probably attempted to make use of the intercommunal networks. In fact, it was not a representative institution. If the project had succeeded, the drafters would have become the indisputable leaders of the Catalan-Aragonese Jewry.

14) The drafters only achieved one privilege against the couriers and officials who used to attack and plunder Jewish travelers, as well as a bull condemning the assaults against the calls. None of these enactments proved to be effective. At the internal level, the Catalan-Aragonese Jewry did not support the constitution of a supra-communal assembly and ignored the rest of proposals, probably due to the lack of unity and the high costs of the project.

Grounds

The scenario portrayed in the first range of proposals is complex. The Jews were a minority and were excluded from the Christian religious and political community. Nevertheless, exclusion did not mean isolation. They participated in the social and political life of the Crown under certain and unsurpassable limits. As we pointed out in chapter 12, interactions between Christians and the rest of religious minorities were confined to the public domain—especially the market, judicial courts, and some public institutions—; contrarily, the private sphere constituted an unbearable boundary. On the other hand, coexistence was never completely peaceful. The Jewish population was the target of an increasing popular hostility that reached an unprecedented peak in the summer of 1348. It is clear that the anti-Jewish upheaval arisen during the Black Death had a deep impact on the drafters and on the whole Catalan-Aragonese Jewry.

The role of royal institutions was ambivalent. Kings—as well as barons—used to keep a protective attitude towards the *aljamas.* As sovereigns and Christians, they had the spiritual duty of defending all their subjects, including Jews—the Christian dogma, inspired by Saint Augustine, obliged to respect the life of Jews. But beyond any ideological compulsion, the Jewish *aljamas* were an important source of economic and human resources. Many Jews actively participated in royal institutions as officials, translators, physicians or councilors. Some communities were also actively engaged in trade, which contributed to the economic wealth of the Crown. However, the greatest advantage for the kings' interests is that the *aljamas* were easily taxable. Catalan monarchs could turn to their Jewish subjects to obtain additional revenues whenever necessary without prior legal formalisms or tedious negotiations. The sum of all these elements ensured the favor and protection of the monarch, but the means and forces of the king were not always enough to defend the communities from the anger of the crowds or from the abuses of his own officials.

The functioning and limits of Jewish autonomy are another recurrent topic in this first range of proposals. Self-government had been traditionally granted to their *aljamas* by all kings and barons. Among the prerogatives associated to communal autonomy, one can include the power of having their own institutions and officials, as well as the right to appoint judges, judging according to the *Halakha* and enacting their own ordinances. These attributions were granted via individual royal privileges, which entailed a lack of uniformity among the powers and structures of the Jewish communities. Peter II attempted to homogenize the powers of all the *aljamas*, but many local particularities remained. Communal autonomy was constantly challenged by the external interferences of the king and his officials. In addition, internal struggles for hegemony—often relying on the complicity with Christian powers—were also an ongoing threat to the stability and well-functioning of self-government. The inner political life of the Jewish communities was dominated by a composite of social tensions and games of power. One of the main objectives of the *Agreements* was to reinforce political and institutional autonomy.

Although many of the facts described in the *Agreements* were to some extent endemic, their intensity had increased in the previous decades. The long-lasting financial deficit of the royal treasure—largely motivated by an endless concatenation of wars and internal conflicts—and the generalized agrarian crisis worsened the situation. The imposition of extra fees became a habitual practice, the methods of the tax collectors and other officials became more aggressive, social tensions became more noticeable and Christian legislation became more restrictive. The dramatic irruption of the Black Death in 1348 increased these problems until they peaked. The pandemic caused thousands of deaths across the Crown and had a strong effect on the institutional apparatus. Its aftermath lingered in Catalan society for over a century. Nevertheless, the Jews suffered these events with a higher degree of intensity. For the very first time in Catalan history, a wave of assaults out of control blighted the Jewish communities. According to some sources, the crowds massacred hundreds of people in towns like Tàrrega and royal forces could not help them out. Therefore, the *Agreements* were not a response against a normal situation, but a reaction to a period of great misery, violence and fear.

We will offer now a summarized comprehensive overview of our theses.

In chapter 2, proposal ¶19 dealt with the jurisdictional problems between royal and communal courts. The drafters expressed their concerns regarding the intervention of special commissaries to inquire and judge matters related to the Jews. They begged the king to abstain from appointing ad hoc officials to conduct judicial processes replacing ordinary judges. The text hints at the brutality of these special prosecutors, which caused serious harms for the communities.

This section of the text shows that Catalan-Aragonese communities were allowed to have their own jurisdictions, which coexisted with the royal courts. The privilege was the basic instrument to confer and define the judicial autonomy of the *aljamas*. Although the general regime of the community tended to evolve towards homogeneity, many privileges were still conferred to a particular *aljama* or group of *aljamas*. In addition, the king could also grant privileges for individuals, which usually undermined communal authority. Despite this jurisdictional separation, conflicts between the Christian and Jewish judiciaries were usual, especially due to the attempts of royal officials to monopolize justice. Royal interventions were often required to solve disputes. In this sense, his word was incontestable. These inferences used to materialize in the initiation of processes, in resolutions favorable to his interests, the annulment of penalties and the appointment of special commissaries, which was the drafters' major concern.

In chapter 3, we discussed proposal ¶8. This petition did not ask for any privilege or legal measure. The statement was a sort of declaration of principles, a general call for union to eradicate a common enemy to all the Jewry: "the *malshin* and the *delator*". The *malshin* was a criminal who accused their coreligionists before the gentile authorities. This behavior was considered a serious crime against the community due to the potential risk that it could entail. Although judicial autonomy used to include the right

to prosecute and punish the *malshinim*, even with death penalty, the situation was complex. In fact, accusations for *malshinism* were exploited in many ways for political purposes. The intense fear of the Jewish community to the *malshinim* was often used to obtain or to preserve power.

The importance of this phenomenon for communal stability led Catalan-Aragonese kings to engage in the prosecution of these criminals. Nevertheless, the monarchs used to keep a practical approach to the problem: while they generally allowed the punishments of the *malshinim*, they did not hesitate to intervene in communal processes to protect the suspect whenever royal interests were being compromised. This section of the text aims to strengthen the common judicial response against this menace. Since the application of capital punishments was a delicate issue for Jewish Law, which could hinder intercommunal coordination, the drafters advocated for the *ḥerem* as a more effective punishment.

Chapter 4 was dedicated to inquire on proposal ¶20. The drafters' objective was to obtain a privilege annulling the capacity of public powers to start judicial processes. They considered that only legitimate claimants should have this right. Likewise, they demanded that if the claimant withdrew the complaint, the processes be cancelled. In other words, they aimed to suppress the inquisitorial system and keep the adversarial system as the only possible kind of judicial process. The inquisitorial system—which was already in force in Tàrrega, Valencia and Barcelona—entailed an evolution with regard to the adversarial system. It was the result of a theoretical and logistical development of public powers inspired by Roman Law. The incorporation of this new system was not entirely welcomed by the Catalan-Aragonese society. For the Jewish population it was a potential threat since it could be used as a means to exercise procedural violence. This proposal was perhaps one of the most ambitious petitions of the *Agreements.*

The proposal approached in chapter 5 focuses on the procedural role of notaries and scribes. Here the drafters complained about their engagement in judicial processes as legal representatives. The text itself suggests that this legal activity was common in mixed processes—between Jews and Christians—and that it did not use to benefit Jewish litigants. The three delegates held that notaries and scribes should be confined to practice their profession within its traditional limits as writers and guardians of documents.

As noted in our analysis, the professional functions and limitations of the notaries and scribes were thoroughly developed throughout the thirteenth and fourteenth centuries. Among their functions, notaries oversaw the documentation and legal steps of the moneylending process. This active monitoring engagement could be annoying for Jewish lenders. This might have been the case of Moshe Natan, whose credit operations during the 1340s were questionable from a legal point of view. For this reason, the participation of notaries and scribes as legal representatives could entail serious risks for moneylenders. However, some municipalities, like Barcelona, considered the legal

practice to be incompatible with the functions of a notary. In Valencia, on the contrary, there were no restrictions in that sense. The case of Tàrrega is dubious due to the absence of positive sources, but apparently it seems the custom there was less restrictive than in Barcelona.

This proposal evinces that the petitions of the drafters did not always aim to benefit the whole Jewry, but just some specific communities within it. The *aljama* of Barcelona, for example, did not have any interest in achieving this legal restriction. On the other hand, the frontier between the realization of common good and the drafters' personal interest was considerably thin.

In chapter 6, we discussed proposal ¶11. In this section of the text, the drafters aimed to obtain the right to participate in the *Corts*. Although no rule expressly prohibited Jewish participation in these assemblies, the general reluctance to accept the authority of Jewish officials, the eschatological foundations of Christian governments, and the monopolization of institutional seats by urban bourgeoisie made it unnecessary. We have argued that the legislative attributions of the *Corts* were not the main target of the drafters. Mechanisms to prevent royal abuses and the possibility of discussing potential tax charges were more relevant issues for the Jewish communities. From the Christian political conception, this petition was absurd. In addition, their participation would have gone against the royal interests and would have been a focus of political and social tension.

In proposal ¶10, which has been addressed in chapter 7, the drafters aimed to harshen the judicial response against those who took part in anti-Jewish riots. They were especially concerned with the impunity of the assailants who fled from royal domains. The king was not the final addressee of the petition, but the estates. The task requested to the king was to perform the role of an intermediary before the *Corts* in order to get a *constitution* committing the barons and the clergy to deny safe haven to culprits. Although it was not explicitly mentioned in the text, the drafters probably had in mind the recent wave of assaults occurred in the summer of 1348—the first large scale anti-Jewish riots in the Crown—, where they were systematically being blamed by the crowds for causing the Black Death.

The Black Death reached the Crown of Aragon in a period of both internal and external conflicts causing great mortality rates. The crowd perceived the disease as a divine punishment and deemed the Jews responsible for God's anger. Along with other socio-economic causes, this was the main reason behind the riots. The outbreak of anti-Jewish violence was mainly popular. Lay and Church authorities attempted to stop the crowd and protect the Jews. Nevertheless, the plague had weakened the capacity to respond of the king, and the efforts of Peter III could not prevent the wave of assaults. Tàrrega was one of the few cases in which royal officials took an active role in the massacres.

Peter III actively attempted to prosecute the participants in the assaults. The king had a special interest in punishing the *batlle* and the rest of local authorities who commanded the attack in Tàrrega, which he considered an act of treason. After some years of

prosecutions, Peter would end up resigning himself to the fact that he would not be able to punish the culprits. Given the feudal nature of the Crown of Aragon, the king had no right to impose his authority on baronial domains to prosecute the assailants who had fled from royal lands. For that reason, the drafters aimed to convince the *Corts* to enact a constitution that would enhance judicial cooperation in this regard. This proposal was never approved nor discussed in the *Corts*.

Chapter 8 analyzes proposal ¶16. In this case, the text deals with the tax policy of the king regarding his *aljamas*. The drafters intended for the monarch to renounce allocating their taxes to third parties. As noted in the text, they deemed that this practice was harmful for the Jewish communities since it caused a disconnection between the monarch and the *kehillot*. Ultimately, the drafters were afraid that this situation could lead to the *aljamas* losing the favor of the king. The main underlying idea behind this petition is that there was no distinction between public and private royal patrimony. The king defrayed public expenses with his own income, and could freely make use of—despite some legal limits—the lands, jurisdictions, and revenues of his territories. Of course, Jewish taxes belonged to this patrimony. Since the Jews did not have any kind of institutional protection limiting the power of the king, like the *Corts*, the allocation of communal taxes was an easy way to meet royal debts.

The concatenation of long and expensive wars during the reign of Peter III increased the need for additional incomes beyond ordinary taxes. In this context, the alienation—including temporary allocation—of the royal patrimony became a usual resort. Allocations of Jewish taxes had been a standard practice since the earlier thirteenth century. However, the economic crisis of the mid-fourteenth century intensified this proceeding. This situation paralleled the alienation of royal territories and jurisdictions, which also caused unrest among Christian subjects.

Regarding chapter 9, proposal ¶15 asked for the abrogation of the office of the *protector aliamarum iudeorum terra nostra.* The objectives of this institution were the coordination, centralization, and improvement of the defense of the *aljamas* in all the territories of the Crown. However, those attributions were more theoretical than real. The office was initially entrusted to the viscount Pere of Fenollet, who excelled serving Peter III in his military campaigns against the Kingdom of Mallorca. A lump sum of 12,000 *sous* to be distributed among the whole Catalan-Aragonese Jewry was decreed in order to subsidize the office. During the riots of 1348, the *protector* did not play any relevant role. Thus, this institution soon proved to be useless.

The viscount died in 1353. Prince John became then the new *protector*—he was barely four years old. Henceforth, the office remained in the hands of the monarchy, which already had the inherent duty to protect the *aljamas*. Therefore, the *protector* became no more than an excuse to obtain additional revenues from the *aljamas*. The drafters did not succeed in their task. Some decades later, other Jewish communities tried to attain its abolishment, but the figure of *protector iudeorum*—as well as its associated tax—only disappeared when the last Catalan king died in 1410.

With proposal ¶35, discussed in chapter 10, the drafters aimed to obtain a general privilege allowing the Jews to freely decide their residence, especially outside the royal domains. Many *aljamas* were indeed placed outside of the royal domains under the protection of local lords. Although these communities theoretically belonged to the monarchy, the barons used to have great autonomy to rule over their Jewish subjects. In this sense, seignorial jurisdiction offered several appealing advantages. The degree of protection involved was higher, privileges often were more generous, and the fiscal pressure was much lower. In principle, the change of residence had to be authorized by the king. The Catalan-Aragonese Jews had never had much freedom of movement. The transference of Jews from the royal domains used to be a sort of reward for the services provided by the local lord. The migrants were obliged to clear their debts with the home *aljama* before departing. However, home communities never welcomed migrations. When someone left the *aljama*, the community lost a taxpayer yet the general fiscal burden remained the same. For this reason, royal *aljamas* attempted by all means to stop resettlements or, if unsuccessful at that, at least to obtain a huge economic compensation for it.

The increase of the tax demands in the first half of the fourteenth century caused great migratory fluxes to the seignorial lands. The wealthiest Jews took advantage of the situation and pretended to change their residence while still keeping their economic base in their original home communities. The Catalan-Aragonese kings attempted to palliate the situation by enacting periodical prohibitions against migration. The decree that the drafters targeted was probably issued in 1340 and was intended for the whole population. If this proposal had succeeded, it would only have benefited the wealthiest classes. In contrast, popular classes would have had to cope with a greater fiscal pressure.

In chapter 11, we decided to alter the structure followed in the prior analyses. While these two proposals addressed two different issues, they also shared a common core. In both cases, the petitions of the drafters dealt with the violence and abuses committed by royal officials on the Jewish population. Petition ¶13 aimed to remedy the excessive use of force by tax collectors. Proposal ¶17 complained about the kidnapping and violent robbery of Jewish travelers by royal officials. Although both proposals complained about the violence exerted by royal officials, the idea of violence in the Middle Age did not have moral implications *per se*. It could be considered legitimate depending on its lawfulness. Therefore, if the violence exerted was in accordance with customs and privileges, it would be regarded as an acceptable political tool.

Throughout the history of the Crown of Aragon, several privileges were issued to limit the use of violence and coercive methods against Jewish communities by tax collectors. The complaints of the drafters targeted such behaviours insofar as they were disrespectful of the legal framework or were exerted without the consent of the king. Abuses of that sort were very common. The kidnapping and robbery of Jewish travelers committed by royal officials and servants, for example, were usual. While the use of force in tax collection could have legal coverage, these kinds of attacks were never

considered legitimate. Proposal ¶13 was completely ignored by the king. In the case of petition ¶17, the king issued a privilege hardening the penalties against the officials who acted as road blockers. Nevertheless, the measure was not effectively implemented, as proved by the persistence of the problem in later periods.

Chapter 12 followed the same patern. In this case, proposals ¶14 and ¶18 touch on some of the economic aspects of the relationship between royal officials and the Jewry. In proposal ¶14, the drafters complained about the Jewish community's obligation to pay the salaries of Christian tax collectors. Although public fixed salaries were becoming a usual practice, the allocation of part of the fiscal revenues to retribute tax collectors was still the most frequent mechanism of retribution. The target of proposal ¶18 was the abolition of the duty to provide tax collectors with accommodation and supplies. This duty had a fiscal nature and was called *cena*. Over the course of the thirteenth century, this obligation was progressively limited to furnish the royal family. However, exceptions were commonplace. The accommodation of royal officials within the Jewish community was a constant source of problems. At the expense of the community's income and of their habitual episodes of violence, the presence of non-Jews in their midst broke all the social barriers between both religious groups.

In the second part, we delved into the political dimension of the *Agreements.* We decided here to change our formal and analytical approach. The former chapters were commentaries on the sections of the text, which tackled a wide range of topics. From a thematic point of view, the complaints of the drafters against the involvement of notaries in judicial processes (¶21), for example, have little to do with their opposition to the office of the *protector* (¶15). It was impossible to follow a sequential structure. To some extent, each chapter can be virtually read as an independent work. In contrast, the topics addressed in the second part allowed for a lineal approach, much closer to a chronological order.

At the same time, the text of the *Agreements* played a secondary role. We did not retake its textual analysis until the end of the third chapter. The reasons for this methodological change are rooted in the nature of our aims: while in the first part our objective was to produce a commentary of the text; in the second one we aimed to discuss the evolution of the social and intellectual tradition that led to the production of the *Agreements.* Once the foundations of this tradition had been studied, we could come back to the corresponding sections to analyze the political dimension of the text within this tradition.

Our intention in the second part was to address the evolution of the Jewish Catalan political tradition from a theoretical and historical perspective. This initial inquiry charted the way to explore the most significant ambition the *Agreements* put forth: the creation of a supra-communal assembly. This projected institution would have revolutionized Catalan Jewish politics. The Catalan-Aragonese Jewry never developed a proper supra-communal tradition, but it did not prevent the drafters from envisaging an assembly which would have grouped all the communities of the Crown under a single

leadership. We hold that this is one of the greatest points of interest of the *Agreements.* However, none of the previous works on the *Agreements* paid attention to it. In our case, it was our major objective. We dedicated two chapters of this part to study the Catalan tradition considering the foundations of Jewish politics, the external influences over Catalan political conceptions, and the development and implementation of this tradition. In the third chapter, we discussed the possible precedents of the assembly, as well as its configuration and attributions.

In chapter 13, we reviewed the foundations of the Jewish political traditions. We also analyzed the formation of models of authority and decision-making rules in Central Europe, which largely influenced Catalan political conceptions. As noted, in its original notion, the political dimension of Judaism was inseparable from its spiritual or moral dimension. To be a Jew meant to belong to a religious group, but also to a political and ethnical body. The *Tanakh* contains the basic institutional construction of this body. With the destruction of the Second Temple, the dismantling of the traditional structures of power and the beginning of the Diaspora, the Jewish people were forced to find new forms of organizing. The community, essentially local in nature, emerged as the primary social, political and economic unity. Furthermore, there grew the need for new self-government models to legitimize communal authority. The local nature of the *kehillot* and the absence of central common authorities led to the appearance of a number of different approaches.

Focusing then on the Franco-German communities, we saw how the community was perceived by its members as an association of equals. Communal institutions lacked natural authority. Agreement and consent were the main foundations of authority. Among the *Tosafists*, the majority rule eventually emerged as the preferential system. The understanding of the scope and the limits of this principle was, nevertheless, not unitary. Its conception and material implementation depended on each community. In general, the theories regarding majority rule used to confer preeminence to the will of the intellectual leaders over the consent of their fellow members.

The aim of chapter 14 was to study the conception of communal authority in the *aljamas* of Catalonia and Valencia. In doing so, our objective was to explore both the general legal framework procured by royal legislation and the theoretical foundations delivered by the Jewish intellectual leaders of the period. This analysis set the bases for the posterior discussion on the contents of the *Agreements of 1354* regarding communal—and supra-communal—organization. The scope of this chapter comprised the process of political reforms carried out during the thirteenth and the first half of the fourteenth centuries, until the year 1354.

