



# Jews as pagans? Polemical definitions of identity in Visigothic Spain

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*A conciliar canon from Visigothic Spain relates that Jewish parents, who had been baptized by force, were trying to save their children from baptism, relying on the help of Christian neighbours, who lent them their own children for a second baptism. According to the wording of the canon, Jewish parents thereby illicitly retained their children as 'pagans'. This very peculiar, 'extremist' terminology served as a rhetorical tool to denigrate Judaism, putting it on a par with idolatry, superstition, supposedly primitive religion and backward, rural culture. This rhetorical strategy was used to construct a negative Jewish identity, which in turn served to strengthen a new concept of Gothic identity propagated ever since the conversion of the Visigoths to catholicism. Catholic Goths are presented both as the heirs of christianized Roman culture (which included the acceptance and transformation of catholic anti-Judaism), and as the champions of historical progress, allegedly overcoming different kinds of pre-Christian, 'barbarian' religion.*

## Introduction

There are different ways and models to present the process of christianization. One is the linear model of salvation history, implying the idea of progress, which was advocated by church fathers such as Eusebius of Caesarea.<sup>1</sup> Associated with this model is the notion of enlightenment, presupposing the idea that Christianity brought light to the gentiles. Allegedly darkness covered the earth, before the shadows were driven out by the incarnation of Christ and the spread of Christianity. Alternatively, christianization can be seen as *eruditio*, a process in which people are led out of a state of ignorance to the realm

<sup>1</sup> See W. Kinzig, *Novitas Christiana. Die Idee des Fortschritts in der Alten Kirche bis Eusebius*, *Forschungen zur Kirchen- und Dogmengeschichte* 58 (Göttingen, 1994); K. Thraede, 'Fortschritt', *Reallexikon für Antike und Christentum* 8 (1972), pp. 141–82.

of culture and civilization, based mainly on Greek and Roman foundations. The alleged achievements of enlightenment and *eruditio* can be illustrated more clearly if contrasted against a background of other beliefs; a contrast which serves to drive home the point, namely the progress of Christian religion and culture.

This paper focuses on a text which shows quite clearly how a model of Christian identity could be constructed against the dark background of supposedly primitive religion. This text is a conciliar canon from Visigothic Spain, which has been preserved in one recension of the *Hispana* canon law collection, the so-called *Juliana*. It is not entirely clear where this stray canon originated, but according to the majority opinion it belongs to the third council of Seville, which would have been held under the presidency of Isidore of Seville around 624.<sup>2</sup> Unlike the acts of the first two councils of Seville, the canons of this assembly have not been preserved, possibly because the fathers committed a serious mistake in passing judgement on a bishop, who was convicted and deposed because of false witnesses.<sup>3</sup> It is reasonable to assume that Isidore of Seville, the responsible metropolitan, as well as other bishops involved in the matter, wanted to cover up this grave misjudgement, once the error had come to light. Therefore they may have decided not to preserve the records of this assembly. However, some traces of its acts can still be found. Among these is a canon which deals with the problem of forcibly baptized Jews. It is preserved in an appendix to the acts of the eighth council of Toledo, which presents a systematic collection of canons passed by Spanish and non-Spanish councils; the last of the four topics of this collection is that of the Christian attitude towards the Jews. The source that will be analysed in this paper is the very last canon of this appendix, possibly the only one preserved from the third council of Seville.<sup>4</sup>

The source relates that the Visigothic King Sisebut, who reigned from 612 to 621, ordered all the Jews of his kingdom to be baptized; we know that this happened at the beginning of his reign, possibly between 613

<sup>2</sup> See P. Séjourné, *Saint Isidore de Séville. Le dernier Père de l'Eglise. Son rôle dans l'histoire du droit canonique* (Paris, 1929), pp. 30–2 and R.L. Stocking, 'Martianus, Aventius and Isidore: Provincial Councils in Seventh-Century Spain', *EME* 6 (1997), pp. 169–88. J. Orlandis (in *idem* and D. Ramos-Lissón, *Die Synoden auf der Iberischen Halbinsel bis zum Einbruch des Islam* [711]; Paderborn/München/Wien/Zürich, 1981, p. 143) assumes that there was a council between 622 and 624; see also *idem*, 'Tras la huella de un concilio isidoriano de Sevilla', *Anuario de Historia de la Iglesia* 4 (1995), pp. 237–46.

<sup>3</sup> See Stocking, 'Martianus, Aventius and Isidore', pp. 172–3; Orlandis, 'Tras la huella de un concilio isidoriano de Sevilla', pp. 340–1.

<sup>4</sup> *Capitula viginti ex ignota collectione systematica*, in *La colección canónica hispana* (hereafter CCH), V: *Concilios hispanos, segunda parte*, eds G. Martínez Díez and F. Rodríguez, Monumenta Hispaniae Sacra. Serie canónica 5 (Madrid, 1992), no. 20 (17), pp. 465–85; *Ex concilio Spalitano capitulum decimum*, pp. 482–5. The Jews are treated in numbers 14–20 of this appendix.

and 615.<sup>5</sup> We do not know the circumstances under which this unprecedented order was carried out, but the source discussed here sheds some light on one aspect of the matter: Jews who have apparently been baptized by force are trying to save their children from baptism, striking a deal with Christian neighbours. They are borrowing Christian infants, who have already been baptized, and presenting them as their own. These children are baptized a second time, whereas the Jewish infants escape baptism. The canon states:

It has come to our knowledge that some Jews, who have just recently been called to the faith of Christ, have fraudulently committed some grave dishonesty, presenting other children than their own at the most holy baptismal font. These, whom they allege to be their children, are baptized a second time, whereas they keep their own offspring as pagans by sinister and nefarious pretence. As a matter of fact they have all been committing dishonest perjury from the very beginning, never keeping their faith.<sup>6</sup>

### The changing position of the Jews

Interestingly enough, the canon does not simply blame Jewish parents for not presenting their children for baptism; it alleges moreover that they are trying to preserve them as 'pagans'. This choice of words is

<sup>5</sup> For 613 see J. Juster, 'The Legal Condition of the Jews under the Visigothic Kings', trans. A.M. Rabello, *Israel Law Review* 11 (1976), pp. 259–87, 391–414, 563–88, at p. 263; J. du Quesnay Adams, 'Ideology and the Requirements of 'Citizenship' in Visigothic Spain: The Case of the *Judaei*', *Societas* 2 (1972), pp. 317–32, at p. 321; B. Blumenkranz, *Juifs et chrétiens dans le monde occidental 430–1096*, Études juives 2 (Paris and La Haye, 1960), p. 107; N. Roth, *Jews, Visigoths and Muslims in Medieval Spain. Cooperation and Conflict*, Medieval Iberian Peninsula. Texts and Studies 10 (Leiden, New York and Cologne, 1994), p. 13 and B.-Sh. Albert, 'Un nouvel examen de la politique anti-juive wisigothique', *Revue des études juives* 135 (1976), pp. 3–29, at p. 21; she suggests either 612 or 613. For another hypothesis see J. Orlandis, *La vida en España en tiempo de los godos* (Madrid, 1991), pp. 128 and 223 and L.A. García Moreno, *Los judíos de la España antigua. Del primer encuentro al primer repudio* (Madrid, 1993), p. 116, who think that the king ordered the baptisms only in the fourth or fifth year of his reign (616–617); they refer to Isidore's words in *Etymologiae* V, 39, 42: '[Huius quinto et quarto religiosissimi principis Sisebuti] Iudaei [in] Hispania Christiani efficiuntur' (ed. W.M. Lindsay, *Scriptorum Classicorum Bibliotheca Oxoniensis*, Oxford 1911, no pagination). However, since Sisebut reigned only for about nine years, the fourth or fifth year could hardly be counted as the beginning of his reign, which is explicitly given as the time of his measures in Isidore's critical statement *Historia* 60, *Historia Gothorum, Vandalorum et Suevorum*, ed. C. Rodríguez Alonso, 'Las Historias de los Godos, Vándalos y Suevos de Isidoro de Sevilla. Estudio, edición crítica y traducción', *Fuentes y Estudios de Historia Leonesa* 13 (León, 1975), pp. 270–2: 'Qui initio regni Iudaeos ad fidem Christianam permovens ...'.

