

LEGAL NORMS AND POLITICAL ACTION IN MULTI-ETHNIC SOCIETIES

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# Legal Norms and Political Action in Multi-Ethnic Societies

*Cohesion in Multi-Ethnic Societies in Europe  
from c. 1000 to the Present, III*

*Edited by*

PRZEMYSŁAW WISZEWSKI

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# Royal Law and Ethnic Minorities in Portugal (Twelfth–Sixteenth Centuries)

## *A Wide Strategy for Shaping Social Diversity*

*In memoriam Maria Filomena Lopes de Barros*

In the previous volume of this series Filomena Barros proved that in high and late medieval Portugal the activities of external institutions modified well-established processes of building a cohesive multi-ethnic society.<sup>1</sup> Here, we intend to look at the problem from a slightly different angle, that is, reconciling the interests of Portuguese actors in social life, their local traditions, and legal norms with the influence of external institutions on the shape of a multi-ethnic society. For this purpose, we identify references about ethnicity and religious minorities in the Portuguese medieval royal law. This issue places the evidence for the commitment of the military orders within the context of the relationship between the Portuguese Crown and the papacy. Having already researched the viewpoint of the military orders on ethnic and religious minorities, it is important to complete this research by examining how the royal law treats this issue.

## Introduction

The study of different ethnic groups throughout Europe has undergone a significant change through the recent work of historians. The Portuguese academic community has

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1 Barros, ‘Shaping Identities in a Common Cultural Background’.

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followed this trend.<sup>2</sup> As a result of the research on medieval Jews in Portugal, particularly by Maria José Pimenta Ferro Tavares,<sup>3</sup> and on Muslim communities, developed by Maria Filomena Barros,<sup>4</sup> in the last decade research on these minorities is becoming more and more relevant and its epistemological foundation has been enriched.

The role of the military orders on this historical issue was, until the last decade, greatly underestimated, although the military orders' ideological matrix and self-identity depended on the contrasting goals they were supposed to achieve when facing other faiths. Clara Almagro is the most relevant expert on the connections between military orders and ethnic minorities, namely in the Castilian kingdom.<sup>5</sup>

Most of the medieval documents which deal with the topic of ethnicity put the focus on the religious ethos. Within this scope, the minorities become the *unfaithful*. This is, indeed, a very interesting and wide field of research. It is possible to increase our knowledge on this theme, from several points of view. In the last couple of years, we have presented and published some contributions based on different types of documents that posed the question in very specific terms. The central manuscript collections used for this research include royal chancery records and chronicles, *pontificia corpora*, and normative documents relating to the military orders.<sup>6</sup> The main strand in all of them has been the analysis of the terminology. As a result of our research on these other perspectives, we now want to turn to the study of royal law. The objective is to achieve as broad a perspective as possible. The official narrative is quite different from each one of these types of sources.

Benefiting from this know-how and stimulated by the project 'Cohesion Building of Multi-Ethnic Societies, 10<sup>th</sup>–21<sup>st</sup> Century',<sup>7</sup> this study of the royal law is valuable because it is a way to better understand the Portuguese monarchy's expectations of the ethnic minorities who lived in the kingdom between the twelfth and sixteenth centuries. In a complementary manner, these legal documents can also be used to reconstruct some social features and environments, which greatly enriches this approach. Although these specific laws do not take into account the military orders, their study grants an important perspective on a wider framework which involves these orders. Considering the supranational nature of this topic, the discussion and the exchange of scientific knowledge within the auspices of the project were fundamental for rediscovering these sources; the international team stimulated our reflections.

This essay has three main objectives. First, we seek to identify through the royal legislation any references to ethnicity. Secondly, we intend to add to the existing

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2 Barros, 'Ethno-Religious Minorities'; Barros, 'Judeus e Muçulmanos no Portugal Medieval'.

3 For example, Tavares, *Os judeus em Portugal no século xv*, I; Tavares, *Os judeus em Portugal no século xv*, II.

4 Barros, 'A comuna muçulmana de Lisboa nos séculos XIV e XV'; Barros, *Tempos e Espaços de Mouros*.

5 Almagro, 'La Orden de Calatrava y la minoría mudéjar', pp. 617–30; Almagro and Díaz, 'Sobre persistencias de población mudéjar'.

6 Respectively, Costa and Pimenta, 'Multi-Ethnic Portuguese Society in the Reign of João I'; Costa and Lencart, 'Ethnic and Religious Minorities'; and Costa, 'Viver Face a uma sociedade multicultural e multirreligiosa'.

7 Financed by the Polish Government - 0102/NPRH3/H12/82/2014 and managed by the University of Wrocław between 2014 and 2022.

research on ethnic minorities — recent examples include the *pontificia corpora*, royal chancery, chronicles, and records of the military orders (normative texts) — in order to understand the military orders' relationship with those who were unfaithful whom they were supposed to fight. And, third, we aim to achieve new interpretations of this theme. By accomplishing these objectives, the image of the relations with the minorities will become closer to historical reality, given the terminological approach, and less stereotyped.

In the chronological time frame selected, there was a strong ideological system which sustained this legislation. The Crusade and the reconquest were two *topoi* which converged and supported the essential frame of reference. The military orders played a part in these events. Therefore, it is also important to study the law and to identify its assertions. At the royal court there were great canonists who interpreted canon law and even influenced the conception of the civil law. This aspect is relevant in a study on a subject like the one we are undertaking.

## The Medieval Royal Law in Portugal

In medieval Portugal, four corpora gather the royal law produced over a long period of time. They are *Livro das Leis e Posturas* (book of laws and ordinances or regulations, dated from 1249–1393),<sup>8</sup> *Ordenações de D. Duarte* (ordinances compiled during the reign of King Duarte, c. 1433–1438), *Ordenações Afonsinas* (ordinances collected during the reign of Afonso V and ended in 1446), and *Ordenações Manuelinas* (ordinances collected in the reign of Manuel I and published in 1512/1513).<sup>9</sup> All of them are compendia of laws enacted by the previous monarchs. The Crown compiled the legislative diploma to improve the way in which they were used. At the same time the royal administration and judicial system were becoming more and more complex and professional. The collection *Ordenações Afonsinas* is the best example. They contain 556 laws enacted until the mid-fifteenth century. Among them, there is a significant group which deals with issues relating to ethnicity. This justifies a wide interpretation of these interesting documents.

