

Some clarifications on several aspects of the history of Jews in Medieval Catalonia*

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ABSTRACT

The settling of Jews in the Catalan Countries is prior to the year 1000. In the 12th and 13th centuries many Jews acted as administrators and financiers at the service of the Catalan kings, as well as emissaries to the Moslem governments. In the 13th century Jewish communities spread over a great number of Catalan towns where they devoted themselves intensely to crafts and commercial activities.

At that time the Hebrew denomination of Sepharad indicated the Moslem lands; it never included Catalonia, which formed a political, linguistic and cultural *continuum* with the Provençal territories. The modern denomination *sephardim* is, therefore, anachronical when it refers to the times preceding the 1492 expulsion.

Jews, considered from antiquity as a separate ethno-religious group, were allowed to apply their own laws in questions concerning private rights, as well as to teach the Hebrew language and culture, although they always used Catalan as their spoken language. Catalonia gave birth to eminent figures of the medieval Hebraic culture: Judah ben Barzillai, Abraham ben Hasday, Solomon ben Adret and Hasday Cresques, from Barcelona; Nissim ben Reuben and Moses ben Nahman, from Girona; Isaac ben Sheshet Perfet, from Barcelona but living in València; Simeon ben Tsemah Duran from Majorca; and Menahem ha-Meiri, from Perpinyà.

KEY WORDS: Jewish Catalonia, Hebraic law, Šeṭarot, 'Calls', Rashba, Ramban, religious disputes, Sepharad.

ORIGINS OF THE JEWISH POPULATION OF BARCELONA AND ORGANIZATION OF THE ALJAMA

Although it is not possible to date the initial settling of Jews in the lands that later became Catalonia, everything seems to suggest that some Jews were already there in very ancient times, much before the existence of a Catalan consciousness. Catalonia was made up of lands where a Jewish population had been living side by side with Christians from times immemorial. In spite of the scarcity of documentation there is enough to allow us to confirm the presence of Jews in the High Middle Ages. If we focus specifically on the Jews that were living in the lands of present-day Catalonia, there exists also very ancient evidence of their presence among Christians. The trilingual headstone at Tortosa (in Hebrew, Greek and Latin) is 6th century according to Millàs i Vallicrosa, and there is no serious reason to doubt its authenticity. On the contrary,

it can be most naturally ascribed to the place and time to which the majority of experts assign it. It should not be forgotten that Majorca was Byzantine from 534 to 810, which would explain the presence of Greek. On the other hand, a great number of councils celebrated in Septimania and in the Iberian Peninsula passed measures to discriminate Jews from Christians as well as to put an end to Jewish proselytism, that in the old times was more important than usually thought. It even seems that at that time common people did not distinguish clearly Jew from Christian because they shared a common religious world and partly the same sacred scriptures.

Already in the first council held in Hispania that took place in Elvira (Granada) in 306, the bishops present issued quite a number of laws against contact and relationships between Christians and Jews. The councils of Toledo in the 6th and 7th centuries did the same. But, paradoxically, it seems that nobody rejected the services done by Jews: in the second half of the 7th century Juliano from Toledo sends a book to his friend Idaci, bishop of Barcelona, by means of a Jewish merchant called Restitutus carrying merchandises to this town. It is logical to think that this Jewish merchant had fellows of his own faith in Barcelona. This is the same Juliano from Toledo

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who in his work *Historia rebellionis adversus Wambam* states that in Visigoth Narbonne many Christians converted to Judaism. All the councils of Visigoth and Merovingian Gaul tried to put limits on Jewish influence as well as to the relationships between Jews and Christians in order to repress the efforts of Jewish proselytism. The existence of so many canonical prescriptions and legislative prohibitions make sense only if we accept the importance of the Jewish population in those territories. Historical data seem also to confirm this. At the end of the 8th century, Pope Stephen VII complained that in Septimania and Hispania Jews were allowed to own land amongst that of Christians and that they also hired Christians to work on them.

At another level, we must remember that the Jewish population spoke the language of the country: the Romance language of the time that was to become the Catalan language still spoken today. We should not imagine for a moment that they spoke Hebrew, neither then nor at any other moment in the Middle Ages, because even in Palestine at the beginning of the Christian era, Hebrew was not the usual speech. There is plenty of evidence to prove that, if Jewish masters wanted to be understood by their congregation, they had to translate the Bible they read at the synagogue, as well as the synagogal prayer into the vulgar speech.

If we look beyond the other border of medieval Catalonia, into the Southern Moslem lands (where the South started, later to become the new Catalonia), called Al-Andalus in Arabic and Sepharad in Hebrew, we also find Jews who had been living there since ancient times; they lived, though, under circumstances that were politically, socially, linguistically and culturally different. In fact, the degree of adaptation of Jews in the area of Hispania that had become Moslem was also very high. They used Arabic as their vehicle not only to talk but also to write the greatest works of medieval Jewish culture, with the exception of poetry.

One of the most relevant facts in the history of Jews in the Iberian Peninsula was the arrival of different waves of Jewish immigrants from the North African countries and from the Middle East which began in the 8th century; they joined a Jewish population that had been there since ancient times. The great 11th century poet Solomon ibn Gabirol must be alluding to these origins of the Jewish population when he stated that half of them spoke Arabic and the other half the Christian language, that is, the Mozarabic language of those lands. Writing about the Hispanic Jews, an anonymous Arabic author states that they were a mixture of descendants from Jews that had been living there since ancient times and Jews coming from Northern Africa and Western Asian countries. The material and cultural progress of the Cordovan caliphate was, after 929, a lure that stirred many Jewish families to sail the sea towards the prosperous Andalusia of those times.

The sources of information available to the historian studying this period witness that a great number of Jews

came to Al-Andalus mainly from North Africa, where endless wars had created an atmosphere of uncertainty and fear. Many others came from the Jewish communities of the Middle East where they had been suffering for years the havoc of Byzantine armies fighting for the domination of Syria and Palestine, while some came from lands further to the West, such as Ifriqiya and Magreb. This was a migratory movement of an enormous magnitude.

Two most transcendental historical facts for Hebrew culture and for Judaism took place in those Southern lands of the Iberian Peninsula: the arrival of the Babylonian Talmud and the retrieval of the literary use of the Hebrew language. From information (although of a legendary character) given by Judah ben Barzillai of Barcelona, we can infer that the Babylonian Talmud appeared in Moslem Hispania at the end of the 8th century. On the other hand, the contiguity with the Arabic culture of Al-Andalus prompted Jews to study the Hebrew Language and to initiate a process of cultural and linguistic hebraization that continued throughout the Middle Ages. Hebrew became again a language of culture beyond the limits of its liturgical use. It seems that during the High Middle Ages, Jews in the Catalan lands who spoke only the language of the country soon became proficient in the Hebrew language as a language of culture, in a similar way to the use of Latin by Christians. We already find authors in Hebrew in the second half of the 11th century, a time when literary production started and was not to cease until the end of the 15th century achieving moments of great splendour.

Referring more specifically to the Jews in Barcelona, there is also very old evidence of their presence amongst, or rather side by side, with Christians. In a council held in Barcelona in 599 it was stated that any person who had embraced Judaism or had declared himself Jewish would be inhabilitated to bear witness in lawsuits. A letter from the middle of the 9th century by Amram ben Sesna, gaon of Sura (Babylon) is addressed to «all sages and their disciples, as well to all our brethren of the house of Israel living in the city of Barcelona», although the authenticity of this address is still under dispute. The *Annales Bertiniani* report how in the year 852 the Barcelona Jews helped Moslems to seize the city. There are quite a lot of documents from shortly before or shortly after the year 1000 that prove the existence of lands in Barcelona owned by Jews. Also the original text of the *Usatges*, from the 11th century, implies the presence of Jews in the city. Later, in the 12th century, information and documentation (for instance on the Peace and Truce assembly of 1198) become more abundant and prove that Jews were firmly rooted in these lands, although they did not seem yet to have the religious and civil institutions that would have been an old precedent of the *aljama* of later centuries. It is interesting to see that in the Christian documentation of those times Jews were called Hebrews (an apparently neuter ethnic denomination). It was not until the 13th century that Hebrews became Jews in the Catalan lands (a reli-

gious denomination that progressively acquired negative connotations, in case they were not already there).

ON THE NAME 'SEPHARAD' IN RELATION TO CATALONIA

When speaking or writing in Hebrew today, Catalonia is included under the denomination 'Sepharad' (because this Hebraic name designates the present political body called *Spain*, in which we Catalans are today integrated as a result of historical circumstances and multiple weaknesses). However, Catalonia was not included under the denomination 'Sepharad' in medieval Hebraic literature. To state the opposite is anachronical since it projects backwards the meaning this coronym acquired in later centuries. It is worth clarifying the scope of the Hebraic denomination *Sepharad*, and therefore also of the ethnic name 'Sephardi' that in modern times has been introduced from Hebrew into modern languages. As was the case with other geographical names (Hebraic *Tsarefat* for France is a close and similar example),¹ the denomination Sepharad has covered throughout the centuries different areas of a given territory, in this case of the Iberian peninsula; but it does not seem to have included Catalonia until the 15th and 16th centuries, when Sepharad became the usual Hebraic name to designate Spain, in accordance with the advances and conquests of the latter.²

In the 13th century, for instance, during the times of master Moses of Girona, known today as Nahmanides, Sepharad still meant the peninsular Moslem lands called in Arabic Al-Andalus, including also perhaps some already re-conquered Christian lands in the same area.³ The Christian kingdoms that were above them were generically called 'the land of Edom',⁴ a denomination that the Talmud and some midrashim had given to the Roman empire, to Christian Rome, to the Christian countries, and ultimately to anything having some connection with Christianity.⁵ Besides, each kingdom was called by its specific name, if it had one: Castile, Aragon, Catalonia, etc. There are countless literary examples bearing witness to this situation.

