Christian Servitude and the Jews in the Twelfth and Thirteenth Centuries

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Introduction

This thesis examines two related prohibitions from the twelfth and thirteenth centuries. Both secular and canon law prohibited Jews from owning Christian slaves or employing Christian servants in their homes. This thesis examines the laws themselves, other contemporary restrictions on Jews, their legal precedents, and their theological foundations as well as whether these restrictions were actually followed by both Jews and Christians. I will argue that these prohibitions resulted due to a combination of reasons, specifically legal traditions dating back to the Roman Empire, Christian theology, and reality. These prohibitions are above all, however, an indication of Christian self-doubt and insecurity.

Chronological and Geographic Focus

This thesis focuses on the twelfth and thirteenth centuries in the western Christian Mediterranean, specifically Spain. I have chosen to focus on these centuries and this area primarily due to the breadth of sources available for the High Middle Ages. Most of the sources of laws relating to Jews and slavery come from canon law with some examples of secular law and literature from Castile. Slavery is considered in a Mediterranean context.

The Jews of Spain

Jews had lived in Spain since ancient times. According to medieval Sephardic tradition, Jews had reached Iberia in biblical times during the Babylonian Exile. They were definitely living in Spain from the first century onwards. In Roman
Hispania, Jews lived in self-governed communities and were acculturated. Jews played an active role in public life in Hispania during the third century.

After the collapse of the Western Roman Empire, Jews continued to live in Hispania under Visigothic rule. The Visigoths sacked Rome in 410 and arrived in Spain in 412. They moved south and made their capital at Toledo. In 587, King Reccared converted from Arian Christianity to Catholic Christianity. After the conversion of the Visigoths, there was an outpouring of anti-Jewish laws in the seventh century. These laws banned intermarriage, conversion to Judaism, the owning of Christian slaves by Jews, and the holding of public offices by Jews and pressured the Jews to convert to Christianity. They were reissued by every other king and can thus be seen as part of political strategizing since there was no hereditary succession.

When Muslims conquered the peninsula in 711, Jews remained in southern Spain while their Christian neighbors fled the towns after the quick collapse of the Visigothic military resistance. The Muslims had the Jews assist them in governing and organizing the realm. However, there is no evidence that the Jews actually aided the Muslims in the invasion. After the Muslim conquest, Jews were placed in positions of local authority because they were not seen as threatening. Jews, unlike Christians, could not offer military resistance to the Muslim conquest. Jews also engaged in international trade, and these merchants became very wealthy. In the tenth and eleventh centuries, they used their wealth to build synagogues and to attract Jewish immigrants to al-Andalus. Al-Andalus quickly became the largest center of Jewish life outside of Babylonia, and Cordoba became the center of Jewish
learning. Jews in al-Andalus also assimilated into Islamic culture: for example, they spoke Judeo-Arabic, had Arabic names, and read the Koran. Some Jews, like Hasdai ibn-Shaprut and Shmuel Ha-Nagid, attained high-level positions in the court and were very influential. Despite the cultural achievements and wealth obtained by the Jews of al-Andalus, Jewish life in al-Andalus was not always rosy. There was discomfort among Muslims, and this was demonstrated in 1056 when thousands of Jews in Granada were massacred. The security of Jewish life was further shaken by the arrival of the Almoravids in 1086. The Almoravids pressured the Jews to convert and enforced the subordination of Jews. In 1147, the Almohads arrived in Spain and began an uncompromising persecution of Christians and Jews. Churches and synagogues were converted into mosques, and both Jews and Christians fled north to Christian Spain where they were welcomed as valuable settlers. Some Jews also fled to North Africa.

Meanwhile, there were very few Jews in the northern Christian Spanish kingdoms until the Christian conquests in the eleventh and twelfth centuries. In 1031, the Caliphate of Cordoba collapsed and Muslim supremacy in Spain was no longer definite. In 1085, the Christians captured Toledo, a symbolically important event that is seen as a crucial turning point. The Battle of Las Navas de Tolosa was the decisive turning point. The rulers of Castile, Navarre, Aragon, and Portugal united to defeat the Almohads. This major defeat of the Muslims gave the Christians a huge momentum, and by the middle of the thirteenth century, all of Spain was

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under Christian rule. The only exception was Granada, which was reduced to tributary status and would fall in 1492 to Ferdinand and Isabella.

In the Christian kingdoms of the eleventh and twelfth centuries, Jews lived in both major cities and small towns, and despite the decrees of the Church, they were employed as physicians, advisors, envoys, and tax collectors by the Christians kings, who also commissioned some Jews to organize supplies for their military expeditions against the Muslims. The Christian conquerors gave Jews special responsibilities along the frontier because the Jews were familiar with the languages and the area and because they were neutral and not seen as a political or military threat. While the Christians were engaged in their wars, Jews were left to settle in the frontier fortresses, to serve as garrisons, to build and reorganize commerce and industry, and to collect tribute from the remaining Muslims. Jews were also placed in charge of the finances of Christian orders and were appointed as the bailiffs of Muslims in Christian territories. In order to attract Jews to these jobs, Christian leaders provided incentives, such as tax exemptions and opportunities to own land, in the town charters.

Jews continued to be employed as tax collectors, physicians, financiers, and scholars by the royal courts during the thirteenth and fourteenth centuries despite the opposition of the cortes, who insisted that local Christians should collect the taxes. The Jews continued to live mainly in towns, often in autonomous Jewish quarters. However, as the frontier solidified, many of the opportunities available to Jews on the border disappeared. Christian culture spread south, and Christian anti-

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Judaism became more visible in Spanish culture and society. Practices prevalent in the rest of Christian Western Europe spread to Spain. There was a large conversionary movement, public Jewish-Christian disputations, and the spread of rumors against the Jews. These rumors included the blood libel, the theft and desecration of the Host, and well poisoning. Spanish Jews responded to all this with new intellectual movements that were strongly anti-rationalist and anti-philosophical. Jewish mysticism became very popular during this period, especially in northern Spain. At the same time, towards the end of the thirteenth century, the saying, "Better under Edom than Ishmael," developed. Spanish Jews still felt it was better to live under Christian rule than under Muslim rule. Indeed, Jews and Christians had cordial relationships on a daily basis in this period.

The position of the Jews in Spain further declined in the late fourteenth century during the reign of Juan I of Castile in the period following the Black Death. Across Europe, Jews were blamed for poisoning the water supply and causing the Black Death. Juan I enacted new laws, which confined the Jews to ghettos and ended their autonomy. This period of rising anti-Semitism culminated in the attacks of 1391. In Spain, the Jews were the scapegoats for political and economic crises due to their close ties to the monarchy. Fanatical preachers and the growing intolerance of minorities in general also played a role in causing the events of 1391. In 1391, Christian anger came to the fore, and mobs throughout Spain gave Jews the choice of baptism or death. This was the most widespread and deadly anti-Jewish massacre yet, and it was also unique for the huge numbers of converts. There were

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up to one hundred thousand Jews who were baptized in 1391, and as a result, a new
converso population emerged.

Between 1391 and 1415, the state of the remaining Spanish Jews further
worsened. There was new anti-Jewish legislation, which confined Jews to Jewish
quarters, limited their professions, and circumscribed their relations with
Christians. Towards the end of this period, the Disputation of Tortosa occurred
between 1412 and 1414. The major rabbis of northeastern Spain were forced to
relocate to Tortosa for several years, and their congregations were told that they
had converted to Christianity. This all caused thousands of additional conversions.

The open Jewish presence in Spain came to an end in 1492. On March 31,
1492, Ferdinand and Isabella signed the Edict of Expulsion. All unbaptized Jews
were given four months to either convert or leave Spain. There are multiple theories
to explain the issuing of the Edict of Expulsion, but the official and most probable
reason is that the Edict of Expulsion was promulgated in order to prevent Jews from
bringing conversos back to Judaism and abetting crypto-Judaism. The Edict of
Expulsion resulted in a final effort to convert the Jews, and intensive missionary
campaigns were launched. Elite Jews, who served Ferdinand and Isabella as
advisors at their court, begged them to revoke the Edict of Expulsion. This effort
failed. Thousands of Jews converted for all sorts of reasons while others chose exile.
The expulsion from Spain not only ended open Jewish life in Spain but also
effectively emptied Western Europe of Jews.
Medieval Slavery

Slavery already existed in Spain before the medieval period, with the practice already in place under Roman rule and in all likelihood, existing even earlier than that. The practice continued under Visigothic rule and into the Middle Ages. In Catalonia, the slave trade was a central part of Barcelona’s economy since the early medieval period, and by the fourteenth century, it had become a crucial part of the entire region’s economy. The slave population of the northern Christian kingdoms was small in the first half of the Middle Ages, especially compared to the numbers in Al-Andalus, but it rose in the twelfth and thirteenth centuries as the Christian realms expanded and grew wealthier during those centuries. The majority of these slaves were Muslim captives who worked in the households of their owners.

Slavery in the medieval Mediterranean world was condoned and considered to be normal. It “was primarily a feminized domestic institution.” It is important to remember the ordinariness of slavery to medieval peoples. Unlike in the modern period, there was no desire to abolish slavery. This must be taken into consideration when discussing any aspect of medieval slavery.

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6 Payne, *A History of Spain and Portugal*, 44.
Sources

The major sources available for this time period are papal letters, conciliar legislation, and secular law codes. Papal letters and conciliar legislation are available in collections compiled by Solomon Grayzel. The available secular Spanish law codes are Las Siete Partidas and the Code of Cuenca. There is also vernacular literature available, such as Las Cantigas de Santa Maria. In addition, the major legal precedents from the later Roman Empire and the early Middle Ages are available in collections compiled by Amnon Linder.