<sup>6</sup> 'Comperimus quosdam Iudaeos nuper ad fidem Christi vocatos quadam perfidiae fraude alios pro filiis suis ad sacrum sanctum lavacri fontem offerre, ita ut sub specie filiorum quosdam iterato baptismate tingant, sicque occulta ac nefaria simulatione natos suos paganos retinent, vere omnes ab initio naturali et perfidia periurati et nunquam in fide', *CCH*, V, 482, lines 286–90.

quite surprising, given the fact that in antiquity generally a clear line was drawn between Jews and pagans. Suffice it to mention the well-known Augustinian theory, according to which the Jews act as the librarians of the Christians, presenting them with the books of the Old Testament,<sup>7</sup> which are to serve as the source books for the proof of the Christian truth against the 'pagans'.<sup>8</sup> An association of Jews and pagans would totally invalidate this argument.

However, after the fourth century we can observe a tendency to put Jews, pagans and Christian heretics into the same category, although as a rule never completely blurring the line between them. Even if Jews and heretics were sometimes associated with one another, this confusion never extended to adherents of traditional religion; at least Jews were never subsumed under the heading 'pagans'.<sup>9</sup> The tendency towards intermingling of different groups is detectable both in legislation and in theological writings, as we can see in the title of the pseudo-augustinian sermon *Contra Iudaeos, paganos et arianos desymbolo*.<sup>10</sup> Even

<sup>7</sup> See Augustine, *Enarrationes in psalmos* 58, 1, 22, CCSL 39, p. 744: 'Ipsi habent codices, de quibus prophetatus est Christus, et nos tenemus Christum.' See also *Enarrationes in psalmos* 56, 9, p. 700: 'Codicem portat Iudaeus, unde credat christianus. Librarii nostri facti sunt, quomodo solent servi post dominos codices ferre.'

<sup>8</sup> 'Dubitat paganus, ne forte hoc ipse confinxi: inimicus meus habet hunc codicem, antiquitus sibi a maioribus commendatum. Ambos inde convinco: Iudaeum, quia id quod ibi prophetatum est completum ego cognovi; paganus, quia non ego hoc confinxi', s. 374, 15; in Augustinus Hipponensis, *Vingt-six sermons au peuple d'Afrique, retrouvés à Mayence*, édités et commentés par F. Dolbeau, Collection des études Augustiniennes. Série Antiquité 147 (Paris, 1996), p. 606.

<sup>9</sup> Jerome claimed that the quest of Jews and heretics for God was in vain, because they – following philosophers and barbarians – allegedly failed to search for him in the right way ('Deum non recte quaerunt'; *Commentarium in epistolam ad Titum* 3, ad v. 9; *PL* 26, p. 629). Already at the Spanish council of Elvira, at the beginning of the fourth century, Jews and heretics were labelled *infideles*, c. 16; *CCH*, IV: *Concilios galos/ concilios hispanos, primera parte*, eds G. Martínez Díez and F. Rodríguez, Monumenta Hispaniae Sacra. Serie canónica 4 (Madrid, 1984), p. 247. We can observe a similar tendency in Roman legislation from the beginning of the fifth century: Jews, Samaritans, heretics and pagans are often treated in one and the same law, even though initially each group is still considered separately; see K.L. Noethlichs, *Das Judentum und der römische Staat. Minderheitenpolitik im antiken Rom* (Darmstadt, 1996), pp. 110–11. For Visigothic Spain see the description of the duties of the Gothic king in the tenth canon of the eighth council of Toledo (*CCH*, V, 429): 'Erunt catholicae fidei assertores eamque et ab hac quae imminet Iudaeorum perfidia et a cunctarum haeresum iniuria defendentes.' Whereas the reproach of blindness was traditionally hurled against Jews, King Sisebut applied this accusation also to Christian heretics: 'Postquam ... orthodoxa fides mentibus cecatis emicuit, aucta pace catholicorum Domino commodante Gotorum viget imperium', *Miscellanea Wisigothica* VIII, 21; ed. I. Gil, *Anales de la Universidad Hispalense*. Filosofía y Letras 15 (Seville, 1972), pp. 37–40. This tendency can also be observed in Isidore: '... caligantes heretici aliud quam se res habet intellegunt' (*Sententiae* I, 16, 8; CCSL III, p. 57). In 638 the sixth council of Toledo clearly distinguished between Catholics and non-Catholics and put all the latter into one and the same category: '... nec sinit degere (sc. rex) in regno suo eum qui non sit catholicus' (c. 3; *CCH*, V, 304–5). Furthermore, both Jews and heretics were labelled *perfidii*; concerning heretics see e.g. Cassiodorus, *Expositio psalmorum* 140, 6 (CCSL 98, p. 1266): '... haeticorum videtur designare perfidiam'; cf. E. Peterson, 'Perfidia Judaica', *Ephemerides Liturgicae* 50 (1936), pp. 296–311, at pp. 308–9.

<sup>10</sup> *PL* 42, pp. 1117–30.

though imperial laws presented Jews, heretics and pagans as deviating from the official religion of the Empire, Judaism still retained its time-honoured status as a *religio licita*, whereas pagans and heretics were outlawed.<sup>11</sup> However, after Justinian I a tendency gained momentum in Byzantine legislation, whereby the meaning of the term heresy was extended in such a way that all groups outside of the orthodox church, including Jews and 'pagans', were included.<sup>12</sup> As regards Visigothic Spain, according to the *Lex Romana Visigothorum* (the book of Roman law in force in the kingdom) Jews had the right to adhere to the religion of their ancestors.<sup>13</sup>

However, at the end of the sixth and the beginning of the seventh century this situation changed dramatically. Judaism lost its rank as a *religio licita*, so that it found itself on a par with paganism. Furthermore, at the third council of Toledo in 589, a profound change had taken place inside Spanish Christianity. At this council, the entire Gothic people officially converted from Arianism to catholicism. This transition implied a redefinition of Gothic identity;<sup>14</sup> from then on, both Hispano-Romans

<sup>11</sup> But according to some late Roman laws Jews should also be marginalized; see a law enacted by the emperor Honorius in 409, *Codex Theodosianus* XVI, 8, 19, eds Th. Mommsen and P.M. Meyer (Berlin, 1905), p. 891: '... ne mysteriis Christianis inbuti perversitatem Iudaicam et alienam Romano imperio post Christianitatem cogantur arripere.'

<sup>12</sup> See *Codex Iustinianus* I, 5, 12 § 2–9 and *Novellae* 37, 8, eds R. Schoell and W. Kroll (Berlin, 1895), p. 245: 'Neque enim Iudaeos neque paganos neque Donatistas neque Arianos neque alios quoscumque haereticos vel speluncas habere vel quaedam quasi ritu ecclesiastico facere patimur, cum hominibus impiis sacra peragere satis absurdum est.' Already in the reign of Theodosius II Jews, heretics and 'pagans' were accused of 'blindly' following superstitious beliefs: 'Quod sensibus excaecatos Iudaeos Samaritans paganos et cetera hereticorum genera portentorum audere cognoscimus', *Nov.* III, 1, ed. P.M. Meyer (Berlin, 1905), p. 7. See also *Codex Theodosianus* XVI, 1, 2, p. 833: 'Hanc legem sequentes Christianorum catholicorum nomen iubemus amplecti, reliquos vero dementes vesanosque iudicantes haeretici dogmatis infamiam sustinere'; it should be noted that this law was put at the very beginning of Justinian's code, *Codex Iustinianus* I, 1, 1, ed. P. Krüger (Berlin, 1877), pp. 7–8. 'Rechtgläubigkeit und Vollbürger fielen mehr und mehr in eins. Die mit 212 n. Chr. erreichte staatsrechtliche Gleichstellung wurde durch neue Formen von Minderberechtigung bis zur Rechtlosigkeit nach Nähe oder Ferne zur 'Rechtgläubigkeit' ersetzt.' (Noethlichs, *Das Judentum und der römische Staat*, p. 139.) This blurring of distinctions is also detectable in theological writings; cf. e.g. Fulgentius of Ruspe (*De fide ad Petrum* 81; CCSL 91 A, p. 757): 'Firmissime tene et nullatenus dubites, non solum omnes paganos, sed et omnes Iudaeos et omnes haereticos atque schismaticos, qui extra Ecclesiam catholicam praesentem finiunt vitam, in ignem aeternum ituros, qui paratus est diabolo et angelis eius.'

<sup>13</sup> 'Iudaei omnes, qui Romani esse noscuntur, hoc solum apud religionis suae maiores agant, quod ad religionis eorum pertinet disciplinam', *Lex Romana Visigothorum* II, 1, 10, ed. G. Haenel (Leipzig, 1849, repr. Aalen, 1962), p. 34.