Although we must be cautious about the origin of the letter sent by Hasday ibn Shaprut to Joseph, king of the Khazars, for instance, its contents should be reported: «Know –he writes– that the country we inhabit is called in the holy language Sepharad, and Al-Andalus in the language of the Ismaelites that live here. The kingdom's capital is called Cordova». ⁶ Some authors have already realized this and acknowledge that in the 10th century Andalusí Arabs and Jews referred to the Catalan territory, together with the lands beyond the Pyrenees, with the denomination of 'France' or 'land of the Franks', as something outside Sepharad.⁷ Abraham bar Hiyya (Barcelona, who died shortly after 1136) talks about his books that came from Sepharad, written in Arabic: «If I had found in the land of Tsarefat a work like this [the *Sefer ha-Ibbur*,

that he had just finished writing], written in the holy language, that had thoroughly clarified this theme by providing sufficient evidence, I would not have gone to such trouble; or if I had seen among the books from Sepharad⁸ written in Arabic language that have reached my hands, some work dealing with these questions in an appropriate way, I would have translated it into the holy language according to my abilities, and would not have added anything of mine». ⁹ In the 13th century, several Hebrew-Catalan authors such as Moses ben Nahman, Jonah ben Abraham and Solomon ben Adret still write about the books coming from Sepharad, praising the accuracy of their copies. Judah ben Barzillai (Barcelona, 12th century) in his *Sefer ha-Ittim* sets Sepharad (the Moslem lands) very clearly against the land of Edom (the Christian countries). Abraham ibn Daud (Toledo, 12th century) tells us that Isaac ben Reuben, *al-Barceloni*, moved to Sepharad (specifically to Moslem Dénia) coming from another country: Barcelona.¹⁰ Isaac ben Sheshet Perfet (rabbi of València in 1391), writing about the death penalty that must be imposed on slanderers and betrayers (*malšnim*), says that this is what was done «in the holy communities of Sepharad, Aragon, València and Catalonia». ¹¹ In the introduction to the so-called *Taules astronòmiques del rei Pere el Cerimoniós* (from the second half of the 14th century), the Hebrew text says that the author is «Mestre Ya'aqov Corsino, yehudi mi-Sefarad», whereas the Catalan text says: «Master Jacob Corsuno, Jew of Spain». ¹² In order to indicate the place of origin of this Jewish master who was, apparently, Andalusian, neither Spain nor its Hebrew equivalent Sepharad obviously referred to any area of the Catalan-Aragonese kingdom. Isaac Lattes from Montpellier, in his work *Qiryat sefer* written in 1372, mentions the great number of authors that lived in the lands of Maghreb, Sepharad, Catalonia, Tsarefat and Ashkenaz, tracing a quite illustrative progression. ¹³ Gleaning medieval Hebrew literature, much evidence is found that Catalan Jews did not consider themselves inhabitants of Sepharad. There is a logic: they were neither from Al-Andalus, which is what was originally meant by Sepharad, nor were they from Hispania to which the name Sepharad was later applied. ¹⁴

Many researchers have already realized the anachronism committed when, on finding the name of Sepharad in medieval Hebraic texts it is applied to Catalonia. «Contrary to what is said in some works on the history of Jewish culture, Catalonia and Provence did not belong to the territory called Sepharad: they were independent dominions. These two territories were situated between Tsarefat and Sefarad» states lucidly B. Z. Benedikt,¹⁵ who adds that the Jewish sages of Barcelona and Catalonia (he is talking in particular of Judah ben Barzillai) were in no way considered «sages of Sepharad». F. E. Talmage recognizes that the Occitanian lands and Catalonia formed a political, linguistic and cultural continuum different from Castile and the rest of Hispanic states.¹⁶ H. Soloveitchik asserts that Barcelona was, from a Jewish cultural point of view,

part of Provence, in spite of some aspects that made it different.¹⁷ I. Twersky stresses that «it is difficult to draw rigid lines between Catalonia and Provence which, sometimes united politically, regularly appear as a one cultural sphere».¹⁸ Another contemporary scholar writes: «It is curious to see how these Jewish authors [from the Christian lands in the Iberian peninsula] did not call themselves in their writings *sefaraddiyim* but ‘Catalan’, ‘Castilian’, etc, according to the name of the Christian kingdom where they lived [...] The designation *sefaraddiyim* was usually reserved for the masters of previous generations such as Maimonides, who had lived in the territories occupied by Moslems».¹⁹ After recognizing Catalonia’s identity as a cultural and political entity different from Spain, B. Septimus, when he refers specifically to the figure of Nahmanides, thinks it is surprising that this author from Girona might be shown as representative of the Spanish Jewish tradition, as if he had been aware of belonging to it.²⁰

The coronym Sepharad gained ground parallel to that of Hispania/Spain. When reporting the birth of Nahmanides, the Ashkenazi David Ganz (1541-1613) writes in his chronicle: «Year 4954 (1193-94): birth of the great master Moses ben Nahman, of blessed memory, from Girona, *sefaraddi*».²¹ In fact, the word Sepharad, due to the close contact with that of Spain, had already been covering the territory of Catalan Jews. These had become, in Hebrew texts, ‘sephardim’, that is, ‘Spaniards’ like the rest of Catalans.

A MINOR DISGRESSION ON THE ETYMOLOGY OF THE WORD ‘CALL’ (JEWISH QUARTER)

There is no doubt that the Catalan word ‘call’ derives from the Latin *callis*, and not, as repeated mechanically by some scholars, from the Hebrew *qahal*, ‘community’. The transcription in Hebrew spelling either of the word ‘call’ or of the expression ‘call juïc’ [or ‘judaic’, or ‘judic’] appears in many medieval Catalan documents; if Jews had considered it a Hebraic word they would have written directly the word *qahal* in their Hebraic documents, and would not have taken the trouble to transcribe the Christian word. It is also highly unlikely that the word *qahal*, ‘community’, that was universally used among Jews, should have only taken the sense ‘Jewish quarter’ in Catalonia and nowhere else. The fact is that the word ‘call’, as it was used in Catalonia in both Latin and Catalan texts, was not a Hebrew word nor a Catalan version of *qahal*. To refer to the streets or to the quarter where they lived, Catalan Jews used other Hebraic denominations that bore no relationship to either *call* or *qahal*: «In the great Israelite quarter [*bi-sekunat Israel ha-gedola*] of this town, called ‘call judaic’ [or ‘call judic’]» states a document of 1324 referring to the ‘Call Major’ of Barcelona.²² The old sense of Latin *callis* is given by Isidore of Seville (*Etymologiarum*, XV, 16:10): «*Callis est iter pecudum inter montes augustum et tritum*». It appears in many places of Catalan

toponymy with the meaning of ‘narrow path’. Originally, therefore, ‘call’ was a horse or bridle path in the same way that originally ‘carrer’ (street) was a cart track. Several Barcelona documents from 1105 and 1116 use the word ‘call’ to refer to the street where Jews used to live, calling it *calle judaico* and *calle judeorum*. This was before the existence of a quarter specifically designated as ‘call’.²³ In Catalonia, at a certain time, the words ‘carrer’ or ‘carrera’ (street) were preferred to ‘call’ to name the urban thoroughfares. This word remained fossilized, though, in some towns to name certain streets which were inhabited by Jews in many cases, but not exclusively. In Castilian Spanish, however, the word *calle* has survived until present times to designate a street. We should also remember that *carrera* is used in Occitania and *callizo* in Zaragoza²⁴ to indicate streets inhabited by Jews, though not exclusively.

THE GOVERNMENT OF THE ‘ALJAMES’ AND THEIR RELATIONSHIP TO CHRISTIAN AUTHORITIES

Until the second half of the 13th century the communities of our Jewish ‘calls’ were governed by *neši'im*, ‘princes’ or ‘lords’ who ruled with absolute power, similar to the lords of many Christian towns and cities. Parallel to the instauration in Christian townships of the system of municipal corporations or *universitats* (given a definite structure during the reigns of James I and Peter the Great) the governing structure of the medieval Jewish community, the *aljama*, was also developed in correspondence to similar social and political circumstances. One of its most important traits was its democratic trend in the system of government, with the election of public offices.