The Code of Cuenca is a late twelfth-century fuero, or charter, granted by King Alfonso VIII of Castile to the town of Cuenca. It is also known as the Forum Conche or Fuero de Cuenca. It is remarkably similar to the Forum Turoli, also known as the Fuero de Teruel, which was issued by King Alfonso II of Aragon at approximately the same time. Both charters were influenced by the local customs along the frontier, which had been under Muslim rule for centuries. The Code of Cuenca was also granted to other frontier towns in the thirteenth century. While the Code of Cuenca reveals much about Castilian life on the frontier, what is of most interest here is what the code makes known about Jewish life in a Christian frontier town. Jews had permission to settle in Cuenca with full citizenship. Yet they were separate from their Christian neighbors since they were the king's property. The Jews had their own marketplace and their own officials. In litigation involving both a Jew and a Christian, both Christian and Jewish officials had to be present along with both Christian and Jewish witnesses, and judicial combat between Jews and Christians was disallowed. Social interaction between the groups was limited to commerce,
municipal government, and militia service. However, as a legal code, the *Code of Cuenca* is a normative source, and it is impossible to say, especially without enough surviving court cases, the degree to which these laws were obeyed.\(^9\)

The *Siete Partidas* were commissioned and written by Alfonso X el Sabio of Castile in the thirteenth century. It is part of the renaissance of Roman law that occurred in Europe in the twelfth and thirteenth centuries.\(^10\) The *Siete Partidas* was modeled on Justinian’s *Corpus Iuris Civilis*, which had just been rediscovered in Western Europe during this period. There was also a need for a uniform code of law within Alfonso’s kingdom because Castile-Leon was made up of different kingdoms with their own codes of law. In Leon, the old Visigothic legal code from the seventh century was still in use, unwritten customary law prevailed in Castile, and different charters governed individual towns. As part of uniting his realm, Alfonso needed to have a uniform legal code.\(^11\) Each Partida is divided into titles, and the titles are then divided into laws. However, the *Siete Partidas* is not like other legal codes: “each title and law is like an essay incorporating folk wisdom, touching myriad aspects of society, a social and political encyclopedia in effect, a mirror of medieval daily life.”\(^12\)

The edition of the *Siete Partidas* that I am using is the 2001 edition of the 1931

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\(^12\) Burns, “*The Partidas: Introduction,*” xi.
English translation of Samuel Scott Parsons. It is the only complete translation of the *Siete Partidas* into English.

**Historiography**


For information on Jewish medieval households, I have relied on Elisheva Baumgarten’s *Mothers and Children: Jewish Family Life in Medieval Europe*. It has been useful in terms of understanding how Jewish parents interacted with midwives and wet-nurses, both Christian and Jewish. Though Baumgarten’s book focuses on Ashkenaz, it is still useful in understanding Jewish employment of midwives and wet nurses in a general manner. To my knowledge, there is no comparable work detailing Jewish family life in Sepharad.

For information on medieval slavery and servitude, I have relied on several sources, all of which focus on the Mediterranean. Most helpful has been Debra Blumenthal’s *Enemies and Familiars: Slavery and Mastery in Fifteenth-Century Valencia*. Blumenthal’s work on slavery in late medieval Valencia, while focused on a slightly later period of the Middle Ages, has been invaluable in helping me to understand the institutions of later medieval slavery in the Mediterranean. Articles
by Mark Meyerson and Stephen Bensch have also helped me to better understand medieval slavery. Valerie Fildes’s *Wet Nursing: A History from Antiquity to the Present* has been useful for information on medieval Spanish wet nurses.

**Chapter Outlines**

The first chapter will focus on twelfth- and thirteenth-century prohibitions on Jews owning Christian slaves or employing Christian servants. The laws concerning Christian servitude towards Jews will be introduced. Furthermore, through examination of these prohibitions on Christian servitude towards Jews and other contemporary restrictions, I will show that the prohibitions on Christian servitude towards Jews were motivated by the same factors that inspired other contemporary restrictions on Jews. In the second chapter, I will discuss the legal precedents that existed for the restrictions on Jewish behavior. I will demonstrate that twelfth- and thirteenth-century restrictions were influenced by earlier restrictions from the Roman Empire and the Early Middle Ages. In the third chapter, I will explore the theology that was the basis for Christian restrictions on Jews. I will show how the Doctrine of the Jewish Witness in particular motivated the prohibitions on Christian servitude towards Jews. In the fourth chapter, I will examine the reality of medieval Jewish behavior to show that Jews were not always subordinate to Christians and the actual conditions of medieval slavery and servitude to explain how those conditions violated Christian ideals about the proper relationship between Jews and Christians. In the conclusion, I will discuss which of these factors was the most important consideration to the Christians composing these prohibitions on Christian servitude towards Jews. I will also deal with what
these restrictions say about the mindset of twelfth- and thirteenth-century Christians. Specifically, I will discuss the issue of Christian doubt and insecurity. Finally, areas for future research will be delineated.

The topic of Christian servitude and the Jews is a complicated subject. It is difficult to separate one factor in it from another one. What I have attempted to do here is to explore and discuss the different factors motivating restrictions on Jews being served by Christians in their homes. Theology, realia, legal precedent, and other restrictions all interacted with one another to motivate restrictions on Jewish ownership of Christian slaves and employment of Christian servants and inform how Christian elites felt about the issue.
I. Thirteenth-century Laws

Both secular and canon law codes in the twelfth and thirteenth centuries contained prohibitions against Jews owning Christian slaves or employing Christian servants. In addition to the ban, the law codes included instructions for what happens if a slave owned by a Jew converts to Christianity. Furthermore, punishments are laid out for both Jews and Christians who flouted these laws. After discussing these prohibitions on Christian servitude towards Jews, I will explain how these prohibitions were related to other contemporary restrictions on Jews.

Secular Spanish law codes, such as Las Siete Partidas, forbade the ownership of Christian slaves by Jews. In the Fourth Partida, Title XXI, Law VIII states, “Neither a Jew, a Moor, a heretic, nor anyone else who does not acknowledge our religion, can hold a Christian as a slave.” Jews were grouped together with Muslims, heretics, and all other non-Christians, and they were all prohibited from owning Christian slaves.

Canon law in the twelfth and thirteenth centuries also contained the same restrictions on Jews regarding the ownership or employment of Christians. Canon law can be divided into two groups based on who authored the ordinance. If the pope wrote the law, then it is a papal decree. If it was note written by the pope but by a Church council, then it is a conciliar decree. Both types of canon law contained

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bans on Jewish ownership or employment of Christians. Let us start by examining the papal decrees first and then look at the conciliar legislation.

Sometimes the conciliar decrees could be very short. In 1222, the Council of Oxford simply stated its ban: “we decree that in the future Jews shall not possess Christian slaves.”\textsuperscript{14} The Council of the Province of Rouen in 1231 likewise issued a simple ban on Jews employing Christian servants: “Christian men and women shall not serve them.”\textsuperscript{15} These prohibitions at their most basic forbade Christian servitude to Jews.

However, some of the conciliar decrees were much more detailed. The Third Lateran Council issued a comprehensive ban: “Jews shall not be permitted to have Christian slaves in their homes; neither for the purpose of nursing their children, nor for domestic service, nor for any other purpose.”\textsuperscript{16} According to the Third Lateran Council, under no circumstance should Jews have Christians in their homes. This extensive type of ban was also issued by the Council of Montpellier in 1195, which stated, “nor shall they be permitted to have Christian men or women servants in their home under the pretext of having them nurse their children or for domestic service, or for any reason whatsoever.”\textsuperscript{17} Like the Third Lateran Council, the Council of Montpellier ruled that Jews could not have Christians in their homes under any circumstance. This broad ban was again enacted by the Council of Paris in 1213: “no Christian woman shall nurse Jewish children, and that no Christian midwives shall

\textsuperscript{15} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 325.
\textsuperscript{16} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 297.
\textsuperscript{17} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 299.
assist at a Jewish childbirth; nor shall any other Christian serve them.”

According to the Council of Paris, no Christian was permitted to serve a Jew. These prohibitions, at their most expansive, forbade all Christians from serving Jews for any reason.

Other prohibitions only singled out one particular type of service. For example, the Council of the Province of Narbonne in 1227 only added nursing to its general ban: “Nor shall they have Christian servants in their homes, nor nurses.”

The emphasis on nursing was repeated by the Council of Tarragona in 1239: “they shall not keep Christian nurses or women.”

In 1246, the Council of the Province of Beziers reiterated this emphasis: “Nor shall they have Christian servants or nurses in their homes.”

These prohibitions banned Christian servitude and nursing in particular.

We should note the types of service that had been banned by the Church councils during this period and how often each was forbidden, not including slavery and servitude in general. Six different Church councils prohibited the nursing of Jewish children by Christian women. Domestic service was specifically forbidden twice. Only one council banned Christian midwives from serving Jewish women.

From this discrepancy, the question arises of why the Church was more concerned with Christian women nursing Jewish children than Christian midwives helping to deliver Jewish children.

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One other thing that must be noted concerning the bans is that they covered servants who lived in the house. The ban on Christian servants residing in Jewish homes was also stated outright by four of these prohibitions. Yet Jews were permitted, according to the *Siete Partidas*, to hire Christians to work on their lands and to protect them on journeys while they were not allowed to hire Christian domestic servants.\(^{22}\) This emphasis on the house, on preventing cohabitation between Jews and Christians, is, I believe, important to understanding how medieval Christian elites’ knowledge of reality and how the household functioned contributed to the issuing of these prohibitions. This is something that will be discussed with more depth in chapter four.

**Conditions for When a Slave Converts**

Since a Jew might buy a Muslim or pagan slave who later converted to Christianity, there were provisions in law codes describing what to do in those situations. According to the *Siete Partidas*, if a Jew bought a slave for his own use and that slave later converted to Christianity, the slave is to be freed. However if the slave was bought in order to be traded and resold, the slave is not automatically freed. The owner has three months to sell the slave. If selling the slave is unsuccessful, then the slave has to pay the owner for himself.\(^{23}\) This idea is repeated in canon law. For example, a bull issued by Gregory IX sometime between 1227 and 1234 states:

No Jew may buy or retain in his service a baptized slave, or one who desires to be baptized. Should he, for purposes of business, buy a convert, or if the

\(^{22}\) Parsons, *Las Siete Partidas*, 1436.

