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When the conference took place, the late John Boswell of Yale University was in the final stages of a mortal illness. An historian of Mudejars and much else, John Boswell had inspired and assisted a number of the presenters and participants through his scholarship, teaching, and friendship. On the eve of the conference, which was treating issues to which he had devoted so much attention, I wrote him to tell him that he would be in our thoughts. As I write these acknowledgments, he still is. This volume is dedicated to his memory.

Master or Patron in Medieval Islam," *International Journal of Middle East Studies* 2 (1971): 59–66. For the status of the freedman in Roman law, the bibliography is enormous; see, for example, the citations in Joseph C. Miller, *Slavery: A Worldwide Bibliography, 1900–1982* (White Plains, N.Y., 1985), 276–302.

36. Palma, Arxín de la Catedral de Mallorca, *Liber privilegiorum*, f. 2<sup>r</sup>: "Gregorius nonus concessit episcopo Maioricensi ut possit concedere populo maioricensi quod baptizatos servos suos valeant vendere, prout sibi videbitur expedire." See also Benjamin Kedar, *Crusade and Mission: European Approaches toward the Muslims* (Princeton, 1984), 149, 214–15.

37. The specific citations are all available above in notes 25 through 29.

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## *Religious and Sexual Boundaries in the Medieval Crown of Aragon*

DAVID NIRENBERG

*Convivencia* is a central issue in the historiography of religious minorities in the Iberian Peninsula. The term, a Spanish word meaning "living together," was coined by the philologist Américo Castro in his discussion of the effects upon Spanish culture of the coexistence of Christianity, Islam, and Judaism in the Iberian Peninsula.<sup>1</sup> Narrowly defined the word is not controversial: Christians, Jews, and Muslims certainly "coexisted" in Iberia. The nature of this coexistence, however, is hotly debated along many lines. One of these is its harmony. Though there is no reason why *convivencia* need designate only peaceful coexistence, it has in fact acquired this meaning among many historians. These historians present the Christian kingdoms of the Iberian Peninsula as uniquely tolerant of religious minorities until the expulsion of 1492. They minimize periods of violence and persecution, stress cultural cooperation, and talk frequently of a "golden age" of minority culture.<sup>2</sup> At the opposite end of the spectrum are certain schools of Jewish historical interpretation, particularly the so-called "lachrymose" and Jerusalem schools.<sup>3</sup> The lachrymose school, which dates back to medieval chronicle traditions, sees the history of Judaism since the fall of Jerusalem in 70 C.E. as a vale of tears, a progression of violent tragedies. It is in part an eschatological vision, with each disaster increasing in magnitude until the last and greatest disaster precipitates the coming of the Messiah and redemption. The Jerusalem school is in some ways a post-holocaust, secular-

ized version of the lachrymose school. Though its messianism is more muted, it shares with its predecessor a teleological vision in which each incident of persecution foreshadows greater persecutions to come. Within the field of Sefardic Jewish studies the Jerusalem school has been very influential, due in large part to the work of Yitzhak Baer, whose two volume *A History of the Jews in Christian Spain* remains the standard reference.<sup>4</sup>

These polarized interpretations, rose-tinted haven of tolerance or darkening valley of tears, parallel the central dichotomy in modern studies of the treatment of medieval minorities: that between peaceful tolerance and violent intolerance.<sup>5</sup> Thus opposed, violence, hostility, and competition can only be seen as destructive breakdowns of social relations, the antithesis of associative action. Strange as it may seem, accounts of sexual intercourse between minority men and Christian women (especially prostitutes) and the violence such accounts provoked provide a vantage point from which to argue against these polarized views of *convivencia* and to create new space for violence in models of coexistence. The following pages outline such an argument. They claim that violence, in this case violence about sex, was a central aspect of the coexistence of majority and minorities in medieval Spain, or at least the Crown of Aragon, and suggest that coexistence was in part predicated on such violence.<sup>6</sup>

For the sake of conceptual clarity and because of the brief compass of this essay, I will focus on just one subset of this violence: institutional, judicial violence against minority men on charges of sexual intercourse with Christian women.<sup>7</sup> The few previous treatments of this subject in the Iberian peninsula start with the law. Here is an example of such law from the city of Tortosa, in Catalonia:

If Jew or Muslim males are found lying with a Christian woman, the Jew or Muslim should be drawn and quartered and the Christian woman should be burned, in such a manner that they should die. And this accusation can be brought by any inhabitant of the town, without the penalty of *talio* or any other [penalty].<sup>8</sup>

From law, they move to practice, focusing on those moments (and there were such moments) when Muslim or Jewish men, or Christian women, were executed on charges of miscegenation.<sup>9</sup> Finally, they invoke ecclesiastical legislation. At the Fourth Lateran Council in 1215,

for example, the fear that minority men might sleep with Christian women was explicitly used to justify the most extensive attempts at segregation undertaken by the medieval church. It was decided that it was difficult to separate Christian, Jewish, and Muslim men by physical appearance, and since this difficulty could lead to sexual intercourse between Christians and non-Christians, Jews and Muslims would henceforth be required to dress differently from Christians.<sup>10</sup> Those infamous emblems of difference, the Jewish cape and badge of colored cloth and the Muslim haircut and dress, were enacted and justified as visual representations of a sexual boundary not to be transgressed.<sup>11</sup>

These legal and ecclesiastical texts, corroborated by occasional archival references to executions on such charges, are taken as signs of an immense collective anxiety about sexual mixing, an anxiety compared (wrongly, I think) by one historian to that over Black-White sexual intercourse in the post-bellum United States, and used to explain increasing violence and intolerance toward the minorities involved.<sup>12</sup>

The problem as I see it is that here analysis stops. I say "problem" because too many questions are left unasked: How "collective" was this "collective anxiety"? There are almost no examples of popular lynchings on such charges in the Crown of Aragon, for example, though there is evidence of Christian women engaging in long-term affairs with minority men.<sup>13</sup> And why should this anxiety focus on sex, and not on other types of interaction? How did this anxiety "function" in society? Why should we assume that it fomented intolerance and violence? How and to what effect did individuals invoke this type of anxiety, and the judicial violence it made possible, in their face-to-face interactions? These are all large issues. I would like to discuss just a few of them, namely, why such judicial violence should focus on sex, and not on other forms of interaction (for example, conversion, comensality, or economic cooperation) as it did in other times and places; and second, what functions such violence played in social interaction.