The compendia *Ordenações Afonsinas* is divided into five books, which are organized thematically. This strategy could have been inspired by the Decretals of Gregory IX (*Decretales Gregorii IX*). Book I is on administration and justice; Book II deals with the institutional relationship between the monarchy and the Church; Book III defines the administrative procedures; Book IV is on the civil law; and Book V is on the criminal law. Consequently, there are documents on ethnicity throughout the five books, even though their distribution is not even. By its very nature, the majority of

8 *Livro das Leis e Posturas*. The legislation regarding minorities collected in this book is from the reigns of Afonso II, Afonso III, and Dinis. The laws from Afonso II are about the prohibition of usury and taking Jews for royal officers; those from Afonso III rule on loans and foreclosures of assets delivered to Jews; and those from Dinis are mainly on procedural and administrative law (Gomes, 'Os Judeus no Reino Português', p. 89).

9 *Ordenações del-rei Dom Duarte; Ordenações Afonsinas; Ordenações Manuelinas*.

the legislation (sixty-six documents) on Jews and Muslims was collected in Book II, and in contrast, there are only three references to these social minorities in Book III.

Although the legislative documents were produced to regulate and to normalize, they were not completely rigid. The legislation also had a supplementary effect, by educating the people. There are very interesting descriptions of particular cases which were the basis for the royal legislation that became law. These cases were the expression of a complex social reality, and they did not represent only a narrow decision by the monarchy. The inclusion of some episodes lying behind the law itself enriches these texts much more. Therefore, the historians can access two distinct and fundamental moments of the process.

Indeed, the preparation of the law was a slow process. It implies, somehow, a previous commitment or a negotiation. For instance, when the Portuguese king João I (1385–1433) defined how the inheritances of the free Moors (*mouros forros*, whose own fiscal and religious identities were respected)<sup>10</sup> should be managed, an important procedure was written down in the text. Adapting these words, it can be underlined:

And because we thought it was imperfect and very dark, we ordered to the Moorish *Alcaide* (the keeper of the castle) of the city, to gather again certain Moors expert in law and well connoisseurs of their law, who would see and examine with due diligence the declaration, and if they thought that it was in some way deceased or outdated or it has any dark part, they should suppress it and amend it, according their own law, that it ought to be.<sup>11</sup>

This text is very significant. In summary, a previous draft of the law was considered to be imperfect and unclear. To improve the text, some Moors who were experts in the law were required to examine its content and, if necessary, to change and amend the text, according to their own law. Considering this example, three aspects should be stressed: firstly, the respect for the legislative tradition of the minorities was maintained; secondly, the law was rewritten and adapted by the Moors themselves; thirdly, the law was the result of some previous compromises. The complexity of the preparation of this draft is, at least, extraordinary. It is possible to say that, on some occasions, it was the result of a process of negotiation and mutual recognition of all the people who participated.

Through the reconstruction of the Portuguese kings' strategy for organizing the legislative texts, we should highlight the need to gather all the information, such as from the pontifical Curia and from some foreign courts (*Partidas* by Afonso X of Castile).<sup>12</sup> On the one hand, organizing and supporting the decision-making process were seen as fundamental. On the other hand, in Portugal the effort to preserve ancient laws is very curious when we consider the particular motivations. The Crown

10 On the creation and definition of *mouros forros*, see Barros, *Tempos e Espaços de Mouros*, pp. 40–65; Barros, 'Os Muçulmanos de Portugal', especially p. 101.

11 *Ordenações Afonsinas*, liv. II, tít. 28.

12 There are many laws addressing the relationship between Christians and religious minorities, such as Jews and Muslims, but all of them deal with the economic and commercial aspects of the relationship (Rodríguez, ed., *Muslim and Christian Contact in the Middle Ages*, pp. 222–24).

needed the support assured by the memory of the past, and the kings expected that the memories of the legal past would help to legitimize their power.

The historical background is very useful to better understand the role of the law in controlling the minorities. The Iberian reconquest (twelfth–thirteenth centuries) and the overseas expansion to Africa (fourteenth–sixteenth centuries) were the two key political issues to comprehend the visibility achieved by the minorities in Portugal during this period. The ethnic groups were inside the political discussion. They were very important to the king. In the same sense, the military orders were decisive institutions for accomplishing the objectives of either the papacy or the monarchy. In fact, Iberia can be classified as both a territory of crusade and a territory of alterity, where Christians, Muslims, and Jews had coexisted for an extensive period of time. So, the political background increases the impact of the law on ethnicity and its political use and interpretation.

Having this background in mind, the analysis of the legislative texts and the identification of their main targets becomes clearer. In general, the subject of the legal statements can be grouped in several categories. Justice, social issues, and administration are most common, then come contracts on assets, business, and properties. Finally, ecclesiastical affairs, usury, debts, tithes, incomes, and weapons are poorly represented in these documents. A more detailed analysis examines some curious strands in the evidence. The first selected collection, *Livro das Leis e Posturas* (1249–1393), contains, above all, laws on justice, contracts, and social issues. Later on, the *Ordenações de D. Duarte* (c. 1433–1438) comprises segments on justice, contracts, and administration. The *Ordenações Afonsinas* (1446) gather a large set of laws on aspects of justice, social issues, and administration. And, finally, the *Ordenações Manuelinas* (1512/1513) deal with social issues, justice, and administration. To sum up, this means that the royal legislative statements above all concern judicial procedures; these aimed at preventing disorder and punishing disruptive behaviour in a diverse society. Only very late on, during the reign of Manuel I (1495–1521), did the legislation pay particular attention to social issues. The Portuguese society was, in fact, a multi-ethnic one. The coexistence of these very diverse ethnic groups, which included foreigners, meant that the consciousness of ‘Otherness’ developed and differences were accepted. And the law was somehow used to regulate, to shape, and to discipline or to control such a diverse society, especially in some cities.

Considering the three main topics throughout the four legislative collections — justice, social issues, and administration — it is very interesting to analyse each one of these general categories in more detail. The general and static features usually attributed to the law vanish when the texts’ content is analysed. These regulations are enriched by some daily episodes.

First of all, with regard to justice, the Portuguese kings used the law to establish several judicial procedures, such as the testimonies in courts, and the legal representatives’ action. From the reign of Afonso III (1248–1279), the law defined how Jews and Christians should testify.<sup>13</sup> In 1294, King Dinis discussed this question

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13 *Ordenações del-rei Dom Duarte*, Constituição XIII, fol. 58.

again, accepting that the Jews could complain against the Christians.<sup>14</sup> In 1321, this law was repealed.<sup>15</sup>

With respect to the first category, the law was also used to define some officers' competences, both Christians and Jews. Although the Jews had their own judicial and administrative structures, the Jewish people had complained to the king about their main rabbi. He was accused of exceeding his authority. In consequence, King Afonso V decided to confirm a specific ordinance, already issued in May 1402. According to it, the main rabbi should have the king's seal, correctly identified with the inscription 'seello do Arraby Moor de Purtugal' (Portuguese main rabbi seal), which should be kept and used either by a Christian or by a Jew, under the rules and under the payment of the fees practised in the royal chancery.<sup>16</sup> The main rabbi, an office which was abolished in 1463, was an officer of the royal court and of the king's strict confidence, usually his physician or manager of the finances of the kingdom.<sup>17</sup> Finally, inheritances were, of course, considered to be a special field of interest in the judicial domain concerned with the ethnic groups.