\(^{23}\) Parsons, *Las Siete Partidas*, 979-980.
slave bought afterwards becomes or desires to become converted, the Jew shall receive twelve solidi for him, and he shall be withdrawn from his service at once. But if he does not put the slave up for sale within three months, or if he buys him for his own service, he shall not presume to sell the slave, nor shall anyone else presume to buy him, but without any compensation the slave shall be set free.  

This states very clearly how the process works. A Jew cannot buy or continue to own a Christian slave. However, if the slave was bought for resale, the Jewish owner had three months to sell the slave at the set price. Under any other conditions, the slave is freed without compensation to the Jewish owner.

**Punishment**

Where laws exist, there are punishments for breaking those laws. This is true today and true in the Middle Ages. Jews who flouted these prohibitions by hiring or owning Christians were subject to punishment according to both canon and secular laws. According to the Council of Oxford in 1222, Jews should be punished “by regular punishment or such extraordinary punishment as may be devised by the diocesan official.”  

Secular legal codes were clearer in describing what would happen to Jews who failed to comply with these laws. *Las Siete Partidas* stated that a Jew who violated these prohibitions “shall lose his life on that account, and forfeit all his property to the king.”  

While these laws tell us that the Christian elites who wrote them thought that Jews should be punished for their transgressions, we cannot determine from these laws if these punishments were actually carried out. Learning about that would require in-depth research into sources that I do not have.

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26 Parsons, *Las Siete Partidas*, 979.
In addition to punishing Jews who contravened these prohibitions, canon and secular laws from this period also called for the punishment of Christians who flouted these restrictions. There were two ways in which a Christian could break these laws. The first way was to sell Christian slaves to Jews. These punishments are found in secular law codes. Both *Las Siete Partidas* and the *Code of Cuenca* prohibited Christians from selling Christian slaves to Jews and other non-Christians.\(^{27}\) The *Code of Cuenca* decreed that Christians who sell Christian slaves should be burned alive if it can be proven, and if otherwise, the man should face judicial combat, and a woman should face trial by ordeal.\(^{28}\) Like the punishments decreed for Jews, we only know that they were promulgated, not whether they were heavily enforced.

The second way in which Christians could violate this law was to willingly work for Jews as servants. By doing so, they were liable to punishment. Papal bulls issued by Pope Innocent III called for the excommunication of these Christians. In a bull dated to January 16, 1205 and sent to the King of France, Innocent III stated about Christians who served Jews, “those who presume to live with them shall be excommunicate.”\(^{29}\) In another letter, he wrote that Christians who live with Jews should be compelled to quit the service of Jews by means of excommunication and canonical sanctions.\(^{30}\) This theme of threatening Christians into compliance with these prohibitions continued in another bull issued by Innocent III, this on July 15,

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1205 to French bishops. Innocent wrote, "If indeed the Jews do not dismiss the
Christian nurses and servants, we give you our authority to forbid any Christian in
the district, under penalty of excommunication, to enter into any commercial
relations with them."\textsuperscript{31} Innocent III used the threat of excommunication to enforce
these prohibitions amongst Christians.

Innocent III was not the only churchman to threaten Christians with
excommunication if they did not comply with these prohibitions. Church councils in
this period issued and carried out similar threats. In 1179, for example, the Third Lateran Council decreed that Christians "who dare live in the homes of Jews or Saracens, shall be excommunicated."\textsuperscript{32} Later Church councils followed the model set
by the Third Lateran Council. On such council was the Council of Montpellier in
1195: “In accordance with the decree of the Lateran Council and the other sacred
canons, he excommunicated those who dare to act contrary to the above, and who,
though warned, refuse to correct their ways.”\textsuperscript{33} Threats of excommunication,
ecclesiastical censure and punishment, anathema, refusal of Holy Communion, and
denial of Christian burial were all threats issued by Church councils during this
period to Christians who lived with and served Jews.\textsuperscript{34}

Several questions result from these observations about the punishments
given to Christian servants of Jews. The first is why the Church chose this particular
punishment. Excommunication cut a Christian off completely from the Church. This

\textsuperscript{31} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 117.
\textsuperscript{32} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 297.
\textsuperscript{33} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 299.
\textsuperscript{34} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 301, 307, 315, 321, 325, 329, 331.
was very serious for a medieval Christian. So, why did the Church choose such a serious punishment? First, it would have served as a serious deterrent. Second, it demonstrates how seriously the Church took the issue of Christian servitude towards Jews.

Another matter that becomes clear after noticing that both Jews and Christians could be punished for violating these prohibitions is that both groups were held responsible for upholding these prohibitions. It makes sense that the Church would believe that Christians would want to uphold the proper social order. But why would the Church assume that Jews would want to help to maintain a social hierarchy that placed them below every Christian?

**Contemporaneous Restrictions**

In addition to the prohibitions on Jewish ownership or employment of Christians, there were many other restrictions on Jewish behavior in the Middle Ages. Jews were required by law to respect Christians and Christianity, to not proselytize, to not hold public offices, and to refrain from interacting socially with Christians. These restrictions were related to the prohibitions on Christian servitude to Jews, in that it violated the ways in which Jews were supposed to be subordinate to Christians.

Laws requiring Jewish respect for Christianity appeared in the *Siete Partidas* and in the decrees of ecclesiastical councils. Jews were forbidden to speak badly of
Jesus Christ by both the *Siete Partidas* and two church councils.\(^{35}\) One of the church councils also forbade Jews to say anything disrespectful about Christianity in general.\(^ {36}\) Jews were also obliged to show respect for Christian ritual objects, such as the Host.\(^ {37}\) Jews had to publicly demonstrate respect for Christianity and all aspects related to it.

Connected to the obligation for Jews to show respect for Christianity was the ban on proselytization of Christians by Jews. According to the *Siete Partidas*, "Jews should be very careful to avoid preaching to, or converting any Christian, to the end that he may become a Jew, by exalting his own belief and disparaging ours. Whoever violates this law shall be put to death and lose all his property."\(^ {38}\) Jews were not allowed to praise Judaism or to insult Christianity. If a Jew did so, he would face capital punishment. In the same section of the *Siete Partidas*, it was decreed that a Christian-born convert to Judaism would be treated as a heretic and would thus face capital punishment and confiscation of his property like the Jew who converted him.\(^ {39}\) Conversion to Judaism was considered a serious crime and all those involved were punished accordingly.

I would argue that this distaste for proselytization to Judaism was motivated by the same basis as the aversion towards perceived Jewish disrespect for Christianity. Medieval Christians wanted to maintain the proper relationship

\(^{35}\) For the relevant law in the *Siete Partidas*, see Parsons, *Las Siete Partidas*, 1433; for the relevant laws in the Fourth Lateran Council and Council of Château-Gontier, see Grayzel, *The Church and the Jews in the XIIIth Century*, 309, 323.

\(^{36}\) For the relevant law in the Council of Château-Gontier, see Grayzel, *The Church and the Jews in the XIIIth Century*, 323.

\(^{37}\) For the pertinent law in the *Siete Partidas*, see Parsons, *Las Siete Partidas*, 43-44.

\(^{38}\) Parsons, *Las Siete Partidas*, 1433.

\(^{39}\) Parsons, *Las Siete Partidas*, 1435.
between Judaism and Christianity, one in which Christianity was visibly superior to Judaism. In order for that to happen, there could be no hint of Judaism being considered superior to Christianity, even by the Jews themselves. The motivation for these laws requiring Jews to respect Christianity also motivated the prohibitions on Christian servitude towards Jews. Christians serving Jews would be a visible sign that Jews were superior to Christians. Medieval Christian elites could not tolerate such a suggestion existing.

In addition, according to secular law codes, Jews were not allowed to hold public offices. Jews could not hold positions or offices in which they might oppress Christians. These prohibited positions included the telonearius and the merino. These Spanish officers collected taxes and rents from the municipal populace.

Church councils issued similar bans. The prohibited offices included bailiffs and tax collectors. Another element of this restriction was that Jews were prohibited by both secular and canon law from serving as physicians to Christians. They were not allowed to provide medicine to Christians. In addition, Christians were prohibited by threat of excommunication from seeking medical treatment from

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43 Bans were issued by the Council of Montpellier, the Fourth Lateran Council, the Council of the Province of Narbonne, the Paris Convention, the Council of Château-Gontier, and the Council of the Province of Beziers; see Grayzel, *The Church and the Jews in the XIIIth Century*, 299, 311, 317, 321, 323, 333.
44 For the bans on serving as bailiffs, see the Council of the Province of Narbonne, the Paris Convention, the Council of Château-Gontier, and the Council of the Province of Beziers in Grayzel, *The Church and the Jews in the XIIIth Century*, 317, 321, 323, 333; for the bans on serving as tax collectors, see the Paris Convention in ibid., 321.
Jews. These two bans were connected by the fact that they were designed to keep Jews from holding power over Christians. The purpose of these laws also motivated the prohibitions on Christian servitude towards Jews. The master had power over his servants. If Christians served a Jew, then the Jew would have power over those Christians and that was not to be tolerated by Christian elites.

The other major restrictions on Jews in the Middle Ages were the laws requiring social segregation between Jews and Christians. Social segregation can be divided into several categories, such as laws against social interactions, laws against interreligious sexual relations and marriages, and the Jewish Badge.

Multiple social interactions between Jews and Christians were forbidden by secular law codes. The Siete Partidas did not permit Jews and Christians to eat, drink, or bathe together. According to Dwayne Carpenter, one of the reasons common meals were banned was to prevent subtle insults to Christianity through Jews refusing to eat Christian foods. Another reason was to prevent illicit relationships from forming. In addition to the ban by the Siete Partidas, the Code of Cuenca and the Fuero of Teruel both prohibited Jews and Christians from bathing in the bathhouses together. Both codes stipulated on which days Christians could go to the bathhouse and on which days Jews could go to the bathhouse. If a person went on the wrong day, he did so at his own risk and could be fined as well. According to

Carpenter, two of the reasons for the ban on shared baths were to prevent the perception of equality between Christians and non-Christians since nakedness acted as an equalizer and to stop interfaith friendships from forming. The bans on interfaith social interactions helped to maintain the proper relationships between Jews and Christians.