We concluded that communal authority in Catalonia relied on two axes: royal privileges and the inner political construction. The thirteenth century was a period of political transformation for the Catalan-Aragonese Jewry. At the dawn of the century, most *aljamas* were under the rule of authoritarian leaders supported by a communal aristocracy. The generalized popular unrest and the spreading of the *Tosafist* thought

among the Catalan Jewish intelligentsia forced political change. The majority rule was then widely implemented in the Crown. However, communal institutions were often controlled by oligarchs. Corruption and nepotism were endemic problems. The king used to intervene in communal affairs frequently. As for the spiritual leaders, they played a major role in the political development of the Catalan-Aragonese Jewry. Between 1250 and 1354, Moshe ben Naḥman, Shlomo ben Adret and Nissim Gerundi were the most outstanding political thinkers. All three were favorable to the majority rule and supported secular politics being autonomous from religious law. Since 1327, the statutes of Barcelona (probably backed by the king) became the legal framework of reference for many aljamas. They were still in force when the *Agreements of 1354* were signed. In this new stage, the influence of Catalan local governments on the institutional self-organization of Jewish communities was conspicuous.

Chapter 15 was dedicated to exploring the bases and powers of the supra-communal assembly envisaged in the *Agreements.* We started our inquiry focusing on the hypothetical external influences coming from the French and Rhenish synodic traditions. Louis Finkelstein—as well as some later authors—appears to trace links between the Agreements and the Franco-German supra-communal tradition. In the Rhenish case, the supra-communal encounters reached a high level of institutionalization from the thirteenth century onwards. We then discussed the functioning of the Catalan *collecta* as a possible internal precedent. In Catalonia, as in the rest of territories of the Crown, the Jews never developed a proper supra-communal tradition. Besides some sporadic gatherings to discuss the common implementation of royal commands, the *collecta* was the only existing regional institution. It was composed by a principal *aljama* and its area of influence. Apparently, the *collectas* were created by royal initiative as a means to facilitate tax collection. Nevertheless, their structure and functioning soon evolved to become real decision-making center.

After these initial reflections, we discussed the nature of the assembly paying special attention to the real objectives of the drafters. As we pointed out, there is no documentary evidence linking the Agreements of Barcelona with the Rhenish supra-communal tradition. The organic functioning of the assembly envisaged by the drafters does not coincide with the Ashkenazi synods. This assembly was not a prolongation of the systems of *collectas*. While the *collecta* was a union of *aljamas* under the leadership of the biggest community, the assembly described in the *Agreements* was to have a personalistic nature. Nevertheless, in all likelihood, the drafters instrumentalized the intercommunal networks of Catalonia and Valencia in order to design and launch the project. The assembly was not a representative institution. Had the drafters succeeded—and royal support was fundamental in this regard—, they would have accumulated an indisputable and almost monarchical power over the Catalan-Aragonese Jewry.

Finally, in chapter 16 we dealt with the final results of the project and the causes of its failure. The drafters ended up achieving only one privilege against the couriers and officials who used to attack and rob Jewish travelers, as well as a bull condemning the assaults against the *calls*. The bull was personally obtained by Cresques Salamo, who

led a Jewish delegation in Avignon. None of these enactments proved to be effective. At the internal level, the Catalan-Aragonese Jewry did not support the constitution of a supra-communal assembly and ignored the rest of the proposals. Though there is no documentary evidence attesting to the process of negotiation, we may assume that the unsurmountable lack of unity and the high costs associated to the project prevented the *aljamas* from supporting the drafters. The proceeds to achieve the royal privilege were defrayed by the community of Barcelona, whereas Cresques Salamo personally funded the embassy to Avignon to obtain the papal bull. The rest of communities refused to reimburse the expenses. King Peter III intervened to force the Catalan-Aragonese *aljamas* to refund the expenses. Although the documentation related to this process only covers ten years, it seems probable that the community of Barcelona and Cresques' heirs never recovered the money.

We have complemented our argumentation with an integral translation of the whole list of petitions in the *Annex*. Except for the proposals addressed to the Pope, the remaining sections have been previously translated throughout the dissertation. As we pointed out in the introduction, we decided not to translate the prolegomenon for practical reasons—in fact, Finkelstein also refused to do so. It did not prevent us from referring to specific statements of the prolegomenon when it was needed for our argumentation. The elaboration of a full translation of the document based on the original manuscript is indeed a task to do in the near future. Finkelstein published an English edition in 1924, but it was partial and historically inaccurate. We have therefore prepared the first complete translation of the main text of the *Agreements*.

We would like to add one last reflection. The *Agreements* still have many things to say. And there also are many things to be said about them. We have not yet exhausted its meaning. We hope the analysis of the proposals addressed to the Pope will add a new dimension to the study of the relationship between the Jewish communities and Christian powers. The study of the complex fabric of social and economic relationships which lie behind the *Agreements* should be extended further. We cannot understand the emergence of legal and political notions if we do not disclose the material reasons for their appearance. The vast amalgam of commercial interests, social interactions and idiosyncrasies should be explored in depth. It may be the only way to discover the bedrock of the political constructions we have just had a glimpse of and to complete our study on the *Agreements of Barcelona.* We will pick up on this line of research as soon as possible.

Annex: Text of the *Agreements of 1354* and English translation

Text of the *Agreements of 1354*

¶1

תחלה לאחוז פני כסא מלכנו יגדל וינשא, אשר מאז הוא ואבותיו מכורותיו ומולדותיו מלכי חסד המה ובצלם בגוים היינו, היא שעמדה לאבותינו ולנו מיום על אדמת נכר גולינו וכנורותינו תלינו. וגם עתה לפניו נבא ונשתחוה ונכרעה, אשר ברוב חסדיו עלות ינהל והנדחה והצולעה וזאת המרגעה, אשר בדבריו הצודקים והנאים, יליץ בעדנו אל מלך הגוים האפיפור יר״ה אם על ידי כתביו החמורים או לשלוח שם שרים רבים ונכבדים, ישתדלו ויבקשו מטעמו, להפר מחשבת עם הארץ הרעה אשר ביום תוכחה, דבר כי יהיה, רעב כי יהיה, ירעשו מגרשות לאמר, בפשע יעקב כל זאת, נכחידם מגוי ונכרת הנפשות, ותחת היותם מחויבים בעת צר לעשות צדקה וחסד לחונן דלים, זה דרכם כסל למו להתעולל עלילות על היהודים האמללים, וכן יצוא אליהם אשר אם שמא חס ושלום הי משמים ישקיף על בני אדם באחד משפטיו הרעים, אל יוסיפו על חטאתם פשע למרות עיני כבודו, אבל יתחזקו ללכת בדרכיו, אשר מכללם לשמור אותנו כבבת עינם, כי על אמונתם אנחנו יושבים.

¶2

עוד לשים לו חק ומשפט בדתיו הנקראים דאגרטאלש ולא יעבור, שאם באולי איש מעדת ישראל אשם לעשות כנגד אמונתם וחוקותיהם, אל ישובו המונם לכסלה בנכליהם, כאשר עשו אחינו קהל שביליא, אשר לפי דבריהם על פת לחם יפשע גבר ועל העדה היה קצף, והגוי המר והנמהר ישימו לנגדם, אשר על יראת אלהיהם כלם יחמו, ולבבם אחרי בצעם יחם, ושישים על זה חומר חרם ונדוי על כל אשר ישלח ידו על זה ביהודים לאבדם, ועל התומכם ומחזיקם והבא בסודם, זולתי הנפש החוטאת, אשר על פי המשפט תמות בעונה, ושאף אם על זה עם הארץ ישימו אותותם אותות דם ואש ותמרות, שיבאר כי הוא מכת הנמנע שיראו האותות למען השמידנו או הכחידנו מגוי, לבאר על כל אשר בזה מאמין שהוא מין כנגד אמונתם ומשפטיהם, אשר צוו להשאירנו שארית בארץ ולחיותנו בתוכם, כי כן צותה דתם מאז היתה לגוי.

¶3

עוד באשר עריצי הגוים וכסיליהם יחשבו להם לצדקה סביב פסחם לבנות עלינו דייק ולשפוך סוללה, שיבאר להיות זה להם עון אשר חטא, ולא יוסיפו לענות נפש היהודים, כי אם במה שנצטוו, והוא שיעמדו תוך שכונתם וסגרו על מסגר היום ההוא.

¶4

עוד שיבאר, לבלתי תהיה חקירת המינות כוללת היהודים כי אם בדבר שוה לכל הדתות כמכחש באלהים לאמר לא הוא וכאומר אין תורה מן השמים, אך בדבר מחלקת הדתות, גם אם יהודי יחזק ידי נוצרי שהוא מין בדתו, לא יפשה נגע המינות על היהודי, כי אי אפשר שיכנס בגדר המינות ליהודי מה שהוא צודק בו כפי דתו, אבל ראוי שיענש על זה מצד שבט המושל בו הן למות והן לשרושי, אך לא מצד חקירת המינות. ואם באולי לא נפיק זה מאתו שיצוה שיתן הטפסה הנקרא טרשלאט לנתבע ויהיה במשפטו טוען ומלמד זכות, לפי שמן הידוע, כי כל אשר העמיקו להסתיר דבר החקירה היתה זאת מיראת הנתבע אם תפול החקירה על שר וגדול, ואין היהודים בזה הכלל מהיותם קצוצי פאה והחלש מהמונם לא יחת וממגור לא יעבור אשר אלה ישמע ולא יגיד, ועל זה הדבר נמשך עוות משפט ליהודים, כי רבים מהמון העם יחשבו להיות בעדן גן אלהים, גם כי יכתבו עליהם שנאה לא באמת ולא בצדקה.

¶5

להפיק באור עוד, אשר אם נצרי אחד ירצה להשיב הגזלה אשר גזל או העושק אשר עשק לאחד מבני ישראל, יתחייב להשיבה ליהודי יד ליד או על יד הכומרים, ולא ינקה להשיבה לעשר אשם היהודי לו.

¶6

כל הכתוב למעלה נצטרך לעשות על יד אדננו המלך יר״ה ומלאכיו, אמנם באשר אנחנו היודעים הדברים המצטרכים אלינו, כי לב יודע מרת נפשו, הסכמנו שנשלחה אנשים אשר חכמה ותבונה בהמה וילכו שם לעמוד על המלאכה להפיק אלינו החותמות הצריכים על הענינים הנזכרים, כאשר תמצא ידם.

¶7

מלבד זה הסכמנו, שבכל הענינים הנזכרים ובכל הדברים הנתלים או נוגעים בהם יהיה כח לנבררים להשתדל למראית עיניהם להשיגם ולברור עליהם משתדלים ושלוחים באיזה מקום ומלכות ולהשתדל להשיג בהם כל מיני תקונים עם אדננו המלך יר״ה ועם כל שר ומושל ואיזה אדם בעולם.

¶8

עוד הסכמנו שנתחזק על דבר אמת ומשפט שלום לשפוט בשערים, כאיש אחד חברים. מיום גלות הארץ ומקלות עריצי גוים את החובלים העבירו מקל ורצועה ושבט מושלים, סר כחנו ומטה יד היושב על המשפט ושופט, ושפט אין כתיב כאן אלא נשפט, כי המשפט לאלהים הוא ואין אלהים אלא מומחין, אשר כח בהם לרדת בעומק הדין ולהבחין, אף כי המקום גורם, כי שם צוה השם את הברכה לשבת על מדין והמסכה הנסוכה. ולכן אנחנו פה היום עוברים בעמק הבכא אין דם חטאים בנפשותם מסור בידנו לנקום נקם בנפשותינו ומאודנו, לבד ראה זה נסעד לאלהינו בכל דור ודור לכלות קוצים מן הכרם ולעדור, ולהסיר

סירים סבוכים מלשין ודלטור, אף כי עתה המצוה עלינו, מאשר נמו רועינו שכנו אדירנו ופורצי פרץ פרצו ויעבורו וכמעט אין בדור מקבל תוכחת, כי שובבה העם הזה משובה נצחת, ולכן לשם הי אלהינו במועל ידים, אזרנו כגבר חלצים, וראשונה הסכמנו לבער כל מלשין ומסור אשר ימצא באחת הערים או להדיח עליו הרעה כדי רשעתו לפי ראות עיני הנבררים, ולהפריש כנגד המלשין ההוא מטעם כל הקהלות ולהוצאתם. אמנם שיהיה דבר המלשינות ההיא בדבר כללי יגיע בו נזק חלילה לכלל בני עמנו לא במלשינות פרטי שלא יצא ממנו נזק לכלל.

¶9

ומאשר עריצי גוים לא יוסרו בדברים וגדלה נקמה, הסכמנו להיותנו לאגדה אחת וכיס אחד יהיה לכלנו באיזה דבר אואלוט יגיע חלילה לאיזה מקום שיהיה, יען כי נזק כזה נמשך לכל פן ילמדו ממעשיהם, לא תקום ולא תהיה, אבל הנקמות הפרטיות, רצוננו על המקרים הפרטיים אשר אין בעד המקורים ההם נמשך נזק כללי, ולא בעד נקמתיהם תועלת כללי נמשך, ועון אין הקול יוצא בכללות מן מלכות למלכות, כל אחד יחוש לעצמו.

¶10

אוד שישתדלו כשיקהלו השרים והסגנים והעמים במצות אדננו המלך יר״ה לעשות קורטש שיעשו קונשטיטוסיאון שכל מי שיהרוג נפש אחד מישראל וכל הקורה אחריהם מלה בדרך אואלוט שלה יהיה רשות לשרים ולסגנים לתת לו מקום בארצם ולשכנו בתוכם אבל יחויבו לגרשו מן הארץ כלה גרש תכף יודע להם מעל האיש ההוא.

¶11

עוד הסכמנו בכל עת התקבצו השרים והסגנים מהענים לעשות קורטש שיחויבו הנבררים לשלוח שלוחים כללים לכל הקהלות להיות שם לפקח בעניני הקהלות או ילכו שם הנבררים עצמם או בלבד בקורטש כלליות לכל המלכות.

¶12

עוד הסכמנו שישתדלו בענין קשטיטוסיאון הו׳ שנים.

¶13

עוד ישתדלו מאשר נוגשי המס עתה מקרוב פרצו ויעבורו להאדיב נפש אחינו על דבר נגישתם ולתתם אסירי עני וברזל עד במעט בנפש חללים יצעקו ממסגרותיהם, הסכמנו שישתדלו להפיק חותם מושבע מאת אדננו המלך יר״ה לבל ינגשו נוגשיו הרודים בעמנו על דבר המס לענות נפש, כי אם על הדרך אשר נהג הוא ואבותיו מאז.

¶14

עוד הסכמנו שישתדלו הנבררים להוציא חותם מאת אדננו המלך יר״ה שלא תהינה הקהלות מוכרחות לפרוע שום שלארי לנוגשי המס והאשיקנסיאונש באשר שכרם היה מאז על גנזי אדנני המלך יר״ה ולא על הקהלות.

¶15

עוד ישתדלו להתחנן לפני אדננו המלך יר״ה לסלק אשיקנסיואן אדוי הדוק יר״ה כי אף כי לא אנחנו אין ידים לזה לביסקומטי דאילה לבקשת הקהלות למען יהיה טוען שלהם ועתה נתבטל הדבר.

¶16

עוד להפיק חותם מאדוננו המלך יר״ה ובשבועה שלא יוכל לעשות שום אשיקנסיאון על הקהלות או קהלה מיום זה ואילך, כי בהביא הקהלות כספם אל גנזי המלך ימצאו חן בעיניו ובעיני יועציו ושריו, גם כי לעת תמוט ידם יוכל אדוננו המלך יר״ה לחונן עליהם כמנהגו הטוב, מה שלא יהיה כן אם יהיו המסים אשיקנאטש.

¶17

ומשר רצי אדננו המלך יר״ה במצאם איש יהודי מתהלך לתומו בדרך שאול ישאל ממנו פדיון נפשו, ואם תקצר נפשו מפדות יפילוהו למדחפות וממול שלמה אדר יפשיטון, הסכמנו שישתדלו הנבררים להשיג ולהפיק חותם מאת אדננו המלך יר״ה כמשפט הראשון אשר השתדלו בו והשיגו איזה יחידים זה שנתים ימים, אך לא יכלו לתת גמר בדבר באשר קצרה ידם מפדות.

¶18

עוד הסכמנו להשתדל להקל מעל הקהלות עול הוצאת המטות שעושין ומבקשין מהם בני חצר אדננו המלך יר״ה כיד אדננו המלך הטובה, עלינו ויען כי הוא משא כבד עלינו ולמלך אין שוה בנזקנו ובפזור ממוננו.

¶19

עוד הסכמנו לחפיק חותם מאת אדננו המלך יר״ה שלא לעשות קומישריש לחקיר בשום דבר כנגר היהודים זולת הארדינאריש ויען היהודים הם תשושי כה ואין צריך לתתנם ביד אדונים קשה וגם כי בזה ההוצאות מתרבות וללא תואלת לאדננו המלך יר״ה והיהודים הולכים ודלים, אלא אם כן לבקשת הנבררים.

¶20

עוד השתדלו להפיק חותם מאת אדננו המלך יר״ה שלא לחקור לבקשת פישקאל אלא אם כן תובע בדבר רצוננו לומר קלאמדור ליגיטים ואף אם יהיה בתחלה אם יבטל התיעה או התרעומת שעשה שלא יהא רשות לפישקאל לרדוף אחריו כדי להשלימו למען קנסו, וכן לא יוכל הפישקאל לעכב ביד האורדנריש אם ירצו לעשות פשרה או אם ירצו להניח הכל מחסד.

¶21

עוד יפיקו חותם שלא יוכלו הסופרים ורצי החצרות לעשות עצמם מעורכי הדינין בשום דבר ריב ומשא ובשום תביעה שיש בין אדם לחברו ושינהגו במה שראוי למנוים ולאומנותם לבד.

¶22

עוד הסשמנו שישתדלו הנבררים להפיק חותם מאת אדוי המלך יר״ה להכריח כל קהלה וקהלה מקהלות המשתפות בזה לפרוע חלקה המוטל עליה כפי החלוקה הנעשית בינינו ושינגשו לפרעין הוצאות אלו כנגישת מסי אדוננו המלך בגוף או ממון בחרמות ובנדוין, ושתעשה הנגישה הנזכרת על פי הנבררים ובהסכמתם ולהוצאת הקהלה שתסרב לפרוע הלקה.

¶23

ולפי שאין כל הקהלות משתתפות עמנו היום ומהם בכתכם השכילו להיות המלאכה נכונה בעיניהם וכי הם נכונים לעלות ולראות עמנו ואחרו מן המועד אשר יעדוהו אולי לסבות הכרחיות, ומהם הידיעונו גדוליהם כי ישרה המלאכה בעיניהם, אמנם לא עלה בידם להיותם אתנו לאגדה אחת, ואנו צריכים להשתדל בקצת ענינים כלליים ותועלתיים ואין מן הראוי שנבזבז ממוננו והם יקחו חלקם בתועלת בהיותם יושבים בבתיהם צפונים ולא יתנו חלקם בהוצאה, על כן הסכמנו שבכל אותם החותמות והנהגות ודרכים שישיגו הנבררים שימשך בהם לאותם הקהלות תועלת שיפיקו חותם מאת אדננו המלך יר״ה להכריחם לפרוע חלקם באותם הענינים כפי התועלת המושג עליהם למראית עיני הנבררים.

¶24

עוד הסכמנו להפיק חותם מאת אדננו האמלך יר״ה שאם אלי יבוא שום יחיד מכל הקהלות המשתתפות עמנו או מזולתם לבטל דבר מכל דברי ההשתתפות הנזכר, או לבטל ולגרוע כח הנבררים הנזכרים או שום אחת מן התקנות וההסכמות אשר הסכמנו עליהם למראית עיני הנבררים הנזכרים, שיתחייבו כל הקהלות להבדל ממנו וליסר אותו ולהתנהג עמו באותו צר חומר וענין שיסכימו בו ויודיעום הנבררים, ובזה יוכלו לעשות כל אותן ההוצאות שיראה בעיניהם להוצאת כל הקהלות המשתתפות.