To a non-medievalist, the first question (why sex?) seems naive. Many multi-ethnic societies erect barriers to sexual activity across group boundaries, proclaiming as their intent the prevention of racial mixing: generally of self-styled "superior" with "inferior" races.

In the case of Jews, one need only think of the Nuremberg laws of 1935 and their prohibition of Jewish-German intermarriage under the rubric *Rassenschande* ("race pollution"); or of the early modern Spanish obsession with *limpieza de sangre* ("purity of blood") and restrictions on the descendants of Jewish converts to Christianity.<sup>14</sup> These anxieties focus on sex because they are concerned with the reproduction of racial categories, categories whose very existence seems threatened by miscegenation.

Such concerns are, however, very different from those of the fourteenth-century Crown of Aragon, though they share with them a certain sexual vocabulary. Prior to the mass conversions of Jews to Christianity in 1391, anxiety about the reproduction of racial categories, or even evidence for such categories, is difficult to find. It does not seem that descendants of converts were commonly stigmatized as "racially impure" or of dubious orthodoxy before the fifteenth century. Further, Christian (and Jewish) men were willing to marry converted Muslim women.<sup>15</sup> This was, of course, a calm predicated on a certain confidence in the efficacy of conversion, a confidence attested to by the numerous cases in which charges of miscegenation against Jewish or Muslim males were dropped once the defendant converted to Christianity.<sup>16</sup> It was predicated, too, on the arrogant conviction that any child with a Christian biological parent was by definition Christian if the parent cared to claim it.<sup>17</sup> The Christian officials who seized the Muslim Adambacaix's son Mahomet because the Christian Antoni Safābrega had declared on his deathbed that the child was the product of his adulterous relationship with Adambacaix's deceased wife Axa, were not acting out of fear that boundaries of exclusion were necessary to maintain racial integrity.<sup>18</sup>

If race was not the issue, then what was? To this question the thirteenth-century king Alfonso the Wise of Castile provides something of an answer:

Since Christians who commit adultery with married women deserve death, how much more so do Jews who lie with Christian women, for these are spiritually espoused to Our Lord Jesus Christ by virtue of the faith and baptism they received in His name. . . . And the Christian woman who commits such a transgression . . . shall receive the same punishment as the Christian woman who lies with a Muslim.<sup>19</sup>

Each Christian woman, wed or unwed, is the bride of Christ, just as the collective Christian church, the *ecclesia*, is traditionally represented as his bride. Through such synecdoche, miscegenation becomes the cuckolding of Christ.

Alfonso's focus on women as a site of dishonor seems to gesture toward the concept of "honor and shame," so beloved of Mediterranean anthropologists like Julian Pitt-Rivers, Julio Caro Baroja, and others.<sup>20</sup> Likewise, his raising of the individual woman's body to the level of the collective seems inspired by a careful reading of Mary Douglas. Consider her view of the ways in which group identity is expressed:

the image of the human body [is used] to express both the exclusive nature of the allegiance and the confused social experience. The group is likened to the human body; the orifices are to be carefully guarded to prevent unlawful intrusions.<sup>21</sup>

The fears of pollution that arise when the boundaries of such groups come under pressure are expressed through metaphors of the body: the female body becomes the site of fears of penetration and corruption, the male of diffusion and enfeeblement.<sup>22</sup>

This "Alfonsoine" model has the advantage of accounting for some of the rhetoric of castigation (not quite the same as corruption) which pervades contemporary discussions about the consequences of miscegenation. When the municipal council of Valencia agonized over the consequences of the many enormous sins, notably miscegenation, committed in their city, they wrote of the horrific divine punishment such sins would bring upon the community: "for which sins, so enormous and grave . . . our Lord God . . . gives great whippings, even canings" in the form of plagues and bad weather.<sup>23</sup> It seems that the transgression of boundaries was feared, not so much because it brought about corruption or enfeeblement, but because it was inevitably followed by harsh discipline. God and his lash hovered over those places where religions met and mingled.

And yet there were many such places. Despite repeated ecclesiastical condemnation, Christians, Muslims, and Jews drank together, gambled together, went to war together, lived in the same neighborhoods (sometimes in the same house!), established business partnerships, engaged in all forms of commercial exchange, even watched

each other's religious ceremonies and processions. None of these forms of interaction and exchange were nearly as conflictive as miscegenation. Why should the "pressure" on group boundaries of which Douglas writes be experienced where sex occurred and nowhere else?

We might turn to the famous, though problematic, formulation of yet another anthropologist:

a continuous transition exists from war to exchange, and from exchange to intermarriage, and the exchange of brides is merely the conclusion to an uninterrupted process of reciprocal gifts, which effects the transition from hostility to alliance, from anxiety to confidence, and from fear to friendship.<sup>24</sup>

Here the exchange of women appears as the culmination of processes of interaction which range from war to alliance and kinship, as the most precious and basic form of gift-giving. But it has its own particularities, although in the above passage they are elided. Like all forms of exchange, it "provides the means of binding men together." However, to "the artificial links . . . of alliance governed by rule" which other forms of exchange create are added "the natural links of kinship."<sup>25</sup>

The "exchange" of women is thus more dangerous than other forms of exchange because of this difference, because it has the potential to "naturalize" more "artificial" forms of exchange such as commercial relations. If this naturalizing exchange of women is the culmination of other forms of exchange, then it renders these other forms more dangerous, since they become one in an "uninterrupted" series of steps across boundaries. Conversely, the prohibition of this naturalizing form of interaction defuses other types of exchange, since they are by themselves incapable of achieving a transition from hostility to alliance.