Somehow, the Portuguese Crown respected the Jewish laws and their cultural traditions. The same kind of respect was also accorded to Muslims. Nevertheless, Jews and Muslims were, at least in theory, obliged to live in special neighbourhoods. This segregation could result in restrictions on freedom. *Judiarias* and *mourarias* were ghettos which were well defined in the urban plan of the cities and villages where Jews and Muslims were settled. The Jewish communities were found throughout the kingdom, whereas the Muslim ones were restricted to the south, from the basin of the Tagus River.<sup>18</sup> This was a means of segregation even in a time when these ethnic groups were already deeply embedded in Portuguese society and performed relevant economic functions.

In the Middle Ages, there were other forms of spatial segregation, such as the so-called *coutos de homiziados*, that is, border territories for criminals. This kind of ghetto received Christian people, as well as members of any ethnic group. The sole criterion was to be considered a criminal by the royal judicial authorities. In these territories, the minorities did not seem to have a specific place.

On the other hand, a law enacted by King Duarte aims to punish those who gave protection to prisoners (*cativos*) who had tried to escape. According to Duarte, this was a very frequent occurrence, and so he defined a strict regulation. He encouraged complaints and rewarded those who helped to get the prisoners back.<sup>19</sup>

Finally, other punitive measures were imposed on those who took forbidden products from the Muslim enclaves. In particular, during the conflicts, it was forbidden to take weapons, iron, vessels, or wood for making them, linen, and artillery. This was

14 *Livro das Leis e Posturas*, pp. 100–101.

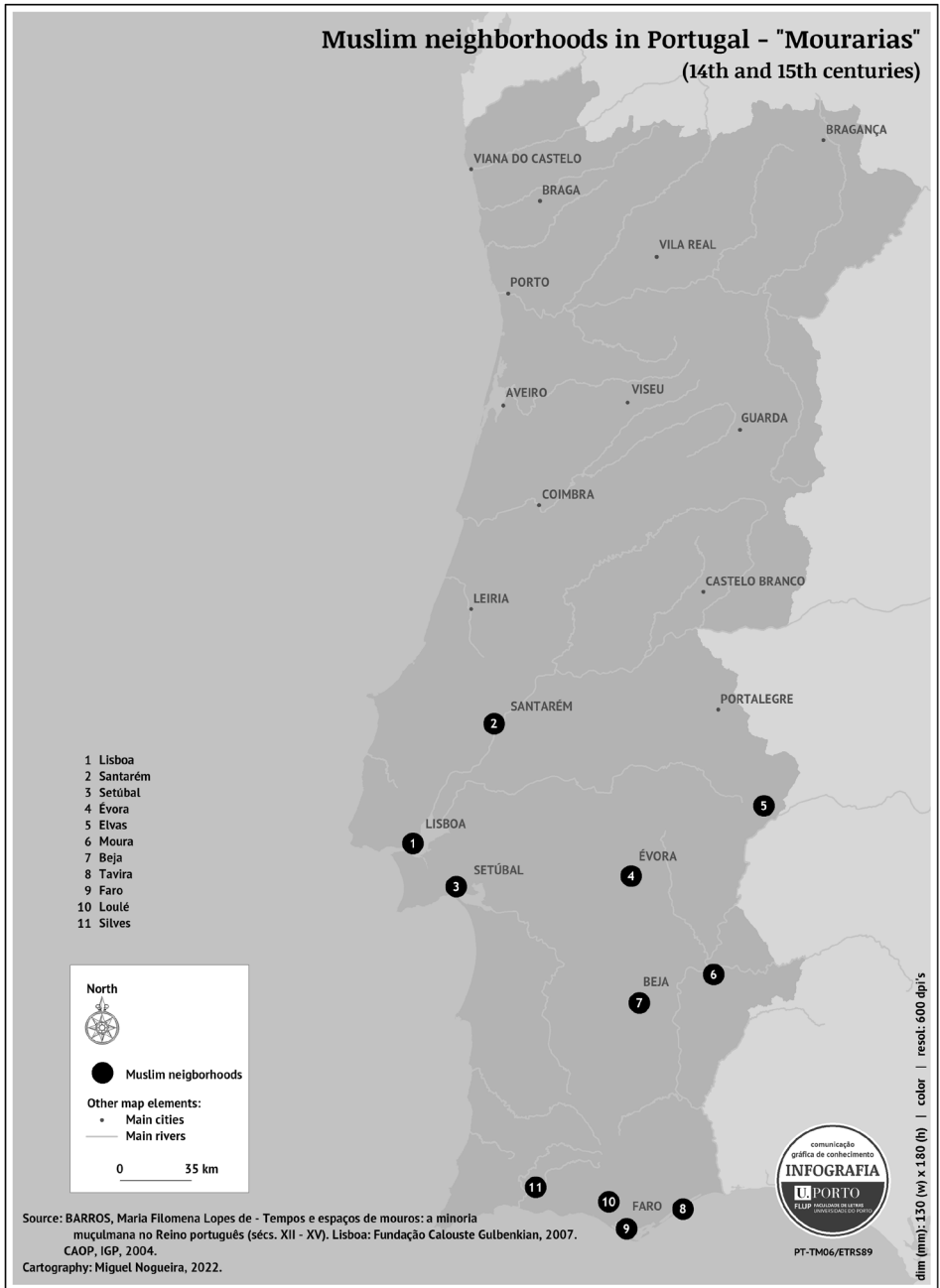
15 *Ordenações del-rei Dom Duarte*, fol. 171<sup>v</sup>.

16 *Ordenações Afonsinas*, liv. II, tít. 81.

