

**ENSLAVED CHRISTIANS, JEWISH OWNERS IN VISIGOTHIC
HAGIOGRAPHY, THEOLOGY AND LAW***

**CRISTIANOS ESCLAVIZADOS Y PROPIETARIOS JUDÍOS EN LA
HAGIOGRAFÍA, LA TEOLOGÍA Y EL DERECHO VISIGODOS**

**CRISTÃOS ESCRAVIZADOS E PROPRIETÁRIOS JUDEUS NA HAGIOGRAFIA,
TEOLOGIA E LEI VISIGODOS**

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Abstract

The Iberian *Passio Mantii* is a rare case of a late antique martyrdom account in which the protagonist, Mantius, is described as the Christian slave of Jewish owners who persecute him to death for not converting to Judaism. This unusual hagiographical text chimes with extensive legislation produced in Visigothic Iberia on the very question of Jewish ownership of Christian slaves. Placing these sources together and exploring their theological background allows us first to understand better the changes Visigothic legislators made to a long legal tradition of prohibiting both the conversion and ownership of Christian slaves by Jews. But it also allows us to go beyond the assumption that the sources reflect an active social practice and ask whether interest in Jews exercising power over Christians was part of the development of a discourse of Jewish danger that was itself fundamental to the elaboration of more clearly defined religious identities in the seventh century.

Keywords

Jewish-Christian relations, slavery, Visigothic law, hagiography, adversus Judaeos.

Resumen

La ibérica *Passio Mantii* es un raro relato de martirio tardoantiguo en el que el protagonista, Mantius, es presentado como un esclavo cristiano en manos de propietarios judíos, quienes lo hostigan hasta la muerte por no convertirse al judaísmo. Este inusual texto hagiográfico tiene puntos de contacto con la extensa legislación producida en la Iberia visigoda sobre la cuestión de la propiedad judía de los esclavos cristianos. Analizar estas fuentes y explorar su trasfondo teológico nos permite, en primer lugar, comprender mejor los cambios que los legisladores visigodos hicieron a una larga tradición legal de prohibir tanto la conversión como la propiedad de esclavos cristianos por parte de los judíos. Pero también nos permite, por otra parte, ir más allá de la suposición de que las fuentes reflejan una práctica social activa y preguntarnos si en realidad el interés en la temática en torno a judíos ejerciendo poder sobre cristianos fue parte del desarrollo de un discurso sobre el peligro judío que fue, a su vez, fundamental para la construcción de más nítidas identidades religiosas en el siglo VII.

Palabras clave

Relaciones judeo-cristianas, esclavitud, Ley visigoda, hagiografía, adversus Iudaeos.

Resumo

O *Passio Mantii Ibérico* é uma narrativa rara de martírio tardio-antigo, na qual o protagonista, Mantius, é apresentado como um escravo cristão nas mãos de proprietários judeus, que o assediam até à morte por não se converter ao judaísmo. Este incomum texto hagiográfico tem pontos de contacto com a extensa legislação produzida na Ibéria Visigótica sobre a questão da propriedade judaica dos escravos cristãos. A análise destas fontes e a exploração dos seus antecedentes teológicos permite-nos, antes de mais, compreender melhor as transformações que os legisladores visigodos fizeram numa longa tradição legal de proibição tanto da conversão como da propriedade judaica de escravos cristãos. Mas também nos permite, por outro lado, ir além do pressuposto de que as fontes reflectem uma prática social activa e perguntar se, de facto, o interesse pelo assunto em torno dos judeus que exercem o poder sobre os cristãos fazia parte do desenvolvimento de um discurso sobre o perigo judeu que, por sua vez, foi central para a construção de identidades religiosas mais claras no século VII.

Palavras chave

Relações judaico-cristãs, escravatura, lei visigótica, hagiografia, adversus Iudaeos.

Mantius is an unusual martyr saint. In his *passio*, he is described as having been enslaved by a family of Jews in Rome and taken to their estate in Lusitania, modern-day southern Portugal.¹ Refusing to convert to the Jewish faith on the basis of his firm belief in the Trinity, Mantius is subjected to terrible abuse at the hands of his owners and ultimately dies of his wounds while forced to work the land. Hastily buried by his persecutors, Mantius' body is miraculously found years later and eventually a large basilica is erected over the site of his martyrdom.

The *Passio Mantii* (PM)'s rare depiction of a Christian martyred by Jews makes the text stand out from the hagiographical canon. Jews often feature in late antique lives of saints, but mostly as witnesses and potential converts, attesting to the power of the saint by observing miracles the saint performs or as part of crowds of bystanders at the saint's public death.² To find Jews in the role of torturers and executioners of Christians, we mostly have to wait until the high middle ages and the emergence of the ritual murder and blood libel

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¹ YARZA URQUIOLA, 2020, 1158-62; RIESCO CHUECA, 1995, 325-333.

² CASTILLO MALDONADO, 2006; GUERREIRO, 1993.

accusations.³ Although the PM first appears in eleventh-century manuscripts, it has generally been thought to date to the seventh or eighth centuries.⁴ What then explains the PM's exceptional portrayal of tyrannical Jewish masters working a Christian slave to death for refusing to convert to Judaism? For most scholars who have discussed the text, the answer lies simply in history: these events must surely have happened as described.⁵ An assumed significant Jewish presence in early medieval Iberia, one that was wealthy and prone to proselytism, has provided the conditions for reading Mantius' story as one of fact. Even scholars who warn against the stereotyped vision of Jews in Iberian hagiographical texts have fallen back on the idea that historical events explain the PM.⁶ But historical study of hagiographical texts has come a long way since the tendency to read them as reflections of social realities, and there is a circularity to arguing that the PM is one of the primary pieces of evidence for a phenomenon – Jews owning slaves on large landed estates – that is also used to date the text.⁷

Rather than interpret the PM as an unmediated portrayal of social practice, this article will use the PM as a jumping off point for exploring the extensive late antique legislation governing the Jewish ownership of Christian slaves in Iberia. Considering these sources together shows how a longstanding fear of Jewish authority over Christian bodies took new forms in Visigothic Iberia and became the basis for a powerful legal discourse about the dangers Jews might pose to Christian souls.⁸ The issue of Jews owning non-Jewish slaves had a long history in the Roman West, beginning even before Christianity was legalized. Because of its longevity, the legislation has often been taken as a kind of background noise to the PM's composition: something that is not especially significant because such laws had been repeated regularly for centuries. The repetition of laws is also an assumed feature of the legal sources themselves, which tend to include laws from earlier bodies of law by convention, without immediate social relevance.⁹ As a result, although generally mentioned in studies of the PM, the legal evidence is largely skimmed over and taken as an unchanging preoccupation inherited from Roman law. After surveying the Roman legal heritage on the matter, we can appreciate that Visigothic law did not just blindly reiterate past legislation – in an 'incantatory' manner, as some scholars would have it.¹⁰ Roman law was obviously the basis for much of the law issued by church councils and kings in the sixth and seventh centuries, including the decretals of Gregory I, a figure of towering importance in Visigothic

³ A possible late antique precedent is found in GONZÁLEZ SALINERO, 2013. The account is nevertheless very different from what is described in the PM.

⁴ CASTILLO MALDONADO, 1999, 65-67; FERNÁNDEZ CATÓN, 1983, 170-87; GONZÁLEZ SALINERO, 1998; GARCÍA MORENO, 2013; GONZÁLEZ SALINERO, 2018; DÍAZ Y DÍAZ, 1982.

⁵ See the foundational study by FERNÁNDEZ CATÓN, 1983, followed by the more pointed examination by GONZÁLEZ SALINERO, 1998; GUERREIRO, 1993, 546, and questioned by BRONISCH, 2005, 154, n. 490.

⁶ CASTILLO MALDONADO, 2006, 196.

⁷ The debate between González Salinero (GONZÁLEZ SALINERO, 1998; GONZÁLEZ SALINERO, 2018) and García Moreno (GARCÍA MORENO, 2013) on the dating of the PM relies on both sides on the assumption of a wealthy Jewish community, whether Visigothic or Umayyad Iberia, respectively.

⁸ Although not unique to Iberia (Frankish councils also legislated on the issue), the difference lies in the density of the Iberian legislation, on which see FREIDENREICH, 2014, 80.