Jews and Christians were also prohibited from engaging in sexual relations with one another and from intermarrying. The two bans are best discussed together because the two acts were often treated as one by medieval laws.

There were two types of mixed marriages: marriage between a Jew and a Christian, which had been banned since late antiquity, and marriage become-mixed, which was when a Jew converted to Christianity after he or she was already married to another Jew. The Church considered marriage between a Jew and a Christian not only forbidden but also void. It was equated to adultery, which often meant it was a capital crime, with death being the punishment.

The Church had a more ambivalent attitude towards marriage become-mixed. The question of what to do with a marriage become-mixed was more complicated, and there were several opinions available. One was to terminate the marriage because of the risk that the convert might lapse back to Judaism. Another was to only allow separation if there was cause, like the Jewish spouse insulting Christianity. This was the position for which Pope Clement III and Pope Innocent III modified September 1999, http://www.fordham.edu/Halsall/source/1276teruel.asp.

advocated, and it became the most accepted opinion in the thirteenth century.
Clement and Innocent supported this position because this was already the practice
known in Spain, it kept converts from mixing with Christians and kept them with
other Jews, and it prevented conversion for ulterior motives.\footnote{Pakter, \textit{Medieval Canon Law and the Jews}, 263, 278-287.}

The third major category of social segregation was the Jewish Badge. The
medieval church responded to its fear of sexual relations between Jews and
Christians by requiring Jews to wear a badge or another type of distinguishing
clothing. This was specifically done to prevent sexual relations between people of
two different faiths.\footnote{Pakter, \textit{Medieval Canon Law and the Jews}, 292-293.}
Eight church councils in the first half of the thirteenth century
required Jews to do this.\footnote{For the laws in the Fourth Lateran Council, the Council of Oxford, the Council of
the Province of Narbonne, the Council of the Province of Rouen, the Council of Arles,
the Council of Tarragona, the Council of the Province of Beziers, and the Council of
Albi, see Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 309, 315, 317, 323-
325, 327, 329, 333, 335-337.}
The Church councils clearly stated that the aim of the
Jewish Badge was to ensure that Jews could be distinguished from Christians so that
people did not mistakenly live with or have sex with a person of a different faith.
The requirement also appeared in two papal bulls of Innocent IV.\footnote{Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 259.}
The same desire
to avoid interfaith sex also motivated Innocent IV in requiring Jews to wear the
Jewish Badge.

According to James Brundage, these laws were designed to “minimize
personal encounters” and to “discourage any sort of intimacy” between Jews and
Christians. In Brundage’s discussion of Church policies regarding intermarriage, he states, “Fear of religious conversion unquestionably constituted a major reason for constructing these barriers.” I would argue that this same fear of religious conversion not only motivated bans on intermarriage and other social interactions but also the prohibitions on Christian servitude towards Jews. Medieval slavery and servitude required intimacy. (I will discuss this more in-depth in a later chapter.) Domestic slaves and servants not only worked for but also lived with their masters. By living together, masters and servants would acquire close familiarity, which might lead to Judaization in some form. This was something the Church would want to avoid.

In conclusion, the motivations behind the prohibitions on Jewish employment of Christian servants and Jewish ownership of Christian slaves were the same reasons for the other contemporary restrictions on Jews. These prohibitions on Christian servitude towards Jews prevented Jews from having power over Christians and from forming illicit relationships with Christians and prevented the appearance of Judaism appearing equal to or superior to Christianity.

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II. Legal Precedents

The prohibitions on Jewish ownership or employment of Christians as well as other restrictions on Jews are not new to the twelfth and thirteenth centuries. These prohibitions have existed in some form since the Christianization of the Roman Empire and continued to exist in the early Middle Ages. I would argue that these earlier prohibitions influenced the prohibitions of the twelfth and thirteenth centuries.

Jewish ownership of Christian slaves had been banned since the Early Middle Ages, but the specifics of manumission and compensation were constantly evolving. In Merovingian Gaul in the Early Middle Ages, Jews were initially allowed to keep Christian slaves, but the law then changed to require the freedom of Christian slaves owned by Jews with compensation paid to the Jewish owners. Pope Gregory I the Great ruled oppositely. According to Gregory I, Jews were not allowed to keep Christian slaves, and he was opposed to any form of compensation. Gregory later agreed to a concession on the issue of compensation and stated that if a Jew bought a slave for resale, the Jew had three months to sell the slave, but if the slave was bought for personal use, the Jewish owner would receive no compensation. On the topic of Christian servants to Jews, Gregory forbade them from working in the home but he did allow agricultural work. Gregory's rulings on these issues formed the basis for medieval canon law on these matters. The Gregorian Reform Movement in the eleventh century changed matters again by ending the tradition of compensation. The Decretists in the twelfth century wrote a great deal on the
subject of Jewish-owned slaves despite the fact that the number of Jews involved in the slave trade or owning slaves was small. Among the Decretists, there was increased opposition to compensation when the slave was bought as a Christian. There was more debate on what to do with a slave who was bought as a Muslim and then converted to Christianity. The Decretists eventually settled on providing compensation only if the slave was bought for resale. The Canonists of the thirteenth century added relatively little to what the Decretists had written in the twelfth century concerning Jewish-owned slaves. Their main debate was what form compensation should take.\textsuperscript{58}

On the topic of Jews employing free Christians as servants, Gregory the Great had, as previously mentioned, forbade the servants from serving in the home but did allow them to perform agricultural work. The early canonists had stated that Jews could not employ Christians in their homes because it threatened the simple minds and souls of the Christian servants. The practice was not forbidden because the Jews were seen as socially inferior to Christians. In addition, the Jews were still allowed to employ Christians outside of the home. Later canonists were more opposed to the practice starting in the thirteenth century and beginning in northern Europe. They were opposed to the practice because they did not want Jews to appear to be the masters, and thus superiors, of Christians. The development of Pope Innocent III’s doctrine of Jewish servitude during the same period led to major changes.\textsuperscript{59}

\textsuperscript{58} Pakter, \textit{Medieval Canon Law and the Jews}, 88, 91-93, 102, 110, 113-114, 125-131.
\textsuperscript{59} Pakter, \textit{Medieval Canon Law and the Jews}, 132-137.
Other Restrictions on Jews in Imperial Roman and Early Medieval Law

Jews came under Roman rule during the time of the Late Republic and the Early Empire. Prior to the fourth century, the relationship between Jews and their Roman rulers was complicated, but it is suffice to say that the Romans generally tolerated the Jews and allowed them to practice Judaism without interference as long as the Jews were not in open rebellion. 60 This changed with the Christianization of the Roman Empire and the ascension of the emperor Constantine. Constantine favored Christianity and was the first Roman emperor to place legal restrictions on Jews. He forbade Jews to own Christian slaves and promulgated a law that freed any slave belonging to a Jew who had been circumcised, or in other words had been converted to Judaism. Constantine’s laws and other similar ones promulgated by his successors were included in the Theodosian and Justinian legal codes and were passed down to medieval Christians. 61 The legal position of the Jews further deteriorated under the emperor Theodosius, who in 391 declared Christianity to be the official religion of the Roman Empire, outlawing all other cults. Judaism continued to be permitted, unlike paganism, but Jews were assigned a place of permanent legal inferiority. 62

The Christian Roman emperors placed other restrictions on the Jews as well. Jews were expected to show for respect for Christianity. For example, an early fifth-

62 Averil Cameron, The Later Roman Empire (Cambridge, Massachusetts: Harvard University Press, 1993), 76.
century law promulgated by the emperor Theodosius prohibited Jews from burning Haman in effigy on Purim because Roman Christians thought it showed “contempt” and “ridicule” for Christianity. Another restriction on Jews was that they were forbidden to hold public office because they were considered enemies of the Roman Empire and the Christian faith.

Restrictions on Jews continued to be promulgated in the early Middle Ages and existed in both secular and ecclesiastical law codes. These early medieval restrictions not only preserved the traditional Roman restrictions but also included new innovations. For example, the Roman expectation that Jews show respect for Christianity was upheld by the Law of the Visigoths, which forbade Jews from insulting Christianity, defending Judaism, or reading or possessing books that challenged Christianity.

Jews also continued to be banned from public office. The Law of the Visigoths, for instance, barred Jews from punishing Christians through the use of the authority of public office. It also forbade Jews being given the authority to manage Christian households because of “how impious it is to set unfaithful over faithful Christians.” Early medieval Church councils issued similar bans on Jews being given power over

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64 Pakter, Medieval Canon Law and the Jews, 221-225; for some examples, see Linder, The Jews in Roman Imperial Legislation, 281-282, 307-308, 326-334, 357-363.
66 Linder, The Jews in the Legal Sources of the Early Middle Ages, 319.
67 Linder, The Jews in the Legal Sources of the Early Middle Ages, 321.
Christians. Jews were prohibited from serving as judges. Jews were not allowed to serve as tax collectors. Jews were not permitted to hold any position in which they would have the authority to punish Christians. In addition, Jews were not permitted to serve as doctors to Christians.

Jews were also precluded from proselytizing. They were not allowed to convert Christians to Judaism. They were forbidden from circumcising Christian men. Circumcision was and remains required of all Jewish men, and male converts to Judaism were and still are required to be circumcised in order to officially convert. This ban on converting and circumcising non-Jews extended to the Christian slaves owned by Jews.

Early medieval law also proscribed various types of social interactions between Jews and Christians. Christians and Jews were not allowed to dine together. Christians were specifically banned from participating in Jewish feasts.