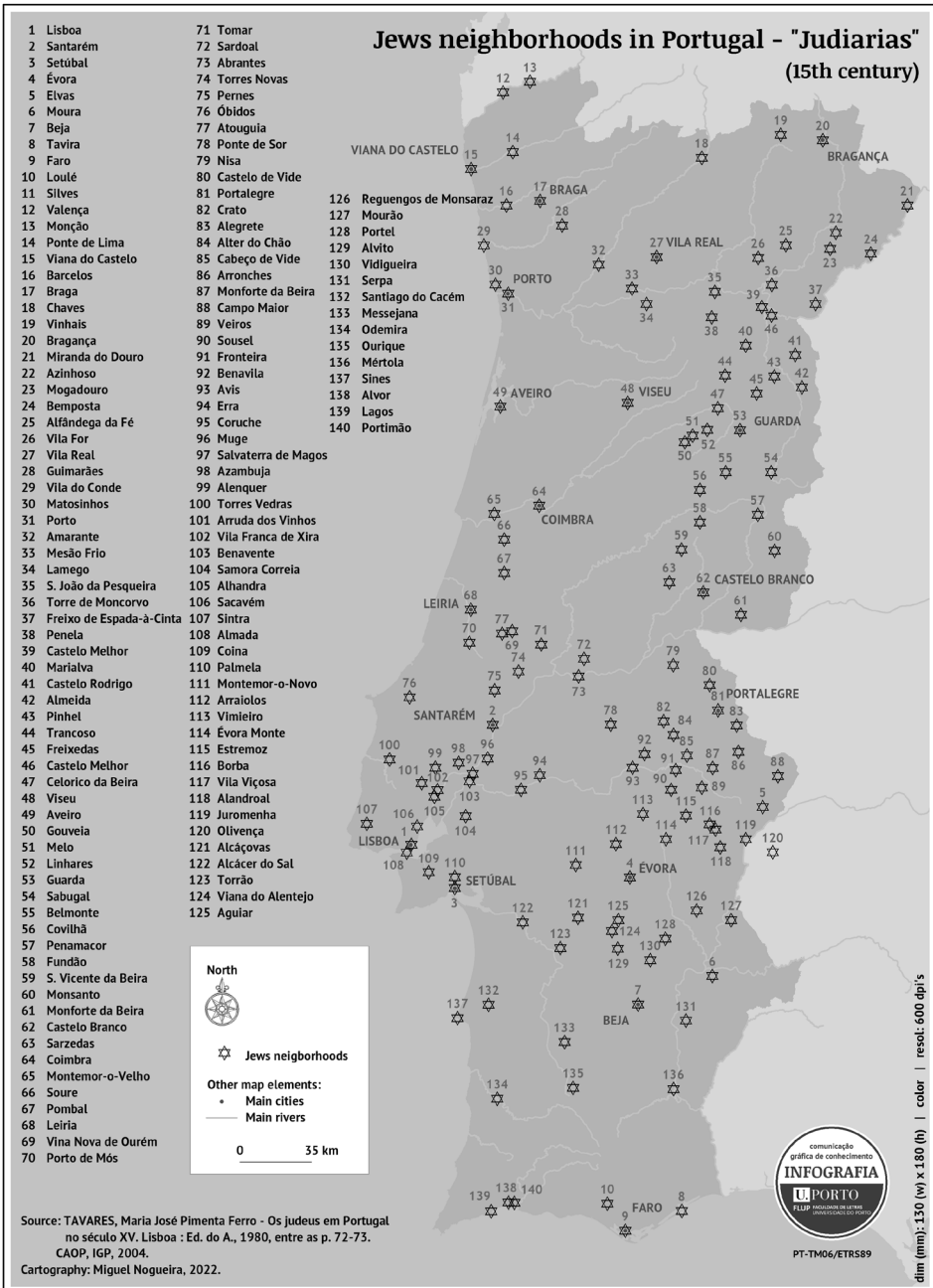
17 Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', p. 41.

18 Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', p. 38.

19 *Ordenações Afonsinas*, liv. II, tít. 114; liv. V, tít. 113. *Ordenações Manuelinas*, liv. V, tít. 77.



Map 10.1. Muslim neighbourhoods in Portugal – *Mourarias* (fifteenth century).



Map 10.2. Jews neighbourhoods in Portugal – *Judiarias* (fifteenth century).



reinforced by the prohibition against granting facilities to the Moors for vessels.<sup>20</sup> From this point of view, they were clearly opponents.

In respect of the four legislative collections, the second general category in quantitative terms is the social one. This is a broad label that once analysed in detail includes interesting assertions about the Portuguese multi-ethnic medieval society. These kinds of regulations were essential for preventing some attitudes, including those from a moral point of view. On 5 December 1496, when King Manuel I expelled the Jews and the Muslims from the kingdom, he did not hesitate to say that they were obstinate in their hatred against the Christian faith, and that they were ‘filhos de maldiçãam’ (the sons of the curse).<sup>21</sup> Those who chose not to leave the kingdom were forced to convert. Despite this, the king did permit some exceptions. Mafamede Lápáro, as a member of a Muslim family from the commercial elite of Lisbon, was not forced to convert.<sup>22</sup>

Throughout the late medieval period, Portugal was trying to make sense of the growing social differences that were mainly apparent in the main cities. Since its earliest days, this small Western kingdom had become accustomed to sharing its territory with Muslims and Jews, as well as with other foreigners. Although this last group cannot be considered as part of the multi-ethnic environment, they contributed to the social diversity that forced the Crown to define regulatory measures about the social issues. During the twelfth and the thirteenth centuries, when the Christian reconquest had become the main political issue, important Muslim communities had remained in Iberia. Some institutional and jurisdictional concepts were created to support this coexistence, such as *Moçárabes* (Christian people who lived under the Muslim’s administration territories), *Mudéjares* (Muslims who had remained in Iberia after the Christian reconquest), *parias* (tax paid by the Iberian Muslim kingdoms to ensure the Christians did not attack them),<sup>23</sup> *conversos* (convert people), and *mouros forros* (free Moors). This last expression has both a jurisdictional and a religious basis. It was not defined by themselves, and it was used in Christian documents. As a label, it is very broad and included inside it many different people and distinct social hierarchical levels.

In fact, different approaches were used. In Portugal, the most relevant communities of Muslims were given charters (*forais*), similar to those that were given to other Christian municipalities, which aimed to regulate their relationship with the king and to shape the internal social interactions.

In a strict sense, those municipal charters (*forais*) are not law, although they contain some guidelines and statements that became judge-made law. Lisbon is a good example. This city had been reconquered from the Muslims in 1147. The administrative organization would have been difficult. It was the main Portuguese city, so many

20 *Ordenações Afonsinas*, liv. IV, tít. 63.

21 *Ordenações Manuelinas*, liv. II, tít. 41.