⁹ MARTIN AND NÉMO-PEKELMAN, 2008, 239.

¹⁰ MARTIN AND NÉMO-PEKELMAN, 2008. For a different approach looking at Gregory the Great's policies on Christian slaves under Jewish ownership, which chimes with the one taken in this article, see LAHAM COHEN, 2016, articulated esp. at 340.

culture.¹¹ But Visigothic law as we find it in the records of provincial and kingdom-wide ecclesiastical councils as well as the new codes of secular law, was constantly changing, articulating laws and their rationale in subtly different ways. Such changes could well reflect shifting dynamics on the ground, as repeated attempts to convert Jews *en masse* led to confusion about their identity, status and rights in the law. Different kings and ecclesiastical leaders had different approaches to dealing with the fallout of these conversion attempts, which serve to illuminate the variation in laws addressing what should happen to the Christian slaves in the possession of ‘former’ Jews. But there were also strong ideological incentives to create a discourse of danger around the power Jews might exercise over Christians founded in the theological principles of Christian supersession and Jewish servitude, each thought to be violated by the conversion of slaves to Judaism and the ownership of Christian slaves by Jews, respectively. Both of these theories find expression in Visigothic theological sources, namely the extensive polemical writing against the Jews best exemplified by Isidore’s *De fide catholica*. Only by placing these sources – hagiographical, legal and theological – in dialogue can we begin to understand the importance attributed Jews owning Christian slaves in Visigothic culture.

1. Jews owning slaves in late antique Roman law

Before looking at how the law dealt with the issue of Jewish slave-owning, it is worth asking what basis there may have been for the fear that Jews would convert – and circumcise – their Christian slaves on the basis of Jewish policy and practice.¹² Circumcising non-Jews was stipulated by Gen. 17:12-13, and would have presented certain advantages in Jewish households, allowing for the preservation of purity laws around meal preparation (e.g. Exod. 12:43-44) and partaking in the Passover sacrifice.¹³ Although not specified in the Torah, enslaved women may also have had to undergo ritual immersion in a mikveh to prevent ritual impurity from entering the home.¹⁴ In the first and second centuries CE, there nevertheless appears to have been disagreement between those rabbis who asserted Jews were permitted uncircumcised male slaves, as long as they did not work on the Sabbath, and those who argued that any male slave of a Jew must be circumcised.¹⁵ Whether agricultural labour, such as that represented by Mantius, would have likewise been concerned is even more uncertain, given that agricultural slaves may never have entered the home, posing little risk to ritual purity. Based on a lack of archaeological sources, it is also difficult to determine the extent to which Jews were in possession of large estates worked by slaves, something that, once assumed, has more recently been heavily questioned.¹⁶ As a result, we cannot state for certain that Jews in late antiquity and the early middle ages uniformly converted the slaves who came

¹¹ WOOD, 2016.

¹² On this, see LAHAM COHEN, 2016, 341-42.

¹³ HEZSER, 2005, 30-31. It is worth noting, however, that circumcision alone would not have made slaves fully-fledged Jews, although non-Jewish legislation no doubt did not make this distinction.

¹⁴ HEZSER, 2005, 37.

¹⁵ HEZSER, 2005, 35-47.

¹⁶ TOCH, 2012. On the existence of Jewish communities, see ALBERT, 2014; GARCÍA MORENO, 2005; SAYAS ABENGOECHEA, 1993.

into their possession, although it may have been desirable in domestic contexts.¹⁷ This has not stopped scholars from assuming that the PM, Visigothic legislation and Visigothic anti-Jewish polemic reveal active Jewish proselytism, especially among their slaves.¹⁸

Whether or not Jews were systematically converting their slaves, the legislation that emerged from the late Roman Empire returns to the question several times.¹⁹ Initially, it was the practice of circumcising non-Jewish slaves that occupied legislators, first in a second-century rescript of Antoninus Pius (found in Justinian's *Digest* via Modestinus' *Regulae*), which restricts Jews to circumcising their sons alone; we can understand by extension that the practice was prohibited from being performed on non-Jewish slaves.²⁰ By ca. 300CE, when the jurist Pseudo-Paul compiled his *Sentences*, the punishment for circumcising a non-Jewish slave was stipulated as banishment (with the concomitant loss of Roman citizenship and property) or death; doctors who performed the operation would receive capital punishment.²¹ Not long after, Constantine I repeated the law against the circumcision of slaves with the threat of immediate loss of the slave through manumission.²² Eusebius nevertheless memorialized Constantine as doing more than just banning circumcision, by enacting "a law that no Christian was to be a slave to Jews," because of the injustice committed if Christians were subjected to the yoke of Christ's killers.²³ The purchase of Christians by Jews was explicitly forbidden in 339 by Constantine II:

"If someone of the Jews shall believe that he should buy a slave of another nation or sect, the slave shall be immediately vindicated to the fisc [imperial treasury]; but if he shall circumcise the purchased slave, not only shall he suffer the loss of the slave, but he shall be punished, indeed, with capital punishment. But if a Jew shall not hesitate to purchase slaves who are associates in the venerable faith, all those found with him shall be immediately taken away, and he shall be deprived, in no time at all, of the possession of those men who are Christians".²⁴

The influential Theodosian Code, issued by Theodosius II in 384, took the same approach by specifying that Jews were not to buy or convert Christian slaves, and that those Christian slaves found in their possession would be taken from them by Christians, although in this case, in exchange for payment.²⁵ Concessions were occasionally made. In response to

¹⁷ Canon 31 of the Council of Orléans (541) could be read as evidence that Jews were promising to free their slaves – no doubt after a period of service – in exchange for their conversion to Judaism (Cf. LINDER, 1992, 472-73), on which see LAHAM COHEN, 2016, 343-44.

¹⁸ Claims of active proselytism by Jews have been made by HERNÁNDEZ MARTÍN, 1970, 100; JUSTER, 1976, 402-405; FONTAINE, 2000, 239; GONZÁLEZ SALINERO, 2000, 137-42. Arguing against this is DREWS, 2006, 125-126; COLOMINA TORNER, 1998, 186-187, and BRONISCH, 2005, 156-157. Because of confusion around who is deemed to have been a target of Jewish proselytism, if it was indeed active, whether only slaves or also freemen, I shall avoid using the term proselytism because of the general missionizing connotations it carries and which cannot be confirmed.

¹⁹ On this legislation, see MARTIN and NÉMO-PEKELMAN, 2008, 229-231, HEZSER, 2005, 41-43, GLANCY, 2018, 38-41, and the useful summary (that includes Gaul), in LAHAM COHEN, 2016, 327-329.

²⁰ *Digesta* 48:8:11, cf. LINDER, 1987, 100. A correction to the idea of Hadrian being the first to legislate on the question appears in ABUSCH, 2003.

²¹ *Sententiae* 5:22:3-4, cf. LINDER, 1987, 118.

²² *Constitutio Sirmondiana* 4; CTh 16:8:5; CTh 16:9:1 (cf. LINDER, 1987, 139-142).

²³ Eusebius, *Life of Constantine* 4.27.1, 163.

²⁴ CTh, 16:9:2, cf. LINDER, 1987, 147-148.