<sup>14</sup> '... gloriosissimus princeps omnes regimines sui pontifices in unum convenire mandasset ut tam de eius conversione quam de gentis Gotorum innovatione in Domino exsultarent' (III Toledo, *prol.*, CCH, V, 50). For changing concepts of identity see H. Wolfram, 'Origo et Religio. Ethnic Traditions and Literature in Early Medieval Texts', *EME* 3 (1994), pp. 19–38; S. Reynolds, 'Medieval *origines gentium* and the Community of the Realm', *History* 68 (1983), pp. 375–90, repr. with corrections in *Ideas and Solidarities of the Medieval Laity* (London, 1995); S. Reynolds, 'Our Forefathers? Tribes, Peoples, and Nations in the Historiography of the Age of Migrations', in A. Callander Murray (ed.), *After Rome's Fall. Narrators and Sources of Early Medieval History. Essays presented to Walter Goffart* (Toronto, Buffalo and London, 1998),

and the formerly Arian Goths could, and indeed should, regard themselves as part of the new *gens Gothorum*, which was defined as being both Gothic and catholic. Isidore of Seville, the scion of a Hispano-Roman family, is a good case in point. Although imbued with Roman and catholic culture, he identified himself with the Goths and Gothic history, as we can tell by his presentation in the *Historia Gothorum*.

Legally, the Jews still preserved their rank as Roman citizens, which they had held ever since the *Constitutio Antoniniana* was passed in 212. Even though this dignity had long lost its former splendour, it was only finally abolished in the middle of the seventh century, when it was no longer included in the new lawbook, the *Liber Iudiciorum*.<sup>15</sup> A law of King Sisebut, who ordered the forced baptisms, tells us that the Jews still held the rank of *cives Romani*.<sup>16</sup> Although a new concept of identity was being promoted – the catholic *gens Gothorum* – which disregarded the old model of Roman identity, legally Jewish and catholic Hispano-Romans still found themselves in the same category, namely the large body of Roman citizens.

Under Sisebut, Judaism lost its status as a *religio licita*, but the Jews still retained their rank as Roman citizens. Legally they found themselves in a kind of grey area, somewhat unclear and undefined. However, they do not seem to have been socially isolated. As indicated above, the canon possibly passed at the third council of Seville tells us that they were able to convince Christian neighbours that they should lend them their children for a second baptism. It is interesting to observe that even in the second half of the seventh century royal laws blamed catholic clergy for illegally offering support to the Jews.<sup>17</sup> All this leads to the conclusion that – contrary to official ideology – Jews were not regarded as outcasts;

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pp. 17–36; H.J. Hummer, 'The Fluidity of Barbarian Identity. The Ethnogenesis of Alemanni and Suebi AD 200–500', *EME* 7 (1998), pp. 1–27; R.W. Mathiesen and H.S. Sivan, 'Forging a New Identity: The Kingdom of Toulouse and the Frontiers of Visigothic Aquitania (418–507)', in A. Ferreiro (ed.), *The Visigoths. Studies in Culture and Society*, The Medieval Mediterranean 20 (Leiden, Boston and Cologne, 1999), pp. 1–62.

<sup>15</sup> Until 654 the *Lex Romana Visigothorum* remained in force, which stated clearly: 'Iudaei omnes, qui Romani esse noscuntur,' (see above, note 13).

<sup>16</sup> 'Libertate vero servum christianum Hebreus si maluerit, ad civium Romanorum dignitatem eundem manumittere debet' (*Lex Visigothorum* XII, 2, 14; *MGH, LL*, I, 1, p. 421). A slave who is set free cannot possibly acquire the rank of a Roman citizen if his former master does not hold it himself.

<sup>17</sup> In canon 58 of the fourth council of Toledo clerics and laymen who accept bribes from the Jews are referred to as being *ex corpore Antichristi* (*CCH*, V, 236): 'Multi quippe hucusque ex sacerdotibus atque laicis accipientes a Iudaeis munera perfidiam eorum patrocinio suo fovebant.' In a law enacted by King Ervig laymen and clerics are blamed for relying on the services of Jews (*Lex Visigothorum* XII, 3, 19; *MGH, LL*, I, 1, p. 448). In another law Ervig complains that even bishops protect Jews because of financial interests ('quislibet pontificum aut cupiditate inlectus aut maligne voluntatis incuria tepidus'; *Leges Visigothorum* XII, 3, 24; *MGH, LL*, I, 1, p. 452).

on the contrary, they could rely on the help of Christian neighbours, who seem to have sympathized with them.

### The terminological problem

According to the wording of the Sevillian canon, Jewish parents were trying to save their children from baptism, thereby retaining them as 'pagans'. This terminology seems very confusing, if we think that it is an indication of a possible identification of Judaism with traditional Roman religion, which – as indicated above – were as a rule distinguished in legal and theological sources. In order to understand the passage more clearly, a brief discussion of some implications of the term *paganus* will help to clarify some aspects of its meaning.<sup>18</sup> In classical Latin *paganus* referred to the inhabitants of the *pagus*, the countryside, as opposed to urban citizens.<sup>19</sup> The term therefore bears some resemblance to *extramuranus* or *rusticus*. The more Roman culture became urbanized, the more *paganus* acquired an aspect of backwardness and lack of education.<sup>20</sup> A second aspect refers to a non-military, civil person, as opposed to a soldier. It was only at a third stage that *paganus* acquired a religious connotation, referring to a non-Christian. This change, or rather extension, of meaning (dating to the fourth century) may be based on the notion that every Christian is a *miles christianus*, who takes an oath of allegiance, a *sacramentum*, towards Christ. In this regard all non-Christian people could be seen as non-military persons – i.e. *pagani*.<sup>21</sup>

In his *Etymologies*, Isidore of Seville combines the first and the last of these aspects: 'The pagans are called after the districts (*pagi*) of Athens, from where they have come, because the Athenian gentiles planted holy woods and put up idols in rural places and districts, and from there the word "pagans" has come.'<sup>22</sup> Obviously 'pagan' religious practices are

<sup>18</sup> See J.-C. Fredouille, 'Heiden', *Reallexikon für Antike und Christentum* 13 (1986), pp. 1113–49, esp. pp. 1121–2.

<sup>19</sup> Cf. Paulus Diaconus's abstract of Festus's *De verborum significatione*, p. 221, Thesaurus Linguae Latinae 10 (1982), p. 78: 'Pagani a pagis dicti'; the marginal note is also interesting (*ibid.*): 'Paganus ab eo quod pagum colat.'

<sup>20</sup> See E. Kornemann, 'Paganus', *Paulys Realencyclopädie der classischen Altertumswissenschaft* 18/1 (1942), pp. 2295–97, at p. 2296: '... je mehr die Kultur Roms unter dem Einfluß des Hellenismus städtisch wurde. Der p. galt schließlich "als ein niederes Wesen, das von der Kultur wenig oder gar nicht berührt war"'. The reference is to M. Rostovtzeff, *Gesellschaft und Wirtschaft im römischen Kaiserreich*, 2 vols (Leipzig, 1930), I, 158.

<sup>21</sup> See D. Harmening, *Superstitio. Überlieferungs- und theoriegeschichtliche Untersuchungen zur kirchlich-theologischen Aberglaubensliteratur des Mittelalters* (Berlin, 1979), p. 286.

<sup>22</sup> 'Pagani ex pagis Atheniensium dicti, ubi exorti sunt. Ibi enim in locis agrestibus et pagis gentiles lucos idolaque statuerunt, et a tali initio vocabulum pagani sortiti sunt' (*Etymologiae* VIII, 10, 1). Concerning the *Sententiae*, Cazier is, however, sceptical regarding Isidore's choice of words: 'Quand Isidore parle, dans les *Sentences*, de paganisme, c'est uniquement sous son aspect culturel', P. Cazier, *Isidore de Séville et la naissance de l'Espagne catholique*, Théologie Historique 96 (Paris, 1994), p. 157.

associated with the countryside.<sup>23</sup> Interestingly enough, this definition of *paganus* also uses the term *gentilis*, which in turn is discussed right after the sentences just quoted: 'Gentiles are those who are without law, having not yet come to the faith. They are called gentiles, because they are still in the state in which they were generated, i.e. as they came down in the flesh under the sin, serving idols and not yet regenerated.'<sup>24</sup> It appears that *gentiles* are mainly described as non-Christians, people who have not yet been baptized, who retain the sinful condition of human nature, as it were.<sup>25</sup> This definition can easily be applied to the Jews, who were often blamed by Christian theologians for 'sticking to the flesh'; this reproach referred both to their reluctance to become baptized 'by the spirit' and to their allegedly literal exegesis of the Bible and their 'literal' observance of biblical commandments.