During the 12th and 13th centuries, many Jews held various offices at the service of the counts of Barcelona and kings of Aragon. Some of them occupied very high offices as administrators and financiers. But as civil servants they had to leave their offices after 1283. We have numerous Latin documents from the period prior to 1213 bearing the Hebrew signature of the Jewish bailiff of the Catalan counts and kings, as well as considerable information on Jewish doctors of medicine. During the reigns of James I and Peter the Great –the golden age of Catalan-Aragonese Judaism– Jewish civil servants strengthened their positions as courtiers, interpreters (they are mentioned in James I’s chronicle) and doctors of medicine. In 1283-1284 Peter the Great, as a result of the pressure exerted by noblemen and bourgeois, was forced to pass diverse restrictive laws that excluded Jewish civil servants from the state administration. In 1284 the king granted the city of Barcelona the privilege of *Recognoverunt proceres* that forbade Jews to have any kind of authority over Christians, among many other things. Jewish bailiffs came to an end, but not the collaboration in administrative and economical functions at the king’s service as faithful servants without ostentation of titles. But once a

law is passed, the cheat is ready. During the first half of the 12th century there were practically no Jewish courtiers. Nevertheless, with the strengthening of royal power and the weakening of restrictive laws the number of courtiers (never called civil servants) clearly increased. They acted again as financiers, as stewards of the treasury (never called treasurers) and administrators or, as in the case of Hasday Cresques, as advisors in Jewish affairs even after the riots of 1391.

In the 13th century, when the expansion of Jewish communities towards diverse Catalan cities and towns took place, Jews generally devoted themselves to crafts and commercial activities. Catalan kings sent them as ambassadors on delicate missions to Moslem governments in the Iberian Peninsula and in Northern Africa. But they were never part of the structure of political power. Jews were explicitly owned by monarchs and constituted a considerable source of revenue: «The king's coffer, our own treasure and property». In the 13th century, on top of other taxes, Jews paid a certain amount on the sale of Jewish goods to Christians, and on many occasions they also had to pay the Church the tithes of the lands they had bought from the Christians, although this was always contested and was the cause of serious conflicts. Paradoxically, Jews, in spite of diverse subjections, never saw themselves as serfs to any lord but as free men, always prompt to enter into any negotiations to remain so. Their participation in the commercial life in the Catalan-Aragonese Kingdom took diverse forms, although their role as money lenders²⁵ has apparently attracted most attention among historians due –this is true– to the huge amount of documentation that supports it.

LEGAL SITUATION OF CATALAN JEWS

It is not surprising that in lands and at times when some sectors of the population were ruled by different laws, and when many towns enjoyed jurisdictions of their own, Catalan kings conferred on Jews (considered to be a separate ethno-religious group) the right to administer quite straightforwardly their own norms in questions of private law. Jews were already considered a differentiated religious community when the Iberian Peninsula was still a Roman province. And as such they not only enjoyed the freedom to celebrate their rituals and religious feasts, but also to set and to apply their laws within their own jurisdiction. Visigoths redefined and corroborated a significant part of this situation although trying at certain moments to eradicate Jews completely. Therefore besides Roman law, Visigoth laws, canon law and the charters of numerous towns and territories, we should take into account, the Hebraic law as applied within the Jewish communities and as being accepted as something natural in those medieval circumstances. From the Christian point of view they were no more than another set of charters and privileges that complemented those by which kings

recognized the existence of Jews. From the Jewish point of view the autonomy of the *aljames* and the desire of their inhabitants to be governed by their own laws (which were founded on a legal system that they considered just and, ultimately, on divine revelation), showed also the awareness of their historical unity and of a religious faith that transcended political and geographical frontiers.

Medieval settling privileges and charters often mention the rights and duties of Jews, guaranteeing them freedom of worship and the growth of community life according to their own religious laws. Medieval Catalan *aljames* actually enjoyed a kind of autonomous statute that they had managed to acquire by means of privileges which were very expensively paid for. They administered justice according to Hebraic law; they had their own educational system that included the study of Hebrew language and culture; and they were endowed with institutions to regulate the communities' activities in all spheres of everyday life; these institutions were under the king's or his civil servants' sovereign authority who, if they thought it convenient, took part in the affairs of the *aljama*. The communities' regulations, for instance, had to be endorsed by the king. The kings of the Catalan-Aragonese Crown acknowledged explicitly in diverse periods the validity of Hebraic law, and granted Jews the authorisation to judge their own pleas *secundum legem iudeorum*. In 1229, James I granted to the *aljama* of Calatayud extensive legal and criminal powers including the right to dictate capital punishment and to execute it. In 1239 the Jews of València and the area around it also received the right to judge their pleas (but excluding apparently the right to dictate capital punishment). With this concession the king wanted to encourage Jews to settle in the new lands conquered from the Moslems, although the same year he also granted various exemptions to Christians for the same reason. In 1241 these privileges spread to the *aljama* of Barcelona.

Hebraic law

Hebraic law was both private and public because it did not only rule the affairs of everyday life (buying and selling of commodities and property, family and inheritance questions, complaints, obligations, etc.) but also the public administration of the community. The Jewish community structure and its diverse institutions were also founded on religious jurisprudence.

In their most elementary form, the courts that enforced this law were made up of three adult men appointed by community leaders. In theory, they had to be as they were in the old times, learned in Jewish law, experts on legal norms, although in the Middle Ages they probably were only individuals with a supposed –rather than certain– level of education who took advice from Talmud masters well trained in the technicalities of jurisprudence.²⁶ Hebraic law required that the judges of these courts were people with a good reputation and not related by blood. Trials used to take place in the synagogue on fixed days but never on Saturdays nor on holidays. Witnesses were

examined in the presence of the pleading parts. According to Solomon ben Adret (II:393) women did not appear in front of the bench; their testimony was collected at their homes by the court's deputies. The court had an emissary and a clerk whose expenses were paid by the litigants, but the judges did not get any remuneration.

These courts had the power to impose sanctions and punishments, such as fines, seizure of goods and bodily punishments (whipping). The most traditional and rigorous punishment was excommunication, or *herem*, that differed according to the transgression and place. Excommunication forbade all relationships with the transgressor; nobody was allowed to talk to him nor have any commercial relationship with him, nor to marry him (neither him nor any member of his family). This punishment was resorted to because Jewish authorities lacked any power related to political sovereignty that would allow them to impose other types of punishments or confinement in order to enforce the observation of the law. Excommunication was an effective measure that could have terrible consequences for the transgressors, who in part lost all chances of survival in the island of the Jewish community, surrounded as it was by practically always hostile nations.

The majority of lawsuits among Jews or between individuals and leaders of the community were settled in front of a court made up of three judges; but in many places arbitration courts were established, or courts made up of 'lay' judges. That is, judges who were not expert in the knowledge of biblical or Talmudic laws, who judged according to the community's regulations or commercial customs, or according to what was dictated to them by their sense of justice; sometimes they took advice from some authority in jurisprudence. The Talmud already mentions these judges, and there are plenty of references to them in the *Responsa* of Solomon ben Adret.

The prohibition to resort to non-Jewish courts

The national character of Hebraic law is also perceptible in the existence of an extremely rigorous prohibition to resort to non-Jewish courts. In ancient *midrashim* it was esteemed that to resort to non-Jewish courts was to deny God's existence and the Torah, as well as to transgress the precept that forbids the profanation of the name of God. Nevertheless, in the socio-political context of many diaspora locations it was not always possible to observe this prohibition strictly. The main problem occurred when one of the parts was a recalcitrant individual who, having appeared before a Jewish court and having lost his case, refused to comply with the verdict, whereas the court, because of its lack of sovereignty, had not enough authority to force him to obey. In circumstances such as these, some old person of authority, for instance Paltoi ben Abbaye Gaon, who lived in the 9th century, accepted that the plaintiff could resort to non-Jewish courts. But later not everybody agreed to this innovation which implied a certain weakening in the internal discipline of the Jewish community. More than three centuries later when our

master Moses of Girona (Moses ben Nahman) was consulted on the validity of resorting to non-Jewish courts (*Resp.* 63), he answered: «I do not know that such a thing be allowed. I do not acknowledge the opinion of these Gaons (sages). It is forbidden to force the appearance in front of a non-Jewish court of even a recalcitrant debtor who refuses to appear in front of a Jewish court; but the Jewish court can draw up an order of seizure of his goods, and if then it is necessary to take the case to a non-Jewish court so that it forces him to comply with what the Jewish judges have decided, this is allowed». But this distinction introduced by Moses ben Nahman in the 13th century did not prevail, as can be seen in the *responsum* II:84 by Solomon ben Adret.

The kingdom's law is law (*Dina de-malkuta dina*)

This well known sentence means that the law of the century is also binding for Jews. It reveals the practical attitude of adaptation to the environment that has allowed Jewish people to live and to survive for centuries in the most varied and adverse circumstances. The Talmud masters had already discussed and substantiated it with subtle disquisitions. Nissim ben Reuben Girondi, who performed his activities as Talmudist scholar in Barcelona, expressed this in a very simple and sincere way when he said that «the country belongs to the king, and he can expel us if we do not obey his laws». Menahem ha-Meiri, from Perpinyà, tried to draw a finer point when he explained that the laws were established by the king for his own benefit or to satisfy his own economic needs. To contravene them meant to stand against his kingly rights. But those arbitrary laws established by the king, exceeding his own power, or the laws originating in ancient codes or the result of customs from other times contradicting the principles of Hebraic law: those are unacceptable.