²⁵ CTh 3:1:5, cf. LINDER, 1987, 176.

a petition made by Jews in Ravenna, they were permitted by Theodosius II and Honorius to keep their Christian slaves if these were left free to practice their own religion.²⁶ Inheriting and possessing Christian slaves was also permitted at another point by Theodosius II, on condition that they not be converted to Judaism.²⁷ The Theodosian code was nevertheless clear on the point of conversion, which was to result not just in the death of the Jewish slaveholder but the loss of all their property with the rationale that “whatever differs from the faith of the Christians is contrary to the Christian Law.”²⁸ Although exceptions were granted, the desire to forbid the physical enactment of conversion to Judaism on enslaved bodies thus came to encompass a ban on Jews acquiring non-Jews in the first place, over the first few centuries of the Christian Empire.²⁹

In the sixth century, controls on slave ownership became part of a wider policy to limit Jewish activity, in an attempt to prevent Jews from rising to a social position on par with Christians.³⁰ Laws against building new synagogues, reading the Hebrew Bible during services, or even testifying against Christians in court, were included alongside laws on the Jewish ownership and conversion of Christian slaves in the *Codex Justinianus*.³¹ Although these were largely reiterations of earlier laws, they added a fine of thirty pounds of gold for Jews found in possession of Christian slaves (CJ 1.10.2).³² Even Jewish converts to Christianity would lose their Christian slaves if these had become Christian before their owners’ conversion (CJ 1.3.54)³³ Significantly, the laws also gave a new role to the ecclesiastical authorities in policing Jews and their slave-holding.³⁴

Inspired by the Justinianic code, Gregory I, bishop of Rome between 590-604, took this role to heart. Although Gregory is generally seen as having a relatively sympathetic attitude to Jews under Christian rule, supporting and defending their right to live without threat of violence, such sympathy did not extend to the phenomenon of their owning Christian slaves.³⁵ Gregory addressed the issue on almost ten occasions in his letters, more than any other matter concerning Jews. He was especially severe towards secular rulers, such as the Merovingian kings Theoderic and Theodebert and the regent Brunhilda, and expressed his disappointment that they did nothing to prevent Jews from acquiring Christian slaves with the result that these were being converted.³⁶ Not only did conversion to Judaism represent an important violation of the divinely-established social order but it was a step back in his missionizing efforts, evinced by his willingness to have slaves forcibly converted to

²⁶ CTh 16:9:3, cf. LINDER, 1987, 273.

²⁷ CTh 16:9:4, cf. LINDER, 1987, 278.

²⁸ CTh 16:8:19, cf. LINDER, 1987, 257-2518; CTh 16:8:26, cf. LINDER, 1987, 291, and Theodosius’ *Novella* 3 (438), cf. LINDER, 1987, 326-332.

²⁹ Concerns about Jewish jurisdiction over Christians more generally is evident in the Christian Roman law codes, on which see MATHISEN, 2014, 44-47.

³⁰ Nevertheless, the reiteration of such laws suggests they were not being followed cf. MATHISEN, 2014, 53.

³¹ ABUSCH, 2003.

³² cf. LINDER, 1987, 370. The reiteration of Theodosian laws against the conversion of slaves is articulated in, for example, CJ 1:9:16, cf. LINDER, 1987, 293; CJ 1:9:18, cf. LINDER, 1987, 332; CJ 1:7:5, cf. LINDER, 1987, 333.

³³ CJ 1:3:54, cf. LINDER, 1987, 376-380

³⁴ *Novellae* 37, cf. LINDER, 1987, 382-387.

³⁵ On Gregory’s position vis. Jews, see COHEN, 1999, 73-94, and on ownership of Christian slaves as expressed in his letters more specifically, 78-79. See also, SAPIR ABULAFIA, 2014, 20-25; BACHRACH, 1977, s36.

³⁶ Ep. 9.214 and Ep. 9.216 (GREGORY THE GREAT, 2004, 678, 681), on which see especially LAHAM COHEN, 2016, 337-38.

Christianity.³⁷ In such cases as Christian slaves were found in Jewish ownership, Gregory himself made provision for purchasing their freedom, as happened in 597 in Narbonne (7.21).³⁸ Gregory nevertheless maintained a pragmatic approach to the issue, for example allowing three months for owners to sell newly-purchased slaves lest their owners be ‘unreasonably harmed’.³⁹ He also seems to have distinguished between slaves proper – perhaps serving in households – who must be freed immediately, and those who had been working the land for some time, and who should rather be made *coloni* – tenants tied to the land and owing their former owners payment for the right to cultivate it (4.21).⁴⁰ The determining factor was proximity and the concomitant risk of conversion to Judaism: the closer the slave was expected to live and act relative to their master, the greater the danger they might be forced to adopt Jewish rites and practices.⁴¹ Gregory’s concern lay, like his legal sources, in the threat that Christians under Jewish authority were in danger of being converted to Judaism, a danger he sought to address with urgency if not without some flexibility.

2. Legislation on Jewish ownership of Christian slaves in Visigothic Iberia

In contrast with his reaction to the Frankish monarchs, Gregory was ultimately more positive about the actions of Reccared, ruler of the Visigothic kingdom in Iberia.⁴² At first glance, Gregory’s letter to the priest Candidus of Narbonne of 597 could be read as implicit criticism of Reccared’s indifference to Christian slave-owning by Jews in an area that remained in the king’s jurisdiction, as one scholar has argued (7.21).⁴³ But not long after (599), another missive commended the same king for refusing the bribes Jews had apparently offered him to evade the regulations made against them (9.229b). There is no mention in the letter what the bribes were for nor the regulations involved.⁴⁴ But based on the limited legislation Reccared issued with respect to Jewish activity in his kingdom, we can imagine the payment had been offered by the Jews to maintain their Christian slaves. The Third Council of Toledo (589), presided over by Reccared, includes the prohibition of Jews purchasing Christian slaves for their own use (can. 14) and gives circumcised slaves their freedom.⁴⁵ A law attributed to Reccared but recorded in the later *Liber Iudiciorum*, states that no Jew should come into possession of a Christian slave – by purchase or by gift – and if found guilty of circumcising him, the owner should forfeit the price he paid for the slave and the circumciser should lose all his property while the slave is set free (12.2.12).⁴⁶ In Gregory’s view, Reccared’s refusal to give into the Jews seeking a way out of these laws

³⁷ SERFASS, 2006.

³⁸ Ep. 7.21 (GREGORY THE GREAT, 2004, 472).

³⁹ He was also willing to allow Jews a role in the slave trade, due to contemporary labour shortages, on which see LAHAM COHEN, 2016, 329-331. On Gregory’s pragmatism more generally, see further MAKUJA, 2009, esp. 68.

⁴⁰ GREGORY THE GREAT, 2004, 303.

⁴¹ SERFASS, 2006, 101.

⁴² On Gregory’s letters to Visigothic areas, see LAHAM COHEN, 2016, 336-37.

⁴³ GREGORY THE GREAT, 2004, 472. BACHRACH, 1973.

⁴⁴ GREGORY THE GREAT, 2004, 699-703. It could also concern the offspring of mixed marriages or the prohibition against carrying out public office, but most likely concerns slave ownership: LAHAM COHEN, 337.

⁴⁵ MARTÍNEZ DÍEZ and RODRÍGUEZ, 1992, 120-21.

⁴⁶ ZEUMER, 417, 1902, LINDER, 1997, 267-68.

made him a new King David, “preferring innocence to gold”.⁴⁷

Gregory’s congratulations to Reccared suggest that the issue of slave ownership by Jews was as live in Visigothic Iberia as it appears to have been in other parts of the former Roman Empire (see Table 1). Certainly, the Roman laws described above continued to be in force in the Visigothic kingdom as in the other Germanic kingdoms. The *Codex Theodosianus* became the basis for the *Breviarium Alaricii* (or *Lex Romana Visigothorum*), compiled in the early sixth century, and with it, laws limiting Jewish ownership of enslaved non-Jews in areas under Visigothic rule. The *Breviarium* contains multiple earlier laws (3.1.5, 16.4.1, 16.4.9) already discussed above, that prohibit the ownership⁴⁸ and circumcision⁴⁹ of non-Jewish slaves, on pain of loss of the slave, confiscation of all property, and even death in the case of circumcision. Although it has often been argued that the Arian kings of Visigothic Iberia were more lenient towards the Jews under their remit than their Catholic successors, this idea has largely been revised and the ban on Jewish ownership of Christian slaves certainly continued throughout the sixth century, along with prohibitions of Jews exercising public office and taking Christian wives.⁵⁰ The official conversion of the Visigothic aristocracy to Nicene Christianity in 589 under Reccared brought with it new legislation, issued by provincial and national church councils that began to meet with increasing frequency, and with this law-making and the religious unification of the kingdom, Jews came under new scrutiny as the only religious ‘others’. At first, the legislation issued at these councils appears largely to repeat that with which we have become familiar from Roman law, as with Reccared’s laws described above. Indeed, Reccared actually downgraded the punishment for circumcision of slaves from the death penalty – as stipulated in the *Breviarium* – to manumission with no compensation. On this basis, some scholars have argued that Reccared was an especially favourable monarch towards the Jews.⁵¹

By contrast, the legislation that followed Reccared’s reign became significantly more severe with respect to the activities of Jews within the Visigothic kingdom, among which was the ownership of Christian slaves. A turning point came with Sisebut (r. 612-621). Two laws attributed to him and included in the later *Liber Iudiciorum* are remarkably detailed on the question of slave ownership. In one of these laws, dated to the first months of his reign (12.2.14), Sisebut legislated sweeping restrictions on the authority that Jews might yield over Christians.⁵² Intended to apply to the entire kingdom, this pronouncement stipulates that no Jew should have a Christian in his patronage, service, or employ, be he slave or free:

“this divine law does not permit any Hebrew to have in his patronage or in his service a Christian man, free or slave, beginning with the felicific first year of our reign, nor to have any of these as a hired servant or as an attendant under any title.”