¶25

עוד לפי שדבר ההתחברות הנזכר שנתנו הקהלות על לבם והסכימו בו לעשות להצלת קבוצם אין התועלת נמשך בו אלא לפי מה שיהיו האנשים הנבררים, על זה הסכמנו שלא יוכל שום אדם בעולם להשתדל להוציא כתב מאת אדננו המלך יר״ה להיות לו יד ושם בנבררים הנזכרים ובכל הענינים הנזכרים ולא לעשות שום השתדלות אחר תוך החמש שנים הן אחריהם, אם שיסכימו בהמשכת הזמן אם לא, בקנס חרם ונדוי ושיבדלו כל הקהלות ממנו ושינהגו אותו כדין מלשין ומסור, ושישתדלו הנבררים על פי הכח הניתן להם להוצאת הקהלות אף אחר עבור זמנם על פי הדרך שיוציאו במה שישתדלו בו תוך זמנם.

¶26

עוד הסכמנו להפיק חותם מאת אדננו המלך יר״ה או ממורשהו יקיים כל הענינים הנזכרים ושיקנוס כל העובר עליהם אותו קנס שיראה בעיניו.

¶27

עוד אנו מבארים שבכל מקום הנזכר בקונדרס זה להפיק חותם או חותמות מאדננו המלך יר״ה, שהרשות נתונה לנבררים להפיק חותם על ידי עצמם או ידי זולתם כאשר יראה בעיניהם.

¶28

עוד הסכמנו שהנבררים שישתדלו בכל הענינים הנזכרים ושיהיה כח בידם על כל הענינים הנזכרים ועל פי הענין הנזכור, רצוננו בכל הדברים הכוללים לכל קהלות המלכות, יהיה על פי דרך זה, שיהיו בהם שנים בעד קהלות קטלונייא ושנים בעד קהלות ארגון ואחד בהד קהלות ולינסיאה ואחד בעד קהלות אי מיורקה אם יתרצו בזה ושיהיו השנים מקטלונייא אותם שהסכימו בהם כבר הקהלות שנשתתפו על זה, שהם אנקרשקש שלמה ואחר שיברור עמו והאחד מולינסיא דון יהודה אלעזר או אותו שיברור תחתהיו, ובעד יתר המלכיות אותם שיסכימו הם בברירתם.

¶29

עוד לפי שקהלות ארגון לא נשתתפו עמנו עדין, על כל הסכמנו שיהיה כח ויכולת ביד השנים מקטלונייא או אחרים במקומם להשתתף עמהם ולהסכים עמהם בכל אותם תנאים ודרכים שיראה בעיניהם שראוי להשתתף עמהם, הן בענין חלוקת ההוצאות איך יתחלקו בינינו, הן בענין ברירת האנשים שישתדלו בענין השתוף הנזכר ודרכיהם ודבר הכח שניתן להם, ובכלל כל מה שיצטרך לעשות לתשלום השתוף הנזכר למראית עיניהם, וכל מה שיסכימו עמהם יהיה מקוים ומקבל עלינו ועל כל המשתתפים עמנו.

¶30

עוד הסכמנו שיתחיבו כל הנבררים הנזכרים לפקח ולהשתדל בעניני מנוים וכל העניינים המוטלים עליהם ולא יוכלו להקל מעליהם את עול סובלם, אבל יחויבו להשתדל ולהתנהג כפי כונת הקהלות אשר הפקידו להם את כל סבל שמירת קבוצם ועניניהם בכח השבועה.

¶31

עוד הסכמנו שאם אולי יזדמן לנבררים או לאחד מהם שלא יוכלו לפקח על העניינים המוטלים עליהם, שיוכלו למנות אחרים במקומם ויהיה כחם ככחם באותו ענין או ענינים מיוחדים שיסכימו בידם.

¶32

עוד הסכמנו שיתחיב כל קהל וקהל מהקהלות המשתתפות בזה להחרים חרם באותו נוסח שיתנו להם או שיסכימו בו הנבררים עליהם ועל כל הקהלות המשתתפות בזה ועל כל הנלוים עמהם, להתנהג בכל אותם הנהגות ותקונים ודרכים אשר הסכימו שלוחי הקהלות וכתבום על ספר חתום מידם או בכל מה שיסכימו הנבררים הנזכרים מהכח הנתן להם מהשלוחים הנזכרים ושכל העובר עליהם במזיד יהיה מוחרם ומנודה לכל קהלות הקדש, עד שיתירוהו הנבררים אשר ינהגו במנוים. ומלבד כל אלה העניינים הפרטים אשר נתנו עליהם כח ויכולת לנבררים על פי מה שכתוב למעלה, הסכמנו עוד שאם ידאה בעיניהם שיצטרך לקהלות איזה דבר ישיגו בו תועלת כללי שיהיה כח ורשות בידם להשתדל ולהוציא חותם או חותמות הצריכים על זה.

¶33

עוד הסכמנו שבכל מה שנתן לנבררים עליו יכולת, יוכלו להוציא כל אותן הוצאות שיצטרכו בדברים ההם למראית עיניהם ויחויבו כל הקהלות המשתתפות בזה לפרוע חלקם בכל מה שיוציאו הם על פי החלוקה אשר ביניהם.

¶34

עוד הסכמנו שלא יתחייבו הנבררים ליתן חשבון מקבלותיהם והוצאותיהם אלא כל אחד למלכותו רצוננו בזה אותם שבקטלונייא לקטלונייא ואותם שבארגון לבני ארגון כפי שיסכימו ביניהם בזה וכן ולינסיאה ומיורקה.

¶35

עוד הסכמנו להשתדל בכל מאמצי כח להפיק חותם מאת אדננו המלך יר״ה להתיר כל היהודים אשר תחת ממשלתו שיוכלו להעתיק דירתם ממקומות המלכות ללכת ולדור במקומות הפרשים או בכל מקום שיבחרו כאשר הרשות נתונה מימי קדם ולבטל כל חק כרוז הנעשה עד היום.

¶36

עוד הסכמנו שתעשה חלוקת ההוצאות רצוננו מה שתפרע קהל ולינסיאה וכן יתר קהלות המלכות הנזכרות למראית עיני דון יהודה אלעזר ואנקרשקש שלמה.

¶37

וכל הסכמות הנזכרות וכל הענינים הנזכרים הסכמנו אנו החתומים למטה וקבלנו על עצמנו לקיים מכל זה כל אותן שטרות שיצטרכו בזה אחר שיהיה לנו מזה רשיון מאדננו המלך יר״ה, אבל כתבנו כל זה לזכרון דברים בעלמא מה שהיה בחדש טבת שנת קט״ו לפרט היצירה, וכתבנו וחתמנו זה אני משה וקרשקש מהכח שיש לנו מזה בשטר עשוי ביד הערכי אנמרק קשטניירא בכ״ה שטימברי שנת נ״ד לפרט חשבונם ואני יהודה מהכח שיש לי בשטר עשוי ביד הערכי גיללם ברנט די סימו קלינדאש שטימברי שנת נ״ד לחשבונם והכל שריר וקים.

English translation

¶1 First of all, we want to revere the throne of our King—may He be exalted and praised!—, because he, and his fathers and ancestors alike, have always been graceful kings. We have lived among the infidels under their shadow[585], which has stood for us and our fathers since the day we were exiled from our land and we hung our fiddles. Also now we bow down before him, thereby he—in his great mercy—will guide us as a lost and lame *[sheep*[586]*];* and it will calm us. With righteous and fine words, he will intercede for us before the King of the Gentiles *[*or *of the nations]*, the Revered Pope, sending him sound letters or many and honorable emissaries to attempt to achieve from him *[the compromise]* to stop the hostility of the crowds. Every time that a plague[587] or a hunger comes, they claim loudly: "This occurred because of Jacob's crimes! Let's exterminate this people! Kill them all!". While in times of need they are supposed to be rightful and kind, and to do charity to the poorest ones, they choose the foolish way of abusing the unfortunate Jews. If God, who is upon the skies, should judge and punish their evil deeds—God forbid!—, He should prevent them from adding to their sins this

[585] *Protection.*

[586] The word *sheep* is not expressly mentioned in the text. Eduard Feliu (1987: 153) and Bert Pieters (2006: 83) decided to include it to make the text clearer.

[587] The text literally says an *admonishment* [*תוכחה*]. Following Feliu (1987: 153) and Pieters (2006: 83), we consider that the drafters used this term as a synonym for *plague* or *epidemic*.

crime against the authority of His glorious eyes. They should become stronger to follow His path, which includes to keep us safe as the pupils of their eyes—as for our faith in Him we live.

¶2 Likewise, he *[the Pope]* should also enact a law or decree—one of these that are known as decretals *[degretals]*—that no one could infringe. It should state that if a member of the people of Israel commits a crime against the *[Christian]* faith and its rules, the crowds must not react stupidly as they did against our brother of the community of Seville. There, according to their words *[of the gentiles]*, a *[Jewish]* man desecrated a holy host, which aroused the anger *[of the people]* against the congregation. Out of fear of their God, the bitter and impetuous gentiles raised against them with their hearts full of lust[588]. *[The Pope]* should issue a rigorous excommunication[589] for all those who raise their hands against the Jews to exterminate them, as well as for all those who support and supply *[the assailants]* and conspire with them—only the sinful soul will perish according to the law. *[The enactment should also state]* that miracles cannot be interpreted as signs of blood, fire, and smoke columns. It should be explained that it is impossible that a miracle compel them to destroy or exterminate our nation. It should also be clarified that those who believe it are heretics against the *[Christian]* faith and law, which commands them to let us live in their country—their religion has always commanded it.

¶3 Likewise, regarding the most despotic people among the gentiles and their henchmen, who think that building fortifications and ramparts around us during the Passover is an act of charity, *[the Pope]* should explain to them that it is a sin and that they must not keep tormenting the souls of the Jews beyond what it is commanded by the law—that is, that *[the Jews]* must remain in lockdown in their neighborhoods that day.

¶4 Likewise, *[this decretal]* should state that there will not be *[religious]* inquisitions on heresy against the Jews, excepting in *[cases]* related to offenses that are common to all religions—such us denying the existence of God or the heavenly origin of the Torah. But regarding things that are different to each religion, even when a Jew agrees with the beliefs of a Christian who is *[considered]* a heretic, the crime of heresy should not be attributed to the Jew. It is not possible to consider a Jew a heretic only because he follows the creed of his religion. At any rate, he should be punished by his lord, even to die or to exile, but not by the *[religious]* inquisitorial *[trials]* on heresy. However, if we do not achieve it from him *[the Pope]*, he should command [to the inquisitors] to give a copy of the *[accusations]*—which is called *[in Catalan] trasllat [traslat]*—to the defendant. He should also be assisted by a lawyer or legal expert during the trial. It is well-known that *[inquisitors]* strive to keep their inquiries a secret when they are afraid of a defendant who is powerful and important; but the Jews do not belong to this

[588] As Feliu pointed out (1987: 154, fn. 7), there are no accounts of a big riot in Seville that matches the description. The drafters probably relied on a rumor or on an overstated event.
[589] The drafters use the Hebrew terms *ḥerem* and *niduy* ["חרם ונדוי"].

category. They are the most helpless, and not even the weakest *[man]* among the crowds is afraid of them or runs away from them. *[Thus, the Jewish defendant]* listens, but he cannot speak. This leads to the corruption of justice *[when it comes]* to the Jews, since many people thing that they earn the Eden—the Garden of God—when they write false or unfair accusations against them.

¶5 Likewise, *[the delegates must]* achieve *[a statement from the Pope]* clarifying that if a Christian wants to return the goods that he has robbed or that the holds from a son of Israel, he should restore it directly to the Jew or via a priest. He will not be relieved if he returns it to someone who has been offended by the Jew[590].

¶6 We have to achieve everything written above via Our Revered Lord the Kind and his emissaries. But since we know best the things that we need—because "the heart knows its bitterness"[591]—, we have agreed that we will *[also]* send wise and prudent people there *[to Avignon]*. They will strive to achieve, as long as possible, the statements concerning the abovementioned issues.

¶7 In addition to which we have agreed and regarding all the above-mentioned issues and those related to them, the delegates will be empowered to elect representatives *[משתדלים]* and deputies anywhere in the kingdoms in order to obtain privileges from our Revered Lord the King or from any other lord or baron.

¶8 In order to reinforce the truth and the peaceful rightness of the judgements of our courts, we have agreed to keep united as a single man. Since the beginning of our exile, the staff of the tyrants among the gentiles has been a staff to punish; they took away the staff and the leash of *[our*] rulers; they took our power and the authority of our courts from our hands. We do not write here 'to judge', but 'to be judged', because only God can judge; and there are no judges[592] *[among us]*, but *[legal]* experts who are entitled to study the law in depth and to discern about it. Only God[593] can judge since he commanded the blessing[594] to sit in a courthouse with the curtain down. Thus, here today, while we are traversing this valley of tears, the blood of those who sin against their own souls is not in our hands to take revenge with our souls and strength. Generation after generation, our God[595] *[or "*our judges"] has always taken care of us to remove the thorns from the vineyard, to till it and to eliminate the weeds: the informer

[590] It should probably be understood as "to a creditor of the Jew".
[591] As Eduard Feliu (1987: 155) pointed out, it is a literal quotation from *Proverbs* 14:10.
[592] In this sentence, two times is mentioned the term "אלהים" ("Elohim"). Although this term usually means "God", it is also used in the Torah to say "judges". Feliu translated the first "אלהים" by God and the second one by "judge"—see Feliu, E. (1987: 156). This interpretation is more suitable than any other alternative.
[593] The same.
[594] *Psalms* 133: 3.
[595] In this case both translations are valid. Nevertheless, we have respected Eduard Feliu's interpretation (1987: 157).

and the *delator*[596]. Also now we have this duty since our shepherds are slept, our neighbors are hidden, the villains break out to burglarize and transgress and hardly anyone in this generation accepts a reproof because the malice of these people always returns. For this reason, and with the hands raised in the name of the Lord, we girded the loins like a rooster and we firstly agreed to eliminate all the informers who are found in our communities and to punish their evil seeds according to the opinion of the delegates. We will expel them on behalf and at the expense of all the communities when their calumnies cause harm to all our people—God forbid!—, but not when they only affect specific individuals.

¶9 Since the tyrannical infidels cannot be appeased with words—revenge will be terrible![597]—, we have agreed to unite as a single body and to set a single common fund *[to deal with the consequences if]* a wave of assaults *[avalot, אוואלוט]* took place far and wide –God forbid! Since we all are affected by such damages and *[disorders]* tend to spread, [we should do whatever we can] to stop or minimize them. However, *[each community]* will deal with *[the consequences]* of individual attacks—that is, those occurred exclusively in one community and not simultaneously in all the kingdoms.

¶10 Likewise, when the nobles, the clergy and the populace meet to hold a Cort by order of our revered lord the king, they *[the delegates]* will attempt to get a constitution *[konstitusion]* preventing anyone who had killed a son of Israel or had prompted a riot *[avalot]* from taking refuge and residing in baronial or ecclesiastical lands; he had to be expelled from those territories as soon as discovered.

¶11 Likewise we have agreed that each time that the nobles, the deputies *[of the Church/ the Pope]* and the people meet to hold Corts, the delegates will be in charge of sending envoys—or to go themselves—from all the communities in order to look out for their interests, or at least in case of General Corts of all the kingdoms.

¶12 We have also agreed that they would manage the affair related to the constitution *[konstitusion]* of the six years.

¶13 Given that nowadays tax collectors burglarize and distress our brothers with their demands and make them prisoners with misery and iron until they cry from their dungeons with moribund souls, we have agreed that *[the delegates]* will strive to obtain a sworn privilege from Our Revered Lord the King preventing his tax collectors—who oppress us with their impositions—from exerting violence, just like he and his ancestors had always done.

---

[596] *Delator* ("דלטור") is the Catalan word for informer.

[597] The literal translation of this first sentence is "Since the tyrannical infidels are not appeased with speeches and the revenge is great". The syntagms seem to be disconnected. Eduard Feliu interpreted the last part of the sentence as an apposition referring to Divine Punishment: "*Gran és el judici diví"* [*"Great is divine punishment"*] (Feliu, E. 1987: 156). This paragraph is particularly complicated and almost impossible to preserve the literalism of its content.

¶14 Likewise, we have agreed that the delegates will obtain from Our Revered Lord the King a privilege guaranteeing that the communities will not be forced to pay any salary *[salari]* and allocation *[asiknasions]* to his tax collectors since their retributions had always stemmed from the royal treasury and not from the communities.

¶15 Likewise, they will attempt to beg our revered lord the King for removing the allotment *[asiknasion]* of His Excellency the revered Duke *[ha-duk]*, because though we are in his hands, the viscount of Illa *[viskomti dilla]* was at first appointed protector by request of the aljamas, but now those circumstances have disappeared.

¶16 Likewise, *[they will]* obtain a privilege and oath from our Revered Lord the King forbidding hereafter any allocation *[asiknasions]* on the *[taxes]* of the aljamas, because if the aljamas themselves bring the money to the king's treasure, they will receive his grace and the favor of his councilors and officials. Then our Lord the Revered King will be merciful upon them as usual, which this does not happen when the taxes are allocated *[asiknates]*.

¶17 Given that when the couriers of Our Revered Lord the King find a Jew innocently walking on the road they demand a ransom of him, and if he refuses to pay they beat him down and undress him, we have agreed that the delegates must strive to obtain a privilege from Our Revered Lord the King similar to this statement that some Jews obtained two years ago, though they could not complete their task because their hand was too short for this good seed.

¶18 Likewise, we have agreed to make efforts to release the communities from the obligation to supply the officials of Our Revered Lord the King—appealing to his generosity—, because it is a heavy burden for us and the king does not benefit from the damages to our patrimony and its decrease.

¶19 Likewise, we have agreed to obtain from our Revered Lord the King a privilege committing not to command commissaries *[komisaris]* to inquire on the affairs of the Jews, except if the delegates demand it, since the *ordinaris [ordinary judges]* are sufficient. The Jews are feeble, thus there is no need to leave them into the hands of severe officers. In addition, it produces unnecessary expenses to our Revered Lord the King while impoverishes us.

¶20 Likewise, they will strive to reach a decree from our revered lord the King prohibiting inquisitions by request of the prosecutor [fiscal], except if the plaintiff is a legitimate claimer *[clamador legitim]*. In addition, if the initial plaintiff desists from his claim or pretension, the prosecutor *[fiscal]* must be prevented from pulling him to complete the process in order to perceive a fine. Furthermore, the prosecutor *[fiscal]* must not be allowed to hinder the *ordinaris [ordinary judges]* from reaching agreements *[with the defendant]*, if they want, or from abandoning *[the process]* as an act of mercy.

¶21 Likewise, we aim to obtain a privilege preventing notaries and scribes of the courts from getting involved in the business of law *[as lawyers or representors]* in any dispute, limiting their functions to those traditionally associated to their art and craft.

¶22 Likewise, we have agreed that our delegates must focus part of their efforts on obtaining a privilege from our Revered Lord the King compelling all the communities which have joined us to pay their part of the contribution we arranged. *[The decree must also contain measures]* forcing them to pay for the expenses just as if they were taxes of Our Lord the King—*[committing]* themselves and their capital under *ḥerem* and *niduy*. *[The enforcement]* of these coercive measures will be at the request and agreement of our delegates and at the expense of the defaulting community.

¶23 Although not all the communities have currently aligned with us—some of them have written informing us that the proposal might be suitable for them and that they are willing to come to visit us, but causes alien to their will have delayed their participation; the elders from the rest of communities let us know that, though they consider it an honorable task, they could not meet us—, we should address some matters of common interest. Nevertheless, it would not be just for us to run will all the expenses, while the others enjoy the benefits at the comfort of their houses without assuming their part. Therefore, we have agreed to ask our Revered Lord the King for a pronouncement stating that every community which profited from a privilege or decree obtained by our delegates will be compelled to satisfy its part of the debt under the conditions decided by the delegates themselves.

¶24 Likewise, we have agreed on requesting a privilege from our Revered Lord the King stating that if a person from one of the participating communities, or from anywhere else, aimed to invalidate any part of the abovementioned measures, or to invalidate and reduce the authority of the delegates or the scope of the ordinances and accords the delegates have agreed upon, all the communities must banish, punish and treat him according to which was agreed by the delegates. To that end, the delegates will be allowed to spend as much as necessary at the expense of the participating communities.

¶25 Likewise, we have concurred that this union that our communities have selflessly created for the sake of our safety will only survive as long as nobody jeopardizes the role of our delegates. For this reason, we have agreed that no one shall try to obtain from our Revered Lord the King any privilege appointing him delegate or giving him power over the abovementioned matters, as well as to conduct any action aiming to undermine the delegates' five-years office or the extensions we might agree upon. *[If someone did so,]* he must be punished with a fine and with *ḥerem* and *niduy*. Furthermore, all the communities must deal with him as the laws against the informers state. Once he has been neutralized, our delegates will be able to keep working in accordance with the powers conferred to them by the communities and without budget ceiling until the end of their office.