22 Barros, ‘Os Lápáros’; Barros, ‘Categorias sociais nas comunidades mudéjares ibéricas’, p. 54.

23 For example, after the truce agreement between Castile and Granada in 1439 (Rodríguez, ed., *Muslim and Christian Contact in the Middle Ages*, pp. 203–06).

people wanted to remain there and the king wanted to tax their economic activities. In 1170, the free Moors who lived inside the town received a charter issued by King Afonso Henriques. The same charter was addressed to the Moors who inhabited three villages not far away from Lisbon: Almada, Palmela, and Alcácer do Sal.<sup>24</sup> This is a small document, but it is truly significant. The king could not afford to lose the Muslims' support. Based on this charter, the Moors who remained after the Christian conquest would receive royal protection against possible injustices committed by Christians and Jews. The king became the king of all; he possessed authority over all. This society was not bipolar; there was no precise division between Christians on the one side and ethnic minorities on the other. The reality was much more complex. Sometimes, this kind of category had only confessional and cultural arguments, and not a social basis. This charter also granted to Muslims the right to elect from among their community the officer who would judge them. This was a very important privilege. On the other hand, these Muslims were obliged to pay several tributes to the king and to render agricultural services to him. They were to be integrated into the Christian political and fiscal system. The reinforcement of several solidarities would promote the defensive strategy, which benefited the administration of the city.

Only thirty-two years after the military reconquest (October 1147), precisely in March 1179, the same king Afonso Henriques enacted a document to ensure the royal relationship within the municipal sphere. Indeed, this city was given its municipal charter in 1179.<sup>25</sup> In the late 1170s, the Almohad threat was increasing. The king was obliged to establish an agreement with the local population. By granting some privileges, he was able to ensure the support they would give him if the Almohad attacked the territory. This was a society facing considerable conflict. The king ordered the injured Moors and Jews to complain to the keeper of the castle (*alcaide*) and to the judges (*alvazis*). As a result of his fears about the Almohad attack, the king sought to ensure social cohesion inside the municipality; this even meant to protect the minorities. The divergences in the sense of conflict did not exclusively oppose the different cultural communities. In the municipal communities, there were common points of conflict, for example, over the distribution of income from taxation and the impact of judicial decisions.<sup>26</sup>

In order to increase the royal income, the trade transactions were taxed, according to the rules set out in this document. The municipal charters have a lot of data about taxation. Among the products there were also Moorish slaves. The purchase or the sale of a Moor, either male or female, by people who did not live in the city was taxed at a rate of  $\frac{1}{2}$  *maravedi* (an Iberian coin). The same value should be paid whenever a horse or a mule under 10 *maravedis* was sold. If the price of these animals were 10 *maravedis*, the fiscal income would be doubled, which means one *maravedi*. The king determined that the purchase or the sale of a horse or of a Moor outside Lisbon should pay the toll (*portagem*) in the place where the business took place, whereas the person

24 *Portugaliae Monumenta Historica*, pp. 396–97.

25 *Portugaliae Monumenta Historica*, pp. 411–15.

26 Montenegro, 'Conflictos internos en las aljamas judías castellanas'.

who owned a Moor who was a blacksmith or a shoemaker was exempted from the payment of tax for this worker. Some crafts were very important, as this municipal charter reveals. Nevertheless, at the beginning of the fifteenth century, there was a distinct background. Jews and Muslims were not able to enjoy the same privileges as Christians inside municipalities, where they could not become full citizens, which means they never obtained all the privileges, and they were not exempted from the toll's taxation.<sup>27</sup> In spite of the legislation, Afonso V granted an exemption, in 1445, to five officers, Moors and Jews, who wanted to live and install their workshops in Mourão, in the south at the extreme border between Alentejo and Castile; this was later confirmed by his son João II in 1486.<sup>28</sup>

The social concerns reoccur in the documentary sources used in this study. From a theoretical point of view, the king was supposed to develop a system in which the legislative power was reserved to him since the particular regulations had become more and more out-of-date. So, for the royal administration it was essential to regulate the society as a whole. In Portugal, since the beginning of the thirteenth century, the monarchy had developed a systematic programme of the empowerment and centralization of royal authority. The legislative activity which targeted society politically became more and more crucial; it gained a much greater relevance in the scope of the government.

As well as this royal perspective, the social background itself contributed as well to achieve similar objectives. Coexistence in daily life promoted common interests. Although they had different views, both culturally and confessionally, they shared the same territory. The economic activities stimulated the mutual compromises. All levels of the social hierarchy had met strong commitments. From the royal court, where there were high Jewish and Muslim officers, to the domestic environments, where a neighbour could have a different origin and culture, some cohesive attitudes were becoming stronger. It was neither a simple bipolar society (constituted by two poles: Christians and ethnic minorities) nor unidirectional.

## Royal Law and Portuguese Society

In the first half of the fifteenth century, a very curious prohibition was imposed first on the Jews and then on the Muslims. Both were forbidden to have Christian servants.<sup>29</sup> This statement is significant because of the diversity of the situations. Indeed, some ethnic stereotypes were formulated in a top-down sense. The argument used is clear. Canon Law as well as the Civil Law forbade dialogue between Christians and these ethnic groups. But medieval society seemed to accept coexistence. Somehow the coexistence had a deeper meaning. Different ethnic groups mixed with each

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<sup>27</sup> *Ordenações Afonsinas*, liv. II, tit. 69; liv. II, tit. 108.

<sup>28</sup> Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', p. 49. Other examples are quoted by the author.

<sup>29</sup> *Ordenações Afonsinas*, liv. II, tit. 66 and tit. 106.

other. For instance, Jewish men and Christian women were forbidden from visiting each other's houses. On the one hand, the royal administration could not avoid the presence of these minorities, but, on the other hand, it is noticeable as a moralizing approach that insists on banning the obvious miscegenation.

In a very singular perspective, the royal law seems to insist on a divided society which was organized into distinct sectors. João I's reign (1385–1433) was a key moment for this perspective.<sup>30</sup> On the one hand, the Portuguese had begun expanding towards northern Africa.<sup>31</sup> Ceuta, close to the strait of Gibraltar, was conquered in August 1415. The historical background was changing, and it had a great impact on Portuguese society. At the same time, the religious approach to these ethnicities was changing as well, at a time when the concept of late crusade across the Mediterranean was having a great impact. The result was the increasingly tight rules. The creation of specific neighbourhoods for these groups in 1361<sup>32</sup> and the obligation to adopt clothing which identified the wearer with specific signs and colours<sup>33</sup> as a member of an ethnic minority were very symbolic. The so-called Concordat, an agreement that had been established between Portugal and the Holy See in 1289,<sup>34</sup> imposed on the Jews the use of distinctive signs and the payment of the tithe.<sup>35</sup> The most expressive measure was enacted later by Manuel I in 1496 when the Jews and the Muslims were expelled from the kingdom.<sup>36</sup> This was not innovative as it had already been carried out in Castile in 1492.<sup>37</sup> Manuel I's law tried to implement a kind of religious homogeneity. However, the segregation was perpetuated in subsequent centuries in the designation New Christians (*cristãos-novos*) which was applied to the descendants of Jews and Moors.