Although Isidore's definition of the terms *paganus* and *gentilis* does not mention the Jews explicitly – in fact he may not even have thought of them while formulating it – it becomes obvious that it offers at least a basis for extending the meaning of these terms to include the Jews.<sup>26</sup> In his *Sententiae* he claims that heresies are always confined to one region,

<sup>23</sup> An intermingling of the two aspects, 'pagan' religious practices on the one hand and rural life on the other, can also be discerned in the title and content of Martin of Braga's treatise *De correctione rusticorum*, written around 572; see J.-C. Fredouille, *Reallexikon für Antike und Christentum* 13 (1986), s.v. Heiden, p. 1145. For popular beliefs and practices which may have developed out of pagan rituals see J.N. Hillgarth, 'Popular Religion in Visigothic Spain', in E. James (ed.), *Visigothic Spain. New Approaches* (Oxford, 1980), pp. 3–60; repr. in J.N. Hillgarth, *Visigothic Spain, Byzantium and the Irish* (London, 1985), esp. pp. 50–1. In the Middle Ages *paganus* was often associated with the concept of 'barbarian' culture (or the lack of it); the meaning of 'barbarian', 'pagan' and 'un-Christian' became intertwined, so that terminologically the concept *paganus* continued to combine both religious and socio-ethnic aspects: for references see H. Messmer, *Hispania-Idee und Göttenmythos. Zu den Voraussetzungen des traditionellen vaterländischen Geschichtsbildes im spanischen Mittelalter*, Geist und Werk der Zeiten 5 (Zurich, 1960), p. 33, note 141.

<sup>24</sup> 'Gentiles sunt qui sine lege sunt, et nondum crediderunt. Dicti autem gentiles, quia ita sunt ut fuerint geniti, id est, sicut in carne descenderunt sub peccato, scilicet idolis servientes et necdum regenerati' (*Etymologiae* VIII, 10, 2). It is interesting to note that Orosius also combines both these terms in one sentence, which furthermore has certain parallels to the wording of Isidore's definition of *paganus* quoted above: '... qui alieni a civitate Dei ex locorum agrestium copitis et pagis pagani vocantur sive gentiles quia terrena sapiunt' (*Historiae adversum paganos* I, prol. 9; CSEL 5, p. 3).

<sup>25</sup> Isidore underlines this line of thinking, singling out baptism as the dividing line between *gentiles* and 'non-gentiles': 'Post fidem autem non debere vocari gentes sive gentiles eos qui ex gentibus credunt; sicut post fidem dici iam non potest Iudaeus' (*Etymologiae* VIII, 10, 4).

<sup>26</sup> In his concluding sermon at the third council of Toledo, his elder brother Leander had compared catholic unity to the state of nature, i.e. to 'normality': 'Haereses vero et divisiones a fonte emanant vitiorum, unde quisque ad unitatem venit, ex vitio ad naturam redit' (*CCH*, V, p. 155). Even though the Jews are not mentioned here, it might be inferred that all non-catholics are in a way estranged from nature. This could have contributed to an interpretation according to which *pagani*, *gentiles*, *haeretici* and *iudaei* all belong to one category, defined by its opposition to catholic unity. In the Sevillian canon there is an indirect hint at the desire for Christian unity, when Jews are required to adopt the catholic way of life in all respects: '... non esum agni, non azimas, non denique sabbati observationes differentiasque ciborum custodiant, sed in nomine Christianae religionis cultu, victu, habitu nobiscum communes existant' (*CCH*, V, 484, lines 321–4).



whereas the catholic church has spread to all parts of the world: 'While heresies are found in some corner of the earth or among a single nation, the catholic church has not only spread over the whole world, but it is also constituted by the community of all peoples.'<sup>27</sup> As opposed to the catholic church, which comprises the entire *oikoumene* of the ancient world, heretical churches or groups are labelled *privatas societates*. This last opposition constructs a difference between the public sphere of the 'catholic' church – understood literally – on the one hand and private groupings of heretics on the other, which do not belong to the realm of public life; basically they are relegated to the area of a non-public, rural, backward existence. What is more, not only heretics were accused of sticking stubbornly to their own way of thinking, remaining confined to 'private groupings' and refusing to join the church which had spread to the entire world. The Jews had also been faced with similar accusations ever since the Christian church, trying to establish and maintain its separate identity based on the notion of the *vocatio omnium gentium*, had split off from Judaism in the first century.

The text of the Sevillian canon apparently also presents a combination of various aspects of the meaning of the term just discussed. Repeatedly the actions and practices of Jewish parents are described as obscure, fraudulent and malicious.<sup>28</sup> Jews who adhere to their ancestral religion are said to live in the shadow of the old covenant, the Old Testament.<sup>29</sup> In contrast, Christianity, especially baptism, is presented as an innovation, a renewal, a way out of the rude state of darkness: in short, the way of *eruditio*.<sup>30</sup> The authors of the canon try to malign Judaism by associating it with 'obscure' practices, possibly magic and rites of traditional popular religion. We may compare the phrase 'fraudulent and malicious arts' (*fraudulentas ac subdolas artes*) with the wording of canon 29 of the fourth council of Toledo (633), where practitioners of various 'pagan' rites such as *magi*, *augures*, soothsayers and haruspices

<sup>27</sup> 'Hereses autem in aliquem angulo mundi, aut in unam gentem inveniuntur versari. Ecclesia vero catholica sicut per totum mundum extenditur, ita et omnium gentium societate construitur' (*Sententiae* I, 16, 6; CCSL III, p. 56).

<sup>28</sup> '... sicque occulta ac nefaria simulatione natos suos paganos retinent, vere omnes ab initio naturali et perfidia periurati et nunquam in fide. Contra quorum fraudulentas artes ac subdolas diligentem nos oportet habere sollertiam' (*CCH*, V, 482, lines 289–92). '... quia in nonnullis ita perfidia naturalis obduravit ut usquequaque retenta cordis duritia occultam impietatem generent, idcirco contra indevotos et pertinaces animos hoc in commune decernimus' (*ibid.*, p. 483, lines 309–12).

<sup>29</sup> '... et cognoscant quia in nova fidei gratia ambulantes, quaecumque in sacramentis priscis agebantur, cessante umbra iam in Christo esse completa' (*ibid.*, p. 484, lines 326–8).

<sup>30</sup> 'Quorum innovatione magnum gaudium expectationis cunctis fidelibus ministravit, quod divina gratia, regali adnittente favore, ad verae religionis formam fideique credulitatem pervenerint' (*ibid.*, p. 483, lines 306–9). '... ad ecclesiam quoque saepe concurrant, ut dum frequenter conveniunt, et fides in eis crescat et eruditio augeatur' (*ibid.*, p. 484, lines 324–5).

are subsumed under the umbrella term of 'those who teach some (obscure) art' (*qui profitentur artem aliquam*).<sup>31</sup> Obscure, undefined 'arts', allegedly practised by Jews and 'pagans', are rejected by the ecclesiastical authorities. Furthermore, unlike the term *gentilis*, which may have been used primarily to denote unbaptized people without derogatory undertones (*Heiden aus Schicksal*), *paganus* was possibly directed against those who positively refused to embrace Christianity or who even apostatized (*Heiden aus Schuld*).<sup>32</sup> This accusation, based on an allegedly stubborn refusal to join the church, may also have been levelled against Spanish Jews, who could in this respect be put on a par with *pagani* in the sense of *Heiden aus Schuld*.

### Anti-Jewish polemics in a new guise

It is possible to speculate that the authors of the Sevillian canon wanted to attack Judaism from two angles: first, by relegating it to the realm of backward, rural culture on the social level; and second, by putting it on a par with so-called 'pagan' practices on the religious one.<sup>33</sup> This identification with 'paganism' was facilitated by a trend that had for centuries been advocated in Christian theology. At the beginning Christianity clearly rested on two pillars; the Jews (the *ecclesia ex circumcisione*) on the one hand, and the gentiles (the *ecclesia ex praeputio*) on the other. The former, historically representing the very first Christians, had, however, for centuries been relegated to the sphere of heresy. Jewish Christians were thus forced to live on the verge of Christianity and society, becoming phenomenologically similar to the *pagani* in the sense of inhabiting the countryside, and living apart from urban civilization.