PRINCIPLES AND CHARACTERISTICS OF HEBRAIC LAW

Halaka and Hebraic law

All texts from ancient Jewish literature, especially those of the Talmud, can be seen under two basic conceptual aspects: when a text or fragment presents statements of an edifying, homiletic, narrative, legendary or sententious character, it is qualified as haggadic, and the whole set of these statements is called *Aggada*; on the other hand, when a text alludes to the legal traditions of Judaism, to religious duties and to ritual norms, it is qualified as halakhic, and the whole set of these statements constitutes the *Halakha* which, *lato sensu*, is the legal tradition of Judaism: in the Talmud, both halakhic and aggadic texts are found intermingled.

Regulations

Starting from the 11th century, when the Talmudic academies of Babylonia that had legislated for the whole

Jewish diaspora and that had wielded on it an uncontested spiritual hegemony, came to an end, Jewish communities when in need of legal advice began to address the Torah and Talmud scholars of their own community. As the communities developed and consolidated their own organized structure, transforming, at the beginning of the 13th century, the hereditary power of the *nešim*, 'lords', into a system with a democratic trend, they had to legislate so that people could channel their economic and civil affairs on the right path of Jewish legal tradition, introducing of course the necessary adaptations required by the political and social circumstances of the times.

The establishment of laws under the form of regulations (*taqqanot*) by the community leaders implied the existence of two legal sources: on the one hand, the ancient legislation generated by masters on religious jurisprudence; these regulations affected essentially the moral and religious aspects of life; on the other hand, the regulations decreed by the communities to govern social and economic life as well as their relationship with Christians. Because of the splitting of the *Halakha* into affairs of civil law (*mamon*) and religious affairs (*issur*), the former subordinated to the latter, some interferences or conflicts arose between the ideal application of the principles that complied best to the Judaic traditions, and the communities' regulations that reflected the conditionings of the times. The *Responsa* of Solomon ben Adret clearly express some of these discrepancies and the conclusions he gave them.

Taxes

Community members were subjected to two types of taxation: one imposed on every individual by the community in order to finance the services that the latter provided to its members, as well as to support the governing, educative and legal institutions; and another imposed by the Christian authorities as collective tribute to the whole community, which often came close to extortion. Regulations concerning taxations were of a very local range. Writing about Barcelona, Solomon ben Adret²⁷ says the following: «Know that in our community [Barcelona] we keep a communal strongbox and purse with the communities of Vilafranca, Tarragona and Montblanc to pay the tributes, *cenés*, and any other tax that the king may impose on us. Since we want to draw new chapters concerning the *talles*, declarations and manifestations that the king requires from us, we never compel them to do anything in spite of the fact that we are in the majority and that our city is the leader in everything. If we acted without consulting them, they would not listen to us. From time to time we send them somebody, and on other occasions they themselves send us delegates to let us know their agreement. If they refuse to do any of these things, then, by means of the king's officers, we force them to come to our community, or to draw the chapters and to pronounce the anathemas in their towns as we have done

in ours. Nevertheless, in other places the main community decrees whatever it wants in the name of their dependent communities and compels them to do its will, as in this kind of affairs each place has its own customs. This is the rule we have always followed and the custom we have, especially in legal questions».

In the Middle Ages the distribution of these taxes and tributes could not be based on the Talmudic legislation due to the social changes the Jewish communities had been through. Therefore, the communities established all kinds of regulations to accommodate distributive justice to the new times, even if they differed on some points from the legal traditions of Israel.

In order to prevent community regulations (that were then a new source of legislation) from setting up a judicial system parallel to the *Halakha* which could contradict the principles of justice, equality before the law, protection of the weakest and those most in need, and the aspiration to a just social order (that were considered the principles of Judaism), Hebraic law included mechanisms that helped to relate the legal development that was needed for an adaptation to the reality of the time, with traditional jurisprudence derived from the *Halakha* and used by the Talmud scholars and by religious tradition. The first of these mechanisms was that somebody outstanding in the community or some prestigious personality in the field of Talmudic studies should examine the new regulation and approve it before its proclamation.

Custom makes law

As in other legal systems, custom and consuetude play an important role in Hebraic law, and are a source of jurisprudence to fall back on when problems that can not be solved according to the prevailing laws arise, or when these laws have to be modified. This is the scope of the principle that says that 'custom revokes the Halakha' (*minhag mevattel halaká*). Custom then, can decide which rule is acceptable when there are differences of opinion; it can complement the prevailing laws when problems that did not exist before must be solved; and can establish new laws to modify those that exist.

Marriage and polygamy

There is no marriage in Judaism without the signing of the *ketubba*, that is, the marriage contract. It has to be signed by two men acting as witnesses (they must not bear any family relationship with the bride and groom), and the bride or her family will keep it as proof of the duties that the husband has acquired towards her because these are laid down in it in detail. These stipulations comprise the minimum the husband must pay to the wife who married being a virgin, once she is widowed or divorced; the price was two-hundred *zuzim* (the equivalence in the currency of each time and its place was always subject to all kind of discussions). The document also mentions the dowry (*nedunya*) and the *escreix* (*tosefet*, payment with interest) (*tosefet*) the husband promises to pay in case of

death or divorce of the woman, as well as all other appropriate stipulations.

It is worth pointing out that in conflictive cases the Catalan-Aragonese kings always defended women's marriage rights, advocating for their resolution according to the Hebraic law and the stipulations of marriage contracts. In the case of divorce, reluctant husbands who refused to grant the divorce certificate (*geṭ*) to the woman, could be even pressed by Christian authorities to appear before a rabbinic court in order to solve the affair. The king's intervention was always to support the application of Hebraic law. There are some examples of marriage disputes presented before Christian judges, where the king urges the magistrates to take advice from Jewish experts to solve them in accordance with Hebraic law. This condescendence, under the protection of Jewish tradition, went to the lengths of consenting the existence of cases of bigamy, which in the Catalan-Aragonese kingdom were strictly forbidden among Christians. We must mention that from the point of view of Judaism, polygamy, or rather bigamy had always appeared as a legal and moral expedient in diverse marriage situations, in particular when the first wife had been unable to bear children to the husband. But in some sectors of Central-European Judaism, bigamy had already been forbidden in all cases for two centuries, as Gershom ben Judah, in a famous halakhic decision, had solemnly proclaimed. First it was required to grant divorce to the first wife, and to pay her what the *ketubba* had stipulated. Nevertheless, this decision does not seem to have much effect on our Jews, since Solomon ben Adret says that this regulation had not spread in our country, nor in Provence.²⁸

The biblical law of levirat (*yibbum*) was still practised by Catalan Jews, as prescribed by Deut 25:5-10, and the problems and casuistry that it provoked became the topic of many *responsa* by Solomon ben Adret, who in several passages also alludes to the ceremony of to take off shoes (*ḥaliṣah*). According to this ancient law, the brother of somebody who has died childless, must marry his sister-in-law in order to perpetuate the dead brother's name. If he refuses to do so, he must be submitted to the humiliating ceremony of to take off shoes; otherwise the widow could not remarry.

In dissolution of marriages, the strength of custom and local legislation prevailed over the Talmudic principles. According to Solomon ben Adret, the authorities in religious jurisprudence had no cause to dissolve a marriage because it had not been celebrated in accordance with the principles of the old Talmud masters, if it had been celebrated in accordance with the regulations of a particular community.

Inheritance

The first born son's privilege to inherit his father's goods was a right that had been solidly acquired from biblical antiquity: where there is a son, the daughter has no right

to inherit, although she can dwell in her father's house and receive some help from her father's possessions until she marries. If the wife dies before her husband, he inherits her goods; if the husband dies first, the widow does not inherit his goods but has the right to dwell in the conjugal home as well as to receive from those goods some help for her subsistence. These are called 'foods' (*mezonot*), and she has a right to them as long as she remains a widow and does not retrieve the amount stipulated in the *ketubba*. Should she claim it, she breaks all bonds with her dead husband's family, losing thereby her right to receive her food. Although the heir's privilege was well established, the father had the right to disinherit him or to disregard the law of primogeniture, but this was much disliked by talmudist scholars, who watched over the strict application of the *Halakha*.

In the 13th and 14th centuries affluent people used to draw up two versions of their will, one in Hebrew and another in Latin (which they sometimes had endorsed by the king) in order to avoid law suits among the heirs. There were many lawsuits especially when somebody died intestate, because everybody tried to benefit from this, including the Christian authorities.

THE WRITING OF HEBRAIC DOCUMENTS (ŠEṬAROT)

In the relationships between Jews and Christians in Barcelona (and already seen in 11th and 12th century documents), there was the habit of completing the Latin text with a summary in Hebrew, by which the Jewish contracting party corroborated the content of the Latin text and the obligations that derived from it. The Hebraic addition was placed before or after the Christian witnesses' *signum*; always, in any case, before the Christian notary's signature; it constituted, therefore, an integral part of the Latin document. It used to be accompanied by the signature of two witnesses, preceded, as in the Latin expression *et testes firmare rogavi*, by an analogue expression in Hebrew. We also find this simple declaration: «I, one so and so, testify to everything written above», followed by the signature. This plain formula became more and more usual until eventually only the Hebrew signatures remained on the Latin documents. In any case, with the practice of notarial protocols that started to be used in the 13th century, the solemn Latin or Hebrew document was removed. In legal relationships with Christians the Hebrew document became so insignificant that from the 14th century Jews themselves started to turn to Christian notaries for their businesses.

