

# The Spanish Jews and Converts in Late Medieval Thought: Statutes of Purity of Blood and the Tract of Juan de Torquemada

Masao Hisaki

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## **Introduction: The Jewish Issue in Spain**

Jews were one of several marginalized minorities in Europe, including under the reign of the Christian kingdoms in medieval Spain. The Jewish issue in Spain, however, took a significant turn in the end of 15<sup>th</sup> century. In 1492, the Catholic Kings, Ferdinand II and Isabella I, decreed that Jews would be expelled from Spain. After this, Jews officially did not reside in Spain. Jews were forced to choose either emigration to other countries or conversion to Christianity. Those who converted from Judaism and their descendents were called *conversos* (converts).

These *conversos* did not first appear in 1492, but already had existed in the Middle Ages. Although they became Christians and could participate in Christian society, they could not completely assimilate. *Conversos* came to be a new marginal group and were distinguished from other old Christians because they were suspected of secretly professing and practicing Judaism. There was discourse that conceived the *conversos* as Jews. Though Jews were absent from early modern Spain, these "absent Jews" paradoxically continued to be present. This presence of "absent Jews" overshadowed at least some phenomena, though there are different views about their degree of influence on Spanish society. In short, the Jewish issue in Spain was not only about Jews but also *conversos*<sup>1</sup>.

One of the phenomena dealt with in this paper is statutes of *Limpieza de Sangre* (purity of blood). These were established in both public and private organizations, for the purpose of excluding *conversos* by reason of their Jewish blood. The origin of these statutes was the *Sentencia-Estatuto* (Sentence-Statute) issued in Toledo of 1449. After this, similar statutes were introduced in various organizations in the second half of 15<sup>th</sup>

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<sup>1</sup> Gonzalo Álvarez Chillida, *El antisemitismo en España: La imagen del judío (1812-2002)*, Madrid, 2002.

century and thereafter. Naturally, there were objections against these statutes in every century, because orthodox theology did not provide for or admit to any discrimination among Christians. Such objections, however, have been lumped together without considering each context.

This point is criticized in the paper. To begin, the general situation of Jews and *conversos* is surveyed. Then, after grasping the course of statutes of *Limpieza de Sangre* and the controversy surrounding them, a late medieval text opposing the *Sentencia-Estatuto* is introduced. Finally, by analyzing this text, the character of the objections in this period is examined.

## I. From Jews to *Conversos*

In medieval Spain, the three different religious groups coexisted: Christians, Muslims and Jews. This coexistence, however, was not the friendly relations often idealized. Muslims and Jews were merely admitted to be vassals under the reign of Christian kings. For example, the *Siete Partidas* (*Seven-Part Code*) compiled during the reign of Alfonso X of Castile and some city ordinances had restricted their occupation and cordial life. These restrictions can be understood as a measure to avoid conflicts with Christians. Jews lived in their communities, *aljamas*, in which they were admitted to profess Judaism and to retain autonomy by particular law and education. The most famous ones were in Burgos, Seville, Cordova and the “Jerusalem of Spain” Toledo. The coexistence could be maintained by determined borders between the faith communities<sup>2</sup>.

Conflicts between Christians and Jews, however, sporadically occurred. In the first place, conflicts were based on religious antagonism. After the second half of 14<sup>th</sup> century, the perception of Jews held by Christians began turning from optimism to pessimism. Formerly Christians had thought that it had been necessary to oversee and convert Jews to Christianity, but gradually they began to think that it was preferable to expel Jews. Some theologians preached patiently the possibility of conversion of Jews. Others, however, agitated on the fatal difference between Christianity and Judaism, with such agitation occasionally leading to assaults on Jews<sup>3</sup>.

Of course, this antagonism was not limited only to religion. Conflicts clearly existed in the field of social and economic activity. This period can be characterized as one of social anxiety resulting from the plague, economic depression and the instability of royal

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<sup>2</sup> Kunio Hayashi, “15 Seiki Castilla ni okeru Yudayajin Seisaku”, *Kagoshima Daigaku Kyouikugakubu Kenkyukiyou: Jinbunshakaigakuhen*, 33, 1981, pp. 19-42; Yitzhak Baer, *A History of the Jews in Christian Spain*, 2 vols., Philadelphia, 1996; Tetsuyuki Seki, *Spain no Yudayajin*, Yamakawa Shuppansha, 2003.