¶26 We have also agreed to obtain a privilege from our Revered Lord the King or from his deputy validating these measures and issuing adequate punishments for the transgressors.

¶27 We would like to emphasize that when we speak about requesting a privilege or a provision form our Revered Lord the King, they are our delegates who will be empowered to receive them personally or through one of their assistants if it were necessary.

¶28 We have also agreed that the delegates in charge of conducting the aforesaid tasks—regarding matters involving all communities of the kingdoms—will be elected as follows: two of them from Catalan communities; two from Aragon; one on the side of the Valencian communities; and one from the island of Mallorca. The delegates of Catalonia will be those agreed by the communities gathered here: *en*[598] Cresques Salamo and another one that he himself will appoint. The one from Valencia will be *Don [דון]* Jahuda Alatzar or whoever he will select. And from the rest of kingdoms, those *[their communities]* decide to choose.

¶29 Likewise, since the Aragonese communities have not yet joined us, we have agreed that the delegates from Catalonia or from elsewhere will be empowered to meet them and to discuss with them their terms and conditions to align with us. It includes the distribution of the expenses or how will be allocated among us, the appointment of the men in charge of the abovementioned tasks, their powers and protocols, and in whatever they *[the Aragonese communities]* deem it necessary to cooperate with us. Everything they agree on will be welcomed and accepted by us and by the rest of the communities which have joined us.

¶30 Furthermore, we have agreed that all delegates must promise to look after their tasks and obligations with due diligence, as well as to resignedly support the weight of their responsibilities. They are bound by oath to endeavor and to proceed according to the will of the communities which appointed them to conduct the difficult task of safeguarding the public.

¶31 Likewise, we have agreed that if our delegates—or one of them—become unable to perform the duties entrusted to them, they will be authorized to appoint substitutes in charge of conducting their tasks—or just those tasks they agree to delegate.

¶32 We have also agreed that all the participating communities and those that will align with us must oblige themselves—under a *ḥerem* they will pronounce according to the proper formulation or that agreed by our delegates—to observe all the

[598] In the original: *אנקרישקש שלמה*; transliterated: *En-Creshkesh Shalomo.* The original Hebrew has preserved the Catalan article *"*en*"*, which usually precede personal names. The authors of the text decided to prefix it in the Hebrew style.

pronouncements, ordinances and decisions subscribed and written by the communities, as well as those agreements reached by the delegates in compliance with their already mentioned functions. Those who transgress *[this oath]* must be excommunicated and banished from the domains of the communities until our delegates decide to forgive him. In addition to all the specific matters we have entrusted to the delegates, we have agreed that if they consider that the communities need anything for the sake of the common good, they will have the power and the authority to achieve and to defray that privilege.

¶33 Regarding the matters which have been entrusted to our delegates, we have also agreed that they will have no expenditure ceiling and that all the participating communities will be obliged to cover their corresponding part of the distribution they have accepted.

¶34 Furthermore, we have agreed that the delegates should not be requested to justify their gains and expenses but in their respective kingdoms. Thus, our decision is that *[the delegates]* from Catalonia *[will be held accountable]* in Catalonia; those from Aragon in Aragon according to their rules and the same for Valencia and Mallorca.

¶35 Moreover, we have agreed to put our efforts and energy in obtaining from our Revered Lord the King a privilege allowing all the Jews under his jurisdiction to move their residence from royal domains to baronial lands or to any other territory they wish, just as they were permitted to do in olden times and derogating every current law in this regard.

¶36 Likewise, we have agreed that the distribution of the expenses—that is, what should be paid by the community of Valencia and the rest of communities in the aforementioned kingdoms—will be made in accordance with the will of *don* Jahuda Alatzar and *en* Cresques Salamo.

¶37 All the above mentioned agreements and matters have been agreed by us, the signers, and we have accepted upon us *[the responsibility]* to obtain every statement we need as soon as we get the approval of Our Revered Lord the King. We have just written this entire *[document]* as an account of the things that happened in the month of Tebet of the year 5115 from the Creation of the World. I, Moshe, and Cresques have written it with the power that we have according to the deed that *En* Marc Castanyera *[enMark Kastaniiera]*, notary, wrote the 25 of September *[Setiembri]*. And I, Jehuda, *[have signed it]* with the power that I have according to the deed issued by the notary Guillem Bernat de Simó *[Gillem Bernat de Simo]* in the calends *[kalindas]* of September of 1354. Everything is valid and binding.

Bibliography

Primary sources, edited sources and documentary digests

ACA, reg. 20, f. 268r.

ACA, reg. 48, fol. 53v.

ACA, reg. 196, f. 232r

ACA, reg. 899, f. 228v-229r.

ACA, reg. 928, f. 25-26r.

ACA, reg. 1056, f. 89r.

ACA, reg. 1109, f. 54v.

ACA, reg. 1579, f. 165v.

Adret, Shlomo ben Abraham ben (1996). *Shelot ve-teshuvot (7 Vol.)*[599]. Jerusalem: Makhon Yerushalayim (Hebrew).

Agramont, Jacme d' (1998). *Regiment de preservació de la pestilència.* Barcelona: Enciclopèdia Catalana.

Al-Farabi (1985). *Al-Farabi on the Perfect State / Abū Naṣr al-Fārābī's Mabādi' Ārā' Ahl al-Madīna al-Fāḍila.* Oxford: Clarendon Press.

Alighieri, Dante (1997): "Monarchia" in *Opere minori di Dante Alighieri (Vol. 2).* Torino: Unione Tipografico-Editrice Torinese, pp. 471-781.

Alturo i Perucho, Jesús *et al.* (eds., 2003). *Liber iudicum popularis*. Barcelona: Generalitat de Catalunya, Departament de Justícia i Interior.

Aquinatis, Thomae (1881): "De regimine principum ad Regem Cypry" in *Opuscula selecta (Vol. 3).* Paris: Sumptibus et Typis P. Lethielleux.

Aquino, Tomás de (1952-1953). *Suma contra los gentiles : edición bilingüe en dos tomos con el texto crítico de la leonina*. Madrid: Matriti.

Aristotle (1998). *Politics.* Indianapolis: Hackett Publishing Company.

Asher, Jacob ben (1610). *Arbah Turim*[600]. Hanau (Hebrew).

[599] שאלות ותשובות
[600] ארבעה טורים

Assis, Yom Tov (ed., 1993-1995). *The Jews in the Crown of Aragon:* Regesta *of the* Cartas Reales *in the* Archivo de la Corona de Aragón *(2 Vol.).* Jerusalem: The Henk Schussheim Memorial Series.

Augustine of Hippo (1890). *City of God*. New York: The Christian Literature Publishing Co.

Augustine, Sancti Aurelii (1841): "Tractatus Adversos Judeos" in *Opera Omnia (Vol. 8).* Paris: J-P Migne, pp. 51-63.

Baer, Fritz [Yitzhak] (1929). *Die Juden im Christlichen Spanien (Vol. 1).* Berlin: Akademie-Verlag.

Bastardas, Joan (ed., 1991). *Usatges de Barcelona. El codi a mitjan segle XII.* Barcelona: Fundació Noguera.

Biblia bilingüe/Bilingual Bible: Versión Reina-Valera 1960 / New King James Version (2010). Nashville: Grupo Nelson.

BNC, ms. 988, f. 89v-90r.

Boccaccio, Giovani (1952). *Decameron. Filocolo. Ameto. Fiammetta.* Milan and Naples: Riccardo Ricciardi Editore.

Bofarull y de Sartorio, Manuel (ed., 1847-1851). *Procesos de las antiguas cortes y parlamentos de Cataluña, Aragón y Valencia custodiados en el archivo general de la Corona de Aragón (8 Vol.).* Barcelona: Colección de Documentos Inéditos del Archivo General de la Corona de Aragón.

Bofarull y de Sartorio, Manuel (ed., 1866). *Proceso contra el rey de Mallorca D. Jaime III mandado formar por el rey D. Pedro IV de Aragón (3 vol.).* Barcelona: Colección de Documentos Inéditos del Archivo General de la Corona de Aragón.

Bofarull y de Sartorio, Manuel (ed., 1867-1868). *Proceso contra D. Bernardo de Cabera mandado formar por el rey D. Pedro IV de Aragón (3 Vol.).* Barcelona: Colección de Documentos Inéditos del Archivo General de la Corona de Aragón.

Capmany, Antoni de (2007). *Práctica y estilo de celebrar cortes en el reino de Aragón, principado de Cataluña y reino de Valencia y una noticia de las de Castilla y Navarra.* Barcelona: Editorial Base.

Cardús i Florensa, Salvador (ed., 2000). *Ordinacions de bon govern de la batllia de Terrassa (1299-1625)*. Barcelona: Fundació Salvador Vives i Casajuana.

Clement VI (1348). *Quamvis perfidiam Iudeorum*. Retrieved from: http://telma.irht.cnrs.fr/outils/relmin/extrait87469/

Colon, Germà and Garcia, Arcadi (eds., 1970-2002). *Furs de València (9 vol.).* Barcelona: Editorial Barcino.

Constitutions y altres drets de Cathalunya, compilats en virtut del capitol de cort LXXXII de las corts per la S.C. Y R. Majestat del Rey don Philip IV Nostre Senyor celebrardas en la ciutat de Barcelona, any 1702 (1973). Barcelona: Editorial Base.

Cortes de los antiguos reinos de Aragón y de Valencia y Principado de Cataluña (26 vol.) (1896-1922). Madrid: Real Academia de la Historia.

Decretals of Gregory IX. Retrieved from: http://www.canonlaw.info/canonlaw_IUSDECR.htm

Eiximenis, Francesc (2009). *Lo regiment de la cosa pública en el* Dotzè *del Crestià*. Madrid: Atenea.

Escribà i Bonastre, Gemma and Frago Pérez, Maria P. (1992). *Documents dels jueus de Girona, 1124-1595*. Girona: Ajuntament de Girona.

Eymerich, Nicholas (1587). *Directorium inquisitorum*. Rome.

Feliu, Eduard (2002-2003): "Salomó ben Adret, mestre de la llei jueva". *Tamid*, 4: 35-109.

Ferrando, Antoni (ed., 1978-1979). *Llibre del repartiment de València*. Valencia: Vicente García.

Finkelstein, Louis (1924). *Jewish self-Government in the Middle Ages* [From page 111 onwards]. New York: The Jewish Theological Seminary of America.

Font i Rius, Josep M. (ed., 1992). *Els Usos i costums de Tàrrega*. Tàrrega: Ajuntament de Tàrrega.

García García, Antonio and Melloni, Alberto (eds., 2013): "Lateranense IV" in *Conciliorum oecumenicorum generaliumque decreta (Vol. 2)*. Eds., Giuseppe Alberigo and Alberto Melloni. Turnhout: Brepols.

Gerundi, Nissim ben Reuben (1984). *Shelot ve-Teshuvot ha-Ran.* Jersualem: Mekhon Shalem.

Gerundi, Nissim ben Reuben (2003). *Derashot ha-Ran.* Jerusalem: Mosad ha-Rab Kook.

González Antón, Luís (1975). *Las Uniones aragoneses y las Cortes del reino (Vol. 2).* Zaragoza: CSIC.

Gonzalvo i Bou, Gener (ed., 1994). *Les constitucions de Pau i Treva de Catalunya (segles XI-XIII)*. Barcelona: Generalitat de Catalunya, Departament de Justícia.

Gonzalvo i Bou, Gener (ed., 1997). *Els Llibres de privilegis de Tàrrega, 1058-1473.* Barcelona: Fundació Noguera.

Gui, Bernard (1866). *Practica inquisitionis heretice pravitatis.* Paris: Alphonse Picard.

Ha-Cohen, Joseph [יוסף הכהן] (1895). *Emek ha-bakha*[601]. Krakow: Faust's Buchhandlung (Hebrew).

Haye, Thomas (2014). "Simon von Couvin: "De iudicio Solis in conviviis Saturni": Einleitung und kritische Edition". *Wiener Studien*, 127: 217-313.

Hernando i Delgado, Josep (1985). *El "*Tractat d'usura*" de Francesc Eixemenis.* Barcelona: Balmesiana.

Hernando, Josep (1989): "*Quaestio disputata de licitudine contractus emptionis et venditionis censualis cum conditione revenditionis.* Tratado sobre la licitud del cotnrato de compraventa de rentas personales y redimibles. Bernat de Puigcercos, O.P. (Siglo XIV)". *Acta historica et archaeologica mediaevalia*, 10: 9-87.

Hernando, Josep (1990-1991): "Un tratado sobre la licitud del contrato de compraventa de rentas vitalicias y redimibles (<<violaris>>). *Allegationes iure factae super venditionibus violariorum cum instrumento gratiae.* Ramon Saera (Siglo XIV)". *Acta historica et archaeologica mediaevalia*, 11-12: 9-74.

Huici Miranda, Ambrosio and Cabanes Pecourt, María D. (1976). *Documentos de Jaime I de Aragón (3 Vol.).* Valencia: Anubar Ediciones.

Jacobs, Joseph (1894). *An Inquiry into the Sources of the History of the Jews in Spain.* London: David Nutt.

Jaume I, el Conqueridor (1983): "Llibre dels feits" in *Les quatre grans cròniques*. Ed. Ferran Soldevilla. Barcelona: Editorial Selecta, pp. 1-190.

Kol Bo (1547). Venice.

Krueger, Paulus (ed., 1892): "Codex Iustinianus" in *Corpus Iuris Civilis (Vol. 2).* Ed., Theodor Mommsen and Paul Meyer. Berlin: Apud Weidmann.

López de Meneses, Amada (1956). *Documentos acerca de la Peste Negra en los dominios de la Corona de Aragón.* Zaragoza: CSIC.

López de Meneses, Amada (1959): "Una consecuencia de la Peste Negra en Cataluña: el *pogrom* de 1348 (apéndices)". *Sefarad*, 19 (2): 321-364.

Maimonides, Moses (2002). *The Guide for the Perplexed.* Skokie (Illinois): Varda Books.

Martínez Ferrando, Ernesto J. (1958-1973). *Índice Cronológico de la Colección de Documentos Inéditos del Archivo de la Corona de Aragón (2 Vol.).* Barcelona: Dirección General de Archivos y Bibliotecas.

Martini, Raymundi (1651). *Pugio fidei adversus mauros, et iudaeos.* Paris.

[601] עמק הבכא

Masiá, Ángeles (1956): "Aportaciones al estudio de los <<pastorellos>> en la Corona de Aragón" in *Homenaje a Millás-Vallicrosa (Vol. 2).* Barcelona: CSIC, pp. 9-30.

Meir of Rothenburg (1891). *Rabbi Meir's von Rothenburg bisher unerdirte responsem.* Berlin: Druck von H. Itzkowski (Hebrew) [*Berlin*].

Meir of Rothenburg (1895). *Sefer Teshuvot Maharam bar Barukh*[602]. Budapest: Euchhandlung Steinberg & Comp (Hebrew) [*Prague*].

Meiri, Menachem (1950). *Beit ha-Baḥirah al Masekhet Bava Kama*[603]. Jerusalem: Mosad ha-Rab Kook (Hebrew).

Mishnah. Retreived from https://www.sefaria.org/texts/Mishnah

Muntané i Santiveri, Josep Xavier (2006). *Fonts per a l'estudi de l'aljama jueva de Tàrrega.* Barcelona: PPU.

Muntané i Santiveri, Josep Xavier (2015). *Regest dels documents de l'arxiu parroquial de Verdú relatius als jueus (2 Vol.).* Barcelona: Institut d'Estudis Món Juïc.

Peguera, Lluís de (1974). *Practica, forma, y stil de celebrar corts generals en Catalunya y materias incidentes en aquellas.* Barcelona: Editorial Base.

Penyafort, Ramon de (1945). *Summa iuris.* Barcelona: Universidad de Barcelona.

Pere el Cerimoniós (1983): "Crònica" in *Les quatre grans cròniques*. Ed. Ferran Soldevilla. Barcelona: Editorial Selecta, pp. 1001-1225.

Ramban (2004-2010). *The Torah: with Ramban's Commentary Translated, Annotated and Elucidated (5 Vol.).* New York: Mesorah Publications. (English and Hebrew).

Recognoverunt Proceres. Versión medieval catalana del privilegio así llamado (1927). Barcelona: Universidad de Barcelona, Facultad de Derecho.

Régné, Jean (1978). *History of the Jews in Aragon.* Jerusalem: The Magnes Press and the Hebrew University.

Ribera, Julián and Asín Palacios, Miguel (1912). *Manuscritos árabes y aljamiados de la biblioteca de la Junta.* Madrid: Centro de Estudios Históricos.

Roca, Josep Maria (1923): "Memorial de greuges que'ls missatgers de la Ciutat de València presentaren al Rey Johan I d'Aragó". *Butlletí de la Reial Acadèmia de Bones Lletres de Barcelona,* 11 (79): 70-79.

Sánchez Martínez, Manuel and Ortí Gost, Pere (eds., 1997). *Corts, parlaments I fiscalitat a Catalunya: els capitols del donatiu (1288-1384).* Barcelona: Generalitat de Catalunya, Departament de Justícia.

[602] ספר תשובות מהר"ם ב"ר ברוך

[603] בית הבחירה על מסכת בבא קמא

Sarasa Sánchez, Esteban (ed., 1984). *El privilegio general de Aragón.* Zaragoza: Cortes de Aragón.

Sarret i Pons, Lluís (1982). *Privilegis de Tàrrega*. Tàrrega: Generalitat de Catalunya.

Schorr, Hershel (1852): "Dabari ha-Berit asher aizeh ha-Kehilot be-Sefarad be-Shanat 1354 am Hakdamah ve-Hearot[604]". *He-Ḥalutz,* 1: 20-35 (Hebrew).

Schmidt, Tilmann and Sabanés i Fernández, Roser (eds., 2016). *Butllari de Catalunya: documents pontificis originals conservats als arxius de Catalunya (1198-1417) (3 Vol.).* Barcelona: Fundació Noguera.

Talmud Bavli [Babylonian Talmud] (Hebrew). Retrieved from: https://www.sefaria.org/texts/Talmud

The William Davidson Talmud. Retrieved from https://www.sefaria.org/texts/Talmud

Tilander, Gunnar (ed., 1959). *Fueros aragoneses desconocidos promulgados a consecuencia de la Gran Peste de 1348.* Stockholm: Offset-Lito.

Ugolini, Zanchino (1579). *De haereticis.* Rome.

Valls i Pujol, Esperança (ed., 2008). *Regest dels documents de l'Arxiu Diocesà de Barcelona relatius als jueus*. Barcelona: Promocions Publicacions Universitàres.

Valls i Taberner, Ferran (1991). *Diplomatari de Sant Ramon de Penyafort.* Saragossa: Universitat de Màlaga.

Walzer, Michael *et al.* (2000-2018). *The Jewish Political Tradition (3 Vol.).* New Haven and London: Yale University Press.

Yehiel, Asher ben (1607). *Shelot ve-Teshuvot*[605]. Venice (Hebrew).

Secondary sources

Abadal, Ramon d' (1987). *Pere el Cerimoniós i els inicis de la decadència política a Catalunya.* Barcelona: Edicions 62.

Aberth, John (2005). *The Black Death. The Great Mortality*. New York: Palgrave.

[604] "דברי הברית אשר באו בו איזה קהלות ספרד בשנת ה"א קט"ו (1354) עם הקדמה והעדות"

[605] שאלות ותשובות

Abulafia, David (2008): "The Rise of Aragon-Catalonia" in *The New Cambridge Medieval History (Vol. 5).* Ed., David Abulafia. Cambridge: Cambridge University Press, pp. 644-667.

Abulafia, David (2014). *The Western Mediterranean Kingdoms, 1200-1500.* London and New York: Routledge.

Agus, Irving A. (1947). *Rabbi Meir of Rothenburg (2 Vol.).* Philadelphia: The Dropsie College for Hebrew and Cognate Learning.

Agus, Irving A. (1952): "Democracy in the Communities of the Early Middle Ages". *The Jewish Quarterly Review,* 43 (2): 153-176.