When Judaism lost its time-honoured rank as a *religio licita* under King Sisebut, it became legally assimilated to paganism. Leaving out the remnants of Jewish Christianity (whose existence in Spain has not been established anyway) one could see all Christians as being of non-Jewish, gentile ancestry, which amounted to a complete separation of church and synagogue. This construction of an entirely gentile Christianity facilitated an identification of all non-Christians with paganism, understood as comprising all those who were unbaptized and who consequently did not belong to the chosen people of the new covenant, the

<sup>31</sup> CCH, V, 218. This is, by the way, the only canon of IV Toledo which deals with the question of 'paganism'.

<sup>32</sup> See H.-W. Gensichen, 'Heidentum I', *Theologische Realenzyklopädie* 14 (1985), pp. 590–601, esp. p. 593.

<sup>33</sup> For remnants of traditional Roman religion see Hillgarth, 'Popular Religion in Visigothic Spain', pp. 11–18 and 47–8. Even members of the clergy consulted soothsayers and magicians, as we can tell by canon 29 of the fourth council of Toledo. The term *paganus* is, however, not used in this context.

*verus Israel*.<sup>34</sup> It is not clear how many 'pagan remnants', or traces of traditional Roman religion, were still in southern Spain in the seventh century; they may have been few and far between.<sup>35</sup> However, we should remember that Isidore does not refer very often to the Augustinian theory mentioned above according to which the Jews serve as the librarians of the Christians, an argument developed first and foremost against the pagans.<sup>36</sup> Isidore's reluctance to use this concept may be a hint that he did not see any reason why he should conduct an intellectual argument with any 'pagans', who may still have lived in the province of *Baetica*. Their number was either very small, or he regarded them as no threat to the beliefs of the Christian flock.<sup>37</sup> This might have facilitated a

<sup>34</sup> Cf. the following phrase of Gregory the Great, who puts all non-Catholics into one category, without, however, using the term *paganus*: 'Reccharedus rex ... ab arrianæ hereseos pravitate conversus est, totamque Wisigotharum gentem ita ad veram perduxit fidem, ut nullum suo regno militare permetteret, qui regno Dei hostis existere per hereticam perfidiam non timeret' (*Dialogi* III, 31, 7; Sources Chrétiennes 260, p. 388). J. Van Engen, 'Christening the Romans', *Traditio* 52 (1997), pp. 1–45 at p. 43 refers to the development of a Roman-Christian identity in late antiquity as follows: 'Christening cast all others into a single non-Christian category, the new equivalent of the Greek and Roman "Barbarian".' This statement applies also to the way of thinking detectable in the conciliar canon discussed in this paper. For Isidore's use of the concept of *verus Israel* cf. *De fide catholica contra Iudaeos* II, 24, 10 (*PL* 83, p. 532): 'Omnis enim per fidem verus Israel exit ab Aegypto, dum renuntiat saeculo.' The theologoumenon of *verus Israel* also provides the background for the following phrases: 'Per has (sc. mansiones filiorum Israel) currit verus Hebraeus, qui de terra festinat transire ad caelum, et Aegypto saeculi derelicta, terram repromissionis ingreditur' (*Quaestiones in Numeros, praef.*, 4; *PL* 83, p. 339); similarly *Quaestiones in IV Regum* 8, 1 (*PL* 83, p. 422): '... veros Israelitas ... per apostolicam dispensationem cum evangelico sacramento ad regnum gentium transmigrasse.'

<sup>35</sup> See Hillgarth, 'Popular Religion in Visigothic Spain', p. 11: 'As one would expect, there is more evidence for pagan cults in the north than elsewhere. In the north the native gods had survived Romanization.' However, in the second half of the sixth century there were pagans in Mérida, the capital of the Roman province of Lusitania; see *ibid.*, p. 15. There is an explicit reference to widespread idolatry in the acts of the third council of Toledo (589): 'Quoniam paene per omnem Spaniam sive Galliam idolatriae sacrilegium inolevit, hoc cum consensu gloriosissimi principis sancta synodus ordinavit, ut omnis sacerdos in loco suo una cum iudice territorii sacrilegium memoratum studiose perquirat et exterminari inventa non differat' (c. 16, *CCH*, V, 122).

<sup>36</sup> Isidore mentions this Augustinian theory only in a few places: 'Quid est enim hodie aliud gens ipsa, nisi quaedam scrinaria Christianorum, baiulans legem et prophetas ad testimonium assertionis Ecclesiae, ut nos honoremus per sacramentum, quod nuntiat illa per litteram?' (*Quaestiones in Genesim* 8, 7; *PL* 83, p. 236). See also *Quaestiones in I Regum* 14, 6 (*PL* 83, p. 402): '... qui (sc. Iudaei) dum adversari cupiunt Christo, habent in ore sacramenta legis et prophetarum ad testimonium Christi.'

<sup>37</sup> Anti-pagan laws directed against idolatry contained in the Theodosian Code were not included in the *Breviarium Alarici*, except for laws against magicians; see Hillgarth, 'Popular Religion in Visigothic Spain', pp. 14–15. It is possible, but not very probable that this omission contributed to a gradual weakening and dissolution of the concept *paganus*, which may have facilitated the change of its meaning to include the Jews. Anti-pagan measures were still taken at the twelfth council of Toledo in 681 (c. 11, *Concilios visigóticos e hispano-romanos*, ed. J. Vives, España Cristiana. Textos I (Barcelona and Madrid, 1963), pp. 298–9) and again in 693 at the sixteenth council, where *nobiles personae* may have been involved in idolatry; see Hillgarth, 'Popular Religion in Visigothic Spain', p. 16. This does not mean, however, that these instances are to be located in the *Baetica*. Some of the slates found near Salamanca were probably used for magical purposes, which was against the rules of the church; see R. Collins, 'Literacy and the Laity in Early Medieval Spain', in R. McKitterick (ed.), *The Uses of Literacy in Early Medieval Europe* (Cambridge, 1990), pp. 109–33 at p. 118.

transfer of the term *paganus* to the Jews, and it sheds additional light on the underlying conception of Judaism perceived as an outdated religion, unworthy of intellectual analysis and confrontation.<sup>38</sup> One further point should be mentioned here: Spanish Jews had been baptized by force, therefore all those still adhering to their ancestral religion were officially seen as apostates. Isidore of Seville had identified all those who did not keep their promises, i.e. who break the *fides*, with *infideles*.<sup>39</sup> Different aspects of the meaning of *fides* – namely ‘fidelity, faithfulness’ on the one hand, and ‘belief’ on the other – facilitated a deliberate confusion between allegedly apostate Jews and so-called unbelievers, including ‘pagans’.<sup>40</sup>

There is no other Visigothic source, be it earlier or later, where unbaptized Jews would expressly be called ‘pagans’. In ecclesiastical and royal legislation there are rulings against Jews and adherents of supposedly superstitious and magical practices, but nowhere are the two groups confused or identified. Isidore of Seville himself, who may have chaired the council where this canon was passed, only mentions Jews and pagans together in one place, at the very end of the *Quaestiones in Vetus Testamentum*, but it is a mere juxtaposition, not an identification of the two groups.<sup>41</sup> He does, however, compare Judaism to *superstitio*,<sup>42</sup> which was traditionally minimalized and marginalized by

<sup>38</sup> In his treatise *De fide catholica contra Iudaeos* Isidore argues against biblical Judaism; there are almost no traces which would show that he had contact with contemporary Jews. The Jews are, however, used as a background to construct a new Gothic identity, based principally on the catholic faith. See W. Drews, *Juden und Judentum bei Isidor von Sevilla. Studien zum Traktat ‘De fide catholica contra Iudaeos’*, Berliner Historische Studien 34 (Berlin, 2001), pp. 493–526.

<sup>39</sup> Isidore, *Synonyma de lamentatione animae peccatricis* II, 58 (PL 83, p. 858): ‘Inter infideles computantur, qui quod voverunt, non impleverunt.’