<sup>3</sup> Elie Kedourie (ed.), *Spain and the Jews: The Sephardi Experience 1492 and After*, London, 1992 (trans. by Tetsuyuki Seki, Hiroataka Tateishi and Yasuko Miyamae, *Spain no Yudayajin: 1492 Nen no Tsuihou to Sonogo*, Heibonsha, 1995).

authority. Complaints among Christians were often shifted to hostility against Jews<sup>4</sup>.

Such was the case when the situation of the Jews in late medieval Spain assumed a new aspect in the end of 14<sup>th</sup> century. In 1391, outbreaks of violence against Jews culminated in a pogrom on a vast scale. At this point, numerous Jews converted to Christianity to evade assault. This marked the appearance of *conversos* as a social class according to the definition of A. Domínguez Ortiz<sup>5</sup>. *Conversos*, as new Christians, came to participate in some offices which only Christians could have entered, including the priesthood. As a result of their ascent to these positions in Christian society, however, new conflicts between *conversos* and old Christians appeared. In 15<sup>th</sup> century and after, this problem was an important one<sup>6</sup>.

Social and economic complaint formed the basis of the conflict. Therefore, the conflict continued after the mass conversion and the appearance of *conversos*. It, however, cannot be disregarded that the fundamental problem of *conversos* was religious antagonism. It was more important that the conversion meant the crossing of the border between the faith communities. Jews converted to Christianity, but it was not equal to a complete crossing of the social and economic border between the communities<sup>7</sup>. The old relationships in Jewish social networks could not be dissolved easily and most *conversos* kept on living with Jews in *aljamas*<sup>8</sup>. Because of this some old Christians had a suspicion that *conversos* might continue professing and practicing Judaism secretly. About whether *conversos* were true Christians or not, historians have different views. For B. Netanyahu, most of the *conversos* were true Christians<sup>9</sup>. The other hand, H. Beinart insists that they remained virtually Jews professing and practicing Judaism<sup>10</sup>. Regardless of their internal faith, however, from the position of old Christians, there is no doubt that some of them considered *conversos* to be Jews.

In order that this suspicion did not result in social confusion, the Spanish Inquisition was established in 1480 for the purpose of exposing and punishing *judaizantes* (secret Jews). This was a new institution different from the former Medieval Inquisitions in Europe (in Spain, Medieval Inquisition had not existed except in Aragon). In the earlier period of its activity, the target of the Spanish Inquisition was entirely *conversos*. During the early modern period, this institution worked, but the canon for judging *conversos* was

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<sup>4</sup> Angus MacKay, "Popular Movements and Pogroms in Fifteenth-Century Castile", *Past and Present*, 55, 1972, pp. 33-67; José María Monsalvo Antón, *Teoría y evolución de un conflicto social: El antisemitismo en la Corona de Castilla en la Baja Edad Media*, Madrid, 1985.

<sup>5</sup> Antonio Domínguez Ortiz, *La clase social de los conversos en Castilla en la Edad Moderna*, Madrid, 1955.

<sup>6</sup> Vincent Parelo, "Sociología conversa en los siglos XV y XVI: La dinámica de las familias manchegas", *Sefarad*, 59-2, 1999, pp. 391-418.

<sup>7</sup> Idem, *Les judéo-convers: Tolède XV<sup>e</sup>-XVI<sup>e</sup> siècles de l'exclusion à l'intégration*, Paris, 1999.

<sup>8</sup> Linda Martz, "Converso Families in Fifteenth-and Sixteenth-Century Toledo: The Significance of Lineage", *Sefarad*, 48-1, 1988, pp. 117-196.

<sup>9</sup> Ben Zion Netanyahu, *The Origins of the Inquisition in Fifteenth Century Spain*, New York, 1995.

<sup>10</sup> Heim Beinart, *Los conversos ante el tribunal de la Inquisición*, Barcelona, 1983.

based on the Jewish image formed in the Middle Ages. As seen in the *Libro del Alboraique*, a satiric pamphlet, the perception of *conversos* as Jews persisted among the people<sup>11</sup>.

In this way, the issue of *conversos* was essentially a continuation of the issue surrounding Jews in Spain.