Agus, Irving A. (1954): "The Rights and Immunities of the Minority". *The Jewish Quarterly Review,* 45 (2): 120-129.

Alsina, Teresa and Feliu, Eduard (1985): "Mossé Natan poeta hebreu de Tàrrega" in *Constitució de l'Associació d'Estudiosos del Judaisme Català a Tàrrega*. Tàrrega: Museu Comarcal.

Amador de los Ríos, José (1876). *Historia social, política y religiosa de los judíos de España y Portugal (3 Vol.).* Madrid: José Gil Dorregaray.

Andersen, Kristi (2007). *The Geometry of an Art.* New York: Springer.

Arkel, Dick van (2009). *The Drawing of the Mark of Cain: A Socio-historical Analysis of the Growth of Anti-Jewish Stereotypes.* Amsterdam: Amsterdam University Press.

Arrizabalaga, Jon (1991): "La Peste Negra de 1348: los orígenes de la construcción como enfermedad de una calamidad social". *Acta Hispanica ad Medicinae Scientiammque Historiam Illustrandam,* 11: 73-117.

Ashtor, Eliyahu (1973-1979). *The Jews of Moslem Spain (2 Vol.).* Philadelphia: The Jewish Publication Society of America.

Assis, Yom Tov (1977): "Mashber be-Kehillah Saragosa be-Shanim Al Fi Makorot ibriyim ve-Loaziyim"[606]. *Proceedings of the World Congress of Jewish Studies,* 4: 37-42 (Hebrew).

Assis, Yom Tov (1988a). *The Jews of Santa Coloma de Queralt: An Economic and Demographic Case Study of a Community at the End of the Thirteenth Century*. Jerusalem: Magnes Press.

Assis, Yom Tov (1988b): "Sexual behaviour in mediaeval Hispano-Jewish society" in *Jewish History. Essays in Honour of Chimen Abramsky*. Eds., Ada Rapoport-Albert and Steven J. Zipperstein. London: P. Halban, pp. 25-59.

[606] "משבר בקהילת סרגוסה בשנים על פי מקורות עבריים ולועזיים"

Assis, Yom Tov (1996-1997): "Jaime II y los judíos en la Corona de Aragón". *Anales de la Universidad de Alicante: Historia medieval,* 11: 331-342.

Assis, Yom Tov (1997). *Jewish Economy in the Medieval Crown of Aragon, 1213-1327.* Leiden: Brill.

Assis, Yom Tov (2002): "El pueblo judío y Cataluña. Algunos aspectos de su historia interna" in *La Cataluña judía.* Barcelona: Museu d'Història de Catalunya, pp. 2-23.

Assis, Yom Tov (2008). *The Golden Age of Aragonese Jewry.* London: The Littman Library of Jewish Civilization.

Assis, Yom Tov (2012): "The Jews of Barcelona in Maritime Trade with the East" in *The Jew in Medieval Iberia, 1100-1500.* Ed. Jonathan Ray. Boston: Academic Studies Press, pp. 180-226.

Bach i Rius, Antoni (1990): "Els jueus del comtat de Cardona a l'entorn de l'any 1391" in *Jornades d'història dels jueus a Catalunya.* Girona: Ajuntament de Girona, pp. 281-294.

Baer, Yitzhak (1950): "Ha-Yesodot ve-ha-Hatḥalot shel Irgun ha-Kehillah ha-Yehudit bi-Yemei ha-beinayim[607]". *Zion*, 15: 1-41 (Hebrew).

Baer, Fritz [Yitzhak] (1965). *Studien zur Geschichte der Juden im Königreich Aragonier*. Vaduz: Kraus Reprint, LTD.

Baer, Yitszhak (2001). *A History of the Jews in Christian Spain (2 Vol.)*. Skokie (Illinois): Varda Books.

Baiges i Jardi, Ignasi J. (1994): "El notariat català: origen i evolució" in *Actes del I congrès d'història del notariat català*. Ed., Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 131-166.

Baraz, Daniel (2003). *Medieval Cruelty: Changing Perceptions, Late Antiquity to the Early Modern Period*. London: Cornell University Press.

Baraz, Daniel (2004): "Violence or Cruelty? An Intercultural Perspective" in '*A Great Effusion of Blood?*' *Interpreting Medieval Violence.* Eds., Mark D. Meyerson *et al.*. Toronto: University of Toronto Press, pp. 164-189.

Baron, Salo W. (1942). *The Jewish Community : Its History and Structure to the American Revolution (2 Vol.).* Philadelphia: Jewish Publication Society of America.

Barrio Barrio, Juan Antonio (2009): "Los procuradores del Brazo Real en las cortes medievales del Reino de Valencia". *Aragón en la Edad Media,* 21: 59-98.

Barry, Brian (1970). *Political Argument.* London: Routledge and Kegan Paul.

[607] "היסודות וההתחלות של ארגון הקהילה היהודית בימי הביניים"

Barton, Thomas W. (2014). *Contested Treasure. Jews and Authority in the Crown of Aragon*. Philadelphia: Pennsylvania State University Press.

Barzen, Reiner (2004): "Jewish Regional Organization in the Rhineland: The Kehillot Shum around 1300" in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of the International Symposium held at Speyer, 20-25 October 2002*. Ed., Chrisoph Cluse. Turnhout: Brepols, pp. 233-243.

Barzen, Rainer *et al.* (2000): "The Hierarchy of Medieval Jewish Settlements Seen through Jewish and non-Jewish sources". *Madaʿe ha-Yahadut*, 40: 57-67.

Baskin, Judith (2008): "Mobility and Marriage in Two Medieval Jewish Societies". *Jewish History*, 22 (1): 223-243.

Batlle i Gallart, Carme (2016). *L'aljama de la Seu d'Urgell medieval*. Barcelona: Rafael Dalmau.

Baydal Sala, Vicent (2016): "Pactistes des de quan? Les arrels del concepte de «pactisme» en la historiografia catalana i l'obra de Jaume Vicens Vives".*eHumanista/IVITRA*, 9: 314-340.

Baydal, Vicent (2017): "El poder polític al regne de València durant el segle xiv. Descomposició o desenvolupament?". *Catalan Historical Review*, 10: 147-160.

Belenguer, Ernest (2015). *Vida i regnat de Pere el Cerimoniós.* Lleida: Pagès Editors.

Bellomo, Manlio (1989). *The Common Legal Past of Europe, 1000-1800.* Washington, D. C.: The Catholic University of America Press.

Ben-Shalom, Ram (2012): "Hasdai Crescas: Portrait of a Leader at a time of Crisis" in *The Jew in Medieval Iberia, 1100-1500.* Ed., Jonathan Ray. Boston: Academic Studies Press, pp. 309-351.

Benbassa, Esther (1999). *The Jews of France: A History from Antiquity to the Present.* Princeton: Princeton University Press.

Bensch, Stephen P. (1989): "La Primera Crisis Bancaria De Barcelona". *Anuario De Estudios Medievales*, 19: 311-328.

Bensch, Stephen P. (1995). *Barcelona i els seus dirigents, 1096-1291*. Barcelona: Proa.

Bensch, Stephen P. (2008): "A Baronial Aljama: The Jews of Empúries in the Thirteenth Century". *Jewish History*, 22 (1/2): 19-51.

Berger, Michael S. (1998). *Rabbinic Authority*. New York: Oxford University Press.

Berman, Harold J. (1983). *Law and Revolution. The Formation of the Western Legal Tradition.* Cambridge (Massachusetts): Harvard University Press.

Bertran i Roigé, Prim (2002): "Las comunidades judías de Cataluña: el área de Lleida" in *La Cataluña judía.* Barcelona: Museu d'Història de Catalunya, pp. 86-107.

Biale, David (1986). *Power and Powerless in Jewish History.* New York: Schocken Books.

Bisson, Thomas N. (1977): "The Organized Peace in Southern France and Catalonia, ca. 1140 - ca. 1233". *The American Historical Review,* 82 (2): 290-311.

Bisson, Thomas N. (1978): "The Problem of Feudal Monarchy: Aragon, Catalonia, and France". *Speculum,* 53 (3): 460-478.

Bisson, Thomas N. (1982): "Celebration and Persuation: Reflections on the Cultural Evolution of Medieval Consultation". *Legislative Studies Quarterly,* 7 (2): 181-204.

Bisson, Thomas N. (1986). *The Medieval Crown of Aragon.* Oxford: Oxford University Press.

Bisson, Thomas N. (2003). *Medieval France and Her Pyrenean Neighbours.* London and Ronceverte: The Hambledon Press.

Black, Anthony (1992). *The Political Thought in Europe, 1250-1450*. New York: Cambridge University Press.

Blasco Martínez, Asunción (1987): "La inquisición y los judíos en Aragón en la segunda mitad del siglo XIV". *Aragón en la edad media,* 7: 81-96.

Blasco Martínez, Asunción (1992): "La autonomía judicial de los judíos de Zaragoza: la normativa de 1376". *Sefarad,* 52 (2): 323-336.

Blasco Martínez, Asunción (1993): "Los malsines del Reino de Aragón: Una aproximación". *Proceedings of the World Congress of Jewish Studies, Division B: The History of the Jewish People, Volume 1: From the Second Temple to Modern Times*, pp. 83-90.

Blidstein, Gerald J. (1981): "Individual and Community in the Middle Ages: Halakhic Theory" in *Kinship and Consent: The Jewish Political Tradition and its Contemporary Uses.* Ed., Daniel Elazar. Ramat Gan: Turtledove Publishing, pp. 215-256.

Blidstein, Gerald J. (1990): "'Ideal' and 'Real' in Classical Jewish Political Theory". *Jewish Political Studies Review,* 2 (1/2): 43-66.

Bloch, Marc (1993). *Feudal Society (2 Vol.).* London: Routledge.

Bonnassie, Pierre (2009). *From Slavery to Feudalism in South-Western Europe.* New York: Maison des Sciences de l'Homme and Cambridge University Press.

Bönnen, Gerold: "Worms: The Jews between the City, the Bishops, and the Crown" in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of*

the International Symposium held at Speyer, 20-25 October 2002. Ed., Chrisoph Cluse. Turnhout: Brepols, pp. 449-458.

Bono, José (1979). *Historia del Derecho notarial español (2 Vol.).* Madrid: Junta de Decanos de los Colegios Notariales de España.

Botticini, Maristella and Eckstein, Zvi (2012). *The Chosen Few: How Education Shaped Jewish History, 70-1492*. Princeton: Princeton University Press.

Brand, Itzhak (2012): "Religious Recognition of Autonomous Secular Law: The "Sitz im Leben" of R. Nissim of Girona's Homily (no. 11)". *The Harvard Theological Review*, 105 (2): 163-188.

Brennan, Geoffrey and Lomasky, Loren (1984): "Inefficient Unanimity". *Journal of Applied Philosophy*, 1 (1): 151-163.

Brenner, Michael (2007): "The Politics of Jewish Historiography" in *Dutch Jewry in a Cultural Maelstrom, 1880-1940.* Eds., Judith Frishman and Hetty Berg. Amsterdam: Amsterdam University Press.

Breuer, Mordechai (1988): "The "Black Death" and Antisemitism" in *Antisemitism through the Ages.* Ed., Shmuel Almog. Oxford: Pergamon Press, pp. 139-151.

Brown, Donald E. (1988). *Hierarchy, History, and Human Nature: the Social Origins of Social Consciousness.* Tucson: The University of Arizona Press.

Brundage, James A. (2013). *Medieval Canon Law.* London and New York: Routledge.

Buchanan, James M. and Tullock, Gordon (1974). *The Calculus of Consent.* Ann Arbor: University of Michigan Press.

Burns, Jane (2004): "Why Textiles Make a Difference?" in *Medieval Fabrications*. Ed. Jane Burns. New York: Palgrave Macmillan, pp. 1-18.

Butler, Geoffrey (1920): "Roman Law and the New Monarchy in France". *The English Historical Review*, 35 (137): 55-62.

Byrne, Joseph P. (2004). *The Black Death*. Westport (Connecticut) and London: Greenwood Press.

Byrne, Philippa (2020): "Medieval violence, the making of law and the historical present". *Journal of the British Academy*, 8(s3), 133–154

Caputo, Nina (2007). *Nahmanides in Medieval Catalonia.* Notre Dame: University of Notre Dame.

Casanovas, Pompeu (2019): "Catalan Identities: Language, Power and Political Pactism from a Historical Perspective" in *The Rise of Catalan Identity.* Eds., Pompeu Casanovas Montserrat Corretger and Vicent Salvador. Cham: Springer, pp. 19-48.

Cassirer, Ernst (1944). *An Essay on Man.* New York: Doubleday.

Castañeda, Vicente (1920): "Relaciones geográficas, topográficas e históricas del Reino de Valencia hechas en el siglo XVIII a ruego de Don Tomás López". *Revista de Archivos, Bibliotecas y Museos,* 24 (10, 11 and 12): 574-592.

Castro, Américo (1983). *España en su historia: cristianos, moros y judíos.* Barcelona: Crítica.

Cebula, Richard J. and Kafoglis, Milton Z. (1983): "In Search of Optimum 'Relative Unanimity'". *Public Choice,* 40 (2): 195-201.

Chazan, Robert (1987). *European Jewry and the First Crusade.* Berkeley: University of California Press.

Chazan, Robert (1989). *Daggers of faith: thirteenth-century Christian missionizing and Jewish response*. Berkeley: University of California Press.

Chazan, Robert (1992a). *Barcelona and beyond: the Disputation of 1263 and its aftermath.* Berkeley: University of California Press.

Chazan, Robert (1992b): "Medieval Jewish Political Institutions: The Foundations of their Authority" in *The Quest for Utopia: Jewish Political Ideas and Institutions through the Ages*. Ed., Zvi Gitelman. Armonk (NY): M.E. Sharpe, inc., pp. 67-79

Chazan, Robert (1997): "May-June 1096 Crusading assaults are launched against the Jewishcommunities of Worms, Mainz, and Cologne, the three great centers of late-eleventh-century life in northern Europe" in *Yale Companion to Jewish Writing and Thought in German Culture, 1096-1996*. Eds., Sanders L. Gilman and Jack Zipes. New Heaven: Yale University Press, pp. 1-7.

Chazan, Robert (1999): "Christian and Jewish Perceptions of 1096: A Case Study of Trier". *Jewish History*, 13 (2): 9-22.

Chazan, Robert (2000). *God, Humanity, and History: The Hebrew First Crusade Narratives*. Berkeley: University of California Press.

Chazan, Robert (2006). *The Jews of Medieval Western Christendom, 1000-1500.* New York: Cambridge University Press.

Chazan, Robert (2019). *Refugees or Migrants: Pre-Modern Jewish Population Movement*. New Heaven: Yale University Press.

Clark, Eli D. (1998-1999): ""After the Majority Shall You Incline": Democratic Theory and Voting Rights in Jewish Law". *The Torah U-Madda Journal*, 8: 97-133.

Cohen, Boaz (1944a): "The Relationship of Jewish to Roman Law". *The Jewish Quarterly Review,* 34 (3): 267-280.

Cohen, Boaz (1944b): "The Relationship of Jewish to Roman Law (Continued)". *The Jewish Quarterly Review*, 34 (4): 409-424.

Cohen, Jeremy (1983). *The Friars and the Jews.* Ithaca: Cornell University Press.

Cohen, Jeremy (1999). *Living Letters of the Law.* Berkley, Los Angeles and London: Berkley University Press.

Cohn, Haim H. (1974): "Capital Punishment" in *The Principles of Jewish Law.* Ed. Menachem Elon. Jerusalem: Keter Publishing House, pp. 526-530.

Cohn, Samuel K. (2007): "The Black Death and the Burning of Jews". *Past & Present*, 196: 3-36.

Colomer, Josep Maria (2013): "Ramon Llull: from 'Ars electionis' to social choice theory". *Social Choice and Welfare*, 40 (2): 317-328.

Conde, y Delgado de Molina, Rafael *et al.* (1991): "Fonts per a l'estudi de les corts i parlaments de Catalunya. Catàleg dels procesos de corts i parlaments" *Les corts a Catalunya. Actes del Congrés d'Història institucional (28, 29 i 30 d'abril de 1988)*. Barcelona: Generalitat de Catalunya, Departament de Cultura, pp. 25-61.

Conde y Delgado de Molina, Rafael (1988): "La titularidad de las notarías parroquiales catalanas desde Pedro II (III) el Grande a Jaime II: del Proyecto Besalú (1281) a la pragmática de 1302" in *Estudis sobre història de la institució notarial a Catalunya en honor de Raimon de Noguera*. Ed., Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 31-50.

Conde y Delgado, Rafael (1994): "El pas de l'escrivà al notari" in *Actes del I congrès d'història del notariat català*. Ed., Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 439-462.

Corbella, Ramon (1909). *La aljama de Juheus de Vich.* Vic: Catòlica de Sant Joseph.

Cowdrey, Herbert E. J. (1970): "The Peace and the Truce of God in the Eleventh Century". *Past & Present*, 46: 42-67.

Curto Homedes, Albert (2002): "Las comunidades judías de Cataluña: el área de Lleida" in *La Cataluña judía.* Barcelona: Museu d'Història de Catalunya, pp. 108-117.

Cuvillier, Jean-Pierre (1968): "Les communautés rurales de la plaine de Vich (Catalogne) aux XIIIe et XIVe siècles". *Mélanges de la Casa de Velázquez*, 4 : 73-104.

Dahan, Gilbert (1994): "Juifs en Occident médiéval : l'aire ashkénaze (XIe-XIVe siècles)" in *Mille ans de cultures ashkénazes*. Eds., Jean Baumgarten *et al.*. Paris : Liana Levi, pp. 24-32.

Dantí i Riu, Jaume (2002). *El Consell de Cent de la ciutat de Barcelona.* Barcelona: Rafael Dalmau.

Davis, Joseph M. (1993): “Philosophy, Dogma, and Exegesis in Medieval Ashkenazic Judaism: The Evidence of "Sefer Hadrat Qodesh"”. *AJS Review,* 18 (2): 195-222.

Davis, Kathleen (2008). *Periodization and Soverignty.* Philadelphia: University of Pennsylvania Press.

DeAngelo, Harry (1981): “Competition and Unanimity”. *The American Economic Review,* 71 (1): 18-27.

Diamond, James A. (2009): “Nahmanides on the Polis: Reading Exegesis and Kabbala as Political Theory”. *Hebraic Political Studies,* 4 (1): 56-79.

Dorff, Elliot N. and Rosett, Arthur (1988). *A Living Tree: The Roots and Growth of Jewish Law.* Albany: State of New York University Press.

Dougherty, Keith L. *et al.* (2014): “An experimental study of the efficiency of unanimity rule and majority rule”. *Public Choice,* 158 (3/4): 359-382.

Duby, George (1982). *The Three Orders.* Chicago and London: The University of Chicago Press.

Elazar, Daniel J. (1974): “Jewish Political Studies as a Field of Inquiry”. *Jewish Social Studies,* 36 (3/4): 220-233.

Elazar, Daniel (1977): “The Kehillah”. *Workshop in the Covenant Idea and the Jewish Political Tradition,* Bar-Ilan University, Working Paper n.6.

Elazar, Daniel (1981b): “The Covenant as the Basis of the Jewish Political Tradition” in *Kinship and Consent: The Jewish Political Tradition and its Contemporary Uses.* Ed., Daniel Elazar. Ramat Gan: Turtledove Publishing, pp. 21-56.

Elazar, Daniel J. (2000): “Judaism as a Theopolitical Phenomenon” in *The Blackwell Companion to Judaism*. Eds., Jacob Neusner and Alan J. Avery-Peck. Malden, Oxford and Carlton: The Blackwell Publishing, pp. 415-440.

Elazar, Daniel J. and Cohen, Stuart (1984). *The Jewish Polity: Jewish Political Organization from Biblical Times to the Present*. Bloomington: Indiana University Press.

Elias, Norbert (2000). *The Civilizing Process.* Oxford: Blackwell Publishing.

Elon, Menachem (1974a): “Public Authority and Administrative Law” in *The Principles of Jewish Law.* Ed., Menachem Elon. Jerusalem: Keter Publishing House, pp. 645-654.

Elon, Menachem (1974b): “Takkanot ha-kahal” in *The Principles of Jewish Law.* Ed., Menachem Elon. Jerusalem: Keter Publishing House, pp. 654-662.