Those who still had Christian slaves in their ownership were allowed to sell them to a Christian for a just price and with enough property that the slave could be sustained by it. The Jewish owners could also manumit the slaves, but this had to be into complete freedom with all the privileges of Roman citizens; the freed slaves would maintain no legal or moral

⁴⁷ GREGORY THE GREAT, 2004, 701.

⁴⁸ CTh3:1:5, cf. LINDER, 1987, 176-77.

⁴⁹ CTh16:9:1, cf. LINDER, 1987, 139-41.

⁵⁰ RABELLO, 2004; GONZALEZ SALINERO, 2004.

⁵¹ BACHRACH, 1973, 15-16; GÖRRES, 1897, 288.

⁵² ZEUMER, 1902, 420-23; LINDER, 1997, 271-75.

ties (*obsequium*) to their former masters, as was otherwise standard practice, being free to live wherever they wished.⁵³ Another law (12.2.13) attributed to Sisebut, this time directed to several bishops in southern Iberia, gives more detail on the situation of recently freed slaves.⁵⁴ It specifies that liberated slaves had merely been transferred to the ownership of someone else or had been forced to remain as freedmen tied to their former masters through a bond of patronage. Those who found themselves in such a situation of bondage were to be restored to the status of freeborn, meaning “enabled to lead their life in freedom and on their own labours.”⁵⁵ Should Jews try to sell or manumit slaves into relative unfreedom, “in his fraudulent cunning,” they stood to lose their entire property, any Christian involved would be reduced to slavery, and informants would either gain the Jews’ property, if free, or receive freedom with recompense issued by the state, if enslaved. The circumcision of a male slave or the conversion of a woman, either slave, wife or concubine, would result in the death of the circumciser and the confiscation of all his property. Sisebut gave Jews until the kalends of July to comply, at which point they would lose half their property to the fisc, and ended his general decree (12.2.14) with a general warning of the damnation that would befall any transgressor on the day of Judgment, and a promise of “plentiful reward” on the Christians “who shall cherish this law in this life and to eternity,” a warning that adds an eschatological dimension to the prescription.

Sisebut’s laws have been noted for their harshness, especially in comparison with those of Reccared’s, which prohibited only the purchase of Christian slaves, not their possession, and was much softer on circumcision.⁵⁶ Most striking among Sisebut’s changes is a clause included in the letter directed to the southern Iberian bishops (12.2.13). Here, although there is no provision stipulated for Jews who circumcise their slaves, Christians who have been found to be circumcised, on the other hand, are condemned to punishment ‘according to the law’. This last clause is striking. Although it may not have been primarily directed at slaves, targeting instead Christian freemen who converted of their own free will to Judaism, the lack of specification and the context in which it is mentioned – a discussion about the consequences of Jewish ownership of Christian slaves – raises the possibility that Christian slaves were considered in some way liable for converting to Judaism. Sisebut issued a similar warning in his law for the entire kingdom (12.2.14), by which converts to Judaism who “wish to remain in their perfidy” would be condemned to public flogging, *decalvatio*, and perpetual servitude. Without mentioning the willingness or not of converted slaves to remain Jewish, the decree to the bishops appears to make all converts guilty at the point where they allow themselves to be circumcised. Tackling the issue of Jewish slave-owning by imposing sanctions on the slaves themselves was a new strategy found, to my knowledge, for the first time in Sisebut’s laws.

The rhetoric of Sisebut’s laws on Jewish ownership of Christian slaves is revealing of a change in approach to the presence of Jews in the Visigothic kingdom that ultimately led to his injunction in ca. 616 that all the Jews in the kingdom should be baptized by force. Scholars have differed on his potential motivation for taking such action – the first known instance of a conversion attempt undertaken on such a scale – citing his personal religious

⁵³ Indeed, the case of Christians freed from Jewish ownership is one of the only recorded instances where slaves were freed absolutely, maintaining no legal or moral ties to their former masters. CLAUDE, 1980, 166. On the meaning of Roman citizenship here, see CÓRCOLES OLAITZ, 2006, 345.

⁵⁴ ZEUMER, 1902, 418-20; LINDER, 1997, 268-71.

⁵⁵ CLAUDE, 1980, 165.

⁵⁶ BACHRACH, 1973. But also BRONISCH, 2005; HEN, 2010, among many others.

conviction,⁵⁷ apocalyptic fears,⁵⁸ or his desire to extend Reccared's religious unification of the kingdom to make *all* its citizens Nicene Christians.⁵⁹ One scholar has even argued that non-compliance with the laws he issued in 612, including that Jews give up their Christian slaves, led Sisebut to seek the eradication of Judaism altogether through mass conversion.⁶⁰ The same author has interpreted the move as, first, seeking to undermine the Jews' economic strength by removing their main labour force, both enslaved and free, and second, creating a new source of political support for the monarch in the form of recently freed slaves eager to oppose their former owners.⁶¹ This interpretation presupposes a strong Jewish faction capable of shifting the balance of power in royal elections, a point that has been undermined by revisions of just how numerous the Jewish population was in Visigothic Iberia.⁶² But ultimately, it can be said that underlying Sisebut's ramped-up policies was the general fear that Jews might exercise authority over Christians: "the deadly dominion of Jews over Christians should be abhorred," states one of his laws against slave ownership (12.2.14). The closing discussion of the same law shows he clearly considered this piece of legislation integral to establishing a kingdom that would have Christ's support. Seeing it defied in the years that followed may well have helped drive him to the unprecedented action of attempting to eliminate Judaism from the peninsula entirely.

Much of the legislation regulating Jewish activity found in the records of the Fourth Council of Toledo, held in 633 under the leadership of Isidore of Seville and king Sisenand, tried to untangle the complications brought about by the forced conversion attempt some decades earlier.⁶³ Lamenting that many of the Jews who had been baptized by force were now returning to their former Jewish practices, canon 59 complains that they even dared 'to perform abominable circumcisions' (*abominandas circumcisions exercere*).⁶⁴ As a result, the bishops were charged with punishing those who did engage in such practices by removing circumcised children from their parents, and giving circumcised slaves their freedom in compensation for the harm done to their bodies. Additional laws at the same council further stipulated the removal of children from their baptized parents (can. 61), prohibited baptized Jews from meeting with non-baptized Jews (can. 62), prohibited marriage between Jews and Christians (can. 63), prohibited apostates from testifying in court (can. 64), and prohibited all Jews, regardless of whether they were baptized or not, from holding public office in which they would be placed in charge of Christians (can. 65).⁶⁵ The perceived problem these laws sought to address was the (un)trustworthiness of baptized Jews, whose conversions were deemed insufficiently sincere to allow them to hold any kind of authority over Christians. Closely connected to and following directly on from the canons above, we find a law prohibiting once more the ownership of Christian slaves by Jews. Not only is the law justified with the argument that Jews will commit injustices against Christians if given half the chance,

⁵⁷ DREWS, 2006, 24-27; GONZALEZ SALINERO, 2020.

⁵⁸ GIL FERNÁNDEZ, 1977, and GARCÍA MORENO, 1998.

⁵⁹ MARTIN and NÉMO-PEKELMAN, 2008, 237; BRONISCH, 2005, 50-51.

⁶⁰ BACHRACH, 1973, 16-17. Linked to this is the idea that forced conversions were meant to prop up a weak king: LINDER, 1978, 419.

⁶¹ BACHRACH, 1973, 19.

⁶² BACHRACH, 1973, 22, with criticism from TOCH, 2012; TOCH, 2005; TOCH, 2001.

⁶³ MARTIN and NÉMO-PEKELMAN, 2008, 237; BRONISCH, 2005, 61-68; CHERNIN, 2019; BENVÉNISTE, 2006.