## II. Statutes of *Limpieza de Sangre* and the Controversy

Statutes of *Limpieza de Sangre* appeared under these circumstances. These statutes were established as requirement of entrance in organizations and provided that only old Christians who had “neither blood of Jews, Muslims nor heresies” could enter there. This requirement signified an exclusion of *conversos* from Christian society not depending on their actual faith, but their bloodline. These were decisively different from former ordinances in that they were not introduced by external force like the Crown or the Church but on initiative of each organization<sup>12</sup>. The first statute was the *Sentencia-Estatuto*, which was established during the process of the rebellion of Toledo in 1449. This statute provided that *conversos* should not participate in any offices and benefices of Toledo and its surroundings because this city was noble and it was appropriate that it was governed by old Christians with noble Christian blood. Moreover, the rebels reproached *conversos* for the following reasons: *Conversos* were not true Christians because they continued professing and practicing Judaism secretly; *Conversos* were exploiting old Christians; *Conversos* were perfidious people because their ancestors had been perfidious Jews<sup>13</sup>. After this, other statutes with similar discourse spread to various organizations: city councils, chapters, religious orders, universities, fraternities and guilds. They persisted till the end of the ancien régime.

Numerous previous studies have presented various interpretations of the practical function of these statutes. Especially in the field of social history after the second half of 20<sup>th</sup> century, historians have dealt with the cases of city councils or chapters where struggles for power were easily observed. That is to say, those who desired to advance in such organizations utilized statutes as instruments for humbling their adversaries as *conversos* and defeating them<sup>14</sup>. The discourse itself of statutes, however, has been

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<sup>11</sup> Nicolás López Martínez, *Los judaizantes castellanos y la Inquisición en tiempo de Isabel la Católica*, Burgos, 1954; Jean-Pierre Dedieu, “Les causes de foi de l’Inquisition de Tolède (1483-1820): Essai statistique”, *Mélanges de la Casa de Velásquez*, 14, 1978, pp. 143-172; Henry Kamen, *La Inquisición española: Una revisión histórica*, Barcelona, 1999.

<sup>12</sup> Albert A. Sicroff, *Los estatutos de limpieza de sangre: Controversias entre los siglos XV y XVII*, Madrid, 1985.

<sup>13</sup> Eloy Benito Ruano, *Los orígenes del problema converso: Edición revisada y anunciada*, Madrid, 2001, pp. 83-92.

<sup>14</sup> Juan Ignacio Gutiérrez Nieto, “La estructura castizo-estamental de la sociedad castellana del siglo XVI”, *Hispania*, 125, 1973, pp. 519-563; Osami Shiba, “Junketsuho (Estatutos de Limpieza de Sangre)”, *Academia*, 26, 1976, pp. 131-163; Jaime Contreras Contreras, *Sotos contra Riquelmes: Regidores, inquisidores y criptojudíos*, Madrid, 1992;

overlooked as a mere pretext to exclude *conversos*.

Also the *Sentencia-Estatuto* emerged from the struggle for power. In the first half of 15<sup>th</sup> century, popular movements against the Crown occurred in many parts of Castile. These movements were based on popular complaint and often connected to city authorities. The Toledan rebellion in 1449 was one of these movements. The initial reason for this rebellion was that Alvaro de Luna, a favorite of the Castilian king John II, demanded extra tax from Toledo. Because this taxation was against the city privilege, Toledan people rose in revolt against the tax collector and the accountant. This revolt shifted to a wider rebellion against the oligarchs who were *conversos*. It was led by a royal officer Pero Sarmiento who schemed to assume the municipal government, replacing *conversos*. Therefore, this rebellion was a “social conflict masked by religious antagonism”<sup>15</sup>.

The factor of religious antagonism, however, cannot be ignored. It is probable that the discourse of the *Sentencia-Estatuto* might be merely a pretext, but it was the religious suspicion of *conversos* that sustained this statute. Moreover, it is undeniable that this statute was influential as a kind of canon to which other later statutes referred<sup>16</sup>. It can be thought that the statutes were mere rhetoric for disguising social interests, but it is noteworthy that the mentality existed in which rhetoric could pass as convincing. The conversion signified the crossing of the border between the faith communities, but this border had dual aspect: not only religion but also blood. Even if Jews became Christians in faith, they were further regarded as Jews by blood. The question that the *Limpieza de Sangre* propounded was where the border between Christians and Jews was set. To examine this question, we have to analyze the discourse of the controversy of the *Limpieza de Sangre*, which shows how Jews and *conversos* were regarded.