Elon, Menachem (1993): “The Contribution of Spanish Jewry to the World of Jewish Law”. *Jewish Political Studies Review,* 5 (3/4): 35-54.

Elon, Menachem (1994). *Jewish Law: History, Sources, Principles (4 Vol.).* Philadelphia: Jewish Publications Society.

Emery, Richard W. (1959). *The Jews of Perpignan in the Thirteenth Century*. New York: Columbia University Press.

Emery, Richard W. (1967): "The Black Death of 1348 in Perpignan". *Speculum,* 42: 611-623.

Epstein, Isidore (1968). *The "Responsa" of Rabbi Solomon Ben Adreth of Barcelona (1235-1310).* New York: KTAV Publishing House, INC.

Farias Zurita, Víctor (2002): "*Iudei de Petralata.* Un estudi sobre les activitats econòmiques dels jueus d'una vila catalana a l'entorn del 1300" in *Actes I Congrés per a l'Estudi dels Jueus en Territori de Llengüa Catalana*. Eds., Maria Teresa Calders Artis and Esperança Valls. Barcelona: Publicacions de la Universitat de Barcelona, pp. 237-254.

Febrer Romaguera, Manuel V. (2004): "El parlamentarismo pactista valenciano y su procedimiento foral de reparación de *agravis i contrafurs*". *Anuario de Estudios Medievales,* n. 34 (2): 667-712.

Feldman, Leon A. (1965): "Rabennu Nissim: Biographical Highlights". *Proceedings of the World Congress of Jewish Studies*, 2: 51-54.

Feldman, Leon A. (2007): "Nissim ben Reuben Gerondi" in *Encyclopaedia Judaica (Vol. 15).* Eds., Fred Skolnik and Michael Berenbaum. Detroit, New York, San Francisco, New Heaven and Waterville: Thomson Gale, pp. 280-281.

Feliu, Eduard (1987): "Els Acords de Barcelona de 1354". *Calls,* 2: 145-164.

Feliu, Eduard (1998-1999): "Quatre notes esparses sobre el judaisme medieval". *Tamid,* 2: 81-122.

Feliu, Gaspar (1999). "La demografía baixmedieval catalana: estat de la qüestió i propostes de futur". *Revista d'Història Medieval,* 10: 13-43

Feliu, Gaspar (2007): "Mercaders-banquers barcelonins: l'endeutament de la monarquia i la fallida de la taula de canvi de Pere des Caus i Andreu d'Olivella el 1381" in *El món del crèdit a la Barcelona medieval.* Ed., Manuel Sánchez Martínez. Barcelona: Arxiu Històric de la Ciutat de Barcelona, pp. 197-210.

Fernández Trabal, Josep (2002): "De 'prohoms' a 'honrats'. Orígenes y justificación de la nobleza de los ciudadanos honrados de Catalunya". *Hidalguía: la revista de genealogía, nobleza y armas,* 295: 841-876.

Fernández-Cuadrench, Jordi (2007): "El crèdit jueu a la Barcelona del Segle XIV" in *El món del crèdit a la Barcelona medieval.* Ed., Manuel Sánchez Martínez. Barcelona: Arxiu Històric de la Ciutat de Barcelona, pp. 157-196.

Ferrer i Mallol (1970/1971): "El patrimoni reial i la recuperació dels senyorius jurisdiccionals en els estats catalano-aragonesos a la fi del segle XIV". *Anuario de Estudios Medievales*, 7: 351-491.

Ferrer i Mallol, Maria Teresa (1999): "El carreratge de Barcelona". *Barcelona: 750 aniversari dels privelgis atorgats per Jaume I a la ciutat de Barcelona, 1249-1999 (Lleida el diez de febrero de 1999)*. Barcelona: Ajuntament de Barcelona.

Ferrer i Mallol, Maria Teresa (2006): "Els problemes financers dels reis catalans i una solució: l'emponyarament de llocs i villes. El cas de Teià". *Revista de Dret Històric Català*, 6: 89-119.

Ferro Pomà, Víctor (2001): "Els drets processals i penal a Catalunya abans del Decret de Nova Planta" in *Història del dret català*. Ed., Tomàs de Montagut Estragués. Barcelona: Edicions de la Universitat Oberta de Catalunya.

Ferro Pomà, Víctor (2015). *El dret públic català. Les institucions a Catalunya fins al Decret de Nova Planta.* Barcelona: Societat Catalana d'Estudis Jurídics.

Fidora, Alexander (2012): "Ramon Martí in Context: The Influence of the *Pugio Fidei* on Ramon Llull, Arnau de Vilanova and Francesc Eiximenis". *Recherches de Théologie et Philosophie médiévales*, 79 (2): 373-397.

Fidora, Alexander and Hasselhof, Görge K. (eds., 2019). The Talmud in Dispute during the High Middle Ages. Bellaterra: Serveis de Publicacions de la Universitat Autònoma de Barcelona.

Finkelstein, Louis (1924). *Jewish self-Government in the Middle Ages* [Until page 108]. New York: The Jewish Theological Seminary of America.

Fishkin, James S. (1979). *Tyranny and Legitimacy.* Baltimore: The John Hopkins University Press.

Font i Rius, Josep M. (1977). *Jaume I i la municipalitat de Barcelona.* Barcelona: Universitat de Barcelona.

Fontanta, Josep (2007): "Antoni de Capmany i les Corts catalanes" in *Práctica y estilo de celebrar cortes en el reino de Aragón, principado de Cataluña y reino de Valencia y una noticia de las de Castilla y Navarra.* Antoni de Capmany. Barcelona: Editorial Base, pp. 51-64.

Freedman, Paul (1991). *The Origins of Peasant Servitude in Medieval Catalonia.* Cambridge: Cambridge University Press.

Freeman, Gordon (1981): "The Rabbinic Understanding of Covenant as a Political Idea" in *Kinship and Consent: The Jewish Political Tradition and its Contemporary Uses.* Ed., Daniel Elazar. Ramat Gan: Turtledove Publishing, pp. 59-86.

Fromm, Erich (2001). *The Fear of Freedom.* London: Routledge.

Gampel, Benjamin R. (2016). *Anti-Jewish Riots in the Crown of Aragon and the Royal Response, 1391-1392.* Cambridge: Cambridge University Press.

Ganshof, François L. (1952). *Feudalism.* London: Longmans, Green and Co.

García Edo, Vicent (1994): "El procés d'exàmens dels notaris de València de 1350-1351" in " in *Actes del I congrès d'història del notariat català*. Ed., Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 579-589.

García Marsilla, Juan Vicente (2007): "Feudalisme i crèdit a l'Europa medieval" in *El món del crèdit a la Barcelona medieval.* Ed., Manuel Sánchez Martínez. Barcelona: Arxiu Històric de la Ciutat de Barcelona, pp. 109-128.

Garcia i Sanz, Arcadi and Ferrer i Mallol, Maria-Teresa (1983). *Assegurances i canvis marítims medievals a Barcelona (2 Vol.).* Barcelona: Institut d'Estudis Catalans.

Genicot, Lépolod (1966): "Crisis: From the Middle Ages to Modern Times" in *The Cambridge Economic History of Europe (Vol. I)*. Ed., Michael M. Postan. Cambridge: Cambridge University Press, pp. 660-741.

Gergen, Thomas (2002): "The Peace of God and its legal practice in the Eleventh Century". *Cuadernos de Historia del Derecho,* 9: 11-27.

Gierke, Otto von (1868-1913). *Das deutsche Genossenschaftsrecht (4 Vol.).* Berlin: Weidmann.

Gierke, Otto von (1913). *Political Theories of the Middle Age*. Cambridge: Cambridge University Press

Giménez Soler, Andrés (1901): "El poder judicial en la Corona de Aragón". *Memoria leída en la Real Academia de Buenas Letras de Barcelona los días 16 de febrero y 2 de marzo de 1901*.

Ginebra i Molins, Rafael (2000): "Les escrivanies eclesiàstiques a Catalunya" in *Actes del II congrès d'història del notariat català.* Eds., Juan José López Burniol and Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 89-160.

Girard, René (1978a). *Des choses cachées depuis la fondation du monde.* Paris: Éditions Grasset & Fasquelle.

Girard, René (1978b). *The Double Business Bound: Essays on Literature, Mimesis and Anthropology*. Baltimore: Johns Hopkins University Press.

Given, James B. (2004): "Les inquisiteurs du Languedoc médiéval: les éléments sociétaux favorables et contraignants" in *Inquisition et pouvoir*. Ed., Gabriel Audisio. Marseille: Publications de l'Université de Provence, pp. 57-70.

Golb, Norman (1966): "New Light on the Persecution of French Jews at the Time of the First Crusade". *Proceedings of the American Academy for Jewish Research,* 34: 1-63.

Golding, Martin P. (1959). *Community, Covenant, and Reason: A Study in Jewish Legal Philosophy*. Columbia University.

Golding, Simha (2014). *Apostasy and Jewish identity in High Middle Ages Northern Europe.* Manchester: Manchester University Press.

González Antón, Luís (1975). *Las Uniones aragoneses y las Cortes del reino (Vol. 1).* Zaragoza: CSIC.

Gonzalvo i Bou, Gener (1991): "Les assemblees de Pau i Treva i l'origen de la Cort General de Catalunya" in *Les corts a Catalunya. Actes del Congrés d'Història institucional (28, 29 i 30 d'abril de 1988)*. Barcelona: Generalitat de Catalunya, Departament de Cultura, pp. 71-78.

Goodman, Martin (2000). *State and Society in Roman Galilee, A.D. 132-212.* London: V. Mitchell.

Greitens, Sheena C. (2016). *Dictators and their Secret Police: Coercive Institutions and State Violence*. New York: Cambridge University Press.

Grimm, Dieter (2003): "The State Monopoly of Force" in *International Handbook of Violence Research*. Eds., Wilhelm Heitmeyer and John Hagan. Berlin: Springer, pp. 1043-1055.

Grossman, Avraham (1975): "Yeḥasam shel Ḥakhmei Ashkenaz ha-Rishonim el Shilton ha-Kahal[608]". *Shenaton ha-Mishpat ha-Ivri*, 2: 175-199 (Hebrew).

Grossman, Avraham (2004). *Pious and Rebellious: Jewish Women in the Middle Ages.* Waltham (Massachusetts): Brandeis University Press.

Guerson, Alexandra (2015): "Death in the Aljama of Huesca: the Jews and Royal Taxation in Fourteenth-Century Aragon". *Sefarad*, 75 (1): 35-63.

Guggenheim, Yacov (2004): "Jewish Community and Territorial Organization in Medieval Europe" in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of the International Symposium held at Speyer, 20-25 October 2002*. Ed., Chrisoph Cluse. Turnhout: Brepols, pp. 71-91.

Guilleré, Christian (1987): "L'activitat de les comunitats jueves de Torroella de Montgrí a la Bisbal a la primera meitat del segle XIV" in *Jornades d'història de l'Empordà. Homenatge a J. Pella i Forgas.* Girona: Patronat Francesc Eiximenis, pp. 145-149.

Gutenmacher, Daniel (1991). *Political Obligation in the Thirteenth Century Hispano-Jewish Community.* Doctoral Dissertation, University of Michigan.

[608] "יחסם של חכמי אשכנז הראשונים אל שלטון הקהל"

Gutmann, Amy (2000): "Who Should Rule?" in *The Jewish Political Tradition (Vol. 1).* Eds., Michael Walzer *et al.* New Haven and London: Yale University Press, pp. 421-424.

Hames, Harvey J. (2007). *Like Angels on Jacob's Ladder. Abraham Abulafia, the Franciscans and Joachimism.* Albany: State University of New York Press.

Hartmann, Wilfried and Pennington, Kenneth (eds., 2008). *The History of Medieval Canon Law in the Classical Period, 1140–1234*. Washington, D.C.: The Catholic University of America Press.

Hashmi, Mustafa (2019-2020): "Mapping Shari'ah Normative Reasoning Concepts". *Journal of Catalan Intellectual History*, 12: 99-111.

Haverkamp, Alfred (2004): "Jews and Urban Life: Bonds and Relationships" in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of the International Symposium held at Speyer, 20-25 October 2002.* Ed., Chrisoph Cluse. Turnhout: Brepols, pp. 55-69

Head, Thomas and Landes, Richard (1992): "Introduction" in *The Peace of God: Social Violence and Religious Response in France around the Year 1000*. Eds., Thomas Head and Richard Landes. Ithaca: Cornell University Press, pp. 1-20.

Hershman, Abraham M. (1943). *Rabbi Isaac ben Sheshet Perfet and His Times.* New York: The Jewish Theological Seminary of America.

Hill, Norman L. (1928): "Unanimous Consent in International Organization". *The American Journal of International Law*, 22 (2): 319-329.

Hillgarth, Jocelyn N. (1976). *The Spanish Kingdoms, 1250-1516 (2 Vol.).* Oxford: Oxford University Press.

Hillgarth, Jocelyn N. (2004): "The Royal Accounts of the Crown of Aragon" in *Jews, Muslims and Christians in and around the Crown of Aragon. Essays in Honour of Professor Elena Lourie.* Ed., Harvey J. Hames. Leiden: Brill, pp. 15-33.

Hinojosa y Naveros, Eduardo de (2003). *El régimen señorial y la cuestión agraria en Cataluña durante la Edad Media.* Pamplona: Urgoiti Editores.

Horrox, Rosemary (1994). *The Black Death.* New York and Manchester: Manchester University Press.

Huizinga, Johan (1979). *The Waning of the Middle Ages.* Middlesex: Penguin Books.

Idel, Moshe (1989). *Language, Torah, and Hermeneutics in Abraham Abulafia.* Albany: State University of New York Press.

Jenkins, Ernest E. (2012). *The Mediterranean World of Alfonso II and Peter II of Aragon (1162-1213).* New York: Palgrave MacMillan.

Jobani, Yubal (2018): “On Scholars and Soldiers” in *The Jewish Political Tradition (Vol. 3).* Eds., Michael Walzer *et al.* New Haven and London: Yale University Press, pp. 368-375.

Kagay, Donald J. (1988): “Structures of Baronial Dissent And Revolt Under James I (1213-76)”. *Mediaevistik,* 1: 61-85.

Kalik, Judith (2009). *Scepter of Judah. The Jewish Autonomy in the Eigteenth-Century Crown of Poland.* Leiden: Brill.

Kanarfogel, Ephraim (1992): “Unanimity, Majority, and Communal Government in Ashkenaz during the High Middle Ages: A Reassessment”. *Proceedings of the American Academy for Jewish Research,* 58: 79-106.

Kanarfogel, Ephraim (1997): “1286 R. Meir ben Barukh (Maharam) of Rothenburg, the leading rabbinicfigure of his day, is arrested in Lombardy and delivered to Rudolph of Habsburg” in *Yale Companion to Jewish Writing and Thought in German Culture, 1096-1996.* Eds., Sanders L. Gilman and Jack Zipes. New Heaven: Yale University Press, pp. 27-34.

Kanarfogel, Ephraim (2000): “Progress and Tradition in Medieval Ashkenaz”. *Jewish History*, 14: 287–315.

Kantorowitz, Ernst H. (2016). *The King’s Two Bodies.* Princeton: Princeton University Press.

Kaplan, Joseph *et al.* (2007): “Naḥmanides” in *Encyclopaedia Judaica (Vol. 14).* Eds., Fred Skolnik and Michael Berenbaum. Detroit, New York, San Francisco, New Heaven and Waterville: Thomson Gale, pp. 739-748.

Kaplan, Yehiel S. (1995): “Rob u-Miut ve-Hakhraot ba-Kehillah ha-Yehudit bi-Yemei ha-Beinayyim[609]”. *Shenaton ha-Mishpat ha-Ivri,* 20: 213-280 (Hebrew).

Kaufmann, David (1896): “Jewish Informers in the Middle Ages”. *The Jewish Quarterly Review,* 8 (2): 217-238.

Kedar, Benjamin Z. (1998): “Crusade Historians and the Massacres of 1096”. *Jewish History,* 12 (2): 11-31.

Kern, Fritz (1939). *Kingship and Law in the Middle Ages.* Oxford: Basil Blackwell.

Kirschenbaum, Aaron (1991): “The Role of Punishment in Jewish Criminal Law: A Chapter in Rabbinic Penological Thought”. *The Jewish Law Annual,* 9: 123-143.

Klein, Elka (2006). *Jews, Christian Society, and Royal Power in Medieval Barcelona.* Ann Arbor: University of Michigan Press.

[609] "רוב ומיעוט בהכרעות בקהילה היהודית בימי הביניים"

Klüpfel, Ludwing (1930): "El régim de la Confedaració catalano-aragonesa". Revista Jurídica de Catalunya, 36: 18-37.

König, Thomas and Slapin, Jonathan B. (2006): "From Unanimity to Consensus: An Analysis of the Negotiations at the EU's Constitutional Convention". *World Politics*, 58 (3): 413-445.

Kosto, Adam J. (2004). *Making Agreements in Medieval Catalonia. Power, Order and the Written Word, 1000-1200.* Cambridge: Cambridge University Press.

Kreisel, Howard (1999). *Maimonides' Political Thought: Studies in Ethics, Law, and the Human Ideal*. Albany: State University of New York Press.

Lacave, José Luis (1970): "Pleito judío por una herencia en aragonés y caracteres hebreos [Primera parte]". *Sefarad*, 70 (2): 325-337.

Lacave, José Luis (1971): "Pleito judío por una herencia en aragonés y caracteres hebreos [segunda parte]". *Sefarad*, 71 (1): 49-71.

Lalinde Abadía, Jesús (1966). *La jurisdicción real inferior en Cataluña ("corts, veguers, batlles")*. Barcelona: Ayuntamiento de Barcelona, Museo de Historia de la Ciudad.

Landman, Leo (1968). *Jewish Law in the Diaspora: Confrontation and Accommodation*. Philadelphia: The Dropsie College for Hebrew and Cognate Learning.

Landman, Leo (1972): "R. Shila and the Informer". *The Jewish Quarterly Review*, 63 (2): 136-144.

Langmuir, Gavin I. (2002): "At the Frontiers of Faith" in *Religious Violence between Christians and Jews.* Ed., Anna Sapir Abulafia. New York: Palgrave, pp. 138-156.

Laredo Quesada, Miguel Ángel (1994): "El ejercicio del poder real en la Corona de Aragón: Instituciones e instrumentos de gobierno (siglos xiv y xv)". *En la España Medieval*, 17: 31-93.

Lawlord, Robert (2002). *Sacred Geometry*. London: Thames & Hudson.

Le Goff, Jacques (1979): "The Usurer and Purgatory" in *The Dawn of Modern Banking.* London: Yale University Press, pp. 25-52.

Le Goff, Jacques (2008). *La civilisation de l'Occident médiéval.* Paris: Éditions Flammarion.

Lecoy de la Marche, Albert (1892). *Les relations politiques de la France avec le royaume de Majorque (2 Vol.).* Paris: Ernest Leroux.

Lederhendler, Eli (1989). *The Road to Modern Jewish Politics.* Oxford: Oxford University Press

Legassie, Shayne A. (2017). *The Medieval Invention of Travel.* Chicago: The University of Chicago Press.

Levi, Isaac (1990): "Pareto Unanimity and Consensus". *The Journal of Philosophy,* 87 (9): 481-492.

Levitats, Isaac (2007): "Synods" in *Encyclopaedia Judaica (Vol. 19).* Eds., Fred Skolnik and Michael Berenbaum. Detroit, New York, San Francisco, New Heaven and Waterville: Thomson Gale, pp. 385-386.

Lifshitz, Joseph I. (2016). *Rabbi Meir of Rothenburg and the Foundation of Jewish Political Thought.* New York: Cambridge University Press.

Lladonosa i Pujol, Josep (1972). *Història de Lleida* (2 Vol). Tàrrega: F. Camps Calmet

Llop i Jordana, Irene (2003): "Aportacions a l'estudi de l'aljama de jueus de Vic al segle XIII". *Ausa,* 21 (152): 143-150.

Llop i Jordana, Irene (2006). *L'aljama de jueus de Vic al Segle XIII . Orígens i consolidació de l'aljama (1231-1315).* Doctoral dissertation, University of Barcelona.

Llop Jordana, Irene (2012): "Els subsidis extraordinaris demanats a les aljames de jueus de la Corona d'Aragó al final del segle xiii (1293-1297)". *Tamid,* 8: 77-102.