The dating of Hebraic documents

The formula for dating is essential in documents, in particular in sales and loans. Talmudic tradition required Jewish clerks or notaries (*soferim*) to date their documents on the exact day of the month. Both Judah ben

Barzillai and Saadia Gaon state explicitly that every title document must bear the date, including the day, month and year. That is why a great number of Catalan-Hebraic documents from the Barcelona area that only clearly showed the name of the month and the year have bewildered many scholars. The answer to this problem is that the word 'month' (*hodesš*) must be understood in its primitive sense of 'new moon' or 'neomenia' (*roš hodesš*). In title documents, *Be-hodesš Nisan* did not mean 'in the month of nisan' but 'in the new moon of nisan'. I believe that this custom or local tradition of dating documents 'in the new moon' was based on the fact that this was a joyful, festive day, easy to remember because it had its own synagogal liturgy. The first day of the month was also the most favourable for business, and it was also a good omen (another superstition) to marry during the crescent moon. It seems therefore reasonable to believe that Barcelona Jews dated their documents in the new moon, whether by superstition or because of the practical side of dating them on the first day of the month, a festive day with its own liturgy and, besides, astrologically favourable.²⁹

The language

Although the documents are basically written in Hebrew, from time to time some words and sentences appear in Aramaic, in accordance with the linguistic tradition followed by the texts, especially when they inserted some Talmudic principle; and it is quite interesting to notice that we often find Catalan words in them, particularly in the case of technical terms relating to ownership rights or taxes, to dates of payment on Christian holidays (at Christmas, for instance), to titles (En, Don), in addition, of course, to proper names of people and places. They reflect the historical circumstances where the Jewish community lived and prove that they were obviously Catalan speakers.

The use of Hebraic documents in Christian law courts

Hebraic documents accompanied probably by a Latin or Catalan translation had full legal effectiveness in Christian courts. It is precisely this fact that has allowed many of the documents to be preserved. Practically all those that have been preserved are ones that, together with the piece of land they refer to, ended up in Christian hands; they were considered proof of the right of ownership even by Christians who did not understand Hebrew.

SOME EMINENT FIGURES OF HEBRAIC LAW

Jewish masters, Talmudists and legal experts from the Catalan speaking lands of the old Catalan-Aragonese kingdom contributed very eminent figures to the theory and practice of Hebraic law; the influence of these figures is still perceptible in the legal practice of modern times. Let us mention some of them.

Judah ben Barzillai, al-Bargeloni

Judah ben Barzillai has been for nine centuries 'the native of Barcelona' par excellence in Hebrew literature. He was born about the year 1070, and everything suggests that he always lived in Barcelona, where his books and his library were. Several later authors say they went to Barcelona to consult them. He was the author of *Sefer ha-dinim* [Book of the laws], a work of religious jurisprudence to which the *Sefer ha-Šetarot* [Book of the legal documents] belongs. This is a collection of formulae containing seventy-three writing models of all types, in alphabetical order and with a heading on the circumstances for the use of each one. It is the oldest European formulary of Hebraic documents. It is known that in this author's time, in Barcelona as well as probably in other cities of Western Europe, there was an already well-established practice of Hebraic documents. It is also known that rabbi Judah did not depend exclusively on the Aramaic formulae written by Saadia Gaon that were current in the East. Since some of his formularies fully coincide with older documents originally from Barcelona, it could be that «the ancient models» to which the author alludes from time to time might be not only old Gaonic (from the sages) formularies, but documents taken from the archives of his own community, in which rabbi Judah perhaps acted as a judge. Some legal peculiarities of this medieval Hebraic documents clearly corroborate the recent origin of some of them as well as the influence of the contemporary Latin title documents on them.

Samuel ha-Sardí

Samuel ha-Sardí –probably the best known medieval Barcelona Jew due to the stone tablet bearing his name in the street Marlet, in Barcelona– lived in this city during the first half of the 13th century. The great number of documents about him and his family, in both Hebrew and Latin, that have been preserved suggest he must have been an affluent man. He was a friend and disciple of master Moses, of Girona, with whom he debated personally and by letter on many questions of jurisprudence. His own answers constitute a considerable section of the *Sefer ha-terumot*, 'Book of the offerings', a work written in 1223 that mainly deals on questions of civil law related to loans and commercial relationships. He draws on the Talmudic sources of every law or norm, and comes to his own conclusions after examining the opinion of the masters who preceded him. He wanted it to be a book which would be easy to consult and accessible to everybody. Its influence has reached our times through the *Sefer ha-šurim* by Jacob ben Asher, who quotes him very often. In his introduction he tells us that he wrote the book «so that the laws on lending, whether written or oral, as well as the laws on rights and obligations of lenders and borrowers, could be found in the same place. Sometimes debtors cheat on creditors with subterfuges, deceits, falseness, insolence and cunning. Some cheat because, owing to the agitated times in which we live, they lack the necessary resources.

Others have had their possessions seized. Others still borrow at interest and include this in the value of the loan. In these ways they appropriate themselves of the others' possessions and consume them, sometimes lawfully sometimes unlawfully, as the Scriptures say: *The unjust borrows and does not give back.* (Ps 37:21). That is why I have decided to pass judgement on this behaviour and show the path that should be followed».

Solomon ben Adret

Solomon ben Adret, born in Barcelona about 1235 and who died there in 1310, is an outstanding figure among Jewish authors in medieval Barcelona. He was a prominent Talmudist, considered the greatest medieval legal adviser in the history of Hebrew culture. His opinions on *Halakha* questions have been considered for centuries the golden rule to solve the most intricate legal problems. He was a tolerant person, but not a great innovator in religious matters. It is quite possible that one of the debates he had with Christians –the Hebrew text has been kept among his works– was with the famous Dominican Ramon Martí, the author of *Pugio fidei*. In his *Responsa* he dealt resolutely with the philosophical and religious problems that Jewish society came up against. Ben Adret courageously took part in convicting a *malšín* or slanderer to death in Barcelona around 1280; he had been urged by king Peter to pass sentence on the case (probably the only one that occurred in Barcelona) according to the Jewish law.

The more than three thousand *responsa* by Solomon ben Adret that have been preserved are still continuously reprinted; through them we have much direct information on the everyday life of the Jews of those times, as well as on their religious and philosophical opinions. Several authors point out that Solomon ben Adret was quite well acquainted with the Christian law, to which he refers in multiple *responsa*. He wrote commentaries on eighteen Talmudic treatises, besides diverse other works. Among these, *Torat ha-bayit* [‘The Law of the House’] deals with the rules that must be observed at the different moments of family life so that everything is done according to God’s will. The author himself summarizes this work to make it easier to consult «because people wish to study, but the anxiety caused by having to earn one’s living prevent them». The book offers a summary of the Talmudic source that substantiates the diverse laws. The method used in this later work prevailed two centuries later in the codifications of religious jurisprudence.

In his old age, in 1305, Solomon ben Adret, together with thirty-seven colleagues from Barcelona signed the excommunication, *herem*, against those who studied «the books of the Greeks» before they were twenty-five, with the explicit exception of medicine.³⁰

Nissim ben Reuben Girondi

Nissim ben Reuben, born around 1310, lived in Barcelona, and like so many other medieval Jewish masters, he

was a doctor of medicine; it is known that king Peter the Ceremonious called him to attend the infant Joan who was ill. It does not seem, though, that he participated much in the social and political affairs of the community; he was mainly busy in providing a continuity to the Talmudic school that had been led by Solomon ben Adret. Nissim ben Reuben wrote commentaries on several books from the Bible and on different Talmudic treatises. We also have twelve of his homilies, four letters and eighty-seven legal *responsa* which provide valuable knowledge about the problems and fears that Jews had at that time. Given the scarcity of personal particulars on many of these Jewish masters of Barcelona, I take the liberty of pointing out, as a simple curiosity, that in one of his *responsa* Simeon ben Tsemah Duran (born in the City of Majorca in 1361) says that he has heard «that master Nissim, *the Girondi*, who lived in Barcelona and was his master’s master, copied personally one roll of the Torah in which the upright of the *qof* [nineteenth letter of the Hebrew alphabet] was joined to the upper part of the letter», something that could be in contradiction with the Masora [body of notes on the textual tradition of the Old Testament]. According to a document in which his son declares himself to be his universal heir,³¹ he died in 1376.