The *Sentencia-Estatuto* that was the origin of statutes was at the same time the source of controversy. The *Sentencia-Estatuto* was objected to by various people of note, including a bishop of Burgos Alonso de Cartagena, a bishop of Cuenca Lope de Barrientos, a jurist Alfonso Días de Montalvo and a royal secretary Fernán Díaz de Toledo<sup>17</sup>. After this, the process of diffusion of statutes coincided with controversy. At least before the end of 16<sup>th</sup> century, however, the *Limpieza de Sangre* was merely an internal problem of each organization without intervention from outside. The main opponents were friars and they objected when statutes were introduced in their religious orders and other

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Julian Montemayor, “Municipalité et chapitre cathédral au cœur de l’ascension sociale à Tolède (1521-1700)” in Jean-Pierre Amalric (ed.), *Pouvoirs et société dans l’Espagne moderne*, Toulouse, 1993, pp. 68-76; Juan Hernández Franco, *Cultura y limpieza de sangre en la España moderna: Puritate sanguinis*, Murcia, 1996; Francisco Márquez Villanueva, “Conversos y cargos concejiles en el siglo XV” in his *De la España judeoconversa: Doce estudios*, Barcelona, 2006, pp. 137-174.

<sup>15</sup> Julio Valdeón Baroque, *Los conflictos sociales en el reino de Castilla en los siglos XIV y XV*, Madrid, 1975.

<sup>16</sup> Ramón González, “Fundamentos doctrinales de la Sentencia-Estatuto de Toledo contra los conversos (1449)” in VV.AA., *Inquisición y conversos*, Madrid, 1994, pp. 279-296.

<sup>17</sup> Benito Ruano, *op. cit.*, pp. 39-82.

organizations. Among such opponents were Domingo de Baltanás and Francisco Mendoza y Bobadilla of the Dominican Order; Antonio de Córdoba and Gaspar de Uceda of the Franciscan Order; Juan de Mariana and Juan de Sotomayor of the Jesuit Order. The disputed points in controversies were the relationship between religion and blood: whether *conversos* were true Christians and whether the bloodline could be a criterion of the faith. The above-mentioned debaters insisted that the discrimination among Christians by blood was unjust. If *converso*'s blood was essentially perfidious, it would be purified by virtue of their Christianity. If religious suspicion of *conversos* subsisted, a certain number of generations passed should be a proof of their fidelity<sup>18</sup>.

It is certain that these debates bore fruit at the beginning of 17<sup>th</sup> century. Stimulated by the proposal of Agustín Salucio of the Franciscan Order in 1599 and the debate in the Cortes in the following years, King Phillip IV issued the decree to restrain the abuse of statutes in 1623. While this limitation itself resulted in failure, the problem of *Limpieza de Sangre* for the first time came to be a governmental problem of whether the exclusion of *conversos* was harmful to the Spanish Monarchy<sup>19</sup>.

In the historiography, however, this process has inclined to be presupposed as a straight and consecutive one. This presupposition derives from the dichotomy between the consenting parties to statutes and those opposing them. Often we have labeled the latter as “tolerationists”. H. Kamen insists on the importance of the “spirit of toleration” and that the thought of *Limpieza de Sangre* was never an absolute or dominant obsession. At the same time, however, he attributes the germ of this spirit to the objections against the *Sentencia-Estatuto*<sup>20</sup>. The objections against *Limpieza de Sangre* have been regarded as if there had been a consensus throughout. To criticize this perspective, a text is used as an example in the next chapter.

### III. Juan de Torquemada and his *Tractatus*

Among those debating the issue in 1449, the most remarkable was Cardinal Juan de Torquemada. Soon after the rebellion of Toledo, he was invited to meet the Castilian king John II and preached to him about how to deal with this affair<sup>21</sup>. Whereafter, he deepened the argument of this sermon and wrote another text to dedicate to Pope Nicholas V. It was *Tractatus contra madianitas et ismaelitas adversarios et detractores*

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<sup>18</sup> Sicroff, *op. cit.*, pp.173-216.