Women's bodies thus become both the boundary between "natural" and "artificial," and the site at which the "self" (the collective group) recognizes and rejects the "other." The story of Alicend de Tolba and Aytola the Saracen may be a fitting allegorization of women's bounding role. Alicend was a Christian prostitute who, together with one colleague, made her way to a shepherds' camp near

Xivert on the ninth kalends of December, 1304. After a time, the two prostitutes asked the shepherds if there were any other likely customers among them, but were told that only "un moro" ("a Moor") remained. It was then, according to witnesses, that Lorenc the Shepherd went to the Muslim called Aytola the Saracen and asked him if he wouldn't like to sleep with Alicend. Aytola objected, quite naturally, that he was a Muslim, and that he had no money. Lorenc not only offered to lend Aytola the money, but gave useful advice as well: "he told the said moor to say that his name was Johan, to speak in [. . .]. ], and to say that he was from the port."<sup>26</sup>

To this point the story seems an idyllic example of *convivencia*: an interfaith community of shepherds willing to obscure the religious differences which divided them. In any event the illusion was shattered by Alicend's scream when she "recognized that he was a moor in his member."<sup>27</sup> Aytola fled, and Alicend denounced both him and Lorenc for falsity and deviousness "in dishonor of God and of the Catholic faith."<sup>28</sup> In this case it is Aytola's expulsion from Alicend that marks him as alien, an "otherness" which not coincidentally is physicalized and recognized in his sexual member.

I am suggesting that Christian women were the active agents of recognition of the "other" because their bodies had been constituted as the limits of legitimate and non-threatening exchange. It is important to stress here the historical specificity of this model. Though anthropologists like Lévi-Strauss would emphasize the universality of notions about the exchange of women, I would argue that these notions function in many different ways within and across societies. I can think of no better expression for this than the phrase repeated with ever-increasing stridency in the post-bellum United States South: "Where do we draw the color line?" The question reflects a concern about sexual access to a group's women, but this does not mean that the boundaries drawn as a response to it focus explicitly on women's bodies. In the United States South, for example, the color line was often drawn through more mundane social interactions like eating and drinking, or even at the act of voting [hence political slogans like the often reiterated threat that blacks would move "from the ballot box to the bedroom"]. The same is true of the medieval Crown of Aragon, where there were many different opin-



ions as to what sorts of interactions were dangerous: interfaith wine-drinking is one example frequently mentioned in Jewish, Muslim, and Christian legislation.

What is interesting to me about the Aragonese model in the early fourteenth century, however, is that the “religious line” seems to have been drawn most clearly and consistently on women’s bodies themselves, particularly on the bodies of prostitutes, and not on more mundane forms of interaction.<sup>29</sup> This “supercharging” of prostitutes’ bodies drained a vast range of other forms of exchange of their potential for violent conflict. Consider as an example this picture of tavern life in the village of Paterna and its environs just outside Valencia. One witness, Tomas Marques, stopped at such a tavern in Benimahabet sometime in early 1307 and found there Christians, “baptized [Muslims] from Paterna,” (i.e., converts to Christianity), and Muslims from Quart, all playing dice together and getting drunk. Tomas of course joined in. Present amid all this interfaith gambling, drinking, and money lending, he reports, was the prostitute Marieta de Murcia. When Jacme Camarido visited the same tavern there were three prostitutes present, who would be taken by winning gamblers to the neighboring vineyard. A similar picture of interfaith conviviality was reported in the tavern of Paterna, where a prostitute joined in the dice game. But the limits to this conviviality were always made clear by the women. Tomas tells us that Marieta made a trade “of her body in the said place to any man who wanted [it] who was a Christian.”<sup>30</sup> The existence of this boundary rendered all the rest unthreatening, almost (but never quite) unremarkable.<sup>31</sup>

Thus far my analysis has focused on showing how what is traditionally seen as an “intolerant collective anxiety” about sexual interaction creates a boundary-maintaining taboo between groups so highly charged that it generates institutional violence; and how such a taboo might serve to render other types of interaction less conflictual, lessening their potential for violence. But this is only half the story. We still need to descend to the level of strategic action in order to see how individuals used these boundaries, and conversely how the boundaries structured individual action.

At first glance, the kinds of individual action preserved in archives seem to support the first part of the conclusions I just mentioned and rebut the second. It is clear that contemporaries were aware of the

immense potential for violence that accrued in charges of miscegenation: so aware, in fact, that they resorted to such accusations constantly in attempts to tap into that violence.

We might start by returning to those very prostitutes whose bodies were constituted as boundaries, as sites for the recognition and rejection of the non-Christian. I say “were constituted,” because individual women did not necessarily view themselves as boundary markers, though they were aware of the normativity of such roles and of the risks and possibilities inherent in them. Absent’s scream in the shepherds’ camp was motivated not only by the shock of difference, but also by a situational calculus. Had Lorenc conspired to entrap her as an opportunity for extortion? If so, her scream argued for her ignorance and innocence. Conversely, she was herself now in a position to extort: to this her scream staked public claim. As it was, she pressed charges only when Lorenc’s promise to blackmail Ayrola and share the proceeds with her became unfulfillable after the Muslim’s flight.<sup>32</sup> Even here, then, in the cases of prostitutes who formed the front lines, so to speak, in the struggle of identity and difference, there was room for the strategic actions and choices of the individual.