Llop Jordana, Irene (2018): "The settlement of Jews in Vic: origin, provenance and mobility of the Jewish community (1231-1277)". *Imago temporis: medium Aevum,* 12: 253-284.

Loewenstein, Karl (1954): "Sovereignty and International Co-operation". *The American Journal of International Law,* 48 (2): 222-244.

Lopez, Robert S. (1987): "The Trade of Medieval Europe: the South" in *The Cambridge Economic History of Europe (Vol. II).* Eds., Michael M. Postan and Edward Miller. Cambridge: Cambridge University Press.

López de Meneses, Amada (1959): "Una consecuencia de la Peste Negra en Cataluña: el *pogrom* de 1348". *Sefarad,* 19 (1): 92-131.

Lorberbaum, Menachem (2001). *Politics and the Limits of the Law.* Stanford: Stanford University Press.

Lourie, Elena (1988): "Mafiosi and malsines. Violence, fear and faction in the Jewish aljamas of Valencia in the fourteenth century", in *Actas IV Congreso Internacional Encuentro de las Tres Culturas, Toledo 30 septiembre-2 octubre 1985*. Ed. Carlos Carrete Parrondo. Toledo: Ayuntamiento de Toledo and Tel Aviv University, pp. 69-102.

Lourie, Elena (1989): "Jewish Moneylenders in the Catalan local community, 1300: Vilafranca del Penedés, Besalú and Montblanc". *Michael: On the History of the Jews in the Diaspora,* 11: 33-98.

Löwith, Karl (1949). *Meaning in History.* Chicago: The University of Chicago Press.

Lyons, William L. (2010): "Ḥerem" in *A History of Modern Scholarship on the Biblical Herm*. Ed., William L. Lyons. Lewiston (NY): The Edwin Mellen Press, pp. 23-34.

Macías, Mario; Casanovas, Pompeu; Zeleznikow, John (2019-2020): "Shevirath Ha-Kelim. Jewish Mysticism and the Catalan Matrix for Dialogue and Conflict". *Journal of Catalan Intellectual History,* 12: 52-78.

Maggi, Giovanni and Morelli, Massimo (2006): "Self-Enforcing Voting in International Organizations". *The American Economic Review,* 96 (4):1137-1158.

Magnou-Nortier, Elisabeth (1992): "The Enemies of the Peace: Reflections on a Vocabulary, 500-1100" in *The Peace of God: Social Violence and Religious Response in France around the Year 1000*. Eds., Thomas Head and Richard Landes. Ithaca: Cornell University Press, pp. 58-79.

Makowski, Louis (1983): "Competition and Unanimity Revisited". *The American Economic Review,* 73 (3): 329-339.

Malkiel, David (2001): "Destruction or Conversion: Intention and Reaction, Crusaders and Jews, in 1096". *Jewish History,* 15 (3): 257-280.

Malkiel, David (2007): "Jews and Apostates in Medieval Europe: Boundaries Real and Imagined". *Past & Present,* 194: 3-34.

Marcus, Jacob R. and Saperstein, Marc (2016). *The Jews in Christian Europe, a Source Book, 315-1791*. New York: Hebrew Union College Press.

Martín Rodríguez, José Luis (1989): "Las cortes de Pedro el Ceremonioso" in *Pere el Cerimoniós i la seva època*. Barcelona: CSIC, pp. 99-111.

Martín Rodríguez, José Luis (1991): "La actividad de las cortes catalanas en el siglo XIV" *in Les corts a Catalunya. Actes del Congrés d'Història institucional (28, 29 i 30 d'abril de 1988).* Barcelona: Generalitat de Catalunya, Departament de Cultura, pp. 146-151

Martin, Sean (2007). *The Black Death*. Harpenden: The Pocket Essentials.

Mas i Solench, Josep M. (1995). *Les corts a la Corona catalano-aragonesa.* Barcelona: Rafael Dalmau.

Masiá de Ros, Ángeles (1947): "La emperatriz de Nicea, Constanza, y las princesas Lascara y Vataza. Nuevas notícias acerca de sus relaciones con las Cortes de Aragón,

Castilla y Portugal". *Boletín de la Real Academia de Buenas Letras de Barcelona*, 20: 145-169.

Maspons i Anglasell, Francesc (2006). *L'esperit del Dret públic català.* Barcelona: Escola d'Administració Pública de Catalunya.

Matteoni, Francesca (2008): "The Jew, the Blood and the Body in Late Medieval and Early Modern Europe". *Folklore,* 119 (2): 182-200.

Mayol Llompart, Antoni (2001): "La fiscalitat directa en el món rural medieval: la vila de Muro a finals del segle XIV". *Mayurqa*, 27: 133-159.

McCulloh, John M. (1997): "Jewish Ritual Murder: William of Norwich, Thomas of Monmouth, and the Early Dissemination of the Myth". *Speculum*, 72 (3): 698-740.

Melamed, Avraham (1993): "Attitudes towards Democracy in Medieval Jewish Philosophy". *Jewish Political Studies Review,* 5 (1/2): 33-56.

Mercader Gómez, Maria Dolors (1999). *L'Aljama jueva de la Bisbal d'Empordà abans de la pesta negra: els* libri iuedorum *del segle XIV*. Girona: Ajuntament de La Bisbal de l'Empordà.

Meyerson, Mark D. (2004). *Jews in an Iberian Frontier Kingdom. Society, Economy, and Politics in Morvedre, 1248-1391*. Leiden: Brill.

Miller, Kathryn A. (2008). *Guardians of Islam. Religious Authority and Muslim Communities of Late Medieval Spain.* New York: Columbia University Press.

Milton, Gregory B. (2012): "Jews and Finance in Medieval Iberia" in *The Jew in Medieval Iberia, 1100-1500.* Ed., Jonathan Ray. Boston: Academic Studies Press, pp. 227-256.

Miquel i Vives, Marina (1993): "La <<cena de presència>> a la Corona d'Aragó" in *Estudios sobre renta, fiscalidad y finanzas en la Cataluña bajomedieval.* Ed., Manuel Sánchez Martínez. Barcelona: CSIC, pp. 277-297.

Mira-Pau Viciano, Antonio (1996): "La construcció d'un sistema fiscal: municipis i impost al País Valencià (Segles XIII-XIV)". *Revista d'Història Medieval,* 7: 135-148.

Miret y Sans, Joachim (1907): "Le massacre des Juifs de Montclus en 1320 (épisode de l'entrée des Pastoureaux dans l'Aragon)". *Revue des études juives*, 53: 255-266

Miró i Baldrich, Ramón (2001): "Llocs, viles i ciutats entre l'edat mitjana i l'edat moderna. El nom i la valoració a través d'un cas concret". *Quaderns de El Pregoner d'Urgell*, 14: 15-28.

Mittleman, Alan (1996). *The Politics of the Torah.* Albany: State University of New York Press.

Mollat, Michel and Wolff, Philippe (1970). *Ongles bleus Jacques et Ciompi.* Paris: Calmann-Lévy.

Møller, Jørgen (2017): "The Birth of Representative Institutions". *Social Science History,* 41 (2): 175-200.

Montagut i Estragés, Tomàs de (1996). *Les institucions fiscalitzadores de la Generalitat de Catalunya (des dels seus orígens fins a la reforma de 1413).* Barcelona: Sindicatura de Comptes de Catalunya.

Montagut Estragués, Tomàs de (1999): "La justicia en la Corona de Aragón" in *La administración de justicia en la historia de España. Actas de las III jornadas de Castilla-La Mancha sobre investigación en archivos (vol. 2).* Guadalajara: Junta de Comunidades de Castilla-La Mancha, ANABAD Castilla-la Mancha, pp. 649-685

Montagut Estragués, Tomàs de (2001): "La justicia a la Corona d'Aragó i a Catalunya" in *Història del dret català.* Ed., Tomàs de Montagut Estragués. Barcelona: Edicions de la Universitat Oberta de Catalunya.

Montagut, Tomàs de (2008): "Barcelona, a Society and its Law: 11th-13th Centuries". *Catalan Historical Review,* 1: 35-46.

Montagut, Tomàs de (2010): "La noció erudita de justicia a la Corona d'Aragó (S. XIII-XVIII)". *Revista d'Etnologia de Catalunya,* 35: 88-97.

Montagut Estragués, Tomàs de (2020): "La constitució política de Catalunya i de la Corona d'Aragó (segles IX-XV)" in *I Jornada de Dret Públic Català Víctor Ferro Pomà (2018).* Ed., Josep Serrano Daura. Barcelona: Societat Catalana d'Estudis Jurídics, pp. 17-32.

Montagut, Tomàs de and Ripoll, Pere (2019-2020): "Pactism in Catalonia: A Dual Conception of the Political Community". *Journal of Catalan Intellectual History,* 12: 6-19.

Mora, Victòria (2002): "Las comunidades judías de Cataluña: las áreas de Barcelona y Tarragona" in *La Cataluña judía.* Barcelona: Museu d'Història de Catalunya, pp. 36-55.

Morell, Samuel (1971): "The Constitutional Limits of Communal Government in Rabbinic Law". *Jewish Social Studies,* 33 (2/3): 87-119.

Morelló Baget, Jordi (2011): "En torno a la presión fiscal sobre las aljamas de judíos de Tarragona". *Sefarad,* 71 (2): 293-348.

Morgenthau, Hans J. (1948): "The Problem of Sovereignty Reconsidered". *Columbia Law Review,* 48 (3): 341-365.

Morsel, Joseph (2008). *La Aristocracia medieval: el dominio social en Occidente, siglos V-XV.* Valencia : Univeritat de València (Spanish translation by Fermín Miranda).

Muntané i Santiveri, Josep Xavier (2010). *El llibre "Qüestions de Vida" de Moixé Natan, jueu de Tàrrega. Estudi preliminar, edició crítica i traducció catalana d'una col·lecció medieval de proverbis hebreus*. PhD dissertation, University of Barcelona.

Muntané i Santiveri, Josep Xavier (2012): "Aproximació a les causes de l'avalot de Tàrrega de 1348". *Tamid*, 8: 103-129.

Myers, David N. (1999): ""Mehabevin Et Ha-Tsarot": Crusade Memories and Modern Jewish Martyrologies". *Jewish History*, 13 (2): 49-64.

Nagel, Thomas (1991). *Equality and Partiality.* Oxford: Oxford University Press.

Nahon, Gérard (1994): "Les sages de France et de Lotharingie : Rabbenu Gershom Me'or ha-Golah, Rashi, les tosafistes" in *Mille ans de cultures ashkénazes*. Eds., Jean Baumgarten *et al.*. Paris : Liana Levi, pp. 33-38.

Nahon, Gérard (2004): "Zarfat: Medieval Jewry in Northern France" in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of the International Symposium held at Speyer, 20-25 October 2002.* Ed., Chrisoph Cluse. Turnhout: Brepols, pp. 205-220.

Neuman, Abraham (1944). *The Jews in Spain: Their Social, Political and Cultural Life during the Middle Ages (2 Vol.).* Philadelphia: The Jewish Publication Society of America.

Nirenberg, David (1996). *Communities of Violence.* Princeton: Princeton University Press.

Nirenberg, David (1992): "Conversion, Sex, and Segregation: Jews and Christians in Medieval Spain". *The American Historical Review*, 107 (4): 1065-1093.

Novak, David (2005). *The Jewish Social Contract.* Princeton: Princeton University Press.

Ober, Josiah (2008). *Democracy and knowledge.* Princeton: Princeton University Press.

Ocker, Christopher (1998): "Ritual Murder and the Subjectivity of Christ: A Choice in Medieval Christianity". *The Harvard Theological Review*, 91 (2): 153-192.

Oleart i Piquet, Oriol (1991): "Organització i atribucions de la Cort General" in *Les corts a Catalunya. Actes del Congrés d'Història institucional (28, 29 i 30 d'abril de 1988)*. Barcelona: Generalitat de Catalunya, Departament de Cultura, pp. 15-24.

Olivecrona, Karl (1971). *Law as Fact*. London: Stevens & Sons.

Ortí i Gost, Pere (1999). "Una primera aproximació als fogatges catalans de la dècada de 1360". *Anuario de Estudios Medievales,* 29: 747-773.

Ortí Gost, Pere (2001): « El Consell de Cent durant l'Edat Mitjana ». *Barcelona quaderns d'història,* 4: 21-48.

Ortí Gost, Pere (2006): "La distribución de la carga fiscal entre las ciudades y villas de realengo en la Cataluña del siglo XIV" in *Fiscalidad de Estado y fiscalidad municipal en los reinos hispánicos medievales.* Eds., Denis Menjot and Manuel Sánchez Martínez. Madrid: Casa de Velázquez, pp. 275-316.

Ortí i Gost, Pere (2007): "Les finances municipals de la Barcelona dels segles XIV i XV: Del censal a la Taula de Canvi". *Barcelona Quaderns d'Història,* 13: 257-282.

Ortí Gost, Pere (2009): "La deuda pública municipal en una pequeña ciudad del nordeste catalán: Sant Feliu de Guíxols durante la segunda mitad del siglo XIV" in *La deuda pública en la Cataluña bajomedieval.* Ed., Manuel Sánchez Martínez. Barcelona: CSIC, pp. 101-152.

Pagarolas i Sabatè, Laureà (2000): "Gènesi i evolució dels registres notarials (s. XIII-XIX)" in *Actes del II congrès d'història del notariat català.* Eds., Juan José López Burniol and Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 161-184.

Parrilla Valero, Ferran (2019). "La Pesta Negra del 1348 a la Corona d'Aragó. Una revolució social, econòmica i salubrista". *Gimbernat,* 71: 13-22.

Peláez, Manuel J. (1981): "La comunidad internacional y sus agregados sociopolíticos en los escritos jurídicos y catalanes de la segunda mitad del siglo XIV". *Cuadernos Hispanoamericanos,* 371: 338-368.

Peláez, Manuel J. (1984). *Cambios y seguros marítimos en el derecho catalán y balear.* Bologna: Publicaciones del Real Colegio de España.

Peláez, Manuel J. (1986): "El derecho de la guerra y de la paz en el pensamiento político catalán del siglo XIV: Francisco de Eiximenis" in *Fundamentos culturales de la paz en Europa (Vol. 2).* Eds., Manuel J. Peláez *et al.* Barcelona: PPU.

Peláez, Manuel J. (1999): "Notas sobre la potestad normativa en Cataluña" in *El territori i les seves institucions històriques (Vol.2).* Ed., Josep Serrano Daura. Barcelona: Fundació Noguera, pp. 499-515.

Pennington, Kenneth (1993). *The Prince and the Law, 1200-1600.* Berkeley and Los Angeles: University of California Press.

Perchenet, Annie (1988). *Histoire des juifs de France.* Paris: CERF.

Pérez, Joseph (1993). *Historia de una tragedia: la expulsión de los judíos de España*. Barcelona: Crítica.

Peterson, Erik (1935). *Der monotheismus als politisches problem*. Leipzig: Hegner.

Petit-Dutaillis, Charles E. (2008). *The Feudal Monarchy in France and England.* London and New York: Routledge.

Phillips, Jonathan (2007). *The Second Crusade. Extending the Frontiers of Christendom.* New Heaven: Yale University Press.

Pieters, Bert (2006). *De Akkorden van Barcelona (1354). Historische en kritische analyse.* Barcelona: PPU.

Piñol Alabart, Daniel (2000): "Notaries, notaries i protocols a la diòcesi de Tarragona a l'edat mitjana" in *Actes del II congrès d'història del notariat català.* Eds., Juan José López Burniol and Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 427-445.

Piskorski, Vladimiro (1929). *El problema de la significación y del origen de los seis 'malos usos' en Cataluña.* Barcelona: Universidad de Barcelona.

Pladevall, Antoni (1962): "La disminució de poblament a la Plana de Vich a mitjans del segle XIV". *Ausa,* 44: 361-373.

Planas, Sílvia (2002): "Las comunidades judías de Cataluña: el área de Girona" in *La Cataluña judía.* Barcelona: Museu d'Història de Catalunya, pp. 56-85.

Planchart, Alejandro E. (2013): "Proportion and Symbolism in some *Ars Antiqua* Motets". *Musica Disciplina,* 58: 231-264.

Pons i Guri, Josep Maria (1991): "Aspectes judicials de la Cort General a l'època medieval" in *Les corts a Catalunya. Actes del Congrés d'Història institucional (28, 29 i 30 d'abril de 1988)*. Barcelona: Generalitat de Catalunya, Departament de Cultura, pp. 142-145.

Puchades Bataller, Josep Ramon (2000): "El notari valencià baixmedieval: exemple de la posició i percepció social de la professió notarial en l'occident mediterrani dels segles XIII, XIV i XV" in *Actes del II congrès d'història del notariat català.* Eds., Juan José López Burniol and Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 517-549.

Pujol i Canelles, Miquel (1990): "Els jueus de Castelló d'Empúries" in *Jornades d'història dels jueus a Catalunya.* Girona: Ajuntament de Girona, pp. 299-320.

Raspe, Lucia (2009): "Asher Halevi and the Founding of Jewish Worms: Genealogy, Liturgy, and Historiography in Medieval Ashkenaz" in *Iggud: Selected Essays in Jewish Studies,* 2: 41-55.

Ray, Jonathan (2006). *The Sephardic Frontier: The "Reconquista" and the Jewish Community in Medieval Iberia*. Ithaca; London: Cornell University Press.

Reixach Sala, Albert and Tello Hernández, Esther (2016): "Els banquers catalans del segle XIV: un primer cens". *Summa,* 7: 40-71.

Revital, Shmuel D. (1974): "Ha-Shutafut be-Mishpat ha-Ivri ke-Yeḥidah Mishpait Aẓmait"[610]. *Shenaton ha-Mishpat ha-Ivri,* 1: 263-270 (Hebrew).

Reynolds, Susan (2007): "Secular Power and Authority in the Middle Ages" in *Power and Identity in the Middle Ages. Essays in Memory of Rees Davies.* Eds., Huw Pryce and John Watts. Oxford: Oxford University Press, pp. 11-23.

Ribera-Florit, Josep (2002): "El rerefons filosòfic de la controvèrsia maimonidiana a Provença i a Catalunya" in *Actes I Congrés per a l'Estudi dels Jueus en Territori de Llengüa Catalana*. Eds., Maria Teresa Calders Artis and Esperança Valls. Barcelona: Publicacions de la Universitat de Barcelona, pp. 87-102.

Rich Abad, Anna (1999). *La comunitat jueva de Barcelona entre 1348 i 1391 a través de la documentació notarial.* Barcelona: Fundació Noguera.

Riera i Sans, Jaume (1987): "Guia per una lectura comprensiva dels Acords". *Calls,* 2: 164-179.

Riera i Sans, Jaume (1990): "Els avalots de 1391 a Girona". *Jornades d'Història dels jueus a Catalunya (Girona, abril 1987).* Girona: Ajuntament de Girona, pp. 95 a 159.

Riera i Sans, Jaume (1993): "Jafudà Alatzar, jueu de València (segle XIV)". *Revista d'història medieval,* 4: 65-100.

Riera i Sans, Jaume (2000). *Retalls de la vida dels jueus. Barcelona, 1301 - Besalú, 1325.* Barcelona: Rafael Dalmau.

Riera i Sans, Jaume (2004): "Los Pastorells en Barbastro (julio de 1320)". *Aragón en la Edad Media,* 18: 299-336.

Riera i Sans, Jaume (2018): "La *protección,* un impost sobre les aljames de jueus reials (1346-1410)" in *Renda feudal i fiscalitat a la Catalunya baixmedieval. Estudis dedicats a Manuel Sánchez Martínez.* Eds., Jordi Morelló Baget *et al.* Barcelona: CSIC, pp. 95-142.

Riera Melis, Antoni (2015): "Barcelona, 985-1317: economia, societat i política en al construcció d'un empori iberomediterrani". *Acta historica et archaeologica mediaevalia,* 32: 131-232.

Ripoll Sastre, Pere (2018). *Llibre de Vuit Senyals (15th century): an Edition, Legal and Comparative Study.* PhD Dissertation, Universitat Pompeu Fabra.

Riu, Manuel (1991): "La banca i la societat a la Corona d'Aragó , a finals de l'Edat Mitjana i començaments de la Moderna". *Acta historica et archaeologica mediaevalia,* 11: 187-24.