<sup>19</sup> *Ibid.*, pp. 253-257; Vincent Parello, “Entre honra y deshonor: El *Discurso* de fray Agustín Salucio acerca de los estatutos de limpieza de sangre (1599)”, *Criticón*, 80, 2000, pp. 139-153.

<sup>20</sup> Henry Kamen, *The Rise of Toleration*, London, 1967 (trans. by Osamu Naruse, *Kan'yo Shisou no Keihu*, Heibonsha, 1970); Idem, “Una crisis de conciencia en la Edad de Oro en España: Inquisición contra ‘limpieza de sangre’”, *Bulletin Hispanique*, 88, 1986, pp. 321-356.

<sup>21</sup> José María Blázquez Martínez, “Sermón anónimo pro judíos conversos”, *Revista española de teología*, 34, 1974, pp. 257-273.

*fideliū qui de populo israelitico originem traxerunt (Tract against Midianites and Ishmaelites, adversaries and detractors of the faithful Christians of descendants of Israelite people)*<sup>22</sup>. This *Tractatus* was one of the texts that argued not only against the Toledan rebellion but also against the discrimination between old and new Christians. The Pope issued three bulls, by which he condemned the Toledan rebels and the *Sentencia-Estatuto*<sup>23</sup>. It is known that this text directly influenced the Pope in his decision. Moreover, after the case of 1449, this decision would be referred to as the authorizing grounds in almost all the later objections against other statutes of *Limpieza de Sangre*. For that reason, Torquemada's text also has been regarded as an exponent of the objections against not only the *Sentencia-Estatuto* but also other statutes, and has been treated by many historians<sup>24</sup>.

Let us first take a brief look at Juan de Torquemada's biography. He was the uncle of the first General Inquisitor Tomás de Torquemada and born in 1388 in Valladolid as a descendant of converted Jews. He entered the Dominican Order in 1404. After studying in the convents of San Pablo in Valladolid and of San Esteban in Salamanca, he lived in Paris from 1424 to 1425 and obtained a degree in theology. Then he served as a director of convents in Valladolid and Toledo, a bishop in many parts of Castile and Rome and in 1439 was nominated as cardinal. His life was parallel with a tempestuous period of Christendom. He was present at three Councils: Constance, Basel and Ferrara-Florence. These councils after the Schism of the West aimed to reinforce the unity of Christendom. He insisted that in pursuit of this aim the Church should not hesitate to intervene in civil authorities. Under the collision between conciliarism and papalism, he insisted that the Pope was superior to any Council. By this merit, he was given the title of "Defensor fidei (Defender of faith)". He was a thinker as well as a church politician. He left many works and the most famous of them was *Summa de Ecclesia* (1433-1453). In his career, he was a prominent intellectual, not only in Spain but across Europe. For him, the issue of *conversos* and their discrimination was not only a problem for Spain, but for the whole of Christendom<sup>25</sup>.

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<sup>22</sup> Juan de Torquemada, *Tractatus contra madianitas et ismaelitas*, in Carlos del Valle Rodríguez (ed.), *Tratado contra madianitas e ismaelitas, de Juan de Torquemada (Contra la discriminación conversa)*, Madrid, 2002, pp. 123-239.

<sup>23</sup> Vicente Beltrán de Heredia, "Las bulas de Nicolás V acerca de los conversos de Castilla", *Sefarad*, 21, 1961, pp. 22-48.

<sup>24</sup> Benito Ruano, *op. cit.*, pp. 39-82; Kunio Hayashi, "15 Seiki Zenhan Castilla ni okeru Converso Mondai", *Rekishigaku Kenkyu*, 461, 1978, pp. 1-17, 37; Thomas M. Izbicki, "Juan de Torquemada's Defense of the Conversos", *The Catholic Historical Review*, 85-2, 1999, pp. 195-207; John Edwards, "New Light on the *Converso* Debate?: The Jewish Christianity of Alfonso de Cartagena and Juan de Torquemada" in Simon Barton and Peter Linehan (eds.), *Cross, Crescent and Conversion: Studies on Medieval Spain and Christendom in Memory of Richard Fletcher*, Leiden, 2008, pp. 311-326.