⁶⁴ MARTÍNEZ DÍEZ and RODRÍGUEZ, 1992, 237-238; LINDER, 1997, 487-88.

⁶⁵ MARTÍNEZ DÍEZ and RODRÍGUEZ, 1992, 238, 239, 239-40, 240, 240-41; LINDER, 1997, 488-91.

but “it would be a crime for members of Christ to serve the ministers of the Antichrist” (can. 66), an eschatological warning that echoes Sisebut’s earlier laws.⁶⁶ Any Christian slaves (male or female – *ancillae*) found in Jewish possession would be given their freedom by the king himself (*sublate ab eorum dominatu libertatem a principe consequantur*). And any Christian who would facilitate the violation of these laws would be subject to anathema (can. 58), which saw an attempt to control not just those directly involved in Jewish ownership of slaves, but those aiding and abetting it too.⁶⁷ Although some bishops had not been in favour of the forced baptism attempt, the Fourth Council set out a complete programme for limiting the sphere of influence of any backsliding converts, including regulating their slave-holding.⁶⁸

With the arrival in 654 under Recceswinth of a new corpus of civil law, the *Liber Iudiciorum*, and the confirmation of its laws at the Eighth Council of Toledo (653), we find further regulation of the ownership and conversion of Christian slaves by Jews. Some of the laws collected in the code belong to earlier kings, and we find the same laws of the *Breviarium Alaricii* (12.2.12) together with those of Sisebut (12.2.13; 12.2.14) and Recceswinth’s father, Chindaswinth (12.2.16). Here, they are grouped together with legislation that seek to eradicate Judaism by tackling its ritual expression: prohibiting the celebration of Jewish holidays and marriage, traditional dietary norms, and circumcision (12.2.7).⁶⁹ Regarding circumcision, as under Sisebut, the fault is said to lie not only with the perpetrator but with the person being circumcised: “no-one should suffer this to be done to him and remain unpunished. No slave, no freeborn or freedman, native or foreigner, should either undertake or dare to operate on another the disgrace of this detestable operation on any occasion whatever.” Anyone found to transgress these laws would suffer punishment “by the severity of the given law”. A later clause makes clear that this punishment was to be harsh: “if anyone should wish to violate or dare to frustrate the prohibitions enjoined by the above-mentioned laws or the oaths derived from them, he shall be immediately either stoned to death or burnt in fire at the hands of his nation.” Only the king’s leniency would transmute the death penalty to perpetual slavery and confiscation of all property (12.2.11).⁷⁰ The severity of this measure is striking in comparison to what had gone before. Punishing slaves with death for being circumcised by their Jewish owners appears an especially cruel consequence of what must not always have been a voluntary action.⁷¹ The inclusion of slaves in this law points to yet another sharpening of attitudes towards the ownership and conversion of Christian slaves by Jews, baptized or not.

A different means of curbing the practice appears in what may have been a law issued at the Tenth Council of Toledo, held by Recceswinth in 656. Canon 7 – found only in some manuscript recensions of the *Hispana* – sought to control not Jewish slave-owning, but Christian involvement in it, especially where it concerned clerics.⁷² A lengthy discussion

⁶⁶ MARTÍNEZ DÍEZ and RODRÍGUEZ, 1992, 241-42; LINDER, 1997, 491. On the apocalyptic overtones, see MARTIN and NÉMO-PEKELMAN, 2008, 237.

⁶⁷ MARTÍNEZ DÍEZ and RODRÍGUEZ, 1992, 236-237; LINDER, 1997, 487.

⁶⁸ A lack of episcopal support for the measure is argued by, among others, HEN, 2010, 95–8; DREWS, 2006, 26–28, and especially BRONISCH, 2005, 52–55.

⁶⁹ ZEUMER, 1902, 415; LINDER, 1997, 264.

⁷⁰ ZEUMER, 1902, 417; LINDER, 1997, 267.

⁷¹ Noted by JUSTER, 1976, 406-407, without comment.

⁷² MARTÍNEZ DÍEZ and RODRÍGUEZ, 1992, 551-558; LINDER, 1997, 505-513. See BRONISCH, 2005, 85-88.

appears in this law, which first laments that many bishops and clerics had, despite their calling to defend and promote the well-being of the church, been selling slaves to Jews knowing they would subsequently be converted to Judaism. This ‘execrable traffic’ stood in opposition to the imperative that clerics manumit Christian slaves. Such an attitude stood in contrast to the Jews themselves, who diligently followed their own precepts, including Ex. 21:2, which stipulated that any Jewish slave held by a Jew should be freed after the seventh year; it is unlikely that this precept was actually ever followed, which means the reference was no doubt intended to exaggerate how lax clerics were at following their own regulations.⁷³ The obligation of clerics to protect their flocks is evoked through appeal to many biblical passages, both Old and New Testament, and especially the example of the apostles. “...Which of the holy apostles ever sold a man?” the law asks, answering that the obvious exception was Judas. The crucial point raised here is that involvement in such transactions amounted to selling Christian souls into conversion to Judaism; it was not the selling of slaves that was problematic – the Iberian church had no problem with the slave trade, generally – it was the risk that their souls would fall into the ‘Jewish heresy’ (*in haeresem ceciderunt iudaice*).⁷⁴ The punishment was excommunication, coupled with the more eschatological threat of eternal damnation: “...he shall be placed outside of the church and punished in the present and future judgment together with Judas, for a similar crime, because he preferred to provoke the lord to anger with the price of his betrayal.”⁷⁵ The law thus uses the Bible to cast collusion with Jews in the traffic of Christian slaves as anathema to the duties and obligations of a church leader, representing a new approach to curbing the problem.⁷⁶

At the end of the seventh century, with the updated version of the *Liber Iudiciorum* compiled under the supervision of king Erwig and confirmed at the Twelfth Council of Toledo (671), the attempts to limit Jewish freedoms on the Iberian Peninsula went through another period of change. On the one hand, Erwig removed capital punishment for certain crimes.⁷⁷ Although Jews were universally ordered to be baptized along with their sons and slaves, upon failing to do so – or to “remove himself or his sons and servants from baptism”, presumably by returning to Jewish rites – they would suffer a public whipping, *decalvatio* and exile but not death (12.3.3).⁷⁸ Circumcision was to be punished with castration in the case for men and nose cutting in the case of women, including not just the circumciser but also the person undergoing the procedure (12.3.4).⁷⁹ This seeming relaxation in the law did not imply an equivalent softening in Erwig’s opinion of Judaism. In a further law (12.3.12) that dealt solely with the ownership of Christian slaves, he added the important specification that Jews should not be permitted to manumit their slaves.⁸⁰ The reason given is that Jews are soiled by their perfidy and are themselves languishing in servitude. They should therefore

⁷³ HEZSER, 2005, 17 and 307.

⁷⁴ On attitudes of the Visigothic church to the slave trade, see ESDERS, 2021.

⁷⁵ MARTÍNEZ DÍEZ and RODRÍGUEZ, 558. The implications of a king issuing excommunication for such a crime has been discussed by CLAUDE, 1980, 147.

⁷⁶ Other canons at the same council e.g. Can. 3, which forbids clerics from acting as tax collectors, could indicate that the council was more generally concerned with the corruptive influence on clerics of particular economic practices, among which was slave-trading to Jews.

⁷⁷ On this, see MARTIN, 2020.

⁷⁸ ZEUMER, 1902, 432-33; LINDER, 1997, 292-93. See on this, BRONISCH, 2015, 98-99.

⁷⁹ ZEUMER, 1902, 433.