Isaac ben Sheshet Perfet

Isaac ben Sheshet Perfet was also from Barcelona, where he was born in 1326 and where he participated in community affairs until 1373, when he was forced, probably because of disagreements with the local oligarchy, to go to Zaragoza where he worked as a rabbi. His rigorous attitude in moral and religious questions set him in conflict with the leading families in the Aragonese communities, and in 1385 he was again forced to move, this time to València. In 1391, at the time of the riots he was at the head of the Valencian *aljames* and, forced by circumstances, he had to be christened,³² but at the end of 1392 or beginning of 1393 he fled to the North of Africa and died in Algiers in 1408. Isaac ben Sheshet was considered a holy man of Judaism, very zealous for the reform of customs. For centuries, until the present day, many pious Jews have gone to Algiers to pray on his tomb. He was a disciple of Nissim ben Reuben and a friend and colleague of Hasday Cresques, also from Barcelona, one of the most eminent intellectuals of medieval Judaism. He wrote commentaries on diverse Talmudic treatises; but his most important bequest to us are the above five-hundred *responsa* (*tešuvot*) of his that have been preserved.

Among other learned Jewish masters that brilliantly shaped Catalan Judaism we must include Moses ben Nahman, born in Girona and who died in the land of Israel in the second half of the thirteenth century. Isaac ben Sheshet says that he «was a very erudite man whose words were like burning coals; everywhere in Catalonia we rely on him as if he were Moses himself speaking in the name of God».³³ His commentary on the Pentateuch was written, as B. Septimus states emphatically, «in some of the most

memorable prose of all medieval Hebrew literature».³⁴ He also wrote a commentary on the book of Job, the *Sefer ha-Ge'ulla* ['Book of Redemption'], of a messianic and eschatological character, which is mentioned by Ramon Martí in his *Pugio fidei*, as well as four treatises in the form of homilies on diverse topics; his Talmudic work is qualified as the summit of the religious literature of Hispanic Judaism. Menahem ha-Meiri, most eminent exegete and Talmudist, head of an academy of religious studies in Perpinyà in the 14th century, and Simeon ben Tsemah Duran, born in Majorca and who died in Algiers (14th and 15th centuries), belong also to Catalan Judaism.

THE RELIGIOUS DEBATES IN BARCELONA, MAJORCA AND TORTOSA

The coexistence of two such similar and such absolute religions as Judaism and Christianity in a society as utterly bellicose as medieval Catalonia (and in other countries of the Western Mediterranean) did not always go smoothly. The aggressiveness against Jews, who stubbornly did not accept the Christian truth because they already had their Hebraic truth, went sometimes beyond the habitual expression of secular contempt and turned into cruel riots which marked the lives of Jews in Christian lands all along the Middle Ages. This aggression between Jews and Christians often generated intellectual debates of a great magnitude that aimed at laying the foundations for each side to be the *verus Israel*.

If we put ourselves right in the middle of the Catalan Middle Ages, we find that the apologetic fever of both sides had not dwindled but, on the contrary, had noticeably increased, especially in the 13th and 14th centuries. The old Jewish apologetics had now to confront Christian proselytising activities that, with the instigation of the Church, had all the power of the rulers' sword, although these were not always very prompt (as was obvious in the case of Catalonia) to follow the instructions from Rome as she wished to be obeyed. Among the private initiatives that emerged in Catalan lands, are the proselytising activities of such outstanding fighters as Ramon Llull, Arnau de Vilanova, Ramon Martí, Francesc Eiximenis, etc. They were all authors of really monumental works –such as the *Pugio fidei* by Ramon Martí, finished in 1278– aiming at convincing Jews of the futility of their faith. On the Jewish side some books or treatises have been preserved that defended Judaism from those assaults, such as the works of Solomon ben Adret, Hasday Cresques, Profiat Duran, Simeon ben Tsemah Duran, etc. There was, in fact, practically no Jewish thinker in the Catalonia of those centuries that did not fight the Christians to defend the Jewish faith, whether in books specifically for this purpose or in works dealing with philosophy or exegesis. And something similar could be said of the Christians.

On the other hand, we can see that the impulse of the disputes in the second half of the 13th century could be

linked, on the Christian side, to a wish to apply the methods used in the faculties of theology to the debates with the Jews. In particular, the *questio* or *disputatio*, one of the most important and solemn exercises of scholastic life consisting of a debate on a doctrinal point and which was attended by all the students of the school, the faculty's Bachelors, and anybody who wished to. The master had previously chosen the topic, presided on the debate and could intervene if necessary.

Barcelona 1263

The dispute of Barcelona that took place in the summer of 1263 is the culmination of the missionary work of a converted Jew, the Dominican friar Pol Cristià, born in Montpellier and converted to Christianity by the preaching of Ramon de Penyafort around 1229. This dispute appears to be the sequel of a controversy with master Moses that had already taken place in Girona. The Jewish protagonists of the dispute of Majorca mention explicitly the one in Girona, adding that there was a summary of it in Hebrew. The Latin record of the Barcelona dispute also mentions it.

The Jewish side was mainly represented by the previously mentioned master Moses of Girona (Moses ben Nahman or Nahmanides), but not only by him: he was accompanied by some unnamed experts in Jewish religion. This is corroborated by the Latin record, sealed by James I, which clearly circumscribes the limits and contents of the debate.

According to the Latin record, after being publicly confuted on all things that were presented to him with arguments of authority, King James declares and acknowledges at the end of the document that «each of the things said happened in our presence and the presence of many people, as it is explained above in this record, and to witness this we have decided to set our seal here in perpetual memory of this event».

The main problem for the study of the traditional Hebrew text of the Barcelona dispute are the scholars themselves who, while trying to explain this historical event, fervently ally themselves to one side or to the other, and end up using it for their own apologetic needs, which now the 20th century has gone by, seem trivial. The text of the Barcelona dispute is a dazzling defence of Judaism written many years after the debate had taken place. It is hard to believe that master Moses of Girona could be bold enough to say in front of the king and the Christian authorities even half of what the document reports. Jaume Riera, in the introductory study that precedes the 1985 edition of the Catalan translation of the dispute writes: «The Hebrew account [...] is a fiction written at the end of the 15th century that starts from a summary of the arguments actually used at the time of the dispute, and completes and rounds it off with other arguments which the fiction writer believes might have been used in it, whereas in fact they were never put forward. We must therefore be aware that the Hebrew report we read today does not re-

flect the actual dispute as it took place in the year 1263, but as it was structured two hundred years later by a pious Jewish fiction writer at the end of the 15th century; he used a summary he had found and turned it into the first person». The manuscripts M. Steinschneider used in 1860 for his scientific edition of the dispute were not previous to the year 1600; we have to point out that some older 15th century manuscripts do exist, but they are from at least two centuries after the dispute. Steinschneider's edition was used as basic text by H. D. Chavel in his edition of the complete works of Moses ben Nahman (Jerusalem, 1964).³⁵

Although the Latin and Hebrew texts coincide on many of the topics dealt with in the dispute it is absurd to believe that they should agree completely in order to reflect an objectivity that was not intended. These texts are a sequel to the controversy in the same way that the works of some of the 19th and 20th century historians also are. Nevertheless some important scholars have recognised the controversial nature of the Hebrew text of the dispute, rather than its historic one. Y. Baer, for instance, writes: «I believe I have proved that rabbi Moses ben Nahman's text is not a faithful report but rather a propagandist work, just as the Latin report is [...] even if his wording is closer to the truth, we do not have any reliable evidence of what was said and done in Barcelona». ³⁶ In the same way, Cecil Roth, in spite of believing that the text was actually written by Moses ben Nahman, says: «It is preposterous to expect from these records of seven centuries ago a standard of veracity that one so seldom encounters, or even (it may be) demonstrates, in similar circumstances today. There can therefore be no doubt that each writer [of the Latin record and of the Hebrew text] recorded to some extent not only what was said, but also what he wished had been said». This is what Jacob Katz writes on the Paris dispute in 1240: «Historical criticism has reached the conclusion that the Hebrew version is not a record of what was actually said at the time of the controversy, but a free reconstruction written for the benefit of Jewish readers, instructing them what a disputant would have been able to retort had he been free to speak his whole mind».

Another problem raised by the Barcelona dispute is the erroneous identification of Moses ben Nahman as being Bonastruc de Porta (or Saporta), another Jewish master from Girona who must have participated in many disputes with Christians. In 1265, two years after the dispute, he was accused by the Dominican friars of having abused the Catholic faith and of having written a book about this, a copy of which he sent to Pere de Castellnou, bishop of Girona, who had asked him to write it. In a document of the same year which the defendant Bonastruc de Porta asked the king to write, James I admits he had given him licence to speak freely. But since the Dominicans did not agree with the punishment proposed by the king –two years of exile and the burning of the book–, the king, who was of a tough character, acquitted him. Later, in 1266 or 1267, Pope Clement IV urges the Catalan king to punish the blasphemer who had disputed with

friar Pol in his presence, and who had also written a book that had been read in various regions. The existence of a document of 29th May 1264 in which James I also acquits Astruc de Porta, from Vilafranca del Penedès, brother of Benvenist de Porta, Mayor of Barcelona, from the exile to which he had condemned him for having uttered blasphemous words in a controversy, is certainly a source for perplexity. Those were times in which there must have been not only disputes but much fighting on matters of religion.