The strategic nature of miscegenation anxiety is most evident at a slight remove from the prostitutes themselves, in those many moments when individuals tried to divert the violence accruing about the issue of miscegenation and channel it into conflicts arising from less heightened interactions via the medium of accusations. The accusation of miscegenation was commonly used against Jews and Muslims precisely because it was highly charged and therefore particularly effective at bringing the judicial apparatus unpleasantly to bear upon the accused. For example, when Jucef, a Jew of Catalunya, lost all his money and his clothes gambling in the house of the Christian Dominic del Gan and infuriated his fellow gamblers by refusing to go further into debt to continue gambling, the frustrated players made a choice about how to proceed. They did not beat him up. Instead, “as he waited, totally naked, for the shades of night to fall so that he could [discreetly] leave the house . . . the said Dominic falsely accused him of entering into the house to commit adultery with his wife . . . so that he had to flee the town.” Words, not deeds, but violent nonetheless in intent and effect.<sup>33</sup>

Individuals used such accusations to raise otherwise relatively mundane legal disputes to the level of defense of the faith. Thus, for example, a Christian debtor's complaint about a loan might begin with charges of usury, move to the unfair seizure of goods as security by the Jewish creditor, and end with the charge that the creditor tried to rape the debtor's daughter.<sup>34</sup> Though many of these charges were probably vague, made in the hopes that torture or character witnesses might uncover particulars, others went to great lengths to provide a suitable lightning rod in the form of a woman. A wife or daughter might serve as the alleged site of transgression, though sometimes more creativity was called for. Jahuda Avenbruch, a Jew of Lleida, complained in 1286 that while he had been visiting Albesa, some men of the place together with a Christian woman broke into the house where he was staying and claimed to have found him lying with their accomplice. They used this as a pretext to rob him, and the count of Urgell used their accusation to extort thousands of sous in fines. Jahuda was now worried that he might be accused of the crime by another Jew, an occurrence which the king's letter sought to prevent.<sup>35</sup>

Among other things, Jahuda's story makes clear that Christians were not the only ones to bring accusations of miscegenation against minorities. Members of minority communities themselves tried frequently to use the judicial apparatus against their enemies. Jewish communities complained constantly of lower-class Jews bringing such accusations against wealthy ones, and attempted to prohibit accusations by Jews against other Jews in Christian courts.<sup>36</sup> Mudéjars came to echo this complaint, as accusations of miscegenation became a preferred tool of factions fighting for control over positions of authority in Muslim communities, with the enemies of incumbent officials accusing them in the hopes of getting them removed from office.<sup>37</sup> Minority officials, on the other hand, not only brought such accusations against their enemies, but also used them to raise revenue for themselves.<sup>38</sup>

These accusations are obviously attempts to generalize the violence normally reserved for very specific transgressions and apply it to a great variety of everyday conflicts. As such, they seem to challenge the argument that heightening sexual boundaries reduces ten-

sion in other forms of interaction, or at the very least to suggest a constant tension between delimiting and generalizing conflict. Such a tension does exist, but it is more complex than may at first appear. We tend to forget that accusations of miscegenation, like all accusations, were merely claims. Their truth value was established through negotiation and contextualization, never taken as apparent. These processes of negotiation tended to constrain the violent potential of any accusation. Hence, although the registers of the Crown are full of records of accusation, the execution of corporal punishment is a rare event. Some cases ended in acquittal, with the accusing official ordered to publicize the accused's innocence and good name; many others in an acquittal obtained for a fee; still others in the purchase of a remission from guilt or a pardon. A majority probably never made their way into the courts or the documentary record. The violence generated by sexual boundaries was not easy to exploit.<sup>39</sup>

This was in part due to the fact that the strategic nature of such charges was no mystery to contemporaries. Consider the case of Jaco Aburtarda, Jew of Daroca. Jaco regularly flouted the authorities. When the community's tax collector came knocking on his door, Jaco punched him in the face. Such behavior made him enemies who had to be dealt with. Jaco seems to have been exquisitely aware that enmity against minorities often took the form of accusations and he took suitable precautions. Hence he always carried an amulet of "names, characters and precious stones," which he boasted protected him from the king's justice. The amulet must have worked, because Jaco was absolved of the charges of miscegenation against him, albeit at the cost of a considerable sum of money.<sup>40</sup>

The workings of this economy of accusation were relatively clear to everyone. Muslims and Jews could only be tried in the courts of their lords, who both passed judgment and executed it. Accusations thus became a form of extraordinary taxation in which lords convicted their own subjects in order to extract money from them. This system limited violence not only by monetizing it, but also by contextualizing it within interest groups. Lords, for example, might be eager for the bits of extraordinary revenue such accusations brought in, but they were also extremely sensitive to the fact that excessive arbitrariness would depopulate their minority communities through

emigration and kill the goose that laid the golden egg.<sup>41</sup> And just as lords might be willing to expolate or even execute someone else's Muslim or Jew, they wanted to protect their own.<sup>42</sup> The result of what one might call these "checks and balances" was that the violent charge inherent in accusations of miscegenation was diffused to the point where it was rarely lethal, though often a costly nuisance.<sup>43</sup> This is something of a circular equilibrium. The potential for conflict in everyday social relations between groups was concentrated onto charges of miscegenation centered about the bodies of prostitutes, while at the same time these very charges were drained of virulence by their constant invocation and contextualization within everyday relations.

Of course there were moments when the power of this boundary flashed out in full and horrific force. I think of the Avignonese Jew Pandonus, convicted of adultery with a Christian and castrated, his amputated flesh nailed to the doors of the palace of justice as a stark symbol of his transgression; of the Muslim 'Ali "Killer of Lions," burned to death on charges of sex with a Christian girl who proved on later examination to be a virgin; or of the Muslim grain trader, a vassal of the Templars, who was traveling through lands belonging to his lord's enemies when they seized his ship and cargo, injured and killed some of the friends who tried to save him, and burned him on charges of miscegenation when his distant seigneurs proved helpless to protect him.<sup>44</sup> In some ways such moments were exceptional. The victims were individuals stripped of the customary protections and social relations which tended to be mobilized by such accusations and attenuate their force. But these moments were also systemic. They were the product of a society whose stability depended in part on the display, only occasional but of terrifying clarity, of the violent consequences of difference.

## NOTES

When read at Notre Dame in 1994, this paper represented an early attempt to work through part of a larger project on violence against and between minorities. It appears here unchanged, apart from the addition of notes. In the intervening time, however, my understanding of the problem and of the project has changed considerably. For a broader and much revised version of the argument given here, see chapter 5 of my *Communities of Violence: Per-*

*secution of Minorities in the Middle Ages* published by Princeton University Press in 1996. I am grateful to Princeton University Press for permission to provide this earlier version of that text here.