⁸⁰ ZEUMER, 1902, 438-40; LINDER, 1997, 303-305.

not be considered in a position of superiority over any Christian that they might grant him freedom: “it is unreasonable that darkness should clarify light or that servitude should grant freedom.” Jews still owning Christian slaves were therefore given sixty days to sell their slaves, after which point, they would lose half their property to the crown, or, if too poor, suffer *decalvatio* and one hundred lashes; their slaves would be freed with a portion of their master’s property. Erwig then envisioned a situation that logically followed from the two laws already mentioned: Jews might claim to convert to Christianity only for the purposes of maintaining their Christian slaves.⁸¹ In this case, he legislated (12.3.13) that all Jews wishing to keep their Christian slaves would have to prove their conversion by appearing before the local bishops, showing them signed documents declaring their change of religious status and swearing to their accuracy: “for Christian slaves could be subjected to their mastership in no other way, except through a clear proof that they are the most truthful Christians and that they are frequently joined to the society of Christians.”⁸² Found in contempt of this agreement, the person in question would suffer *decalvatio*, whipping and exile, as well as confiscation of all his properties. There was also provision made for the slaves themselves, who, if they did not announce their adherence to the Christian faith in good time, would be forced to remain in perpetual service to whomever the king should choose (reiterated in 12.3.16)⁸³ while those who did would obtain freedom immediately (12.3.18).⁸⁴ Anyone found taking bribes from Jews or not reporting them when suspected of violating the laws would be fined (12.3.24).⁸⁵ While eliminating the death penalty for many crimes formerly so punished, Erwig’s legislation nevertheless does not show disinterest in the question of Jews’ slave-holding, on the contrary, he merely sought alternative ways to prevent it.

The laws of Egica, articulated in the Seventeenth Council of Toledo (694) usually marks the end point in any discussion of Jewish history in the Visigothic kingdom, for decreeing the enslavement of the entire Jewish population, depriving them of all civic rights and freedoms.⁸⁶ According to the preamble of the council record, Jews had been called to convert to Christianity through various means, and had even had their Christian slaves returned to them on condition that the Jews remain in “true conversion and without any perfidy at heart.”⁸⁷ Although they had sworn oaths and made public statements, these baptized Jews had nevertheless apparently continued to practice Jewish rites and ceremonies, and so in order to ensure that the Christian faith prevailed, the decision was taken to enslave all Jews throughout the kingdom, regardless of whether they had been baptized or not, to remove their children to be raised by Christian families, and to hand their property over to whomever the king would designate. Among the recipients of former Jewish property were the Jews’ own Christian slaves, who would be manumitted immediately as of the decree. The decision to enslave the entire Jewish population, including Christian converts of Jewish origin, was completely unprecedented. Of particular interest for the purposes of this article is that one of the main reasons given for the injunction was that despite having their Christian

⁸¹ We see these doubts already in TIV, where it was legislated that any baptised Jew suspected of apostasy (which could apply to any of them) would be prohibited from testifying (can. 64). On the significance of this see MARTIN and NÉMO-PEKELMAN, 2008, 239.

⁸² ZEUMER, 1902, 440-41; LINDER, 1997, 305-308.

⁸³ ZEUMER, 1902, 447; LINDER, 1997, 317-18.

⁸⁴ ZEUMER, 1902, 448; LINDER, 1997, 319-20. On these see BRONISCH, 2005, 100.

⁸⁵ ZEUMER, 1902, 452-53; LINDER, 1997, 326-28.

⁸⁶ On this, see especially MARTIN and NÉMO-PEKELMAN, 2008, but also BRONISCH, 2005, 116-125.

⁸⁷ VIVES, 1963, 524; LINDER, 1997, 529-35.

slaves returned to them, Jews were returning to Jewish practices, which would presumably have put those slaves at equal risk of apostasy. While the perceived threat of a violent trans-Mediterranean Jewish conspiracy must be acknowledged as another important justification for the sweeping sanctions, the centrality of slave ownership to the rationale given by Egica for his drastic move is striking.

This survey of the Visigothic legislation illustrates that far from merely repeating Roman law on the Jewish ownership of Christian slaves, there was variety in the way rulers went about trying to control the practice and the reasons given for doing so. We see that what started as a relatively straightforward reiteration of earlier laws by Reccared became increasingly detailed considerations of possible scenarios under Sisebut, Recceswinth, Erwig and Egica, with fluctuating consequences for those who contravened the rules. It is perhaps unsurprising that this particular set of kings, whose legal output demonstrates a clear interest in projecting themselves as defenders of the Christian faith, turned towards the ownership of slaves as part of a wider concern with limiting Jewish activity in the kingdom.⁸⁸ Attempts to regulate the purchase and ownership of enslaved Christians were carried out with threats (loss of the slaves, fines, loss of property) and incentives (repayment). Circumcision and conversion brought greater opprobrium, with penalties ranging from the confiscation of slaves and property to death. If it is difficult to discern a clear and consistent escalation in approaches and attitudes by rulers and councils to what should be done about the Christian slaves of Jews, there were nevertheless new developments over the seventh century. In addition to the laws targeting Jewish owners and circumcisers, we find an attempt to curb Christians selling slaves to Jews.⁸⁹ More significantly yet, penalties were imposed on the slaves themselves, as was first done under Sisebut and more radically under Recceswinth, but also under Erwig. Finally, the enslavement of all Jews, even those who had been baptized, represents the ultimate and extraordinary step in ensuring Jews would never again risk being in control of Christian bodies and souls – the slave-owners were themselves reduced to slavery.

On the back of this shifting legislation, we might assume that the situation on the ground is what called for an intensification – if not strictly speaking linear – of measures against the ongoing problem of Jews owning Christian slaves. The repeated attempts to forcibly baptize Jews and their subsequent apostasy would certainly be one explanation for the attention given to the issue.⁹⁰ The apparent lack of success of for Sisebut's mass baptism injunction created a situation in which a group of nominal Christians was permanently suspected of insincerity in its new religious identity, evinced by the raft of legislative controls to ensure their continued adherence to Christian beliefs and practices, including episcopal surveillance, forced participation in religious services and periodic public oaths.⁹¹ The baptized Jews were ultimately never considered fully Christian from a legal perspective and were always referred to as 'Jews' in the law.⁹² With the suspicion that baptized Jews were apostatizing came concerns about those under their authority: their wives, their children and their slaves. The laws against slave-owning can therefore be considered together with those attempting to prevent Jews from marrying Christian women and passing their faith on to their

⁸⁸ On the possible ethnic dimension of this attempt to find unity in the kingdom, see BUCHBERGER, 2019.

⁸⁹ STOCKING, 2008, 651.

⁹⁰ As noted by BRONISCH, 2005, 155.

⁹¹ GONZÁLEZ SALINERO, 2000, 81-85, 92-99; STOCKING, 2014.

⁹² CHERNIN, 2019; BENVÉNISTE, 2006, 78; GONZÁLEZ SALINERO, 2000, 99-110.

children,⁹³ many of which were issued by the same kings and councils. Although there were still non-baptized Jews present who were targeted by the same legislation, the baptized Jews may have appeared all the more threatening for the fact that they could own Christian slaves with impunity but might involve these in their own backsliding tendencies.⁹⁴ The uncertain legal identity of baptized Jews created a need to define with ever greater clarity the relationship these might have with those under their control.

Assuming that the baptism and apostasy of Jews were a driving force behind the legislation on Jewish slave-ownership is nevertheless not without its own dangers. We began by stating the risks of reading narrative sources such as the PM as reflections of historical fact, and we must be cautious not to replace the positivistic reading of one set of sources with that of another. Scholars have become increasingly wary of interpreting the Visigothic laws unproblematically as evidence of social practice, including the baptism and apostasy of Jews.⁹⁵ As Rachel Stocking has argued, these laws probably do more to reflect the nature of identity construction than tell us about what Jews and Christians were up to in their localities.⁹⁶ Jews may indeed have been caught up in broader processes of thinking about, first of all, the social and legal categories of free and unfree in the Visigothic kingdom, as argued by Céline Martin and Capucine Némo-Pekelman.⁹⁷ Visigothic law was very concerned generally with slaves and their status: almost half of the estimated 500 laws issued under Visigothic rule concern slaves in some way.⁹⁸ Legal scholars have read in these laws improvements in the status of slaves in Iberia over the Visigothic period that included greater rights of protection from abuses perpetrated by masters and also increased ability to testify in court.⁹⁹ This improved status, at least in theory, may help to explain why the potential conversion of slaves by Jewish masters so troubled the legislators: if slaves were increasingly seen as persons in their own right, their religious identity might have been seen all the more as something worth protecting. It may also explain why slaves themselves were targeted by the laws on conversion and circumcision. Although we might imagine they had little to say in the matter of their religious affiliation while enslaved, it could be that they were imagined to have such freedom. Indeed, the ‘plantation slave’ suggested in the Mantius account might not have been the dominant slave regime in Iberia, where some have argued for a predominance of *servi casati*: slaves with their own holdings and families; this much is suggested by Sisebut’s law of 612 (12.2.14) in which Jews are forced to give up their Christian slaves together with the properties the latter owned, whether for housing (*sessio*)

⁹³ An important moment of suspicion was the Third Council of Seville (624), where Jews were accused of presenting their Christian neighbours’ children for baptism in lieu of their own, a behaviour that could be compared to feigning adherence to Christianity to maintain control of their slaves. On which see STOCKING, 2014; DREWS, 2002.