<sup>25</sup> Karl Binder, "El cardenal Juan de Torquemada y el movimiento de reforma eclesiástica en el siglo XV", *Revista de teología*, 3, 1953, pp. 42-65; Vicente Beltrán de Heredia, "Noticias y documentos para la biografía del cardenal Juan de Torquemada", *Archivum Fratrum Praedicatorum*, 30, 1960, pp. 53-148; Anthony Black, "The Political Ideas of Conciliarism and Papalism", *Journal of Ecclesiastical History*, 20, 1964, pp. 45-65; Thomas M. Izbicki, *Protector of the Faith: Cardinal Johannes de Turrecremata and the Defense of the Institutional Church*, Washington D. C., 1981.

Let us see the contents of *Tractatus*. It is composed of a prologue and 16 chapters which have following subtitles.

- 1: *In this chapter, we demonstrate that the process above has neither force nor importance on its qualitative point.*
- 2: *In this chapter, we refute as erroneous the fundament accusing the faithful Christians of descendants of Israelite people.*
- 3: *In this chapter, we demonstrate that the second fundament, induced by the adversaries in favor of their impiety and against the descendants of Israelite people who have converted recently to Christianity, is erroneous and blasphemous.*
- 4: *In this chapter, we refute the error above by the second way, namely, by the logical way.*
- 5: *In this chapter, we refute the error above on the point of the divine promise with Israelite people.*
- 6: *In this chapter, we refute the error above on the point of the work by Christ to Jewish people.*
- 7: *In this chapter, we respond to the authorities adduced in favor and proof of the errors above.*
- 8: *In this chapter, we respond to the second authority adduced by the adversaries.*
- 9: *In this chapter, we respond to the third authority adduced by the adversaries.*
- 10: *In this chapter, we respond to the fourth authority adduced by the adversaries.*
- 11: *In this chapter, we respond to the subject adduced fifthly by those frequently called as Midianites and Ishmaelites in favor and proof of their sacrilegious presumption.*
- 12: *In this chapter, by the reasons above we demonstrate that the principal conclusion of the adversaries is false and erroneous.*
- 13: *We must not reproach conversos for the incredulity of Jewish people.*
- 14: *In this chapter, we assign the reasons why converts and especially conversos must not be underestimated but be loved and respected by other Christians.*
- 15: *In this chapter, we refute the error and the malice of those presuming to distinguish conversos from other Christians.*
- 16: *In this chapter, we respond to the subjects adduced by adversaries in favor of their temerity.*

In the prologue, Torquemada declares his position and motive of writing. First he quotes biblical phrases describing the tortured Jews and says that these mean the actual situation of Toledan *conversos*. He compares the rebels of Toledo with Midianites and Ishmaelites, descendants of Midian and Ishmael described as enemies of Jews in the



Genesis. According to him, such a situation determined him to write this text<sup>26</sup>.

In the 1<sup>st</sup> chapter, he insists on the unjustness of the process of judgment for establishing the *Sentencia-Estatuto*. Presenting 7 reasons, he condemns the rebels of Toledo as criminals and traitors against the Crown. Moreover, he affirms that they are enemies against God, because of their impious, blasphemous and satanic ambition<sup>27</sup>.

From the 2<sup>nd</sup> to 12<sup>th</sup> chapters, he argues against two fundamentals of the *Sentencia-Estatuto* itself. In the 2<sup>nd</sup> chapter, he refutes the first fundament: Evil blood makes someone fall into error<sup>28</sup>. From the 3<sup>rd</sup> to 6<sup>th</sup> chapters, he refutes the second fundament: Jews are unfaithful people from the beginning<sup>29</sup>. Moreover, from the 7<sup>th</sup> to 11<sup>th</sup> chapters, he points out that the *Sentencia-Estatuto* refers to some biblical phrases as authorities (Psalms 94: 10-11, Matthew 15: 8, Deuteronomy 32: 20, Matthew 16: 4 and Titus 1: 10). He condemns these as faulty interpretations and the drafters as heretical<sup>30</sup>. Consequently, he concludes in the 12<sup>th</sup> chapter that the logic of *Sentencia-Estatuto* is unjust<sup>31</sup>.

From the 13<sup>th</sup> chapter, apart from an impeachment of the rebels and the *Sentencia-Estatuto*, he turns to preaching about how to deal with *conversos*. In the 13<sup>th</sup> chapter, he insists that *conversos* must not be reproached but be estimated<sup>32</sup>. In the 14<sup>th</sup> chapter, he insists that all the Christians are extremities composing the Mystical Body and should love and be loved by one another<sup>33</sup>.