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71 In Trullo Council in 691. See Linder, *The Jews in the Legal Sources of the Early Middle Ages*, 460.
72 The *Law of the Visigoths* in the seventh century banned both of these actions. See Linder, *The Jews in the Legal Sources of the Early Middle Ages*, 274.
73 Council of Mâcon. See Linder, *The Jews in the Legal Sources of the Early Middle Ages*, 476.
In addition, Jews and Christians were not supposed to bathe together in the bathhouses. This social segregation extended to banning sexual relations and marriages between Christians and Jews. As discussed above, marriages between Jews and Christians are called mixed marriages. The Church considered marriage between a Jew and a Christian not only forbidden but also void. It was equated to adultery, which often meant it was a capital crime, with death being the punishment. In fact, medieval law, both secular and canon, considered all sexual relations between Jews and Christians as adultery. Two secular law codes from the fifth and sixth centuries, the Roman Law of the Burgundians and the Roman Law of the Visigoths, both forbade the marriage of a Jew and a Christian and stated that any such marriage would be punished as adultery.

In conclusion, it is evident that twelfth- and thirteenth-century restrictions on Jews were not new or wholly original to that period. They built on earlier legal restrictions on Jews.

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76 In Trullo Council. See Linder, *The Jews in the Legal Sources of the Early Middle Ages*, 460.
III. Theological Underpinnings

Early and medieval Christians believed that Jews were supposed to be subordinate to Christians. This belief in the superiority of Christians and the inferiority of Jews laid the theological foundations for medieval restrictions on Jews.

This attitude towards the Jews was shaped by the writings of the New Testament, especially those of Paul. The New Testament had a hostile representation of Jews, and Paul was the earliest and foremost of these writers. Paul treated the Jews with a certain ambivalence. He introduced the allegory of Sarah and Hagar, which would have a long afterlife in the Middle Ages. According to Paul, Sarah and Hagar represented two covenants. Hagar represented the old covenant, and her children, the Jews, were enslaved. Sarah represented the new covenant, and her children were the Christians. Yet Paul also believed that the Jews would play a role in salvation, with their conversion signaling the end of days. Later Christian theologians inherited this ambivalent attitude towards the Jews, believing that Jews were inferior to Christians yet still had a role to play in the divine plan for human salvation.

St. Augustine of Hippo confronted this ambivalence and devised the doctrine of the Jewish witness, which allowed Christians have it both ways. Jews were allowed to continue to exist as Jews while at the same time they were kept subordinate to Christians. Augustine developed the doctrine of the Jewish witness in

two of his works, *The City of God* and *Contra Faustum*. There are six parts to the
Doctrine of the Jewish Witness. First, Jewish survival, dispersion, and servitude
were punishments for rejecting Jesus Christ. The rewards of the Christians stood in
contrast to this. Cain served as a model here. In *Contra Faustum*, Augustine
compared Jesus to Abel and the Jews to Cain. Like Cain, the Jews were punished with
exile and subjugation. As the Mark of Cain marked Cain, the Old Testament and the
Law likewise marked the Jews. In both cases, the mark ensured their survival.
Second, Jewish survival confirmed the authenticity of the Bible and thus Christianity
as well, and Jewish rejection of Christianity fulfilled a biblical prophecy. Third, the
Jews served the Christians by preserving the Old Testament. This situation was
prefigured by the biblical story of Ham. In *Contra Faustum*, Augustine compared the
Jews to Ham, son of Noah, while he equated the Christians to Noah’s sons, Shem and
Jafeth. Like Ham, the Jews were punished with subjugation and service to the
Church and the gentiles. Their form of service was to preserve the Bible and its
legitimacy. Fourth, Jewish compliance with the laws of the Old Testament gave
further authenticity to the Bible. Fifth, Psalm 59:12, “Slay them not, lest at any time
they forget your law; scatter them in your might,” ordered the preservation of the
Jews and of Judaism. Sixth, there was “a mandate for anti-Jewish polemic.” The
refutation of Judaism vindicated Christianity.\(^8\) Augustine’s Doctrine of the Jewish
Witness gave the Jews a role to play in a Christian society. There was a place for the
Jews to continue to exist as Jews but only on specific terms. The Jews were not equal
to Christians; in modern terms, the Jews were not citizens. The only way that Jews

were allowed to live in a Christian society was if they took the role of servant; Jews had to be subordinate to Christians. This doctrine shaped Christian attitudes towards Jews throughout the Middle Ages.

In addition to St. Augustine’s Doctrine of the Jewish Witness, the papal decretals of Pope Gregory the Great also influenced medieval Christian attitudes towards Jews. Five of Gregory's decrees concerning Jews were amongst the most circulated Christian rulings on the subject. These five decretals were *Hortamur, Fraternitatem vestram, Sicut Iudeis, Ioseph,* and *Plurimi Iudaice.* Hortamur and *Fraternitatem vestram* are concerned with Christian servitude towards Jews. In *Hortamur,* which was issued in 594, Gregory ordered an Etrurian bishop to ensure that the Roman prohibition against Jews owning Christian slaves was followed because the practice inverted the correct relationship between Jews and Christians. In *Fraternitatem vestram* in 596, Gregory decreed that if a non-Christian slave belonging to a Jew converted to Christianity, the slave was to be freed and could not be resold. The only exception was if the slave had been bought for resale. Other documents reveal why Gregory was adamantly opposed to Jewish ownership of slaves. His opposition to that was based on theology. Jews did not belong to the Christian polity. In fact, Gregory saw the Jews as the enemies of the Christians. While Gregory was opposed to Jewish ownership of Christian slaves, he did not want to undermine the stability of the slave-holding system. He supported the conversion of status for Christian slaves. They went from being slaves to

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84 Sapir Abulafia, *Christian-Jewish Relations, 1000-1300,* 22-23.
dependent laborers tied to the land, also known as serfs.\(^8^5\) Gregory’s position on this subject became the standard law concerning Jewish ownership of slaves throughout the Middle Ages.

In addition, Gregory contributed to the more general medieval Christian attitude towards the Jews through his *Sicut Iudeis*. In essence, *Sicut Iudeis* decreed the protection of Jews: “as long as Jews did not overstep the boundaries that had been set for them by Christians and in the interests of Christians, they should not be molested.” *Ioseph* and *Plurimi Iudaice* followed the same principle as *Sicut Iudeis*. The principles of *Sicut Iudeis* continued to be in force throughout the Middle Ages because later popes, beginning in the early twelfth century, continually reissued this bull.\(^8^6\)

The beliefs of Augustine and Gregory continued to hold sway throughout the Middle Ages and influenced later medieval attitudes towards the Jews amongst Christians in the Latin West. For example, Isidore of Seville in Visigothic Spain shared with Augustine and Gregory the belief that the Jews should not be killed.\(^8^7\) In Book II of his *De Fide Catholica*, Isidore stated that the rejection and dispersal of the Jews, the new covenant with the Christians, the fulfillment of the Old Testament by the New Testament, and the eventual conversion of the Jews at the end of days were all part of “the divine plan for human salvation.” Isidore clearly shared the belief


that the Jews still had a role to play in the end of days. Indeed, he embraced Augustine's Doctrine of the Jewish Witness.\textsuperscript{88}

Agobard of Lyons, who was active during the early ninth century, likewise shared the belief that Jews should be subordinate to Christians. His attitude towards the Jews, however, was more negative than just that. His familiarity with postbiblical rabbinic Judaism led him to conclude that the Jews were the worst of all peoples. Not only did Agobard deem the Jews sinful but he also associated the Jews and Judaism with the devil and the Antichrist.\textsuperscript{89} Yet Agobard also followed Augustine's concept of "Slay them not."\textsuperscript{90} Agobard desired a return to the older policies of Gregory the Great, in which Jews were supposed to be subordinate to Christians, as opposed to the policies of Louis the Pious, to which he was very critical.\textsuperscript{91} In addition, he wished for Christians to avoid Jews.\textsuperscript{92} For Agobard then, the proper place for the Jews was separate from and subordinate to Christians.

Medieval Christian perceptions of the Jews continued to evolve. The ideas of Augustine and Gregory the Great concerning the Jews remained preeminent through most of the eleventh century, but Christian beliefs about the Jews changed in the wake of the First Crusade and the massacres of the Jews in Germany in 1096. These events initiated a century of developments that affected thinking about the place of the Jews in a Christian society.\textsuperscript{93} In the twelfth century, the terms leper, heretic, Muslim, and Jew became indistinguishable. All four terms were examples of threats

\textsuperscript{89} Cohen, \textit{Living Letters of the Law}, 130-132.
\textsuperscript{90} Cohen, \textit{Living Letters of the Law}, 134.
\textsuperscript{92} Cohen, \textit{Living Letters of the Law}, 134.
\textsuperscript{93} Cohen, \textit{Living Letters of the Law}, 150-151.
to a properly ordered Christian society. Since these terms were considered identical, 
the belief arose that these groups shared similar characteristics. Yet these twelfth-century Christian theologians did not break totally with Augustine’s Doctrine of the Jewish Witness. Odo of 
Canterbury, for example, believed that Jews and Judaism continued to fulfill a service to Christianity as a teaching tool. Peter Alfonsi too still believed that the Jews had a purpose to fulfill as witness and in the divine plan for human salvation when they would convert at the end of time. Medieval clergymen clearly still felt the influence of Augustine in the early twelfth century.

Later in the twelfth century, the papal schism between Innocent II and Anacletus II and the Second Crusade increased the need for Christian theologians to solve their “Jewish problem.” Bernard of Clairvaux and Peter the Venerable, the two clergymen who contributed the most to this effort, “inherited, developed, and applied some of the noteworthy contributions of Anselm and his disciples to the Christian perception of the Jew: the conflation of Jews with other infidels, the concomitant construction of Judaism as a category of infidelitas or disbelief, the linkage between Jewish carnality and irrationality, and the encounter with the postbiblical literature of the Talmud.” Bernard of Clairvaux, for example, repeated his patristic and early medieval predecessors’ conventional stereotypes about Jews

and added the ideas of Jewish carnality, the Jews as nonbelievers, and racism. Similarly, Peter the Venerable's *Adversus Iudaeorum inveratam duritem* “casts the Jew as a wretched enemy of god, a blasphemer, more reprehensible than a philistine, an agent of the Devil, and a fugitive from the light of salvation, and it describes his Judaism as perfidy, perversity, wickedness, and deception.” He considered the Talmud in particular to be heresy and blasphemy, a “perversion of real Judaism.” Peter the Venerable also believed that the servile status of the Jews should be enforced through the confiscation of their wealth. Both clergymen plainly had very negative opinions of the Jews and Judaism.