⁹⁴ As evidence of their continued existence: TIV, can. 62: MARTÍNEZ DÍEZ and RODRÍGUEZ, 1992, 239.

⁹⁵ NÉMO-PEKELMAN and FOSCHIA, 2014, and ALBERT, 2014.

⁹⁶ STOCKING, 2008, 651-52.

⁹⁷ MARTIN AND NÉMO-PEKELMAN, 2008. On shifts in the status of slaves in Visigothic Iberia, see GARCÍA MORENO, 2001; BONNASSIE, 1991; BONNASSIE, 1985; CLAUDE, 1980.

⁹⁸ BONNASSIE, 1991, 71. For a comparison with other law codes, see BONNASSIE, 1985, 316-17. It is beyond the scope of this article to examine what exactly was being stipulated in all this legislation on and about slaves, which awaits more thorough examination for the Iberian peninsula.

⁹⁹ BONNASSIE, 1991, 73. On the other hand, laws to prevent runaway slaves grew increasingly harsh, *ibid*, 95-96.

or agricultural production (*mansio*).¹⁰⁰ We do not need to know whether these laws reflect social practice, once again, just that slaves were projected as having freedom enough that threats of perpetual servitude and death (vs. manumission if they revealed themselves as the Christian slaves of Jews) could have been considered a conceivable means to prevent their conversion to Judaism; through these laws they were imagined to have the legal power to resist.¹⁰¹ A change in the legal status of slaves may therefore have brought greater attention to their religious identity, prompting legislators to consider more carefully the potential threats to which this identity might be subject.

If we imagine that the Visigothic legislators were “experimenting with varying configurations of religious identity drawn partly from their own communities, partly from their stores of tradition, and partly from their contemporary goals, fears, and prejudices,” we must unpack the theological rationale that underpinned the laws made in a kingdom in which bishops wrote prolifically on theological issues while being active law-makers.¹⁰² This is perhaps most evident in the treatise by Julian of Toledo that concerned the very question of Jewish ownership of Christian slaves, now unfortunately lost.¹⁰³ Judging from what does survive, two fundamental theological problems might be said to govern Visigothic approaches to the ownership of Christian slaves by Jews. The first is the idealized relation of servitude between Christians and Jews that was thought to be reversed by Jews owning Christians. The reason why this was deemed unacceptable was that since the advent of Christ, Jews were thought to be in a position of deserved subjugation with respect to Christians.¹⁰⁴ Numerous Old Testament figures were interpreted to support the principle of Jewish servitude, including Cain (condemned to wander the earth), Ham (deservedly enslaved by his brothers), and Esau (born first but destined to forever serve his younger sibling, Jacob). Augustine rooted his doctrine of Jewish witness in these biblical allegories, but especially Ps. 58:12 (*God shall let me see over my enemies: slay them not, lest at any time my people forget*): the Jews were not to be destroyed because they preserved the books in which Christian prophecy about Christ is found, thus serving the Christian ‘truth’.¹⁰⁵ But the policy of ‘slay them not’ did not amount to a benevolent toleration. It still maintained that Jews should live in a state of permanent inferiority in order to illustrate how gravely they had erred in killing Christ and not believing he was the promised Messiah.

The Augustinian idea of Jewish servitude implied that the correct relationship between the two communities was one in which Jews served Christians, and went on to deeply influence Isidore of Seville, the seventh-century bishop who had an important hand in drafting legislation and writing foundational works of theology.¹⁰⁶ Isidore’s polemical treatise against the Jews, the *De fide Catholica*, articulated the idea of Jewish servitude in a

¹⁰⁰ This model of slave-ownership already existed in the Roman Empire: ROTH, 2016. For the growth in *servi casati* in Visigothic Iberia, see GARCÍA MORENO, 2001. For a useful discussion of the diversity of slave regimes, see DAVIES, 1996; RIO, 2017; SUTHERLAND, 2020.

¹⁰¹ The question of free will from a theological perspective, and its limits in Jews choosing to convert to Christianity is explored by NÉMO-PEKELMAN, 2017.

¹⁰² STOCKING, 2008, 621.

¹⁰³ *Item librum responsionum ad quem supra directum in defensione canonum et legum, quibus prohibentur christiana mancipia dominis infidelibus deseruire*. FELIX OF TOLEDO, 2014, 12.

¹⁰⁴ SAPIR ABULAFIA, 2014.

¹⁰⁵ For a summary, COHEN, 1999, 35-37.

¹⁰⁶ COHEN, 1999, 95-122. Although Isidore does not make much of the Augustine witness theory, it shapes his general view of the Old Testament’s service to Christianity, as articulated by DREWS, 2006, 158.

number of chapters.¹⁰⁷ In a chapter entitled, ‘the rejected Jews and reprobation of the Synagogue’, he interpreted the devastation prophesied in Isaiah 1:7 to mean that the Jews would be condemned to captivity, one that was to extend beyond that suffered historically under Babylon or Rome, and was to be eternal.¹⁰⁸ In a connected chapter, the Jews are again said to be doomed to an ‘irrevocable captivity’, based on Jer. 13:19 and 18:5.¹⁰⁹ Amos (5:1-2) had likewise foretold that God would never have mercy on the Jews but that they would remain permanently in desolation: “The house of Israel is fallen, and it shall rise no more. The virgin of Israel is cast down upon her land, there is none to raise her up.”¹¹⁰ Although these biblical texts are not directly cited in the Visigothic legislation, Isidore’s closeness to Sisebut may well explain the way some of the laws discussed above were articulated: “the perfidy of the Hebrews shall have absolutely no power over Christians,” because “the deadly dominion of the Jews over Christians should be abhorred,” reads Sisebut’s law (12.2.14).¹¹¹ Erwig’s legislation was also clearly shaped by this attitude:

“It is an unbearable crime that the Jewish nation, ever rebellious and impious toward the Lord, should have Christian slaves bound to its service and that in a travesty of our religion an honorable member of Christ is humiliated before the sons of the damned, and the part dedicated to Christ in baptism subjugated to the service of the perfidious, and thus the body of Christ would seem to be obedient to ministers of the Antichrist when, in a reversed order, those who oppose our faith in their way of life have servants of our faith obedient to their impiety.”¹¹²

We might recall that it was against this background that Erwig prohibited Jews from manumitting their slaves, because the owners were lower than those they were manumitting. According to the schema laid out by Isidore, under the influence of Augustine (and Gregory the Great), Jewish servitude was the basis for a properly-ordered Christian society, hence why it was imperative to prevent the reversal represented by Jews owning Christian slaves.

Connected to the issue of servitude and proper Christian hierarchy, another theological principle underlies concerns about the conversion of slaves to Judaism: Christian supersession. According to this idea, the advent of Christ had brought about the fulfillment of Mosaic Law. No longer were the sacrifices, dietary laws and other ceremonies prescribed in the Hebrew Bible necessary, because Christ’s sacrifice had rendered them meaningless and void. Not only that, they were a carnal manifestation of a covenant that was now supposed to be spiritual. An entire chapter of Isidore’s *De fide* is dedicated to circumcision as the former covenant now rendered superfluous.¹¹³ He explains that it was originally a practice necessary for ensuring that Christ came from the seed of Abraham, as it maintained Jews separate and distinct from the peoples among which they lived. Circumcision was the means by which God kept Abraham’s line from mixing until Christ was born in order to cleanse the hearts of all peoples, not through circumcision of the flesh but through the amputation of vices. Christ indeed marked the end of circumcision as a necessary or desirable

¹⁰⁷ On which see DREWS, 2006, 148, 152-156.

¹⁰⁸ *Isaias autem Iudaeorum captivitatem aeternam sic exprimit.* ISIDORE OF SEVILLE, PL 83:517.

¹⁰⁹ ISIDORE OF SEVILLE, PL 83:519.

¹¹⁰ ISIDORE OF SEVILLE, PL 83:519-20.