Due to the existence of some documents mentioning Moses of Girona and Bonastruc de Porta separately, but presenting them as involved in the same disputes with Christians both in Barcelona and Girona, some historians have imagined that maybe there were two Barcelona disputes; other historians (Diago, Carpozov, Tourtoulon, Kayserling, and probably Steinschneider), realizing that there were two characters with different names who had carried out the same necessarily apologetical activities, tended naturally to believe that they were two different people. Nevertheless, in the middle of the 19th century, Heinrich Gratz, with all his impressive authority, pontificated that Bonastruc de Porta was only the ordinary name of the sage Moses ben Nahman. From then onwards, practically nobody has dared to question the authenticity of this identification, that has remained until the present day as a simple argument of authority never proved. In several royal documents dating from 1258 to 1265 Bonastruc de Porta is called 'Jewish master of Girona', showing him to be immersed in this world's affairs; James I bestowed on him the king's mill and all the returns of the Girona market. It seems very improbable that behind this Bonastruc, a trader in this worldly affairs and a disputant, was the sage and pious Moses ben Nahman who later emigrated to the land of Israel in coherence with his religious beliefs – and not as an exile, as some people still repeat; he cared more about the world to come than about the one that was already there and in which he lived.

Majorca 1286

The dispute of Majorca took place during the reign of Alphonse II the Frankish, which interrupted the reign of his uncle James II for ten years. The report we have is in Latin, and was written by Christians; twelve manuscripts have been preserved, the oldest dating from the 14th century. The Christian protagonist is the Genovese merchant Inghetto Contardo; the Jewish side was formed by various *sapientissimos Judeos et doctores in synagogis Iudeorum*. It consists of a singular controversy which probably reflects a historical event which had occurred in Majorca that year. Given the character on the Christian side, a merchant, that is, an ordinary Christian, it is no wonder there is a practically total absence of rhetoric, of philosophical debate, as well as the lack of references to the Talmud. The Bible is the only common denominator that provides their polemic tools. It is not clear what lan-

guage must have been used in the dispute (Latin, Catalan, Genovese, or a medley of them?), but it is curious to observe that on several occasions the Jews speak Hebrew among themselves, probably so that the Christians will not understand them, not because Hebrew was the language they habitually spoke. Many Christians could speak Latin, too... although it was only the language of written culture.³⁷

Tortosa 1413-1414

The official minutes in Latin of the Tortosa dispute, during the reign of Ferdinand of Antequera (a volume of 600 pages!), have been preserved. They were published in 1957 by Antonio Pacios López, and exhaustively report the themes that were debated during the year and a half of its duration.³⁸ It was a controversy on a large scale that had been convened in 1412 by Benedict III (the anti-Pope Pero de Luna) at the request of the converted Jeroni de Santa Fe, from Alcanyís (Sp. Alcañiz), in Judaism called Joshua ha-Lorqui. It was held with great solemnity in a hall of the Tortosa cathedral, where, according to the chronicles, between one and two thousand people attended each session. The last sessions, though, were held in the Church of Sant Mateu, in the county of Baix Maestrat. The dispute was centred on 24 theses that had been written down by Jeroni de Santa Fe, and sent to over twenty Jewish masters who participated in the dispute. We must point out among them Zerahya ha-Levi (Ferrer Saladín) and Vidal Benveniste, from Zaragoza; Samuel ha-Levi, from Calatayud; the philosopher Joseph Albo, from Daroça; and Bonastruc Desmaestre, from Girona. As was usual in all disputes between Jews and Christians, the main argument consisted of proving that the coming of the Messiah had already taken place, as well as in blaming the Talmud's errors on that event which was unquestionable for Christians.

Besides the Latin minutes, two brief Hebrew summaries on some of the basic theses debated during the dispute have been preserved. The authenticity of these summaries was already perfectly clarified by Jaume Riera thirty years ago.³⁹ One of these summaries, which was anonymous, was published in 1868 by S. H. Halberstam; the other constitutes chapter 40 of the work by Solomon ibn Verga *Ševet Jehuda*, published in 1544 and reprinted repeatedly since then. Going beyond the scarce allusions thrown in the same direction by some authors, Jaume Riera proved that the anonymous summary is the authentic one, and that the text by Solomon ibn Verga is only a later literary arrangement of that summary.

Although there had always been converts (some sincerely converted and with a vehement desire to convince their old co-religionists of the benefits of Christianity; others driven by all kinds of material interests and disbeliefs), the problem of forced conversions instigated by an agitated population is no doubt typical of the 15th century. Because of this, the people living in the *aljames* that survived after 1391 (those of Barcelona and València had

completely disappeared) were very few. After the massive conversions resulting from the Tortosa dispute the population of the old and lively Jewish *aljames* became even smaller, and those still remaining had to face the coup de grace of the expulsion.

THE EXPULSION

There had already been several expulsions of Jews from Christian European kingdoms in the 13th, 14th and 15th centuries (for instance, in 1306, from the kingdom of France, which brought a substantial number of exiles to Barcelona, who were warmly welcomed by the *aljama* leaders and by the Christian authorities). However, the expulsion that took place in the kingdom of Castile and in the Catalan-Aragonese kingdom at the hands of the Catholic Kings in 1492 has historically remained a paradigm of intolerance and bigotry. Because that is what it was. The religious hatred that caused it had been roused on previous bloody occasions by some ecclesiastics, and has not been totally forgotten five hundred years later in spite of appearances to the contrary and of current legislation. Its imprescriptible character and the spoliation that followed can not easily be forgotten.

If we look closely, we have to acknowledge that the argument sustaining that the expulsion of Jews from Castile and the Kingdom of Aragon was the result of the instigating activities of the Dominican friar Tomás de Torquemada is quite convincing. He had been appointed General Inquisitor of Heretical Perversity, and was close to Queen Isabella of Castile, on whom he exerted enormous influence; and consequently on her royal husband, King Ferdinand II, *the Catholic*. Once Granada had been conquered, the time so longed for by the inquisitors had arrived. Some historians believe that neither the nobility nor the bourgeoisie of that time had such strong anti-Jewish feelings as to unleash an assault so full of hatred and rejection. What urged Torquemada to persuade the kings to expel the Jews from their kingdoms was the inquisitors' zeal to deter converts from practicing their customs and to return to their ancestral Jewish faith. Jews were a foreign body that had to be expelled from Christian society as soon as possible in order to achieve religious unity, that is homogeneity, in the Hispanic kingdoms. Political unity followed a different path. It was this inquisitorial pressure Torquemada placed on Queen Isabella that managed to also convince King Ferdinand to take the step.

The decision to expel the Jews was taken around 20th March 1492, because on that date –eleven days before 31st March, when the kings signed the decree of expulsion– an impatient Torquemada sent various letters to Girona urging the bishop to take the necessary measures towards the expulsion of Jews. This was flagrantly illegal as according to the law the inquisitor's only jurisdiction was over Christians, including, obviously, converts. We must bear in mind that there were two signed decrees: one for the King-

dom of Castile and another for the Catalan-Aragonese Kingdom; many historians have never realised this. In the decree of expulsion of the Jews from the kingdom of Catalonia-Aragon, King Ferdinand does not refrain from claiming that Jews belong to him and that therefore his royal power allows him to dispose of them as he wishes, including expelling them from his lands. However both decrees reveal the huge influence exerted upon them by a previous document written by Torquemada from which they textually copy many of their arguments. It should be pointed out that the decree, under the form of a Royal Order addressed in Castilian Spanish to the infant Joan and to a whole series of civil and religious authorities, was valid throughout the dominions of the Catalan-Aragonese Crown. It tells them «as we are informed by the fathers who are inquisitors of heresy and apostasy, established and appointed in the dioceses of our kingdoms and dominions, that many have failed and that diverse Christians have gone back and converted to the Judaic rites and that remain and live under the Judaic law and superstition, performing their ceremonies and observing their law to the point of returning to the abominable circumcisions [...] and that the said heresy and apostasy have been caused by Jewish men and women dwelling and living in our kingdoms and dominions....» Although very similar, this decree is not identical to the one issued by Queen Isabella, which is the only one historians have known of and quoted until today. Besides blaming the evil influence that Jews supposedly brought to bear on converts, the Catalan-Aragonese decree adds another reproach: the destruction of Christian properties caused by Jewish usury. In short, Jews had to leave at the latest by 31st July 1442, without any possibility of appeal.

The expulsion was carried out without any plan. It was not only unexpected but also precipitated for different reasons; especially because, although the decree was published on 31st March, in many cases it did not reach its destination until a month later. As a consequence, the four months term was considerably shortened. Until the very last moment nobody had foreseen the organization of certain aspects of the process, such as for instance the control of Jews' properties. There remains a large number of letters exchanged between the king and the inquisitors showing the greed with which they all tried to get hold of Jewish possessions by obstructing the settlement of debts and imposing all kinds of charges that resulted in an unprecedented spoliation in the whole history of Jews in these lands. Decrees were therefore passed appointing commissioners to control over Jews paying their debts and recovering their credits. In Catalonia chief magistrates and mayors, or procurators, and in seigneuries also judges, were appointed as commissioners. But there was abuse of all kinds, and the royal decrees were interpreted by some local authorities with utter arbitrariness. The worst prohibition was forbidding Jews to take any money or precious metals with them. Everything had to be converted into merchandise and objects that could be transported and exported.