<sup>40</sup> For an outline of various aspects of the term *fides* and a description of the development of its meaning see C. Becker, ‘Fides’, *Reallexikon für Antike und Christentum* 7 (1969), pp. 801–39. When the Jews were regarded as an *incredula gens*, they could eventually be reckoned as *gentilitas*; see H. de Lubac, *Exégèse Médiévale. Les Quatre Sens de l’Écriture*, vol. II/ 2, Théologie 4 (Paris, 1959), p. 187. Curiously enough, Isidore does not mention Jewish aspirants for baptism at all when he discusses this sacrament in his treatise *De ecclesiasticis officiis*: ‘Caticumini sunt qui primum de gentilitate veniunt’ (*De ecclesiasticis officiis* II, 21, 1; CCSL 113, p. 95). The same may be said regarding Ildephonsus of Toledo in his treatise *De cognitione baptismi*: ‘Cum ex conversatione gentili quisque nolens ad cognitionem et fidem Dei hortatur ut veniat, primum doctor attendat multam bonitatem miserantis Dei, ... ac deinceps agat quantum potest ut intelligenter, ut libenter, ut obedienter audiant’ (*De cognitione baptismi* 17, ed. J. Campos Ruiz, Santos Padres Españoles 1. Biblioteca de Autores Cristianos 320 (Madrid, 1971), pp. 236–378, at p. 253). The omission of Jewish catechumens may be due to the fact that both authors relied on patristic sources which did not discuss the problem of Jewish aspirants for baptism; in view of the Visigothic policy towards the Jews this attitude is, however, quite surprising, if not unlikely. One may speculate, therefore, that the Jews are in this case ‘incorporated’ into *gentilitas*.

<sup>41</sup> *Quaestiones de Machabaeis* 2 (PL 83, p. 424): ‘Nisi quis forte putat ingenio fieri, ut ea quae rerum ordine per sua tempora cucurrerunt ad mysticas significationes interpretando vertantur. Hoc forte Iudaei possunt dicere, sive Pagani.’

<sup>42</sup> ‘Iudaeis ... quorum superstitio’ (*Etymologiae* VIII, 4, 9). Isidore defines the term in *Etymologiae* VIII, 3, 6: ‘Superstitio dicta eo quod sit superflua aut superinstituta observatio.’ See also Isidore, *De differentiis verborum* I, 16, ed. C. Codoñer (Paris, 1992), p. 92, where he refers to illegal practices: ‘Religio autem est in virtute, superstitio vero in cultu illicito.’

exponents of Roman *religio*.<sup>43</sup> Furthermore, Isidore puts Judaism on a par with idolatry, which was the most important enemy of monotheistic religion in Christian eyes: 'According to the prophet, those who come from idolatry to Judaism or heresy, have fallen from one evil to another, since they have not come to know the Lord (Jeremiah IX.3), and from the error of infidelity they have moved to another misbelief.'<sup>44</sup> If we remember that shortly before this sentence Isidore includes both *paganus* and *hereticus* in the *corpus diaboli*,<sup>45</sup> it becomes obvious that he blurs the line between various groups of non-Catholics, which are sometimes almost indiscriminately labelled with terms taken from the arsenal of different kinds of religious polemics.<sup>46</sup>

### Christianization as enlightenment

The choice of words in the Sevillian canon quoted above shows some traces of a peculiar view of the process of christianization. On the one hand is the realm of light, of civilization and *eruditio*. This could be associated with the sphere of legal practice and public life, since the canon demanded that Jewish parents swear an oath that the children they were presenting for baptism were really their own. Moreover, testimony of neighbours was required, while the baptism itself was to be witnessed by a large crowd of people.<sup>47</sup> On the other hand is the

<sup>43</sup> See Harmening, *Superstitio*.

<sup>44</sup> 'Qui ab idolatria ad iudaismum vel heresem transeunt, iuxta prophetam de malo ad malum labuntur, et Dominum non cognoverunt (Jeremiah IX.3), quia de infidelitatis errore, in errorem alium transierunt' (*Sententiae* I, 16, 15; CCSL III, p. 59). In his treatise against the Jews Isidore blames them for alleged apostasy, which brings them into the orbit of idolatry; in all probability he refers to the biblical story of the worship of the golden calf (Exodus XXXII), which does not, however, say anything about their possible association with pagans in the present: 'Ergo agnoscant proinde, illis eo tempore haec praedicta fuisse, ne forte ab unitate fidei recedentes, in multos fictos deos transirent, atque idola gentilitatis colerent, quod et fecerunt' (*De fide catholica* I, 3, 10; *PL* 83, pp. 457–8 notes; ed. V.P. Ziolkowski, 'The *De fide catholica* of Saint Isidorus, Bishop, Book I', Ph.D. thesis, Saint Louis University (1982), pp. 22–3). All this could facilitate a terminological confusion between Jews and 'gentiles' or 'pagans'.

<sup>45</sup> Isidore, *Sententiae* I, 16, 14 (CCSL III, p. 58). See also the following generalizations: 'Omnis qui secundum professionis suae normam aut non vivit aut aliter docet, Antichristus est' (*Sententiae* I, 25, 1; CCSL III, p. 79); 'omnes enim qui exeunt de ecclesia, et ab unitate fidei praeciduntur, et ipsi Antichristi sunt' (*Etymologiae* VIII, 10, 22).

<sup>46</sup> When he discusses the topic *De ecclesia et haeresibus* in the *Sententiae*, Isidore does not mention the Jews, only heretics and 'pagans': 'Ecclesiae propter Christum geminae tribulationes existunt: id est sive quas a paganis pertulit in martyribus, sive quae ab hereticis perfert in diversis concertationibus' (*Sententiae* I, 16, 2; CCSL III, p. 55). Jews and heretics are put together only in *Sententiae* III, 7, 21 (p. 225), where Isidore claims that both groups would fast and pray in vain, and *Sententiae* III, 12, 3 (p. 234), where he repeats the traditional accusation that a Jew or heretic cannot understand the Bible correctly, 'quia non est Christi discipulus'. See also *Quaestiones in Genesim* 31, 31 (*PL* 83, p. 281): 'Haec ... spectat naufragium Iudaeorum et haeticorum procellas, qui circumferuntur omni vento doctrinae.'

<sup>47</sup> 'Dum vero filii eorum ad regenerationis gratiam offeruntur, data primum parentibus iusiurandi fide quod eorum sint filii, vicinorumque adhibito testimonio, sic demum gratiam baptismi sub multorum praesentia infantes eorum percipiant' (*CCH*, V, 484, lines 315–19).

‘uncivilized’ sphere of backwardness and obscurity, existing under some kind of shadow, and lacking in *eruditio*. Taking the phrases *occulta ac nefaria simulatione* and *fraudentas ac subdolas artes* as points of reference, it could even be called the sphere of privacy and secretiveness, opposed to the realm of light and publicity. Trying to carry this game of extracting opposites out of the text even further, one might even say that the ‘fraudent arts’ of the Jews were opposed to the liberal arts of the public and christianized sphere of classical culture promoted by the so-called Isidorian renaissance, which may be implied or hinted at by the term *eruditio*.

Even if this might be carrying things a little too far, it is evident that the authors of the canon held a particular view of the process of christianization, presented as some kind of ‘Christian enlightenment’: christianization led from darkness to light, from ignorance and unbelief to civilization, which rested on both Christian and classical foundations. The Jews were relegated to the supposedly backward stage of rural culture, which belonged to the past, and which had been overcome by the *lux christiana*. The designation of Jews as ‘pagans’ was thus a very clever, deliberate rhetorical strategy, which had – in modern terminology – religious, cultural and social overtones. But not only this; marginalizing and degrading the Jews was perceived as a way of vindicating the royal policy of prohibiting Judaism altogether,<sup>48</sup> relegating it to the sphere of illegality, where ‘paganism’ had already found itself for a long time. The means of achieving this was a radicalization of a patristic theologoumenon, the interpretation of the church as the *verus Israel*.

### Justification in tradition or innovation?

There are quite a number of internal contradictions in the text, some of which may have been due to a reluctance to solve difficult problems; this attitude might benevolently be called ‘a willingness to compromise’.<sup>49</sup> The canon mentions, for instance, the decision of earlier church councils which required Jewish catechumens to undergo a prolonged preparatory period.<sup>50</sup> The authors try to vindicate the royal policy of forced baptism

<sup>48</sup> ‘Namque fidelissimus Deo Sisebutus ac victoriosissimus princeps ... maluit istos etiam nolentes ad veritatem perducere quam in vetustate inolitae perfidiae perdurare. Reprehensibile quippe erat ut princeps praeclarus, fide et gratia Sancti Spiritus plenus, qui longe existentes gentes doctrina sua perdoceret, subiectas animas in errorem perfidiae relaxaret, et qui erant in regimine sui, a fide Christi existerent alieni. Quorum innovatione magnum gaudium expectationis cunctis fidelibus ministravit, quod divina gratia, regali adnitante favore, ad verae religionis formam fideique credulitatem pervenerint’ (*CCH*, V, 482–3, lines 297–309).