[610] "השותפות במשפט העברי כיחידה משפטית עצמאית"

Roca Traver, Francisco A. (1970). *El justícia de Valencia, 1238-1321*. Valencia: Ayuntamiento de Valencia.

Romano, David (1966): "Responsa y repertorios documentales (Nuevos detalles sobre el caso de Vidalón de Porta)". *Sefarad,* 26: 47-52.

Romano, David (1983). *Judíos al servicio de Pedro el Grande de Aragón (1276-1285).* Barcelona: CSIC.

Romano, David (1989): "Els jueus en temps de Pere el Cerimoniós (1336-1387)" in *Pere el Cerimoniós i la seva època*. Barcelona: CSIC, pp. 113-131.

Romano Ventura, David (1991): "Prestadores judíos en los estados hispánicos medievales" in *De historia judía hispánica.* . Barcelona: Publiacions de la Universitat de Barcelona, pp. 421-430.

Rosenberg, Shalom (1982): "Ve-Shub al "Derekh ha-Rob"[611]" in *Manhigut Ruḥanit be-Yshrael: Morsheh ve-Yad*[612]. Ed., Ella Belfer. Ramat-Gan: Ha-Makhon le-Yehadut ve-le-Maḥshabah Bet-Zmananu, pp. 87-103 (Hebrew).

Rosenberg, Shalom (1989): "Al Derekh ha-Rob[613]". *Shenaton ha-Mishpat ha-Ivri*, 14-15:189-216 (Hebrew).

Rosenthal, Erwin I. J. (1968): "Political Philosophy in Islam and Judaism". *Judaism,* 17 (4): 430-440.

Rosenweig, Bernard (1975): "The Origins of Ashkenazic Jewry in Germany". *Tradition: A Journal of Orthodox Jewish Thought,* 15 (1/2): 130-136.

Roth, Norman (2002). *Conversion, Inquisition, and the Expulsion of the Jews from Spain.* Madison: The University of Wisconsin Press.

Roth, Norman (2019): "Community Ordinances (*Taqanot*) in Medieval Spain". *Iberia Judaica,* 11: 19-42.

Roth, Pinchas (2015): "Regional Boundaries and Medieval Halakhah: Rabbinic Responsa from Catalonia to SouthernFrance in the Thirteenth and Fourteenth Centuries". *The Jewish Quarterly Review,* 105 (1): 72-98.

Rubio, Daniel (2003): "El Crèdit a llarg termini a Barcelona a la segona meitat del segle XIV: els censals morts i els violaris". *Butlletí de la Societat Catalana d'Estudis Històrics,* 14: 159-178.

[611] "ושוב על דרך הרוב"

[612] מנהיגות רוחנית ישראל: מורשה ויעד

[613] "על דרך הרוב"

Rubio, Daniel (2007): "El circuit privat del censal a Barcelona" in *El món del crèdit a la Barcelona medieval.* Ed., Manuel Sánchez Martínez. Barcelona: Arxiu Històric de la Ciutat de Barcelona, pp. 239-255.

Rubio Vela, Agustín (1979). *Peste negra, crisis y comportamientos sociales en la España del siglo XIV: la ciudad de Valencia (1348-1401).* Granada: Universidad de Granada.

Russell, Josiah C. (1962): "The Medieval Monedatge of Aragon and Valencia". *Proceedings of the American Philosophical Society*, 106 (6): 483-504.

Rycraft, Peter (1974): "The Role of the Catalan Corts in the Later Middle Ages". *The English Historical Review*, 89 (351): 241-269.

Sabaté i Curull, Flocel (1999): "La insolvència municipal a la segona meitat del segle XIV" in *Fiscalidad real y finanzas urbanas en la Cataluña medieval.* Ed., Manuel Sánchez Martínez. Barcelona: CSIC, pp. 255-280.

Sagi, Avi (1995): "Models of Authority and the Duty of Obedience in Halakhic Literature". *AJS Review,* 20 (1): 1-24.

Salazar Acha, Jaime de (2011): "La nobleza titulada medieval en las coronas de Aragón y Navarra". *Anales de la Real Academia Matritense de Heráldica y Genealogía*, 14: 7-60.

Salrach, Josep Maria (1982). *Història dels Països Catalans (Vol. 1).* Barcelona: Edhasa.

Salrach, Josep Maria (1989): "La Pesta Negra i els orígens del problema remença" in *Pere el Cerimoniós i la seva época.* Barcelona: CSIC, pp. 13-34.

Sánchez-Arcilla Bernal, José (2004). *Manual de historia del derecho.* Madrid: Dykinson.

Sánchez Martínez, Manuel (1982): "La fiscalidad catalanoaragonesa y las aljamas de judíos en la época de Alfonso IV (1327-1336): los subsidios extraordinarios". *Acta historica et archaeologica mediaevalia,* 3: 93-141.

Sánchez Martínez, Manuel (1995). *El naixement de la fiscalitat d'Estat a Catalunya (segles XII-XIV).* Vic: Eumo Editorial.

Sánchez Martínez, Manuel (2006a): "El reino de Aragón y los conflictos mediterráneos a mediados del siglo XIV (1353-1356)". *Aragón en la Edad Media,* 19: 485-500.

Sánchez Martínez, Manuel (2006b): "La Corona en los orígenes del endeudamiento censal de los municipios catalanes (1343-1344)" in *Fiscalidad de Estado y fiscalidad municipal en los reinos hispánicos medievales.* Eds., Denis Menjot and Manuel Sánchez Martínez. Madrid: Casa de Velázquez, pp. 239-273.

Sánchez Martínez, Manuel (2008): "Tributos negociados: las *questie*/subsidios de las villas catalanas en la primera mitad del siglo XIV". *Anuario de Estudios Medievales,* 38 (1): 65-99.

Sánchez Martínez, Manuel (2009): "Cortes y fiscalidad: el caso de Cataluña durante la segunda mitad del siglo XIV". *Aragón en la Edad Media,* 21: 279-308.

Sánchez Martínez, Manuel and Gassiot Pintori, Silvia (1991): "La Cort General de Barcelona (1340) y la contribución catalana a la guerra del Estrecho" in *Les corts a Catalunya. Actes del Congrés d'Història institucional (28, 29 i 30 d'abril de 1988)*. Barcelona: Generalitat de Catalunya, Departament de Cultura pp. 222-240.

Saperstein, Michael (1986): "The Conflict over the Rashba's Herem on Philosophical Study: A Political Perspective". *Jewish History,* 1 (2): 27-38.

Sarasa Sánchez, Esteban (1979). *Las Cortes de Aragón en la Edad Media*. Zaragoza: Guara Editorial.

Saucier, Catherine (2017): "Johannes Brassart's *Summus secretarius*". *The Journal of Musicology,* 34 (2): 149-181.

Sayous, André E. (1975). *Els mètodes comercials a la Barcelona medieval.* Barcelona: Base.

Schäfer, Perer (2004): "Jews and Christians in the High Middle Ages: The Book of the Pious" in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of the International Symposium held at Speyer, 20-25 October 2002.* Ed., Chrisoph Cluse. Turnhout: Brepols, pp. 29-42.

Schmandt, Mathias (2004): "Cologne, Jewish Centre on the Lower Rhine" " in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of the International Symposium held at Speyer, 20-25 October 2002.* Ed., Chrisoph Cluse. Turnhout: Brepols, pp. 367-378.

Scholem, Gershom (1987). *Origins of the Kaballah.* Princeton: Princeton University Press.

Schreiber, Aaron M. (1979). *Jewish Law and Decision-Making: A Study throughout Time.* Philadelphia: Temple University Press.

Schwarzfuchs, Simon (1986). *Kahal: la communauté juive de l'Europe Médiévale.* Paris : Maisonneuve et Larose.

Schwenk, Bernd (1975): "Gastungsrecht und Gastungspflicht in den Ländern der aragonischen Krone während des späten Mittelalters". *Spanische Forschungen,* 28: 229-333.

Segarra i Malla, Josep Maria (1984). *Història de Tàrrega amb els seus costums i tradicions (2 Vol.).* Tàrrega: Museu Comarcal.

Septimus, Bernard (1979): "Piety and Power in Thirteenth Century Catalonia" in *Studies in Medieval Jewish History and Literature*. Ed., Isadore Twersky. Cambridge: Harvard University Press, pp. 197-230.

Septimus, Bernard (1983): "Open Rebuke and Concealed Love: Nahmanides and the Andalusian Tradition" in *Rabbi Moses Nahmanides: Studies in His Religious Virtuosity*. Ed., Isadore Twersky. Cambridge: Harvard Center for Jewish Studies, pp. 11-34.

Septimus, Bernard (2003): "Kings, Coinage and Constitutionalism: Notes on a Responsum of Nahmanides". *The Jewish Law Annual,* 14: 295-313.

Serra Clota, Assumpta (1999): "Reaccions senyorials a la crisi agrària a Catalunya, a la Baixa Edat Mitjana: els remences". *Anuario de Estudios Medievales,* 29: 1005-1042.

Serra i Ràfols, Elias (1925). *Fernando el Católico y los payeses de remensa.* Lleida: Tipográfica Mariana.

Serra i Vilaró, Joan (1989). *Baronies de Pinós i Mataplana (2 Vol.).* Bagà: Centre d'Estudis Baganesos.

Serrano Daura, Josep (2015): "El judici de prohoms, una institución judicial de carácter vecinal". *GLOSSAE. European Journal of Legal History*, 12: 783-800.

Shachar, Uri Z. (2013): "The Topography of Sacrifice and Typology of Space in Twelfth-Century Martyrology". *Prooftexts,* 33 (3): 277-306.

Shapira, Haim (2011-2012): "Majority Rule in the Jewish Legal Tradition". *Hebrew Union College Annual*, 81-83: 161-201.

Shapira, Haim (2014): "The Right to Political Participation in Jewish Tradition: Contribution and Challenges" in *Religion and the Discourse of Human Rights*. Eds, Hanoch Dagan *et al.*. Jerusalem: Israel Democracy Institute, pp. 266-296.

Shatzmiller, Joseph (1990). *Shylock Reconsidered: Jews, Moneylending, and Medieval Society.* Berkeley and Los Angeles: University of California Press.

Shirk, Melanie V. (1981): "The Black Death in Aragon, 1348-1351". *Journal of Medieval History,* 7: 357-367.

Shilo, Shmuel (1974): "Majority rule" in *The Principles of Jewish Law*. Ed. Menachem Elon. Jerusalem: Keter Publishing House, pp. 163-165.

Shmuel, Shilo (1975). *Dina de-Melkhuta Dina*[614]. Jerusalem: Defus Akadekmie be-Yerushalayim (Hebrew).

Shneidman, Jerome L. (1970). *The Rise of the Catalan-Aragonese Empire (2 Vol.)*. New York: New York University Press and London: University of London Press LTD.

[614] דינא דמלכותא דינא

Sieberson, Stephen C. (2010): "Inching Toward EU Supranationalism? Qualified Majority Voting and Unanimity Under the Treaty of Lisbon". *Virginia Journal of International Law*, 50 (4): 919-995.

Sierra, Carles and Fidora, Alexander (eds., 2011). *Ramon Llull, from the Ars Magna to Artificial Intelligence.* Barcelona: Artificial Intelligence Research Institute.

Smith, Robert S. (1944). "Fourteenth-Century Population Records of Catalonia". *Speculum,* 19 (4): 494-501.

Smith, Damian J. (2010). *Crusade, Heresy and Inquisition in the Lands of the Crown of Aragon (c. 1167-1276).* Leiden: Brill.

Soldevilla i Temporal, Xavier (2000). *La comunitat jueva de Torroella de Montgrí.* Torroella de Montgrí: Museu del Montgrí i del Baix Ter and Ajuntament de Torroella de Montgrí.

Solé i Cot, Sebstià and Verdés i Pijoan, Pere (1994): "L'aportació dels notaris a la societat catalana en els camps del dret, la història i la política" in *Actes del I congrès d'història del notariat català*. Ed., Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 11-130.

Soloveitchik, Haym (1987): "Religious Law and Change: The Medieval Ashkenazic Example". *AJS Review,* Vol. 12 (2): 205-221.

Soloveitchik, Haym (1998): "Catastrophe and Halakhic Creativity: Ashkenaz: 1096, 1242, 1306 and 1298". *Jewish History,* 12 (1): 71-85.

Stephenson, Carl (1965). *Mediaeval Feudalism.* Ithaca (New York): Cornell University Press.

Susser, Bernard and Don Yehiya, Eliezer (1981): "Prolegomena to Jewish Political Theory" in *Kinship and Consent: The Jewish Political Tradition and its Contemporary Uses.* Ed., Daniel Elazar. Ramat Gan: Turtledove Publishing, pp. 91-111

Tartakoff, Paola (2012). *Between Christian and Jew. Conversion and Inquisition in the Crown of Aragon, 1250-1391.* Philadelphia: University of Pennsylvania Press, 2012.

Tartakoff, Paola (2015): "Testing Boundaries: Jewish Conversion and Cultural Fluidity in Medieval Europe, c. 1200-1391". *Speculum,* 90 (3): 728-762.

Ta-Shma, Israel M. (1985): "Shikulim Filosofiyim be-Hakraat ha-Halakhah be-Sefarad[615]". *Sefunot,* 18 (3): 99-110. (Hebrew).

Ta-Shma, Israel M. and Derovan, D. (2007): "Meiri, Menachem ben Solomon" in *Encyclopaedia Judaica (Vol. 13).* Eds., Fred Skolnik and Michael Berenbaum. Detroit, New York, San Francisco, New Heaven and Waterville: Thomson Gale, pp. 785-788.

[615] "שיקולים פילוסופיים בהכרעת ההלכה בספרד"

Tasis, Rafael (1962). *Pere el Cerimoniós i els seus fills.* Barcelona: Editorial Vicens-Vives.

Taubes, Jacob (2009). *Occidental Eschatology.* Stanford: Stanford University Press.

Terradas Saborit, Ignasi (2008). *Justicia vindicatoria.* Madrid: CSIC.

Tomás y Valiente, Francisco (1988). *Manual de historia del derecho español.* Madrid: Tecnos.

Torras i Serra, Marc (1999): "El deute públic a la ciutat de Manresa a la baixa edat mitjana" in *Fiscalidad real y finanzas urbanas en la Cataluña medieval.* Ed., Manuel Sánchez Martínez. Barcelona: CSIC, pp.155-183.

Torras i Serra, Marc (2000): "Escrivanies judicials, vicarials i senyorials" in *Actes del II congrès d'història del notariat català.* Eds., Juan José López Burniol and Josep Maria Sans i Travé. Barcelona: Fundació Noguera, pp. 355-407.

Torres Balbás, Leopoldo (1958): "Játiva y los restos del palacio de Pinohermoso". *Al-Andalus,* 23: 264-300.

Torroella, Joan Baptista (1928). *La jueria de Banyoles.* Girona: La Económica.

Tostes, Rogerio R. (2018): "Els artificis i la tècnica del Dret dins dels arguments de la representativitat en el regnat de Pere el Cerimoniós". *Revista de Dret Històric Català,* 17: 81-117.

Touati-Wachsstock, Florence (2004): "La *halacha* en Catalogne: un élément constituant de l'identité judéo-catalane" in *Actes II Congrés per a l'Estudi dels Jueus en Territori de Llengüa Catalana.* Ed., Josep Ribera-Florit. Barcelona*:* Publicacions de la Universitat de Barcelona, pp. 167-173.

Transier, Werner (2004): "Speyer: The Jewish Community in the Middle Ages" in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of the International Symposium held at Speyer, 20-25 October 2002.* Ed., Chrisoph Cluse. Turnhout: Brepols, pp. 435-447.

Trench Odena, José (1978): "El reino de Valencia y la peste de 1348: datos para su estudio" in *Estudios de Historia de Valencia*. Valencia: Universidad de Valencia, pp. 23-80.

Trench Odena, Josep and Canellas López, Ángel (1988): "La cultura dels escribes i notaris a la Corona d'Aragó". *Caplletra,* 5: 5-38.

Turkel, Eli (1993): "The Nature and Limitations of Rabbinic Authority". *Tradition: A Journal of Orthodox Jewish Thought,* 27 (4): 80-99.

Turull Rubinat, Max (1990). *La configuració jurídica del municipi baix-medieval: règim municipal i fiscalitat a Cervera entre 1182-1430.* Barcelona: Fundació Noguera.

Turull Rubinat, Max (2009). *El gobierno de la ciudad medieval. Administración y finanzas en las ciudades medievales catalanas.* Barcelona: CSIC.

Udina i Abelló, Antoni (1977). *El Consell de Cent barceloní.* Barcelona: Ajuntament de Barcelona, Delegació de Cultura.

Udina i Abelló, Antoni (1991): "Pere el cerimoniós i les ciutats catalanes a través dels parlmanets" in *Les corts a Catalunya. Actes del Congrés d'Història institucional (28, 29 i 30 d'abril de 1988)*. Barcelona: Generalitat de Catalunya, Departament de Cultura, pp. 217-221.

Usó Doménech, Josep Lluis *et al.* (2019): "Dialectical logic for mythical and mystical superstructural systems", *Kybernetes*, 48 (8):1653-1680.

Valle, Carlos del (2011): "¿Fue Cataluña Sefarad?". *Iberia Judaica,* 3: 205-211.

Van der Ploeg, Kees (2002): "How Liturgical Is a Medieval Altarpiece?". *Studies in the History of Art*, 61: 102-121.

Verdés i Pijuan, Pere (1999): "La consolidació del sistema fiscal i financer municipal a mitjan S.XIV: el cas de Cervera" in *Fiscalidad real y finanzas urbanas en la Cataluña medieval.* Manuel Sánchez Martínez. Barcelona: CSIC, pp. 185-217.

Verdés i Pijuan, Pere (2009): "<<Per tal que no calgués a logre manllevar>>: El endeudamiento a largo plazo en un municipio catalán durante la baja edad media (Cervera, 1332-1386)" in *La deuda pública en la Cataluña bajomedieval.* Ed., Manuel Sánchez Martínez. Barcelona: CSIC, pp. 21-99.

Verlinden, Charles (1938): "La grande peste de 1348 en Espagne. Contribution à l'étude de ses conséquences économiques et sociales". *Revue belge de philologie et d'histoire,* 17 (1-2) : 103-146.

Vicens Vives, Jaime (1969). *Manual de historia económica de España.* Barcelona: Editorial Vicens-Vives.

Vicens Vives, Jaume (1978). *Historia de los remensas (en el siglo XV)*. Barcelona: Editorial Vicens-Vives.

Vincke, Johannes (1962): "Das Gastungsrecht der aragonesischen Könige im Mittelalter". *Spanische Forschungen,* 19: 161-170.

Visscher, Charles de (1957). *Theory and Reality in Public International Law*. Princeton: Princeton University Press.

Vivó Undabarrena, Enreique (1993): "«Utrumque Ius»: la institución del derecho de asilo". *Boletín de la Facultad de Derecho de la UNED,* 4: 209-232.

Vose, Robin (2009). *Dominicans, Muslims and Jews in the Medieval Crown of Aragon.* New York: Cambridge University Press.

Wakefield, Walter (1974). *Heresy, Crusade and Inquisition in Southern France, 1100-1250.* Berkeley and Los Angeles: University of California Press.

Watts, John (2009). *The Making of Polities: Europe, 1300–1500.* Cambridge: Cambridge University Press.

Williamson, Beth (2004): "Altarpieces, Liturgy, and Devotion". *Speculum*, 79 (2): 341-406.

Wolff, Philippe (1971): "The 1391 Pogrom in Spain. Social Crisis or Not?". *Past & Present,* 50: 4-18.

Wolfson, Elliot R. (200). *Abraham Abulafia — Kabbalist and Prophet.* Los Angeles: Cherub Press.

Wray, Shona K. (2009). *Communities and Crisis. Bologna during the Black Death.* Leiden and Boston: Brill.

Yerushalmi, Yosef H. (1970): "The Inquisition and the Jews of France in the Time of Bernard Gui". *The Harvard Theological Review,* 63 (3): 317-376.

Zeitlin, Solomon (1940): "Rashi and the Rabbinate: The Struggle between Secular and Religious Forces for Leadership". *The Jewish Quarterly Review,* 31 (1): pp. 1-58.

Zeitlin, Solomon (1948): "The Council of the Four Lands". *The Jewish Quarterly Review*, 39 (2): 211-214.