In addition to judicial and social statements, the administrative questions were also addressed by the law. First of all, the documents classified in this category were

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30 Costa and Pimenta, 'Multi-Ethnic Portuguese Society in the Reign of João I'.

31 In spite of the papal bans on the trade of certain goods, a vigorous trade existed between Christian and Muslim regions, with Christians merchants becoming frequent visitors in the cities of northern Africa and the Holy Land (Rodríguez, ed., *Muslim and Christian Contact in the Middle Ages*, p. 219).

32 Law from 8 June 1361 (Pimenta, *D. Pedro I*, pp. 139; 281; *Cortes Portuguesas*, p. 52). It is determined that these neighbourhoods should be constituted when there were more than ten inhabitants (Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', p. 45; Pimenta, *D. Pedro I*, p. 139).

33 Christian authorities relegated religious minorities to second-class status with numerous discriminatory statutes (Rodríguez, ed., *Muslim and Christian Contact in the Middle Ages*, p. 330). Nevertheless, in Portugal, this provision took longer to be adopted than in other European countries, legislated in the Fourth Lateran Council (1215). In Portugal, it only began to assume a mandatory character in the reign of Afonso IV (1325–1357), over a century later (Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', p. 42). On clothing identification, see Macedo, 'Os sinais da infâmia e o vestuário'.

34 Moreira Azevedo, ed., *Dicionário de História Religiosa de Portugal*, p. 425; Pizarro, *D. Dinis*, pp. 102–03.

35 *Ordenações del-rei Dom Duarte*, Const. XXVII, p. 239, and Const. XXXVII, p. 244.

36 Law from 5 December 1496 (Costa, *D. Manuel I*, p. 280). Following this law, the king ordered the collective baptism of Jews in March and September 1497, and the prohibition to use Jewish books in May 1497 (Costa, *D. Manuel I*, p. 280).

37 After the conquest of Granada, in 1492, the Castilian kings decided to expel Jews and Muslims from the kingdom. Many of those individuals settled in Portugal (Costa, *D. Manuel I*, p. 83).

produced to define officers' responsibilities. Since the reign of Afonso II (1211–1223), positions in the royal administration could not be held by either Jews or Muslims.<sup>38</sup> But King Dinis (1279–1325) changed this rule for the Jews;<sup>39</sup> and from the reign of D. Duarte infant onwards (1412–1433), this rule was also changed for Muslims.<sup>40</sup> In consequence, Juda Negro, a distinct Jewish man, was the great treasurer of King Fernando (1367–1383). The physicians of the court were frequently Jews. Usually, they were educated with advanced scientific knowledge, benefiting from long-term Eastern cultural contacts.

The scientific knowledge that characterized some Muslim and Hebrew elites had been considered an added value by themselves and an element of social promotion. Certain Muslims, who traditionally had worked in the craft industries and in commercial activities, had preferred to abandon these offices to make a career in the theological and juridical sphere (the so-called *ulama*).<sup>41</sup>

In the administrative dimension, the legislation which was closely connected with matters of ethnicity was about taxes charged by notaries within the royal chancery. On the other hand, Jews were forbidden to rent monasteries' incomes. This was probably because it was a religious income. In medieval Portugal, the rents could be charged by people who presented themselves to accomplish this task. Of course, they expected to obtain a profit, equivalent to the difference between the amount they had collected and the money they had to pay to the legal receiver of the rent. This strategy of collecting rents was also advantageous to the owners of the properties, because they had access to the incomes without involving themselves in the difficult process of charging, and they avoided the debts.

The high number of laws concerning the issue of ethnicity constitutes an indicator of the relevance of these groups both to the society itself and to the royal administration. In the *Ordenações Afonsinas*, where the majority of laws are concentrated, the subject of ethnicity is focused on in over 50 per cent of the total of the laws gathered in volume II (66 of 123). This last book is the most abundant in statements about ethnicity.

In general, the main subjects of the Portuguese laws about ethnicity were justice, social issues, and administration. Studying the interactions between Christians, Jews, and Muslims in the Middle Ages is to study a history of conflict and coexistence.<sup>42</sup> The intention of this essay is to highlight some facets of this complex relationship. In Portugal, the historical background, namely the reconquest (twelfth–thirteenth centuries) and the African issue (fourteenth–sixteenth centuries), stimulated this interculturalism. The monarchy could not dismiss any settler or anyone who

38 *Livro das Leis e Posturas*, p. 19, and *Ordenações del-rei Dom Duarte*, Const. XXVI, fols 6<sup>v</sup>–7; *Ordenações Afonsinas*, liv. II, tít. 85.

39 *Ordenações del-rei Dom Duarte*, fol. 146<sup>v</sup>.

40 *Ordenações Afonsinas*, liv. II, tít. 107. On this point, it can be stressed that Emperor Alfonso VII, the most powerful monarch in the Iberian Peninsula in the middle of the twelfth century, had among his vassals a Muslim king named Zafadola (Rodríguez, ed., *Muslim and Christian Contact in the Middle Ages*, pp. 192–93).

41 Marín, 'Movilidad Social y Ciencias Islámicas'.

42 Rodríguez, ed., *Muslim and Christian Contact in the Middle Ages*, p. xi.

contributed to the political programme's success. So, some laws benefited Jews and Muslims as well. In this perspective, although they maintained the same religious status and stigma, they were seen as collaborators in the same political framework.

By undertaking a thorough analysis of the content of the laws, they can be divided into three groups: laws benefiting Jews and Muslims; laws against Jews and Muslims; and laws where both Jews and Muslims are treated as equally as any other group.