1. See his *España en su historia: cristianos, moros, y judíos*, 2nd ed. (Barcelona, 1983), 200–209. Castro's position was attacked by Claudio Sánchez-Albornoz in his *España: un enigma histórico*, 2 vols. (Buenos Aires, 1956), precipitating a bitter and long-running debate within Spanish historiography. For an analysis of the debate, see Thomas Glick, *Islamic and Christian Spain in the Early Middle Ages: Comparative Perspectives on Social and Cultural Formation* (Princeton, 1979), 6–13.

2. Perhaps the most extremely optimistic of these historians is Norman Roth, who does "not like to talk about a particular 'golden age' of Jewish culture in medieval Spain, for the whole history of that civilization was a golden age for the Jews." See his "The Jews in Spain at the Time of Maimonides," in *Moses Maimonides and His Times*, ed. Eric L. Ormsby, *Studies in Philosophy and the History of Philosophy* 19 (Washington D.C., 1989).

3. This school is specifically concerned with Jewish history, though it has influenced the way the history of Muslims in Christian Spain is periodized as well.

4. Yitzhak Baer, *A History of the Jews in Christian Spain* (Philadelphia, 1978). It is worth noting that the same polarization between "golden age" and vale of tears occurs in Italian Jewish historiography, on which see Robert Bonfil, *Jewish Life in Renaissance Italy* (Berkeley, 1994), 6–9. On the Jerusalem school in general, see David Myers, "From Zion Will Go Torah": *Jewish Scholarship and the Zionist Return to History*, unpublished doctoral dissertation, Columbia University, 1991. For Myers's treatment of Baer, see pp. 219–58.

5. For more on this subject, see the introduction to my *Communities of Violence*.

6. Though not heretofore applied to *convivencia*, the role of conflict in the maintenance of stability is often posited in post-Enlightenment political philosophy. See for example Kant's "Idea for a Universal History with a Cosmopolitan Purpose," the seventh proposition in *Kant's Political Writings*, ed. Hans Reiss (Cambridge, 1970), 47: "Nature has thus again employed the unsociableness of men, and even of the large societies and states which human beings construct, as a means of arriving at a condition of calm and security through their inevitable antagonism" [emphasis in original]. See also his "On the Common Saying: 'This May Be True in Theory, But It Does Not Apply in Practice'" (91); and, for Kant's argument in "Perpetual Peace" that even wars, unless they are wars of obliteration, are forms of interaction which seek to establish relations and presuppose them, "Perpetual Peace: A Philosophical Sketch" (96). See also Georg Simmel: "In contrast to . . . pure negativity, conflict contains something positive. Its positive and negative aspects, however, are integrated; they can be separated conceptually, but not

empirically." The quotation is from his "Conflict" and "The Web of Group Affiliation"; trans. Kurt H. Wolff (London, 1955), 14.

7. For a broader treatment, see *Communities of Violence*, chapter 5.

8. *Costums de Tortosa* [*Còdigo de las costumbres escritas de Tortosa*, ed. Ramon Goguet and Jose Foguet Marsal (Tortosa, 1912), IX.2.7. See also *Furs de Valencia*, IX.2.8–9, where both parties are condemned to be burned; and the *Fuero de Teruel*, sec. 386; "Similarly if a [Christian] woman is surprised with a Muslim or a Jew, and they can be captured, let both be burned together." Many more texts could be added. These are chosen as examples of the law in three principal polities of the Crown. The crime of miscegenation was considered so horrible as to be excluded from standard royal pardons and safe-conducts. For one among countless such safe-conducts, see Archive of the Crown of Aragon, Chancery section [henceforth ACA:C] register 880, folio 132<sup>r</sup> [henceforth given as 880:132<sup>r</sup>], dated (1345/2/20). For a remission, see ACA:C 520:260<sup>v</sup> (1329/2/6). Other crimes usually excluded from standard pardons included sodomy, abetting heretics, poisoning, false moneying, and lese majeste.

9. The word "miscegenation" is a nineteenth-century neologism whose first extensive use seems to have been in the United States immediately following the Civil War. Though it generally means "a mixture of races; esp.: marriage or cohabitation between a white person and a member of another race," I am using it here in an etymologically stricter sense, to indicate a mixing of categories (Latin *miscere* and *genus*), in this case defined primarily along religious lines. Some of the ways in which medieval notions of miscegenation differ from modern ones will be discussed more explicitly below. The definition cited above is from Webster's *Third New International Dictionary* (1961). The *Oxford English Dictionary* further specifies the races as "white" and "negro," though it gives instances of other usages (e.g., "Christian" and "pagan").

10. See Canon 68 of the 4th Lateran Council (1215), in *Constitutiones concilii quarti Lateranensis una cum commentariis glossatorum*, ed. A. García y García, Monumenta iuris canonici, Corpus glossatorum 2 (Vatican City, 1981), 107. Similar requirements had been instituted a century before in the Crusader Kingdoms, where Frank and Muslim lived in close proximity. See, for example, the Council of Nablus (1120), c. 12, 15, 17, in Giovanni Domenico Mansi, *Sacrorum conciliorum nova et amplissima collectio* (Paris, 1901–1927), 21, 264, and the discussion by James Brundage in "Prostitution, Miscegenation, and Sexual Purity in the First Crusade," in *Crusade and Settlement*, ed. Peter W. Edbury (Cardiff, 1985), 60–61.

11. Alan Cutler, "Innocent III and the Distinctive Clothing of Jews and Muslims," *Studies in Medieval Culture* 3 (1970): 92–116, argued that the distinction was imposed not to prevent sexual intercourse but to humiliate minorities. In Aragon, however, the documentation repeatedly stresses sexual boundaries as the motivation behind distinctive clothing. See, for example,

ACA:C 384:48<sup>v</sup>–49<sup>r</sup>, concerning the Jews of Aptera; ACA:C 1090:10<sup>r</sup>–<sup>v</sup> (1373/11/8), concerning the Muslims of Valencia. See also James Brundage, "Intermarriage between Christians and Jews in Medieval Canon Law," *Jewish History* 3 (1988): 30; Elena Louie, "Anatomy of Ambivalence: Muslims under the Crown of Aragon in the Late Thirteenth Century," in her *Crusade and Colonization: Muslims, Christians and Jews in Medieval Aragon*, Variorum Collected Studies 317 (Aldershot, 1990), 54. That distinctive clothing is meant to reinforce sexual boundaries is also evident in the Castilian *Stete Partidas*, 7.24.11. See D. Carpenter, *Alfonso X and the Jews: An Edition and Commentary on Stete Partidas* 7.24 "De los judíos," *Modern Philology* 115 (Berkeley, 1986), 100–101.