<sup>49</sup> Stocking, ‘Martianus, Aventinus and Isidore’, p. 184.

<sup>50</sup> Possibly the text refers here to canon 34 of the council of Agde (held in 506), which ordered Jewish catechumens to observe a catechumenate of eight months, because they are said to be prone to apostasy (*CCH*, IV, 135).

with a reference to this time-honoured practice, even though there is a blatant contradiction between the two approaches.<sup>51</sup> The efforts to find some justification for Sisebut's actions in Christian tradition are obvious, but neither well founded nor convincing. The Sevillian fathers refer to ecclesiastical tradition a second time:

Among all the concerns and worries for his country the orthodox and victorious prince Sisebut remembered the words of the fathers, according to which much good is given to the unwilling, knowing that he would be accountable to God for all those whom Christ had entrusted to his government. Therefore he preferred to bring those to the truth even against their own will rather than to leave them in a state of outdated and deeply engrained unbelief.<sup>52</sup>

The first reference, so far unnoticed and not indicated in the recent edition, is to Augustine's *Enchiridion de fide, spe et caritate*, which was written around 421 during the Pelagian controversy, already after Augustine's confrontation with the donatists. He discusses different kinds of almsgiving, taking as point of departure one verse in Luke's gospel: 'Give charity, and everything will be clean for you' (Luke XI.41). He argues that somebody in authority who uses force to bring an erring person back to the right way is giving charity to the one found in breach of the rules, even if this 'charitable' correction disregards the will of the recipient.<sup>53</sup> However, Augustine is not speaking in any way of administering the sacrament of baptism; even when in later life he advocated the use of force in matters of belief, he strictly confined coercive measures to baptized people, namely donatists, while he excluded the use of force against those outside the church.<sup>54</sup> Only in the case of infants did

<sup>51</sup> 'Si enim illi antiqui Patres de his qui ex Iudaeis sponte sua ad Christi gratiam veniebant, tantam sollicitudinis curam gesserunt, ut fides eorum ante baptismum multis temporibus probaretur, quanto magis de his quos non propria mentis conversio sed sola regalis auctoritas ad fidei praemium provocabat?' (CCH, V, 482, lines 292–7).

<sup>52</sup> 'Namque fidelissimus Deo Sisebutus ac victoriosissimus princeps inter cunctas reipublicae suae curas memor Patrum dictis, *quam multa bona praestantur invitis*, sciens super haec Deo se debere rationem de his quos Christus suo deputavit regimini, maluit istos etiam nolentes ad veritatem perducere quam in vetustate perfidiaae perdurare' (CCH, V, 482–3, lines 297–302).

<sup>53</sup> '... et quod cuique necessarium est indigenti, verum etiam qui dat veniam peccanti, eleemosynam dat. Et qui emendat verbere in quem potestas datur, vel coercet aliqua disciplina, et tamen peccatum eius quo ab illo laesus aut offensus est dimittit ex corde, vel orat ut ei dimittatur, non solum in eo quod dimittit atque orat, verum etiam in eo quod corripit et aliqua emendatoria poena plectit, eleemosynam dat, quia misericordiam praestat. *Multa enim bona praestantur invitis*, quando eorum consulitur utilitati non voluntati, quia ipsi sibi inveniuntur esse inimici, amici vero eorum potius illi quos inimicos putant' (Augustine, *Enchiridion* 19, 72; CCSL 46, p. 88; my emphasis).

<sup>54</sup> See Augustine's *Epistula* 185 (CSEL 57, p. 12): 'Unde magna in eos fit misericordia, cum etiam per istas imperatorum leges ab illa secta ... prius eripiuntur inviti, ut in catholica postea bonis

he allow the administration of baptism against the will of the recipient.<sup>55</sup> The reason was, however, that children were not yet in full possession of their own will: 'But this cannot be said of the small ones, because they are not yet able to express their consent or their refusal.'<sup>56</sup>

It seems that this passage of Augustine's *Enchiridion* also served as a kind of rhetorical model for the third patristic reference adduced by the Sevillian fathers, who credited Sisebut with the following good intention: 'Therefore he preferred to bring those to the truth even against their own will rather than to leave them in a state of outdated and deeply engrained unbelief.' Augustine referred to infants refusing baptism as follows: 'If they resist as much as they can, we would bring them to salvation even against their will.'<sup>57</sup> Even though Augustine never endorsed forced baptisms of adults, the Sevillian fathers adduced quotations from his writings – without, however, naming him explicitly – in order to find some justification in tradition.

Less prominent is a reference to Isidore of Seville, who admonished secular rulers in his 'mirror of princes', the *Sententiae*, never to forget their duty to care for the spiritual welfare of their subjects, reminding them that they were accountable to God.<sup>58</sup> Possibly the passage 'knowing

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praeceptis et moribus sanentur adsueti.' For his famous exegesis of a biblical dictum (*compelle intrare*; Luke XIV.23) cf. *contra Gaudentium* I, 25, 28 (CSEL 53, pp. 226–7); see also K.H. Chelius, 'Compelle intrare', in Cornelius Mayer (ed.), *Augustinus-Lexikon* (Basel, 1994), I, pp. 1084–5 and P. Brown, 'St Augustine's Attitude to Religious Coercion', in *idem*, *Religion and Society in the Age of Saint Augustine* (London, 1972), pp. 260–78.

<sup>55</sup> Cf. Augustine, *Enchiridion* 24, 97 (CCSL 46, p. 100).

<sup>56</sup> 'Quod quidem dici de parvulis non potest, quorum nondum est velle seu nolle' (Augustine, *Enchiridion* 24, 97; CCSL 46, p. 100).

<sup>57</sup> '... cum resistunt quantum possunt, etiam nolentes eos salvos fieri diceremus' (Augustine, *Enchiridion* 24, 97; CCSL 46, p. 100). Cf. also the following phrase out of Augustine's letter quoted above (*Epistula* 185; CSEL 57, p. 12): '... ubi mala ista bona putaverunt, quas gratias modo volentes non agerent, nisi prius etiam nolentes ab illa nefaria societate discederent.' There is still another parallel to the wording of the canon in Tertullian, who is, however, a less likely source. Tertullian argues that even though the good is laudable and recommendable by itself, it cannot be preserved on its own without some kind of threat: 'Nam et si commendabile per semetipsum, non tamen et conservabile, quia expugnabile iam per adversarium, nisi vis aliqua praecesset timendi, quae bonum etiam nolentes adpetere et custodire compelleret' (*contra Marcionem* II, 13, 2; Sources Chrétiennes 368, p. 88).

<sup>58</sup> 'Cognoscant principes saeculi Deo debere se rationem propter ecclesiam, quam a Christo tuendam suscipiunt. Nam sive augeatur pax et disciplina ecclesiae per fideles principes, sive solvatur, ille ab eis rationem exigit, qui eorum potestati suam ecclesiam credidit' (*Sententiae* III, 51, 6; CCSL III, 304). It is, however, not sure whether the *Sententiae* were already written at the time the Sevillian council met. Whereas this work was traditionally dated around 612–615 (see J.A. de Aldama, 'Indicaciones sobre la cronología de las obras de S. Isidoro', in *Miscellanea Isidoriana. Homenaje a S. Isidoro de Sevilla en el XIII centenario de su muerte – 636 – 4 de abril 1936* (Rome, 1936), pp. 57–89 at p. 88), Pierre Cazier has argued that it bears remarkable resemblances to the canons of the fourth council of Toledo, which assembled only in 633, so that the *Sententiae* should be dated at about the same time, towards the end of Isidore's life; see Cazier, 'Les Sentences d'Isidore de Séville et le IV<sup>e</sup> Concile de Tolède. Réflexions sur les rapports entre l'Église et le pouvoir politique en Espagne autour des années 630', in *Antigüedad*



that he would be accountable to God for all those whom Christ had entrusted to his government' was influenced by Isidorian thinking. At the very end of the canon there is a second allusion to Isidore's *Sententiae*. Baptized Jews who obstinately refused to follow ecclesiastical guidance should be handed over to the secular power, 'so that those who cannot be corrected by religion may be emended by secular terror and discipline'.<sup>59</sup> In spite of these references to two renowned theologians, one of whom in all probability was even present at the council, the Sevillian fathers are ultimately unable to adduce convincing proof that Sisebut acted in accordance with tradition. The contradiction between royal policy and Christian tradition is only superficially covered up.