Yet despite their truly negative opinions about the Jews as a whole, even Bernard of Clairvaux and Peter the Venerable did not break with Augustine’s Doctrine of the Jewish Witness. Like other medieval Christian theologians, Bernard still believed the Jews had a role to perform in the divine plan for human salvation by preserving the Old Testament and eventually being converted by God. In fact, during the Second Crusade, mindful of the events of the First Crusade, Bernard wrote in a letter that the Crusaders should not attack the Jews. His reasoning included the familiar Psalm 59:12, “Slay them not,” the idea that the Jews are “living letters of Scripture,” and the belief that the Jews will eventually convert at the end of days. Bernard’s rationale repeated some of the elements of Augustine’s Doctrine of the Jewish Witness, demonstrating that the doctrine still held clout. Peter the

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Venerable likewise stated that Crusaders on the Second Crusade should not kill or attack the Jews since God still had a purpose for them.\textsuperscript{105} Like Bernard, Peter still accepted Augustine’s Doctrine of the Jewish Witness despite the deteriorating reputation of Jews amongst medieval Christian clergy.

These theological views clearly influenced the authors of the medieval Christian restrictions on Jewish behavior. In fact, Church teachings:

had always called for the restriction of Jewish behavior in keeping with the needs and welfare of Christian society; indeed, the subordination of the Jews to the historical purpose of the church lay at the heart of the Augustinian teaching. But the church’s scrutiny of the Jews to ensure that they not undermine the fulfillment of that purpose – or, in simpler terms, to ensure that they cause no injury to the Christian community that tolerated them – typically extended to the interactions of Jews with Christians.\textsuperscript{106}

This is evident from the reasons given within the laws themselves for their existence.

In a papal letter issued on January 16, 1205, Pope Innocent III condemned how the hierarchy had been inverted in France and encouraged the king to correct the behavior of the Jews. The reasons for this inverted hierarchy included usury by the Jews, the keeping of domestic servants and nurses by Jews, the preference for Jewish witnesses in law courts, and the mockery and insults of Christians and Christianity by Jews. The letter began with references to Augustine’s Doctrine of the Jewish Witness:

Though it does not displease God, but is even acceptable to Him, that the Jewish Dispersion should live and serve under Catholic Kings and Christian princes until such time as their remnant shall be saved, in those days when “Judah will be saved and Israel will dwell securely,” nevertheless, such (Princes) are exceedingly offensive to the sight of the Divine Majesty who

prefer the sons of the crucifiers...to the heirs of the Crucified Christ, and who prefer the Jewish slavery to the freedom of those whom the Son freed, as though the son of the servant could and ought to be an heir along with the son of the free woman.  

This sentence opens with an immediate reference to the Augustinian belief that the Jews should be able to safely live in Christian lands and reaffirms their role in the End of Days when they will be converted to Christianity.

In another papal letter issued by Innocent III in 1205, this one on July 15 and addressed to the Archbishop of Sens and the Bishop of Paris, the first part of he letter describes the ideal relationship between Jews and Christians. The Jews have been “consigned to perpetual servitute because they crucified the Lord” and are allowed “to dwell in the Christian midst.” However they “ought not be ungrateful to us, and not requite Christian favor with contumely and intimacy with contempt.” In other words, the Jews are subordinate to Christians but are allowed to live in Christendom so long as they show the proper respect to Christians and Christianity. Furthermore, in his forbidding Jews from having Christian nurses or servants, Innocent gives the following reason:

lest the children of a free woman should be servants to the children of a slave; but, that rather as slaves rejected by God, in whose death they wickedly conspired, they shall, by the effect of this very action, recognize themselves as the slaves of those whom Christ’s death set free at the same time that it enslaved them.

The familiar imagery of the Jews as slaves to the free Christians is also used here to show what position Jews occupy in society; they are subordinate to Christians. In

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110 Grayzel, The Church and the Jews in the XIIIth Century, 117.
addition, the idea of the Jews being rejected by God and replaced by the Christians is present as well. Furthermore, the Jews are depicted as culpable for the deicide. These are all elements in Christian theology about Jews.

In the beginning of another papal letter, this one addressed to the Church in Germany and issued on March 5, 1233, Pope Gregory IX stated that while the Christians are kind enough to allow the Jews to live in Christendom, the Jews do not appreciate this kindness: “Yet the Jews, ungrateful for favors and forgetful of benefits, return insult for kindness, and a reward of impious contempt for goodness; they, who out of mercy only are admitted into intimacy with us, and who ought to know the yoke of perpetual enslavement because of their guilt!”111 In other words, the proper hierarchy is not being observed. From this, the ideal relationship between Jews and Christians can be gleaned. In order to live in Christendom, Jews must be subordinate to Christians.

There are multiple letters like these, with the popes enraged that Jews are not acting properly.112 Similar ideas can also be found in conciliar legislation.113 These papal letters demonstrate how the clergy were influenced by Augustine’s Doctrine of the Jewish Witness and Gregory the Great’s Sicut Iudaeis. To live in Christendom, Jews had to live according to the role Christianity gave them and they had to act subservient to Christians.

111 Grayzel, The Church and the Jews in the XIIIth Century, 199
112 See also Documents 71 and 104, in Grayzel, The Church and the Jews in the XIIIth Century, 205, 251-253.
Similar ideas about Jews can also be found in secular laws as well, specifically in the *Siete Partidas*. The rationale for allowing Jews to live in Christendom is given in 7.24.1: “that they might live forever as in captivity and serve as a reminder to mankind that they are descended from those who crucified Our Lord Jesus Christ.”

In his explanation of this law, Carpenter says that Alfonso X is echoing the theological position of the Church. In my opinion, Alfonso has been influenced by the Doctrine of the Jewish Witness, and Carpenter seems to agree with this position.

In conclusion, traditional Christian theology and especially Augustine’s Doctrine of the Jewish Witness played an important, possibly the most important, role in motivating all types of restrictions on Jews. Jews are permitted to exist as long as they fulfill the function laid out for them by Christian theology. These restrictions ensured that they kept to the role assigned to them.

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IV. Realia

The actual positions and statuses of Jews in real life did not match up with the ideals of the Christian elite. The prohibitions on Christian servitude towards Jews and the other contemporaneous restrictions can also be seen reactions to the differences between ideal and reality.

Jews in medieval Iberia were relatively well off financially. In Catalonia, Jews were at the height of their influence in the late thirteenth century as financiers and merchants. Their numbers, wealth, and influence however declined considerably in the fourteenth century.116 In Castile, Jews dominated the financial class, were a major part of the Castilian intelligentsia, and served as royal administrators, especially as tax collectors. By the end of the fourteenth century, the Castilian Jewish community had grown to be very wealthy.117 In Portugal, the Jews performed a similar economic function as their Castilian counterparts. Portuguese Jews worked as merchants, financiers, and artisans, and were officially protected by the Portuguese crown, which often required loans or other financial help from the Jewish community.118 The thirteenth and fourteenth centuries are considered the heyday of Iberian Jewry.119

Not only were the Jews of Iberia relatively wealthy but they were also doing things that were explicitly prohibited by law. Jews were banned by canon law from

117 Payne, A History of Spain and Portugal, 207.
118 Payne, A History of Spain and Portugal, 229.
119 Payne, A History of Spain and Portugal, 78.
holding public offices and from serving as physicians to Christians. Notwithstanding these prohibitions, Jews did hold public offices and serve as physicians.

The fact that Jews held public offices was eventually recognized by the Church, and, in contrast to what was occurring with other restrictions on Jews, the restrictions on Jews holding public office grew lighter. The early decretists banned everyone from a Jewish household from holding public office. The later canonists only banned Jews and converts, though the question of which converts should be banned persisted: all converts or just recent ones. The debate then turned to how to deal with the Jews who continued to hold public office in spite of it being forbidden. The question was who should handle the problem: the bishops or the secular authorities. There was also a debate about what to do with the wealth the Jews earned through holding public office. There were two options: either to give it all to the poor or to give it back to the rightful owners. This all changed under Pope Gregory IX, who ruled that Jews could hold public offices as long as they were properly supervised by a Christian. The reason for this was that the Jews were too useful in financial affairs to be banned from public office.\textsuperscript{120}

In addition, there is also evidence within papal documents that Christian temporal rulers appointed Jews to public offices within their realms. In the late eleventh century, Pope Gregory VII reprimanded King Alfonso VI of Spain for placing Jews in positions of authority over Christians.\textsuperscript{121} In the early thirteenth century, Pope Innocent III condemned Raymond VI, Count of Toulouse, for naming Jews to

\begin{footnotesize}
\begin{enumerate}
\item Linder, \textit{The Jews in the Legal Sources of the Early Middle Ages}, 454.
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public offices, among his many other sins. Papal documents from the same century show that Jews in Bordeaux, Portugal, and Leon were being appointed to public offices. In Iberia, Jews continued to serve as royal officials until the expulsion from Spain in 1492. As I described in the introduction, Jews played an important role in the Spanish governments along the frontier in the eleventh and twelfth centuries, and the Jews were given legal privileges in exchange for their service.

There is also evidence from the papal documents that Jews practiced medicine despite the prohibitions on the practice. Indeed, some Jews acted as physicians to Christian rulers. In the early thirteenth century, King James I of Aragon had as his physician “Isaac, a Jew of Barcelona” and James I had appealed to Pope Honorius III to grant Isaac papal protection, which the pope did. In addition, while Christians could not receive medicine from Jews, Alfonso X included a loophole to this ban in his *Siete Partidas*. Christians could consult a Jewish physician and then have the medicine prepared for them by a Christian pharmacist. Christians were in fact utilizing the services of Jewish physicians despite the practice being banned.