12. John Boswell, *The Royal Treasure: Muslim Communities under the Crown of Aragon in the Fourteenth Century* (New Haven, 1977), 344 n. 60.

13. The few riots that are documented are complicated by jurisdictional quarrels. Thus the Justice of Daroca and his men attacked the house of the lieutenant of the Bailiff General when the latter proposed to free a Muslim accused of sex with a Christian woman, but doubtless alleging that the Muslim should be punished. I know of no such cases that do not involve competing officials. On this case, cf. ACA:C 239, 59<sup>r</sup>–<sup>v</sup> (1311/4/16) and ACA:C 239, 62<sup>v</sup>–63<sup>r</sup> (1311/4/19); Maria Teresa Ferrer i Mallol, *Els sarraïns de la Corona Catalano-Aragonesa en el segle XIV: segregació i discriminació* (Barcelona, 1987), 28–29, 225–26.

14. See Yosef Hayim Yerushalmi, *Assimilation and Racial Anti-Semitism: The Iberian and the German Models*, Leo Baeck Memorial Lecture 26 (New York, 1982).

15. For example, Domingo Carbonell of Xàtiva married a converted Muslim woman about 1310. Such cases are rarely recorded because they were unremarkable. Domingo's is preserved in the archives only because his wife's brother tried to break into the Muslim quarter to retrieve some of her goods. The brother later converted as well. See Ferrer, *Els sarraïns*, 19, 76, and ACA:C 207, 176<sup>v</sup> (transcribed on page 222). A similar but much later case is that of ACA:C 3653, 157<sup>r</sup>–<sup>v</sup> (1498), discussed by Mark Meyerson, "Prostitution of Muslim Women in the Kingdom of Valencia: Religious and Sexual Discrimination in a Medieval Plural Society," in *The Medieval Mediterranean: Cross-Cultural Contacts*, ed. Marilyn J. Chiat and Kathryn L. Reyerson, *Medieval Studies at Minnesota* 3 (St. Cloud, Minn., 1988), 88.

16. Though we know distressingly little about Christian attitudes toward converts in the thirteenth- and fourteenth-century Crown, the problem is too large to approach here. For an example of remissions granted converts, see ACA:C 1152:159<sup>r</sup>–<sup>v</sup> (1357/4/16), where a Muslim who has been condemned to execution by burning for having had sex with a Christian woman is absolved on the condition that he accept baptism and abandon Islam. See Josefa Murgé Vives, *L'ajama sarraïna de Lleida a l'edat mitjana: aproximació a la seva història* (Barcelona, 1992), 321.