¹¹¹ LINDER, 1997, 271-73.

¹¹² LINDER, 1997, 303-304.

¹¹³ Chap. 16. (ISIDORE OF SEVILLE, PL 83, 524-526). For a very brief discussion, see DREWS, 2006, 142-44.

practice, and Isidore cited a number of Old Testament passages to indicate how the transition from corporeal to spiritual circumcision through baptism was foretold, for example, Isaiah 43:20 ('I have given waters in the wilderness, rivers in the desert, to give drink to my people, to my chosen'). Jews would not receive this true circumcision of the heart, which purges the faithful of illegitimate vices, until the end of times, as foretold by Jer. 9:26. By continuing to perform circumcisions, Jews neglected the spiritual circumcision performed in baptism, leading Isidore to condemn the practice as not just unnecessary but perfidious, because it came at the expense of the kind that really mattered: "those who venerate the circumcision of the flesh lose the purity of the heart."¹¹⁴ With this idea of circumcision in mind, we can see how Isidore and his contemporaries would have feared to expose Christians to the risks of being circumcised as not just an empty but a potentially damaging sign that placed their very souls in danger.¹¹⁵ Although we again do not find these particular biblical passages cited in law, Isidore's rationale for the end of circumcision is articulated in the oaths baptized Jews had to proclaim at various intervals throughout the seventh century (e.g. in 638).¹¹⁶ We can understand, therefore, why the idea of Christians being circumcised would have been thought so abominable as to prompt the density of legislation against it we see in the Visigothic kingdom, a society seeking to project itself as the most Christian of social polities, in theory and in practice.¹¹⁷

3. Conclusion

Returning now to our hagiographical starting point, the PM's unusual depiction of a Christian martyred by Jews resonates considerably with the Visigothic legislation and its repeated insistence on forbidding the ownership of Christian slaves by Jews, underpinned by theology. The PM showcases a tyrannical Jewish family in possession of and torturing a Christian slave in a reversal of what the author found the proper social order, together with legislators and theologians. For Jews to own Christian slaves exposed the latter not just to the violence of servitude – interpreted in the PM quite literally as extreme cruelty ending in death – but also to the risk of conversion, no doubt understood in Mantius' case as circumcision.¹¹⁸ Both of these separate but connected risks occupied lawmakers throughout the sixth and seventh centuries. Both violated fundamental theological principles discussed by contemporary theologians, such as Isidore of Seville. Although Jewish slave-ownership had a long legal and theological history, representing the legacy of Roman law and the thought of Augustine, it was also exacerbated by the unique situation in Visigothic Iberia, where intensified thinking about slaves and about Christian and Jewish identities in the wake of a mass forced baptism attempt raised significant confusion as to the status of the 'new Christians'. In an attempt to police the identities of potential apostates, laws sought to curb

¹¹⁴ Chap. 28. (ISIDORE OF SEVILLE, PL 83, 536).

¹¹⁵ Circumcision was also apparently used as a punishment against rebellious soldiers. BENVÉNISTE, 2006, 80.

¹¹⁶ LINDER, 1997, 494-500. On which see BRONISCH, 2005, 69-74. Recceswinth's oath does not contain quite the same close formulation, although it mentions Chintila's earlier oath. See LINDER, 1997, 278-281.

¹¹⁷ See for example, WOOD, 2012.

¹¹⁸ Although circumcision is never explicitly mentioned, the fact that Jews are condemned for following a faith more carnal than spiritual suggests this is what Mantius was facing: *cum Iudaice perfidie reppaculis duruissent, qui domini putabantur, religionem non in corde credentes esse sed carne... Iudaice supprestitutionis [sic] et confessionis summeret voluptatem*. YARZA URQUIOLA, 2020, 1158-59.

the control these suspect Jews were imagined to exercise over others: their wives, children, slaves, and any Christian. Perhaps the most noteworthy legal innovation of the period were the rules aimed at the potential victims, which cast them as agents in refusing or accepting conversion to Judaism by articulating a range of threats and incentives. Together with appealing to would-be Christian sellers of slaves to Jews, such new legislation envisioned an ideal society in which the supremacy of Christians (of any rank) over Jews would be universal: a social expression of the theological principles written about with such clarity by Visigothic writers. It therefore sought to shape the discourse around the Jewish presence in Visigothic society, by making any power Jews might wield over Christians an abomination of the correct social order.¹¹⁹ It did so on the back of old laws, but framed in new ways. Without needing to assume that these laws “were issued in response to real Jewish actions,” or that the problem was widespread, the very idea of Jews, especially baptized ones suspected of apostasy, having authority over Christians was so unacceptable in a Christian kingdom that was fashioning itself as the ‘new Israel’ that any instance would have been considered one too many.¹²⁰ While we may not learn much about the social realities of the ownership and conversion of Christian slaves by Jews from these texts, the insistence, specificity and variability of the Visigothic legislation suggests the issue loomed large for the authorities, kings and bishops alike, and included the cleric who composed the PM.

Table 1: Visigothic law on Jewish ownership/conversion of Christian slaves

| Date | Law Code | Number | Prohibition | Punishment |
|------|------------------------------------|---------|---|--|
| 506 | Breviarium Alarici | 3.1.5 | Purchase Conversion | Christian slaves in possession of Jews repurchased |
| 506 | Breviarium Alarici | 16.4.1 | Purchase Circumcision | Circumcised slaves manumitted |
| 506 | Breviarium Alarici | 16.4.2 | Purchase Acquisition via gift Conversion of slave | Slave manumitted Capital punishment |
| 589 | TIII | 14 | Purchase | Circumcised slaves manumitted |
| 612 | Leges Visigothorum (attr. Sisebut) | 12.2.13 | Possession | Christian slaves in possession of Jews manumitted Circumcised Christians punished |
| 612 | Leges Visigothorum (attr. Sisebut) | 12.2.14 | Employ/ownership/patronage/service Conversion and circumcision | Capital punishment for conversion/ circumcision |
| 633 | TIV | 59 | Circumcision | Circumcised slaves manumitted |
| 633 | TIV | 66 | Possession Purchase Acquisition via gift | Christian slaves in possession of Jews manumitted by king |

¹¹⁹ Law involves rhetorical positioning of Jews as all kinds of evil – it is an expressive medium, it communicates theological principles and narratives about social groups (BENVÉNISTE, 2006; WALTER, 2022).

¹²⁰ STOCKING, 2008, 649.

| | | | | |
|-----|----------------------------------|---------|--|--|
| 638 | TVI | 3 | <i>Confirms all laws of TIV</i> | |
| 654 | Leges Visigothorum (Recceswinth) | 12.2.12 | Purchase Acquisition via gift Circumcision | Circumcised slaves manumitted Loss of property to fisc |
| 656 | TX | 7 | Sale (by clerics) | None specified |
| 681 | TXII | Opening | Possession | See Erwig's laws below |
| 681 | TXII | 9 | <i>Confirms all laws in Erwig's code (below)</i> | |
| 681 | Leges Visigothorum (Erwig) | 12.3.12 | Possession | Christian slaves freed (but not manumitted by Jews) Loss of half property to fisc/flogging and decalvatio |
| 681 | Leges Visigothorum (Erwig) | 12.3.13 | Ongoing possession under false conversion | Loss of property, 100 lashes, decalvatio, exile Christian slaves become responsibility of king |
| 681 | Leges Visigothorum (Erwig) | 12.3.16 | Christian slaves not revealing their identity | Perpetual slavery |
| 681 | Leges Visigothorum (Erwig) | 12.3.17 | Authority over Christians | For Jews: Loss of half property to fisc/flogging and decalvatio For Christians abetting: 5/10 pounds gold to fisc/decalvatio and flogging |
| 681 | Leges Visigothorum (Erwig) | 12.3.18 | Possession | Slaves who are baptized manumitted |
| 681 | Leges Visigothorum (Erwig) | 12.3.19 | Authority over Christians (as agricultural administrators) | For Jews: Loss of half property, 100 lashes For clerics abetting: properties under Jewish management to fisc/exile |
| 694 | TXVII | Opening | Enslavement of Jews on basis of continued Jewish practice in face of ownership of Christian slaves | |
| 694 | TXVII | 8 | Enslavement of Jews | Christian slaves receive former owners' land |

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