The road to exile was the only, definite way out offered to this sector of the Catalan population, already seriously decimated by the attacks they had suffered for more than a century. After the 1391 riots, important *aljames* such as those of Barcelona and València had disappeared. The conversions in the wake of the Tortosa dispute of 1413-1414 had left Catalan-Aragonese Judaism exhausted.⁴⁰

Some of the exiles who did not embark towards the East crossed the Pyrenees and established themselves in the counties of Rosselló (Fr. Rousillon) and Cerdanya; these counties had been occupied by Louis XI of France in 1463, and were governed at the time by his son Charles VIII, under whose protection Jews placed themselves. The provisional settlement of these exiles in the Rosselló and Cerdanya counties raised some conflicts with the authorities and with the leaders of the Roussillonese *aljames*. This theoretical protection by the French king was however very short-lasting as Charles VIII returned the two counties to King Ferdinand in September 1493. In order to take possession of them again Ferdinand and Isabella left Barcelona on 6th September arriving at Perpinyà on the 13th in heavy rain, according to the chronicles. And one of the first things they hastened to do was to ensure the instant application of the edict of expulsion published on 31st March 1492 to all Jews in Rosselló and Cerdanya «both the natives to the country and the non-natives, for whatever cause they came and were there». This was proclaimed in a new edict (this time in Catalan!) dated 21st September 1493 in Perpinyà. The spoliation of the properties of the Roussillonese Jews was so successfully carried out by the royal procurator that the king complimented him heartily, congratulating himself on the good business they had done with the expulsion of the Jews.⁴¹

«[Their religious and cultural legacy as well as] their literary production [by the erudite Jews of the Catalan-Aragonese Crown] remain, to the present day, one of the richest contributions to Jewish culture and civilization» These are words of Professor Yom Tov Assis, a great expert on the Jewish history of these lands.⁴² Today this legacy has a suitable place of memory in Girona, in the Institut d'Estudis Nahmanides and in the Museu d'Història dels Jueus which shows beautifully the old life of Catalan Jewish communities and which promotes with efficient dedication the study of the works that from Catalonia they brought to the world of universal culture and science.

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- 1241-132. Paris-The Hague 1973, p. 15; G. E. WEIL. *La Bibliothèque de Gersonide d'après son catalogue autographe*. Louvain-Paris 1991, pp. 63-64.
- [2] *Gran Enciclopèdia Catalana* (reprint of 1996), s.v. 'Espanya' (the first section) for a summary of the territorial extent of this name. *Consolat de Mar*. Barcelona 1930, vol. I, p. 183: «If any lord in a ship with sails or oars should sail in Barbary, or in Spain, or in any other parts...».
- [3] S. KRAUSS. "Die hebräischen Benennungen der modernen Völker". In: *Jewish Studies in Memory of George A. Kohut*. New York 1935, p. 395, n. 48.
- [4] *Sefer ha-Qabbalah. The Book of Tradition by Abraham Ibn Daud*, edition of the Hebrew text and English translation by G. D. COHEN, Philadelphia 1967, p. 45 [Hebrew] and 62 [English].
- [5] S. KRAUSS. "Die hebräischen Benennungen", p. 380 and 383, n. 13.
- [6] F. KOBLER. *Letters of the Jews Through the Ages*. New York 1978, vol. I, p. 99; C. DEL VALLE RODRIGUEZ. *La Escuela Hebrea de Córdoba*. Madrid 1981, pp. 331-332.
- [7] E. ASHTOR. *The Jews of Moslem Spain*. Philadelphia 1973, vol. I, p. 424, n. 48; vol. II, p. 35.
- [8] Probably Abraham bar Hiyya assimilates the Hebrew denomination of *Tsarefat* with the land that the Moslem texts of his time called *Faranja* ('France', that is, 'the land of the Franks'), that included the Catalan counties. Abraham bar Hiyya is referring to the Catalan land, where he settled when coming from the Moslem land (*Sepharad*). Nothing forces us to believe in any hypothetical journey of this Jewish master in the French land, north of Provence. For the inhabitants of the Southern Moslem land and for the Jews immersed in Arabic culture, *Faranja* or *Tsarefat* began at this side of the Pyrenees. See: J.-M. MILLÀS I VALLICROSA. *Textos dels historiadors àrabs referents a la Catalunya carolíngia*. Barcelona 1987, where in multiple documents it says that 'Spain' is *Al-Andalus* and 'France' (*Faranja*), bordering with it, is the land of Christian Franks; IDRISÍ, *Geografía de España*. Zaragoza 1988, p. 134 [Arabic text] and 147 [Spanish translation]; Dolors BRAMON. *El mundo en el siglo XII. El tratado de al-Zuhri*. Sabadell 1991, p. 242: «En tierra de Franja es la çibdad de Barçilona»; Abraam bar HIIA. *Llibre de Geometria*. Barcelona 1931, p. 5 and 61; J.M. MILLÀS VALLICROSA. *La obra enciclopèdica "Yesodé ha-tebuná u-migdal ha-emuná" de R. Abraham bar Hiyya ha Bargeloní*. Madrid-Barcelona 1952, p. 37; H. GROSS. *Gallia Judaica*. pp. 369-370, 485-486 and 537-538.
- [9] J. GUTTMANN. "Die philosophischen und ethischen Anschauungen in Abraham bar Chijja's *Hegjon ha-Nefesch*", *Monatsschrift für Geschichte und Wissenschaft des Judentums*, 44. Berlin 1900, p. 194, n. 1.
- [10] *Sefer ha-Qabbalah. The Book of Tradition by Abraham Ibn Daud*. p. 53, n. 114-115 and pp. 78-84; Simon ben Tsemah Duran repeats this information in his *responsum* I:72.
- [11] *Responsa* (Še'elot u-tešuvot), 79.
- [12] J. M. MILLÀS VALLICROSA. *Las Tablas astronómicas del rey Don Pedro el Ceremonioso*. Madrid-Barcelona 1962, p. 103 and 124.
- [13] Ad. NEUBAUER. *Medieval Jewish Chronicles*. II, p. 239. On p. 241 of this same work we read: «R. Jacob de Lunèl wrote many books like this one in Catalonia and in Sefarad».
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- [23] Cf. M. SCHWAB, J. MIRET Y SANS. "Nouveaux documents des juifs barcelonnais au XII^e siècle". *Boletín de la Real Academia de la Historia*, 68, Madrid 1916, p. 564, n. 3.

- [24] See A. BLASCO. *La judería de Zaragoza en el siglo XIV*. Zaragoza 1988, *passim*.
- [25] Loans on a rate of interest (called then usury) fixed in 1228 at 20%.
- [26] See a very clear example of this in a document published in: E. FELIU. "Salomó ben Adret, mestre de la llei jueva". *Tamid*, 4, Barcelona 2002-2003, p. 50, note 61.
- [27] *Responsa* (*Še'elot u-tešuvot*), III:411. This text by Solomon ben Adret refers to the *col·lectes*, a singular institution of the Catalan *aljames*; see Y. T. ASSIS. *The Golden Age of Aragonese Jewry: Community and Society in the Kingdom of Aragon, 1213-1327*. The Littman Library of Jewish Civilization, London 1997, pp. 179-191.
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ABOUT THE AUTHOR

On the 15th of July 2009, when this journal was in the editing process, Eduard Felíu i Mabres (Barcelona 1938) died in Barcelona. No one could have imagined that his article being published in this issue would be the last one he would write and that he would never live to see it in print. Eduard Felíu was the founding president of the Catalan Society of Hebrew Studies, a branch of the Institut d'Estudis Catalans, and a member of the editorial board of the Catalan Historical Review.

He studied linguistics and Semitic languages at the Hebrew University of Jerusalem during a sojourn in Israel from 1967 to 1971. He was a very prominent researcher in Hebrew issues, especially in the history of Hebrew culture in mediaeval Catalonia. He also translated and edited texts containing modern Hebrew poetry. His recent works include the study and publication of Hebrew translations of the medical works of Arnau de Vilanova. He was currently putting the finishing touches on a vast bibliographic database on the history of Jews in the Catalan-Aragonese Crown and in Provence for the Catalan Society of Hebrew Studies.

Of the remainder of his oeuvre, in this last-minute notice we shall only mention *Poemes hebraics de jueus catalans* (Hebrew Poems by Catalan Jews, 1976), *De la guia dels perplexos i altres escrits de Maimonides* (On the Guide for the Perplexed and Other Writings by Maimonides, 1986) and *Documents hebraics de la Catalunya medieval, 1117-1316* (Hebrew Documents from Mediaeval Catalonia, 1117-1316, 2004). He was a founding member and president of the former Catalan Association of Judaic Studies and the founding president of the Catalan Society of Hebrew Studies, as mentioned above. He was a driving force behind the publication of *Tamid*, the annual journal published by this scientific society, and he was also a member of the editorial board of the journal *Calls*. Eduard Felíu published many of his studies in both journals.

In 2007, he was awarded an honorary doctoral degree from the University of Barcelona. May he rest in peace.