17. In the case of offspring produced by intercourse between a Christian and a Muslim slave, for example, the status of the child was carefully legislated. In all cases, however, the child was Christian. See for example *Costums de Tortosa*, 6.1, paragraphs 12, 14, 17, 18.
18. For a description of the case, see Ferrer, *Elis sarraïns*, 27–28, citing ACA:C 2132, 114<sup>v</sup>–15<sup>r</sup>; 121<sup>r</sup>–; 139<sup>v</sup>–40<sup>r</sup>. The events occurred in 1401.
19. *Siete Partidas*, 7.24.9. The translation is by Carpenter (*Alfonso X and the Jews*, 35). For the punishment of Muslims, see *Siete Partidas*, 7.25.10, briefly discussed in Carpenter's "Minorities in Medieval Spain: The Legal Status of Jews and Muslims in the *Siete Partidas*," *Romanic Quarterly* 33 (1986): 283.
20. Because this model has already been applied to the medieval Mediterranean, I limit myself here to a few citations. For the Crown of Aragon, see Meyerson, "Prostitution," 90 and his *The Muslims of Valencia in the Age of Fernando and Isabel: Between Coexistence and Crusade* (Berkeley, 1991), chapter 6. For the anthropological literature, see, inter alia, the following essays collected in *Honour and Shame: The Values of a Mediterranean Society*, ed. John Peristiany (London, 1965): A. Abou-Zeid, "Honour and Shame among the Bedouins of Egypt," 245–59; Pierre Bourdieu, "The Sentiment of Honour in Kabyle Society," 191–243; Julio Caro Baroja, "Honour and Shame, a Historical Account of Several Conflicts," 79–139. See also Jane Schneider, "Of Vigilance and Virgins: Honor, Shame, and Access to Resources in Mediterranean Societies," *Ethnology* 10 (1971): 1–24; Julian Pitt-Rivers, *The Fate of Shechem, or the Politics of Sex: Six Essays in the Anthropology of the Mediterranean* (Cambridge, 1977).
21. Mary Douglas, *Natural Symbols: Explorations in Cosmology* (New York, 1982), viii.
22. Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (Boston, 1966), 122–28.
23. This example is from Archivo Municipal de Valencia, Lletres Mises, g<sup>o</sup>–1, f. 51<sup>v</sup> (1335/11). For its text, see A. Rubio Vela, *Peste negra, crisis y comportamientos sociales en la España del siglo XIV: la ciudad de Valencia (1348–1401)* (Granada, 1979), 20–21, and his *Epistolari de la València medieval* (Valencia, 1985), 353–54. Punishment could, however, take the form of corruption, for example, corruption of the air or plague. This is, admittedly, a fine distinction.
24. Claude Lévi-Strauss, *The Elementary Structures of Kinship*, ed. Rodney Needham, trans. James Hale Bell, John Richard von Sturmer, and Rodney Needham (Boston, 1969), 67–68.
25. *Ibid.*, 480. Though here my use of Lévi-Strauss's model is oversimplified, it is elaborated considerably in *Communities of Violence*, chapter 5.
26. ACA:C Procesos, new numeration 12/14 (1304), folio 2<sup>v</sup>, testimony of Pedro, fill'd'en Engot Saragoga. Unfortunately the advice as to how Ayrola should speak is illegible. "John" seems to be the name of preference among Muslims seeking to pass as Christians. For another case, see ACA 528, 285<sup>r</sup>–<sup>v</sup> (1334/2/28).
27. ACA:C Procesos, new numeration 12/14 (1304), folio 2<sup>v</sup>: "[Ha]via conegut que ere moro en son membre."
28. This is a notarial formula used often in cases of blasphemy or miscegenation (in this case see for example folio 9<sup>o</sup>). Ayrola fled town before the accusation was made. Lorenc was tried and defended himself on three counts: first, he was a good Christian and would never do such a thing. Second, he could not be tried for complicity in a crime in which the perpetrator was not available for trial. Third, Alicesend's testimony should not be believed, since as a prostitute she was of "mala fama." The document is in very poor condition, but it seems Lorenc was acquitted, despite the fact that the testimony of several shepherds supported Alicesend. Why this transcript from a seigneurial court is preserved in the royal archive is not clear.
29. The role of prostitutes in maintaining religious boundaries is more extensively developed in *Communities of Violence*, chapter 5.
30. The information presented here is a pastiche of testimony from ACA:C Proceso 515/10 [old numeration] (1307). See in particular folios 77<sup>v</sup>–78<sup>r</sup> (Tomas); 9<sup>v</sup> (Jacme); 10<sup>v</sup>–11<sup>r</sup> (Bernat d'Oriola, ferrer); 11<sup>v</sup> (Pere de Teragona, esparter). All of these witnesses mention the presence of numerous prostitutes, for example Marieta de Murcia and Marieta d'en Bayard (a.k.a. Marieta puta xica, "the small whore") [see folio 14<sup>r</sup> for the nickname].
31. Such conviviality was, or soon would be, illegal, though this illegality was often overlooked. Decrees forbidding conversation between Christian prostitutes and Muslims in taverns throughout the kingdom of Valencia were issued in 1311 and 1312 by James II, though there may have been earlier ones as well. These are published in *Aureum opus*, L, p. 162, and LVI, p. 166.
32. Authorities often suspected that prostitutes only denounced their non-Christian clients when they feared that they themselves might otherwise face charges. For a detailed example in which Infant Martin himself instructs officials on how to carry out an interrogation in hopes of catching a prostitute in contradiction, see ACA:C 2077, 9–10<sup>r</sup> (1389/1/20), discussed and transcribed in Ferrer, *Elis Sarraïns*, 37, 329–30.
33. ACA:C 174, 153<sup>v</sup> (1322/3/18): "... ibique remanens totaliter denudatus noctis tenebras ut inde exire posset expectando... idem Dominicus false diffamavit Jucefum predictum quod domum intraverat ut cum uxore sua adulterium committeret." Physical violence did not, of course, exclude the concurrent use of accusations, as when a Christian beat up a Muslim and then, when the Muslim sued, accused him of having had sex with a Christian woman (ACA:C 175, 264<sup>v</sup> [1322/7/21]).
34. ACA:C 365, 188<sup>v</sup>–89<sup>r</sup> (1320/12/13). Pedro Domingo of Ayreto made such complainants against his creditor, Jucef Abutarda of Daroca,

though Pedro claimed that Jucef's son Jaco, not Jucef himself, had tried to seduce his daughter and wrongfully seized some chickens. For more on Jaco's career, see below.

35. ACA:C 70, 23<sup>f</sup>, number 1693 in Jean Régéné, *History of the Jews in the Crown of Aragon*, ed. Yom Tov Assis and Adam Gruzman (Jerusalem, 1978), 439–40. Compare ACA:C 172, 263<sup>v</sup> (1322/1/20), where a Christian of Zaragoza and his concubine conspire to frame Samuel Alagar.

36. One example of a complaint: ACA:C 519, 111<sup>r-v</sup> (1328/5/31), where Abram, a.k.a. Recandell, is accused of theft and of extorting money from other Jews by threatening to denounce them “coram inquisitor heretice pravitiatis” for sleeping with Christian women. On the issue of *malshins* (“informers,” i.e., accusers in Christian courts) in Jewish communities, see Elena Louie, “Mafiosi and Malsines”; Francisco de Bofarrill, “Los judíos malsines,” *Boletín de la Real academia de buenas letras de Barcelona* 6 (1911): 207–16.

37. The host of accusations made against members of a leading Muslim clan of Teruel, the Olleros, is typical. The accusations took as broad an aim as possible. The patriarch of the clan, Mahomat Ollero, and his sons Jucef and Galip (Galip was holding the office of *alamin* at the time the charges were made) were all accused of a variety of excesses, but sex crimes peppered the list. One of Mahomat's daughters was accused of sleeping with a Christian man, one of his sons of sleeping with a servant to whom he was related, and one of Jucef's sons of sleeping with a Christian woman (ACA:C 246, 190<sup>f</sup> [1321/4/5]). Such accusations were common. Cf. ACA:C 121, 66<sup>v</sup> (1301/6/30), where the Muslim *alfaqí* of Zaragoza is accused by municipal officials of magic and miscegenation (Ferrer, *Elis sarrains*, 33). On the Muslim adoption of laws about *malshins*, see ACA:C 1905, 233<sup>v</sup>–34<sup>v</sup> (1393/12/18), granting the Muslim *aljama* of Huesca the right to put to death “sarracenus aliquis . . . per vos repertus fuerit accusator, qui hebraice malismi et agarenice nament vulgariter nuncupatur.” Each such execution would cost the *aljama* a fee of 1,000 sous of Jaca. The document is published in María Blanca Basañez, *La aljama sarraucena de Huesca en el siglo XIV* (Barcelona, 1989), doc. number 96, pp. 235–37.