The requirement for Jews to wear distinguishing clothing or the Jewish Badge was not always observed. In Spain, Jews did not wear the badge. King Ferdinand III of Castile told the pope that if he enforced the requirement to wear the

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badge, the Jews would all leave for Granada and that would be an economic and administrative disaster. Individual rulers would do what they wanted in regards to the Jewish Badge.

It is evident from these examples that medieval Jews did not always conform to the expectations of the Christian authorities and neither did their Christian neighbors in many cases. In addition, the very fact that these laws had to be continually reissued lets us know that the laws were not being obeyed. Laws will only be promulgated if a need for such a law exists. Apparently laws regulating Jewish behavior and interactions with Christians were needed.

**Medieval Servitude**

Christian servitude towards Jews violated the ways in which Jews were supposed to be subordinate to Christians. Jews were not supposed to convert people to Judaism, to have social contact with Christians, to have sexual relations with Christians, to hold power over Christian, or to disrespect Christianity. The conditions of medieval slavery and servitude broke these expectations. Medieval Christians were aware of how slaves and servants, and this awareness fueled their opposition to Jewish ownership of Christian slaves and employment of Christian servants. First, Christians were aware that assimilation to the master’s society and culture happened within the home, and Christian fear of Judaization fueled Christian opposition to the practice of Christians serving Jews. Conversion to Judaism and proselytization by Jews were forbidden practices. Second, Christians were cognizant of the fact that slaves and servants were vulnerable to sexual exploitation by their masters, and this knowledge also inspired Christian opposition to the practice of
Christian servitude towards Jews because sexual relations between Christians and Jews were prohibited. These reasons for Christian opposition to Christian servitude to Jews all show that the true basis for the prohibitions was the fact that Jews were supposed to be subordinate to Christians.

Before discussing how the conditions of medieval servitude made elite Christians uncomfortable with the idea of Jews owning Christian slaves or employing Christian servants in their homes, it is necessary to first define the differences between slave and servant. By slave, I refer to people who were bought and sold and were not free to leave their master's household. By servant, I mean a freeborn person who was free to leave his or her master's household. (There were also serfs, who were bound to the land and not free to leave it, which I will not be discussing in this paper.) Domestic slaves and servants both worked within the household, sharing similar tasks, but the differences between them could be seen in the terms, lengths, and costs of their service. Another key difference was in how enslaved and free women were treated by their masters. Free servant women were protected from sexual exploitation while slave women had no such protection and were more frequently exploited sexually.127 As Mark Meyerson notes, such sexual exploitation of female slaves did exist but “it is difficult to establish how widespread this practice was.”128

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An important point to remember is that, in the medieval Mediterranean world, slavery was common and considered ordinary and acceptable. It “was primarily a feminized domestic institution.” Most slaves worked in urban households. Muslim slaves supplemented the labor force in the cities. They were owned mainly by artisans, such as bakers, carpenters, and textile workers, who employed them in their workshops alongside free employees. The upper class, which included nobles, knights, rich widows, royal officials, physicians, merchants, lawyers, and clergymen, also owned slaves who served primarily as domestic servants. Most of the slaves owned by the upper class would thus have been women.

These slaves were part of the household just like free servants were. Being part of the household was how new slaves were assimilated into society. Masters incorporated their slaves into their households, treating them like extended family members. They were obligated to care for their slaves by providing them with food, drink, clothing, and shelter. Masters also baptized their slaves and renamed them with new Christian names, arranged their marriages, and left them bequests in their wills. By doing so, masters assimilated their slaves into Spanish Christian society.

The fact that slaves were assimilated into their masters’ cultures was not an entirely unknown idea to medieval Christians. The Christianization of slaves was referenced in literature. For example, Song 192 of the *Cantigas de Santa María*

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131 Meyerson, “Slavery and Solidarity,” 298-300.
132 Meyerson, “Slavery and Solidarity,” 301.
describes how a Moorish captive belonging to a Spanish Christian is converted to Christianity and baptized.\textsuperscript{135} However, Spanish Christians were also aware that this assimilation and conversion process could go the other way, with Christian captives converting to Islam. For example, in Song 325 of the Cantigas de Santa Maria, Moors held a Christian woman from Seville as a captive in Tangiers. The Mooress holding her captive tries to convince her to convert to Islam: “She advised them both to become Moslems and enounce Christianity and they would be set free, and she would grant them money and property and would marry them both to rich Moors.”\textsuperscript{136} Of course, the woman does not convert and is rescued by the Virgin Mary who returns her to Spain. However, the important part here is that the pressure placed on captives to convert to the religion of their masters is relatively well known to Spanish Christians.

In another example of how slaves were assimilated into the world of their masters, Valencian slaves frequently participated in the feuds of their masters, by for example attacking their masters’ enemies. However, Blumenthal cautions that this should not be seen solely as evidence of assimilation since masters often purposely involved their slaves in their feuds in order to avoid being liable for these attacks and to further dishonor their enemies.\textsuperscript{137}

Wet nurses would also have part of their employer’s household. Women who served as wet-nurses for any family had very specific and strict terms of service.

\textsuperscript{136} Alfonso X, King of Castile and Leon, Songs of Holy Mary of Alfonso X, the Wise, 394.
\textsuperscript{137} Debra Blumenthal, Enemies and Familiars, 168.
Spanish wet-nurses commonly lived in the homes of their employers. The parents of the nursing child supervised almost every aspect of the wet nurse’s life, including her diet and behavior. Wet nurses were supervised very strictly.

As to where these slaves came from, the majority of slaves in medieval Iberia seem to be Muslim war captives and their children. According to Michael McCormick, “military violence remained the main source of the stream that fed the international slave trade of the early Middle Ages.” This seems to be true of the later Middle Ages as well. For example, in the fourteenth and fifteenth centuries, according to Mark Meyerson, “the majority of Muslim slaves in the Kingdom of Valencia were Muslims of Granadan and North African origin,” who “were simply victims of the almost-incessant raiding and piracy so characteristic of Muslim-Christian contact in the Western Mediterranean.” According to the Siete Partidas, there are three ways in which slaves could be acquired. The first type of slaves were war captives who were enemies of the Christian faith, of. The second type were the children of female slaves, who inherited their mother’s unfree status. The third type were free persons who sold themselves into slavery. The first two types seem to have been relatively common; the third not so much.

The commonness of slaves acquired through war with Muslims is evident through the descriptions of how people are captured through acts of war in several songs in the Cantigas de Santa Maria. Song 95, for example, describes how the Virgin

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140 Meyerson, “Slavery and Solidarity,” 289.
141 Parsons, *Las Siete Partidas*, 977.
Mary released a hermit who was captured by the Moors. The relevant part here however is how the hermit was captured: “While he was leading this life on that mountain, he was fishing one day, as was his custom, when some Moorish ships arrived, a horde from Africa who had come to attack Spain. They seized him at once and furiously threw him into the ship – God help him! When they had done this, they waged fierce war, robbing everything they found at sea and sallying forth on land.” The taking of captives by raiding parties was considered relatively normal in medieval Iberia.

**Christian Domestic Servants and Slaves in Jewish Homes**

There are two matters that can be discussed in regards to Jews and medieval servitude and slavery. The first is Christians living in the households of Jews and serving them. The second is pagan or Muslims slaves owned by Jews and whether their Jewish owners impeded their conversion to Christianity and instead converted them to Judaism. My focus in my research for this paper has been on the first.

Jewish ownership of slaves in medieval Spain was mostly seen during the active warfare of Reconquista and in large commercial centers. There was no major slave trade among Jews. Like Christians, Jews bought slaves for domestic service and sold their slaves when they no longer need them. Ordinary Jews did not own slaves; only the elite did.\(^1\)

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\(^1\) Alfonso X, King of Castile and Leon, *Songs of Holy Mary of Alfonso X, the Wise*, 120. 
There is evidence from the prohibitions themselves of Jewish ownership of slaves and employment of Christian servants. For example, in the 1205 bull issued by Pope Innocent III to the king of France, which I discussed earlier, right after repeating the prohibition on Jewish employment of Christian servants and saying that Christians who serve Jews will be excommunicated, Innocent III writes, “Yet they do not hesitate to have Christian servants and nurses.”\textsuperscript{144} Innocent is aware that in France, Jews are employing Christians as servants and wet-nurses. This awareness of French Jews employing Christians as servants and wet-nurses continues when Innocent orders the French clergy, king, and nobles to enforce the prohibition in a bull dated to July 15, 1205.\textsuperscript{145} This was the case not only in France but in other parts of Europe as well.

In Germany, for example, Jews also continued to hold Christian slaves and employ Christians as servants and wet-nurses in Germany according to a papal bull issued by Gregory IX on March 5, 1233.\textsuperscript{146} This had been the case in Germany from the early Middle Ages when Louis the Pious did not concern himself with canon law so long as the Jews were serving him. In exchanges, Louis granted the Jews certain privileges. These included the right to employ Christian servants as long as the servants had off for holidays and the right to engage in the slave trade, which included protection from Christian who sought to baptize their slaves in order to free them.\textsuperscript{147} This situation continued under Henry IV in the early eleventh century.

In fact, Henry went even further than Louis in disregarding canon law. Jews could

\begin{itemize}
\item \textsuperscript{144} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 107.
\item \textsuperscript{145} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 115-117.
\item \textsuperscript{146} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 199.
\item \textsuperscript{147} Sapir Abulafia, \textit{Christian-Jewish Relations, 1000-1300}, 41.
\end{itemize}
continue to employ Christian servants but were now allowed to employ Christian wet-nurses as well. Jews still could not buy Christian slaves but no one was allowed to baptize the slaves they did own in order to free them.\textsuperscript{148} Bishop Rüdiger of Speyer also disregarded canon law during this same period and allowed Jews to employ Christian servants and wet-nurses.\textsuperscript{149} Based on this, it is safe to say that German Jews were being served by Christians.