### ***Support for Minorities' Ethnic Identity***

The first group regards laws which benefited Jews and Muslims. Some legislative documents reflected respect for their religious and cultural traditions, as well as their own regulations, when in the interest of the king. From 1403 on, Jews were not obliged to testify before a judge on Saturdays, out of respect for their sacred day.<sup>43</sup> The Muslim community was also protected with some privileges. The king determined that no one can kill Muslims, or hurt them, steal their belongings, profane their graves, or inhibit their celebrations.<sup>44</sup> Since previous times, the religious symbols were respected. Afonso III decided that Jews should swear on their sacred book, the Torah.<sup>45</sup> Afonso IV allowed high-status Muslim judicial officers to maintain their rights and customs in their own judicial territories.<sup>46</sup> And, afterwards, João I gave the same privilege to the Jewish community.<sup>47</sup>

It can safely be said, therefore, that the king needed these minorities. Above all, the Jews had performed a relevant role in frontier settlements and assumed important trade. They contributed large sums, including taxes and other incomes, to the royal treasury. Both Jews and Muslims had a long tradition of craft and business, which resulted in large incomes. Besides this economic added value, they managed the indispensable scientific and technical skills required to launch Portugal into maritime adventures.<sup>48</sup>

Among these minorities who attended the court, some played particular roles, namely as physicians and treasurers. Others undertook important diplomatic missions, either in Europe or in northern Africa. They can also be found as diplomatic intermediaries for the military orders in the east–west conflicts.<sup>49</sup> All these responsibilities enhanced the impact of these elites in Christian traditions and know-how. The prominence of some Islamic elites may result from the enjoyment of privileges and their ease of contact with the general population that could provoke conflict within their own community. That reputation may also have been a result of the symbolic environment and the domination of the community by some Arabized elites. For example, the

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43 *Ordenações Afonsinas*, liv. II, tít. 90.

44 *Ordenações Afonsinas*, liv. II, tít. 120.

45 *Ordenações del-rei Dom Duarte*, cap. XXII, fol. 63.

46 *Ordenações Afonsinas*, liv. II, tít. 101.

47 *Ordenações Afonsinas*, liv. II, tít. 71.

48 The Islamic world had a highly developed scientific, medical, and philosophical tradition (Rodríguez, ed., *Muslim and Christian Contact in the Middle Ages*, p. 370).

49 For instance, in the Treaty with Acre in 1283 (Rodríguez, ed., *Muslim and Christian Contact in the Middle Ages*, p. 184).

carpet workers in Lisbon were able to speak the Portuguese language very well. These craftsmen from the end of the fourteenth century had adopted romance versions of their surnames.<sup>50</sup> This is very symbolic of the level of acculturation.

The legislation regarding these minorities was not always linear. Sometimes, the king decided to change the law according to his own will. While King Afonso II forbade the assignment of public administration charges to Jews or Muslims,<sup>51</sup> King Dinis decided that Jews could become royal officers.<sup>52</sup> Later, King Duarte decided that Muslims could not serve the king, the *infantes*, or any other lord.<sup>53</sup> Kings did not decide alone, and they were prone to diverse influences. For instance, the town of Santarém asked the king to forbid Jews and Moors from holding any office and from collecting any incomes on behalf of the king.<sup>54</sup>

### **Laws against Jews and Muslims**

In the second group, laws against these minorities can be highlighted. Sometimes, the actions of these minorities could result in losses. In the beginning of the fourteenth century, Jews were forbidden from making deceptive contracts with Christians.<sup>55</sup> There is also legislation against Jews who charge exorbitant interests,<sup>56</sup> and who make usurious contracts.<sup>57</sup> They were also forbidden from requesting the repayment of Christian debts after twenty years had elapsed.<sup>58</sup>

Having noticed that some Moors and Jews had adopted Christian ways of dressing so that they could pretend to have another cultural identity, King Afonso V, in the second half of the fifteenth century, decided that they should go to prison, and they would be judged whenever it was found to have occurred.<sup>59</sup> This decision should be seen within the context of King Pedro I's order, from the second half of the fifteenth century, that Jews were to live apart in separate neighbourhoods.<sup>60</sup> It could also be interpreted as a measure to protect Jews from being attacked and from the hatred against this community following the Black Death.<sup>61</sup> Later on, Muslims were also

50 Barros, 'Categorias sociais nas comunidades mudéjares ibéricas', pp. 54–55.

51 *Livro das Leis e Posturas*, p. 19, and in *Ordenações del-rei Dom Duarte*, Const. XXVI, fols 6<sup>v</sup>–7.

52 *Ordenações del-rei Dom Duarte*, fols 130<sup>v</sup>–131, 146<sup>v</sup>.

53 *Ordenações Afonsinas*, liv. II, tít. 107.

54 *Chancelarias Portuguesas: D. João I*, doc. 666, pp. 76–77.

55 *Ordenações del-rei Dom Duarte*, fol. 168.

56 *Ordenações del-rei Dom Duarte*, fol. 243.

57 *Ordenações del-rei Dom Duarte*, fols 295–96. In the *Cortes* of Elvas, in 1361, the people complained to the king that Jews engaged in usury, and the king decided the Jews should be punished with death ('*Cortes de D. Pedro I*', art. 10<sup>o</sup> in Pimenta, *D. Pedro I*, p. 225).

58 *Ordenações del-rei Dom Duarte*, fol. 171.

59 *Ordenações Afonsinas*, liv. v, tít. 26. Previously, in 1231, Pope Gregory IX, after a complaint from the Bishop of Lisbon, determined that the Jews were obliged to wear distinctive signs in public places (Gomes, 'Os Judeus no Reino Português', p. 84). The obligation to wear distinctive signs and clothing by both Jews and Muslims is a significant focus in Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', pp. 42–45.

60 *Ordenações Afonsinas*, liv. II, tít. 76.

61 Pimenta, *D. Pedro I*, p. 137.

allocated specific ghettos.<sup>62</sup> This rule was not fully respected, and therefore João I introduced some penalties for those who were caught outside these neighbourhoods after a certain hour.<sup>63</sup> This reinforced the need for segregation, and in turn necessitated both communities to wear distinctive signs and clothing.<sup>64</sup> Other guidelines insisted on separate lives. Jews could not drink in Christian taverns, only in their own.<sup>65</sup> The permanent threat of social riots, enhanced by cultural differences, justified this preventive regulation. It seems that they did not trust each other. For instance, Jews and Muslims were forbidden from taking weapons into celebrations where the king was present, and also into games.<sup>66</sup>

If any Jew or any Muslim would seek jurisdictional asylum inside a church, they could not benefit from the privilege of immunity, as they were not of the Christian faith.<sup>67</sup> The reconquest environment stimulated some negative attitudes against these ethnic groups. According to a law enacted by Afonso III, some Christians encouraged Jews and Muslims to attack churches. In order to prevent this, the penalties were severe. So, the Jews would be burnt in front of the church's door. In turn, for the Christians the law made a distinction between a knight and a squire. The former would pay an amount to the king's treasury and be deported, while the latter would be sentenced to death.<sup>68</sup> The same judgement was to be applied to the Muslims.<sup>69</sup>

### ***Equal in Rights — Christians, Muslims, and Jews***

There is another group of laws which consider both Jews and Muslims at the same level as any other group. For example, Jews or Muslims could not enter any Christian woman's house or vice versa.<sup>70</sup> Christians, Muslims, and Jews could only make mutual contracts and loans based on the principle of reciprocity.<sup>71</sup> Finally, Manuel I recognized at the same level of credibility the testimonies from Jews and Christians.<sup>72</sup>

When members of these minorities, namely Jews and Muslims, decided to become Christians, they received many privileges. The legislation is plentiful on this subject. Since the first quarter of the thirteenth century, after conversion, the former Jews who had become the so-called New Christians could receive inheritances from their parents.<sup>73</sup> João I gave some privileges to those who had converted to the Christian faith.<sup>74</sup> These New Christians could not be insulted because they had embraced the

62 *Ordenações Afonsinas*, liv. II, tít. 102.