Finally, in the 15<sup>th</sup> and 16<sup>th</sup> chapters, he corroborates his own insistence, invoking canonical and civil laws<sup>34</sup>.

#### IV. "Toleration" in Christendom

In previous studies, the views concerning this discourse of Torquemada have been divided into two contrasting camps. Some historians have attributed this discourse to his birth as a *converso*. In the field of church history, though his activities in Councils or other works have been appreciated, this text exceptionally has been labeled as a product of fanatic zeal or has even been ignored. Their interpretation is that Torquemada wrote it to try to protect his own status and honor. He was, however, as previously mentioned, one

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<sup>26</sup> Torquemada, *op. cit.*, pp. 125-128.

<sup>27</sup> *Ibid.*, pp. 129-138.

<sup>28</sup> *Ibid.*, pp. 139-148.

<sup>29</sup> *Ibid.*, pp. 149-170.

<sup>30</sup> *Ibid.*, pp. 171-190.

<sup>31</sup> *Ibid.*, pp. 191-194.

<sup>32</sup> *Ibid.*, pp. 195-206.

<sup>33</sup> *Ibid.*, pp. 206-215.

<sup>34</sup> *Ibid.*, pp. 216-239.

of the most eminent intellectuals in Christendom in his time. For Christendom, the treatment of Jews and other non-Christians was an inevitable issue. Especially about their converts, intellectuals were forced to map out ways to integrate them to stabilize the unity of Christendom. His text should be considered an indication of the diversity of opinions on Jews and *conversos* in this period<sup>35</sup>. Conversely, other historians have considered him the flower of the spirit of toleration. For example, E. Benito Ruano evaluates Torquemada as a pioneer of religious toleration and his *Tractatus* as a “Magna Carta of religious toleration”<sup>36</sup>.

As some studies have pointed out, it is difficult to define the notion of “toleration” because it has been given different meanings by each individual, in each situation and in each age. Of course, the meaning of this notion as liberty of conscience or religion is a modern construct. In that age, it did not mean a positive acceptance of the others but no more than a negative acceptance of minority by majority<sup>37</sup>. That is to say, in the context of the problem of *conversos*, we have used this notion as a championship of *conversos* by old Christians. This schema also has been applied to the studies of statutes and their controversy. The difficult point is that we have lumped together all the discourse on protecting *conversos* under a title of “toleration”. This perspective is, however, a regressive view.

It is the case that Torquemada defended *conversos* from the discrimination and his text was cited as an authority with the papal bull by the later “tolerationists”. His discourse was, however, clearly different from theirs. In the view of the “tolerationists”, the Jewish blood was a fundamentally negative element that would have to be purified by virtue of baptism and practice of Christianity. Although they insisted that *conversos* were true Christians, for them *conversos* were unwillingly accepted Christians. What the “tolerationists” argued was how to admit *conversos* as members of the Christian community. After the formation of the Spanish Monarchy in 1479, however, the referent of “Christian community” was equal to this “Catholic Monarchy (Monarquía Católica)”. This monarchy was interpreted as a *res publica* in which only a religion and only a nation corresponded. The Spanish “Catholic King” was identified as a head and his subjects as a body had to be Christians as well as Spaniards<sup>38</sup>. Here, the discourse of “toleration” to admit *conversos* as Christians implied an admission as subjects of the monarchy. Before its formation, however, the discourse on protecting *conversos* had been different.

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<sup>35</sup> Izbicki, *art. cit.*, pp. 195-207; Carlos Carrete Parrondo, “Judaísmo español: ¿Conceptos o situaciones?” in José-María Soto Rábanos (ed.), *Pensamiento medieval hispano: Homnaje a Horacio Santiago-Otero*, tomo 2, Madrid, 1998, pp. 1655-1668.

<sup>36</sup> Benito Ruano, *op. cit.*, p. 66.

<sup>37</sup> Katsumi Fukasawa and Hiroshi Takayama (eds.), *Shinko to Tasha: Kan'yo to Fukan'yo no Europe Shukyoshakaishi*, Tokyodaigaku Shuppankai, 2006.

<sup>38</sup> Joseph Pérez, *Historia de una tragedia: La expulsión de los judíos de España*, Barcelona, 1993.