In Spain, Jews seem to have been served by both Christians and Muslims. During this same period, Jews in Leon also appear to “make Christian women nurses for their children, and they keep Christian servants of both sexes and Christian slaves.”\textsuperscript{150} Spanish Jews had Muslim servants and slaves and if those slaves converted, Spanish kings sought to take ownership of those slaves for themselves or gave the Jews compensation.\textsuperscript{151} In sum, Jews throughout Europe were able to hire or own Christian servants or slaves as well as wet nurses.

As I explained earlier, all medieval slaves and servants would have belonged to their master’s household, and new slaves were assimilated into their new society through belonging to their master’s household. However, slaves owned by Jews, as well as Christians employed by them, would be assimilated not into Christian society but into Jewish society. Christian authorities were then worried about Judaization through service to Jews.

In addition, the strict supervision of wet nurses that I described above added to Christian fears about Judaization. Before discussing Christian wet nurses for

\textsuperscript{148} Sapir Abulafia, \textit{Christian-Jewish Relations, 1000-1300}, 42.
\textsuperscript{149} Sapir Abulafia, \textit{Christian-Jewish Relations, 1000-1300}, 43.
\textsuperscript{150} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 205.
\textsuperscript{151} Sapir Abulafia, \textit{Christian-Jewish Relations, 1000-1300}, 114.
Jewish babies, it is important to note the difference between wet nurses and midwives. There are more Church decrees prohibiting Jews from hiring Christian wet nurses than there are for Jews hiring Christian midwives. Elisheva Baumgarten notes this discrepancy. She suggests two explanations for this. The first is that the demand for Christian midwives by Jews was less than the demand for Christian wet-nurses. After all, one midwife can attend multiple births, while one nurse can only care for one child at a time. The other explanation refers to how the medieval medical profession functioned. Jews were permitted by rabbinic law to employ Christian medical professionals, and they frequently did do that. As a result, Jews could hire Christian medical professionals when it was necessary. Yet the Church was not overly concerned about this because medical professionals, including midwives, did not live in the house like wet nurses did.\footnote{152} On the other hand, the Church was very much opposed to Jews hiring Christian wet-nurses for their children, which often occurred despite the Church’s opposition.\footnote{153} It was standard for the wet nurse to be hired by the child’s father, and if she was married, the contract was made with her husband. Yet the child’s mother was the one who supervised her on a daily basis.\footnote{154} Her terms of employment were that she was hired for a definite period of time. She had to stay for the full length of her service and could not become pregnant during that period of time.\footnote{155} In addition, the nurse

\footnote{153} Baumgarten, \textit{Mothers and Children}, 120.  
\footnote{154} Baumgarten, \textit{Mothers and Children}, 128.  
\footnote{155} Baumgarten, \textit{Mothers and Children}, 129.
received wages, clothing, and food as well as gifts according to custom.\textsuperscript{156} In my opinion, the fact that the nurses received food from their Jewish employers was another reason that the Church was opposed to the practice of Jews hiring Christian wet-nurses. There were multiple prohibitions on Jews and Christians dining together, especially on Christians dining at Jewish banquets while the Jews would not eat at Christian ones. If a wet nurse received food from her Jewish employer, it would be kosher food. By eating that kosher food when Jews would not eat food prepared by Christians, the Church was afraid that be a sign of Jewish superiority to Christians, which the Church was keen to avoid.

Evidence for these Christian fears about Judaization can be found in the prohibitions on Jewish ownership and employments of Christians. In a papal bull, sent to a French priest on January 20, 1205, Innocent III states that it is not proper for Christians to live with Jews “lest they whom the true faith has brought forth into light, be led by the others into the shadow of darkness” and that service is Jews is wrong because “Judaism tries to draw them out of the grace of freedom into the shame of slavery.”\textsuperscript{157} This all says that elite Christians believed that living with and serving Jews could lead to Christians converting to Judaism. In another bull sent to the King of France on May 9, 1244, Pope Innocent IV wrote that Christians should not serve as wet-nurses to Jews, “since they shamefully suffer them to do things which bring confusion upon the Faith.”\textsuperscript{158} By serving Jews as wet-nurses, Christian women would have doubts and confusion about their faith. In another example,

\textsuperscript{156} Baumgarten, \textit{Mothers and Children}, 131.
\textsuperscript{157} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 111.
\textsuperscript{158} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 253.
when the Council of Paris forbade Christians to serve as midwives, wet-nurses, or servants to Jews, the ban was explained as being due to the threat of Judaization: “lest through the superficial plausibility of their law, which they wickedly pretend to explain, they may lead them into the pit of their disbelief the Christian servants who dwell with them.”\textsuperscript{159} The clergy were afraid that through social contact and living together Jews would proselytize to Christians and convert them to Judaism. In a further example, in 1222, the Council of Oxford forbade Jews to own Christian slaves “since no little scandal in the case of many regularly arises in the Church of God from Jews and Christians living other the same roof.”\textsuperscript{160} The clergy were aware that there was the danger of something scandalous, like a slip into Judaization and heresy, occurring if Jews and Christians lived together. The Church was afraid that if Christians lived with and served Jews in Jewish homes, Christians would adopt Jewish practices and even convert to Judaism.

These fears about the Judaization of the slaves and servants of Jews were not totally unfounded. There do seem to be some instances of Christians who lived with Jews doubting Christianity. A papal bull issued by Innocent III on June 10, 1213 recounts a miracle by which many Jews were converted to Christianity and baptized. The relevant part of the story here is this: “Recently a certain Christian woman was living in the home of this man’s father, and, by Jewish seductions, she was estranged from the Catholic Faith, so that she constantly asserted, while she was under the shadow of the Jewish error, that Christ could not profit or injure her, and that bread taken from any ordinary table is as efficacious as the host of Christ.

\textsuperscript{159} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 307.
\textsuperscript{160} Grayzel, \textit{The Church and the Jews in the XIIIth Century}, 315.
which is taken at the altar.” A Christian woman lived with Jews, and as a result, she doubted Christianity.

This fear of Judaization by the Christian authorities has been noted by others. Solomon Grayzel has stated that fear of proselytization was one of the reasons that the Church forbade Christians to be employed by Jews as domestic servants and nurses. Grayzel also observed that fear of conversion to Judaism by pagan slaves was an important reason in why the popes forbade Jews to own slaves.

In conclusion, Christian opposition to Jewish ownership of Christian slaves or employment of Christian servants and wet nurses was rooted in fears about Judaization by Christians. This fear of Judaization also motivated other restrictions on Jews, such as the policies promoting social segregation and bans on blasphemy and proselytization. These laws existed to ensure the proper relationship between Christianity and Judaism as defined by Augustine’s Doctrine of the Jewish Witness.

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161 Grayzel, The Church and the Jews in the XIIIth Century, 137.
Conclusion

Christian prohibitions on Christian servitude towards Jews was based on legal precedent, the Doctrine of the Jewish Witness, contemporaneous restrictions on Jews, and the necessity of dealing with a reality in which Jews were not as subordinate as Christians wished them to be.

A question that needs to be answered is whether these prohibitions on Christian servitude towards Jews were more theoretical or practical. Did these restrictions respond to an actual situation on the ground in which Christians were serving Jews? Or were these restrictions the result of theological debates? It seems to be a relatively even mix. Jews certainly did own slaves and employ Christian servants. However, it be must be remembered that only wealthy Jews were able to own slaves. The majority of Jews could not afford to own slaves. In my opinion, the most important motivation is the theology, specifically the Doctrine of the Jewish Witness. The Church believed that Jews and Judaism were supposed to be subordinate to Christians and Christianity. If this belief were not so strong, then there would have been no need to put these laws into practice. These laws tell us more about the mindsets of their Christian authors than they do about the day-to-day interactions between Jews and Christians.

Moreover, the restrictions on Christian servitude towards Jews were based on the insecurity felt by Christians regarding the relationship between Christianity and Judaism. Christian elites were afraid of Judaization by Christians and they were scared that Christianity would be seen as inferior to Judaism. The fact that the Jews
were still Jews and that individual Jews were able to hold relatively powerful positions in society and temporal governments was deeply unsettling to the Church. The restrictions on Jews were thus a response to the insecurity felt by elite Christians about the place of Christianity. This then leads to the question of why Christian elites felt insecure about the status of Christianity. Christianity was the dominant religion in Europe at this time. So why did this insecurity exist? That is a more difficult question to answer and requires further research.

The idea of Christian insecurity has been proposed by other scholars of the Middle Ages, specifically by Gavin Langmuir. In Jeremy Cohen’s review of Langmuir’s books, *Toward a Definition of Antisemitism* and *History, Religion, and Antisemitism*, he writes, “Singled out by crusaders, theologians, and legislators alike for their nonconformity and their insecurity, Jews came to bear the brunt of widespread Christian anxiety as a constellation of political, economic, and scientific changes transformed the character of medieval civilization. Change enkindled doubt vis-à-vis the fundamental beliefs of Christian faith, most notably the sacrament of the Eucharist; repressed on a conscious level, such doubt resulted in a host of fearful, irrational fantasies concerning the infidel of Christendom par excellence.”

In my opinion, Langmuir’s argument is correct. Christian worries about Jewish behavior as demonstrated in Christian legal restrictions on Jews say more about what Christian are thinking than what Jews are actually doing. The Christian authorities seem to be having some sort of crisis of belief.

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There are multiple avenues for further research that I have found throughout the process of writing this paper. They include a comparison of the roles of midwives and wet-nurses, a more in-depth look at Christian insecurity, and a comparison of secular laws concerning Christian servitude. Most interesting to me is looking into the lived reality of Jewish-Christian interactions within the household and other areas of daily life. This would require research into both Jewish and Christian sources other than just legal codes. Not only would such research tell us about daily interfaith interactions but also it would give us a new perspective with which to examine the mindsets of the Christian composers of the legal restrictions on Jews.
Bibliography

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