This 'opportunistic' attitude towards forced baptisms was, however, one of the causes of internal tensions and political unrest in seventh-century Spain. In the final analysis, these problems went back to the forced baptisms ordered by King Sisebut, whose virtual 'presence' can be noted in some phrases of the canon discussed in this paper.<sup>60</sup> Quite striking is the difference between the attitude expressed at this Sevillian council and the one adopted in 633 at the fourth council of Toledo, which eventually became normative regarding the attitude of the church towards forced baptism throughout the history of canon law.<sup>61</sup> One of the disturbing peculiarities of the canon from 'III Seville' lies in the fact that the ecclesiastics express admiration for Sisebut's acts, which sets the text apart both from the fourth council of Toledo and from Isidore of

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y *Cristianismo*, Monografías Históricas sobre la Antigüedad Tardía, vol. 3: Los Visigodos. Historia y Civilización (Murcia, 1986), pp. 373–86 at p. 379; and *idem*, *Isidore de Séville et la naissance de l'Espagne catholique*, Théologie Historique 96 (Paris, 1994), p. 53. Even if the *Sententiae* were not yet finished at the beginning of the 620's, it is possible that Isidore's thinking influenced the formulation of the Sevillian canon at this point, given the strong influence exerted on him by Gregory the Great's ideology of Christian kingship, which he may have known by this time.

<sup>59</sup> '... ut quos religio reprimere non valet, terror ac disciplina saecularis emendet' (*CCH*, V, 485, lines 330–1). Cf. the parallel in Isidore's *Sententiae* III, 51, 4 (*CCSL* III, p. 304): '... quod non praevalet sacerdos efficere per doctrinae sermonem, potestas hoc imperet per disciplinae terrorem.'

<sup>60</sup> See Orlandis, 'Tras la huella de un concilio isidoriano de Sevilla', p. 242: 'En cualquier caso, lo que resulta indudable en (!) que la "presencia" de Sisebut, todavía en vida o recién muerto, sería aún algo muy actual el ambiente del aula conciliar hispalense.' It is remarkable that the so-called 'judaizing' practices the Jews are said to observe according to the canon are identical with those that were forbidden by Sisebut according to the *Leges Visigothorum*. It seems that the Sevillian fathers endorsed part of his legislation after his death, even though this king – quite unlike others – had never been eager to obtain ecclesiastical support for his measures during his lifetime.

<sup>61</sup> 'De Iudaeis autem hoc praecepit sancta synodus, nemini deinceps ad credendum vim inferre. Cui enim vult Deus miseretur et quem vult indurat (Romans IX.18). Non enim tales inviti salvandi sunt, sed volentes, ut integra sit forma iustitiae. Sicut enim homo proprii arbitrii voluntate serpenti oboediens periit, sic vocante gratia Dei propriae mentis conversione homo quisque credendo salvatur. Ergo non vi sed libera arbitrii facultate ut convertantur suadendi sunt, non potius impellendi' (c. 57, *CCH*, V, 235).

Seville's discussion of forced baptism in his *Historia Gothorum*.<sup>62</sup> The enigma of this contradiction has not yet been solved. If the council really took place in 624, it would have been assembled at almost the same time as Isidore wrote his *Historia Gothorum*.<sup>63</sup> It is, therefore, doubtful whether it is possible to trace a development in Isidore's thinking from a more benevolent attitude towards forced baptisms expressed in the canon discussed above to a more severe one predominant in the time leading up to the council of 633.<sup>64</sup> It should be kept in mind that already in Isidore's treatise *De fide catholica contra Iudaeos*, which would have been written around 614–615, possibly a short time after Sisebut's order, we can find no appreciation of forced baptism; on the contrary, Isidore joins the majority of patristic theologians in stating that the Jews are to be preserved until the end of days. It seems therefore that political pressure was brought to bear upon the fathers assembled at 'III Seville', which induced them to endorse Sisebut's actions, even though the text contains some hints that in the past things were seen differently. The 'terminological extremism' quite evident in the wording of the canon is quite unlike Isidore's usual style, in spite of some terminological parallels to his works mentioned above. The sharp, relentless language chosen to denigrate the Jews is more in line with a tendency predominant at some later councils.<sup>65</sup> It seems that this is yet another indication that the assembly was put under political pressure, possibly sparked off by indignation at the alleged obstinacy or even apostasy of the Jews. It cannot be ruled out that Isidore himself was exasperated at the seeming misbehaviour of the Jews, which may have led him to endorse disparaging formulations only rarely detectable in his own writings. 'Terminological extremism' serves as a rhetorical tool to clarify the front lines in the ideological battle between Romanized, catholic Visigoths and their 'enemies'.

<sup>62</sup> See Isidore, *Historia Gothorum* 60; ed. C. Rodríguez Alonso, pp. 270–2. For a detailed analysis of this passage see Drews, *Juden und Judentum bei Isidor von Sevilla*, pp. 417–38.

<sup>63</sup> See Aldama, 'Indicaciones sobre la cronología de las obras de S. Isidoro', p. 88.

<sup>64</sup> This last stance is taken by Orlandis, 'Tras la huella de un concilio isidoriano de Sevilla', p. 245: 'Puede presumirse que la actitud favorable se debió al respeto que imponía la autoridad de un monarca propenso a intervenir sin reparos en los negocios eclesiásticos y a la presión del entusiasmo popular que suscitaron sus medidas. Más tarde, cuando el problema pudo ser contemplado en un clima de mayor serenidad e independencia, la Jerarquía visigoda formuló su definitiva doctrina teológica en la que se otorgó la justa primacía a la voluntariedad del acto de fe.' The reference to 'popular enthusiasm', for which there is no basis, is also problematic. As shown above, Christians supported their Jewish neighbours in escaping baptism. The fact that in the second half of the century there were still several instances of Christian solidarity towards Jews should warn us that we should not assume wide popular support for Sisebut's measures, let alone 'popular pressure'.

<sup>65</sup> See e.g. canon 12 of the eighth council of Toledo held in 653 (*CCH*, V, 434): '... indignum reputans orthodoxae fidei principem sacrilegis imperare fideliumque plebem infidelium societate polluere.' The parallel drawn between the Jews and filth, while on another level, can still be compared to their being labelled *pagani*.

By presenting Judaism as an outdated religion allegedly similar to 'pagan' rites and practices which had long been outlawed, the authors of the Sevillian canon were trying to gloss over both the internal contradictions detectable in the text, and the political and theological problems posed by Sisebut's unprecedented actions. The identity of the Spanish Christians had been redefined at the time of the conversion of the Goths to catholicism, when Romanized Christian tradition – including anti-Judaism – was incorporated into the Gothic self-image. From then on catholic Goths saw themselves as being in line with, or even as exponents of, the progress of salvation history, supposed to be embodied in orthodox, Roman and catholic tradition. In the Sevillian canon this new Gothic identity is sharpened and underlined against the background of Jews and 'pagans', who serve as outsiders, representing a supposedly former stage of history and culture.<sup>66</sup> In order first to drive the Jews out of urban, Christian civilization, and second to break the ties which still existed between Christian and Jewish neighbours, the authors of the canon resorted to very unusual and peculiar terminology, constructing a negative Jewish identity which was used as a rhetorical tool to justify royal policies and the current political situation. The undeniable contradictions between the attitude of the fathers of the council and the predominant line of theological thinking, which eventually determined the stance taken by the fourth council of Toledo, may have contributed to the endeavour to eradicate any record of 'III Seville';<sup>67</sup> an endeavour which was, however, not entirely successful.

<sup>66</sup> Even if the element of backwardness was not the prime motive for choosing *paganus* as the most common term for traditional religion from late antiquity, it seems to have been the decisive factor for the decision to apply it to the Jews in this particular case. Kornemann's words – referring to traditional religion – can thus be applied to the Sevillian canon: '... fällt nicht der Nebenbegriff des Dummen, Zurückgebliebenen die Wurzel für die neue Verwendung geworden ist.' (*Paulys Realencyclopaedie der classischen Altertumswissenschaft* 18/ 1, 1942, p. 2297, s.v. *paganus*).

<sup>67</sup> 'La actitud del concilio hispalense frente al problema judío pudo ser una nueva razón del interés de Isidoro en que se borrasen sus huellas.' (Orlandis, 'Tras la huella de un concilio isidoriano de Sevilla', p. 246).