In the 2<sup>nd</sup> chapter of the *Tractatus*, Torquemada quotes various parts of the Bible, canonical law, opinions of the Doctors of the Church and precedents from the decisions of Church Councils. By these bases, he insists that, even if a father committed a sin, his son does not assume it. And therefore, even if a father has evil blood, it does not make his son fall into error. Here, the object of his defense is *conversos*. In his idea, *conversos* are not Jews on the point of faith. From 3<sup>rd</sup> to 6<sup>th</sup> chapters, however, his defense is cast on also unconverted Jews. In order to defend *conversos*, he insists that their ancestry can never be an unfaithful people. He does not deny that *conversos* are Jews on the point of blood (as early as the prologue, we know that he considered *conversos* as Jews). In addition, he does not disvalue their Jewish blood. In the 3<sup>rd</sup> chapter, he presents the argument that Jews are described in various parts of the Bible as a people loved and ennobled by God<sup>39</sup>. In the 4<sup>th</sup> chapter, he insists that Jesus who had a noble and sainted flesh was born as a Jew, and therefore the Jewish people are the noblest people<sup>40</sup>. In the 5<sup>th</sup> chapter, he affirms that Jews were the Chosen People by God<sup>41</sup>. In the 6<sup>th</sup> chapter, he demonstrates that Jesus, His mother the Virgin Mary and His disciples were Jews<sup>42</sup>.

The most distinctive argument is found in the 13<sup>th</sup> and 14<sup>th</sup> chapters. About Judaism, he accuses it as an incorrect doctrine. In this sense, he recognizes that unconverted Jews fall into error. This error, however, is not eternal because they will be sure to convert to Christianity. In this period when the perception of Jews leant to pessimistic, he believed optimistically their possibility of conversion. Moreover, he says that *conversos* should be a pivot used to accomplish the unity of Christendom and also serve as a useful model for converting other pagans. This argument is no longer a negative acceptance of *conversos*. For him, *conversos* were rather desirable Christians for Christendom and their Jewish blood was a positive element. His view of Christendom as an ideal was a community in which those who had various ancestries professed and practiced Christianity without denying their blood. He did not demand that religion and nation corresponded. Therefore, Torquemada's ideas cannot be equated with the early modern ones by "tolerationists" and should be positioned solely in the transitional period toward the formation of the early modern state.

### **Conclusion: *Conversos* and the Historiography**

In this paper, we have confirmed that the issue of *conversos* derived from their perception as Jews and it was embodied in statutes of *Limpieza de Sangre*. The

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<sup>39</sup> Torquemada, *op. cit.*, pp. 149-155.

<sup>40</sup> *Ibid.*, pp. 156-159.

<sup>41</sup> *Ibid.*, pp. 160-165.

<sup>42</sup> *Ibid.*, pp. 166-170.

objections to these statutes were always presented, but we have aimed not to mix them up but to draw a clear distinction among them according to each context. The text by Juan de Torquemada is an example to indicate us the diversity in the discourse about *conversos*. In late medieval Spain, the idea to integrate them into the Christian community was milder than after the formation of the Spanish Monarchy.

It is, however, also a difficulty to define Jews and *conversos* that Torquemada's text indicates us. J. Contreras Contreras points out that the historiography of Spanish Jews has had two lines: "Jewish history in Spain" and "Spanish history about Jews". In the former, some authors have stressed the unchangeable sequence of the Jewish nation. In the latter, the other authors have postulated the existence of the Spanish nation as a Christian community. He criticizes the both views as a nationalistic bias. Also in the historiography of *conversos*, such perspectives have obsessed us and been an obstacle to depicting their history. On one hand, *conversos* have been considered as a form of the Jewish nation, and on the other hand as a marginal group within the Spanish nation<sup>43</sup>. Torquemada's text surely shows us the dual perception of *conversos* as both Christians by religion and Jews by nation, but it is necessary for us to depict them taking care not to fall into any bias.

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<sup>43</sup> Jaime Contreras Contreras, "Historiar a los judíos de España: Un asunto de pueblo, nación y etnia" in Antonio Mestre Sanchís and Enrique Giménez López (eds.), *Disidencias y exilios en la España moderna*, Alicante, 1997, pp. 117-144.

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