38. For an example of testimony against a Muslim on such charges, see the depositions against Jaale Abunacia of Miravet contained in ACA:C Procesos 502/11 (1309). In the furtherance of his extortions, Jaale is even said to have accused one man's daughter of being pregnant, despite the fact that she was “only a little girl.” The document is in Catalan, with subscriptions in Arabic. See also Louie, “Ambivalence,” 45.

39. For a public proclamation of innocence, see Anchel Conte Cazcarro, *La aljama de Moros de Huesca* (Huesca, 1992), 40, citing ACA:CR 163, 155<sup>f</sup> (1317). Elena Louie points out that defendants could often buy pardons for such offences, but even innocence could prove expensive. See Louie, “Anatomy,” 54–55. For a sampling of accusations, fines, etc., against Jews, see Yom Tov Assis, “Sexual Behavior in Mediaeval Hispano-Jewish Society,”

in *Jewish History: Essays in Honour of Chimen Abramsky*, ed. Ada Rapaport-Albert and Steven J. Zipperstein (London, 1988), 42–44. Assis knows of only one case that ends with the death penalty imposed on both the Jewish male and the Christian female accused, and that case, in 1381, involved a nun (p. 44, citing Jaime Villanueva, *Vieje literario a las iglesias de España*, 22 vols. [Madrid, 1803–1852], 21:219); and Alfred Morel-Fatio, “Notes et documents pour servir à l'histoire des Juifs des Baléares sous la domination aragonaise du XIII<sup>e</sup> au XV<sup>e</sup> siècle,” *Revue des études juives* 4 (1882): 37.

40. ACA:C 488, 52<sup>v</sup>–53<sup>v</sup> (1334/8/16): “deterendo tecum nominas, caractras ac lapides preciosos asserendo quod propter hoc nos vel aliquis nostro nomine contra te cum justicia procedere non possemus.” The document, which constitutes Jaco's remission for these crimes, detailed other charges as well. See also ACA:C 529, 21<sup>r-v</sup> (1334/3/30). On Mediterranean Jewish annulets see the introduction to Lawrence H. Schiffman and Michael D. Schwartz, *Hebrew and Aramaic Incantation Texts from the Cairo Geniza* (Sheffield, 1992). On their decoration and use as jewelry see Shlomo Gotein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza*, vol. 4: *Daily Life* (Berkeley, 1983), 218f.

41. Complaints that accusations are depopulating a given Muslim or Jewish *aljama* were frequent. For one example, a letter from the Infant Alfonso to King James II concerning Teruel's *aljamás*, see ACA:C 385bis, 145<sup>v</sup> (1321/2/17).

42. A few of many examples: in ACA:C 534, 35<sup>v</sup>–36<sup>f</sup> (1331/11/22), the Countess of Terranova halts an accusation of theft against her Muslims by complaining to the king that it is depopulating her *alqueria*. The Viscountess of Cardona's complaint that one of Infant Peter's officials had arrested one of her Muslim women vassals on charges of adultery with a Christian prompted the king to ask the Archbishop of Zaragoza to investigate the case (ACA:C 534, 126<sup>f</sup> [1333/4/18]). In ACA:C 886, 182<sup>r-v</sup>, Lope de Luna, seigneur of Sogorb, complains that people accuse his Muslims of, among other things, miscegenation, solely for purposes of extortion. For a case involving Jews, see ACA:C 533, 111<sup>v</sup>, where the Master of Calatrava intervenes on behalf of his vassal Jucef Abinfaivo. Representative of the other point of view is the complaint of the city of Barbastró, which argued that the noble Guillem d'Enencia had interfered with its right to execute a Muslim condemned to burn because he had sex with two Christians. Guillem was insisting that since the Muslim was his vassal, he could only be tried in his courts.

43. These “checks and balances” were to some extent enshrined in the *furs nous*, the new “constitutions” issued to Valencia by Alfonso the Benign. These provided for a division of the revenue of justice between the Crown as judge and the lord of the person tried. For the *fur* see *Furs de València*, ed. Gemà Colón and Arcadi García (Barcelona, 1978), III. V.78, III. V.81, III. V.85, 3.127–30, 133, 136–38; see also S. Romeu Alfaro, “Los fueros de Va-

lencia y los fueros de Aragón: jurisdicción Alfonso, " *Anuario de historia del derecho español* 42 (1972): 100f. For a case insisting on the principle, see ACA:C 456, 99.

44. For Pandonius, see Norman Zacour, *Jews and Muslims in the Consilia of Otrabadus de Ponte*, Studies and Texts 100 (Toronto, 1990), 30–32, 68–70, 90. For Ali and the grain trader, see Ferrer, *Elis Sarraïns*, 29–30, ACA:C 118, 31<sup>v</sup>–32<sup>r</sup> (1301/3/14) transcribed on pp. 214–15; ACA:C 121, 27<sup>v</sup> (1301/6/19).

## 8

## *History and Intertextuality in Late Medieval Spain*

ELEAZAR GUTTWIRTH

AS IS WELL known there is a model of approaching medieval Jewish historiography or medieval Jewish interest in history which has a tendency to underprivilege them. In practice such models appeal to a radical opposition between Jewish and Christian historiography of the period. This tendency is not a new product of the 1980s nor is it internally consistent. I deal elsewhere with the history of this old idea and its contradictions. One aspect of this current of thought is directly related to the Bible. Indeed, Baer in his *Galut* had maintained that "Die wahre Geschichte ist ihm ein fuer allemal in der heiligen Schrift niedergelegt. In ihr findet sich der Typus, das Urbild fuer alle spaetere Geschichte. Was einmal geschehen ist, kann sich nur in immer groeoser werdenden Kreisen wiederholen." His impression is that "Darum verliert auch das spaetere Einzelgeschehen seinen eigenen Wert." Biblical influence on medieval Jewish writing is thus seen as a factor in Jewish undervaluing of non-biblical history.

The subject of the relation of biblical texts to the writing of medieval history is of course a large area. But here attention will be paid to a practice whose existence is well known and directly related to the Bible's influence on medieval Jewish historical writing: biblical allusion. In practice, historians who deal with late medieval Hebrew chronicles written in Christian Spain act as if the main value of these chronicles lies in the data which they offer. The historian's task as