63 *Ordenações Afonsinas*, liv. II, tít. 80; liv. II, tít. 112.

64 *Ordenações Afonsinas*, liv. II, tít. 86 (Jews); liv. II, tít. 103 (Muslims).

65 *Ordenações Afonsinas*, liv. II, tít. 91.

66 *Ordenações Afonsinas*, liv. II, tít. 75; liv. II, tít. 117.

67 *Ordenações del-rei Dom Duarte*, fols 126<sup>v</sup>, 146<sup>v</sup>; *Ordenações Afonsinas*, liv. II, tít. 8.

68 *Ordenações Afonsinas*, liv. II, tít. 87.

69 *Ordenações Afonsinas*, liv. II, tít. 115.

70 *Ordenações Afonsinas*, liv. II, tít. 67; liv. II, tít. 105.

71 *Ordenações del-rei Dom Duarte*, fols 327–29.

72 *Ordenações Manuelinas*, liv. III, tít. 44 (parágrafo 5).

73 *Ordenações Afonsinas*, liv. II, tít. 79; *Ordenações Manuelinas*, liv. II, tít. 42.

74 *Ordenações Afonsinas*, liv. II, tít. 83; liv. II, tít. 110.



Christian faith. This kind of insult would be judged by the secular court and not by the ecclesiastical one.<sup>75</sup> When they converted, the New Christians had lost the stigma attached to their previous religious affiliation. The relations between these people who assumed a new faith with the communities from which they had previously belonged are very interesting, although there is not enough historical evidence to understand it.<sup>76</sup>

The law goes even further by judging those who, after having become Christians, returned to their former Jewish or Muslim faith. Afonso II, during the reconquest campaign, had produced a law on the Jewish people who converted to Christianity. Naturally, this change was acclaimed, and the king sought to prevent new converts reversing their decision. This means that someone who decided to go back to their Hebraic faith, after they had been warned, would be punished with the death penalty. This law sought to control different ethnic groups; it was later confirmed by Afonso V.<sup>77</sup> Similar reasons can explain the extension of this kind of measure to the Muslims. In the context of the expeditions to Africa, in the fifteenth century, there were mandatory conversions to the Islamic faith in these territories. Faced with this situation, the king gave a deadline of twenty days to these new Muslims; once they arrived in the realm, they had to reconfirm their Christian faith within this time. If someone did not obey, they would suffer the death penalty.<sup>78</sup> Inspired by this example, King Manuel I, with respect to heretics and apostates, claimed that Christians who had converted to other faiths would be judged by the secular courts.<sup>79</sup>

From João I to Afonso V (1385 to 1481), Jews and Muslims could not be forced to become Christians,<sup>80</sup> but this situation changed radically with King Manuel I, who decided that the Jews and Muslims should either fully assimilate or be expelled from Portuguese territory in 1496.<sup>81</sup> In addition, he ordered the owners of slaves from Guinea to ensure their baptism.<sup>82</sup> Paradoxically, during the year 1496, King Manuel I appointed several Jewish and Muslim officers to their neighbourhoods (*mourarias* and *judiarias*). The negotiations for his marriage contract with the Castilian princess hastened the king's order.<sup>83</sup>

In spite of the Portuguese medieval legislation mainly focusing on Jews and on Muslims, other elements also referred to other social minorities: heretics, unfaithful, and slaves. This terminology is only used in a few documents. The *Ordenações Afonsinas* contains a special law which defines the procedures for the judgement of heretics,

75 *Livro das Leis e Posturas*, p. 131; *Ordenações Afonsinas*, liv. II, tít. 89.

76 The Sevillian case was already studied by Romero-Camacho, 'Relaciones de poder entre los judíos y conversos sevillanos'.

77 *Ordenações Afonsinas*, liv. II, tít. 95.

78 *Ordenações Afonsinas*, liv. II, tít. 121.

79 *Ordenações Manuelinas*, liv. V, tít. 2.

80 *Ordenações Afonsinas*, liv. II, tít. 94 (Jews); liv. II, tít. 119 (Muslims).

81 Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', p. 51; *Ordenações Manuelinas*, liv. II, tít. 41.

82 *Ordenações Manuelinas*, liv. V, tít. 99.

83 Costa, *D. Manuel I*, pp. 83–84.

given that the heretics' beliefs could have had consequences in both the civil and religious spheres. In spite of this, this law never equated heretics with a particular and stigmatized ethnic group.<sup>84</sup> Finally, the terminology of slaves is only applied to those who were from Guinea.<sup>85</sup>

It is clear that the greater number of references to Jews and Muslims are made in exactly the same documents. For the royal administration they were equivalent. When addressing separately each one of those two groups, the Jews were the target of the majority of the legislative documents. Somehow, after the Jews were given a certain law, concerning a privilege, the Muslims also benefited by a similar assessment. As already said, it was a complex society, and it was rarely divided into simple categories (Christians and ethnic minorities). King Duarte wrote a very interesting book, called *Leal Conselheiro*, where he had included some assessments in order to achieve a better understanding of Portuguese society. Defining the motivation that generates hate, in a social perspective, the king points out the disagreement, the laws, and the oppositions between some social groups: Christians and Moors; English and French people; Guelfs and Ghibellines. According to the king, the war against Moors should be fought by obeying the Church's instructions, and so it should not result in problems of conscience. In a rhetorical exercise, the king put the question in the perspective of the Jews and the Moors about the essence of the war against themselves, when the Christians accepted that these minorities could live among them. And the conclusion is, once the minorities did not convert to the Christian faith, the Christians believe that they can fight the temporal jurisdiction, and, in consequence, they were allowed to force the territories of the minorities to submit to Church jurisdiction.<sup>86</sup>

## Final Remarks

From the legislative corpora analysed in this paper, there are a huge number of laws concerning minorities. Several justifications could support this number of laws on ethnic minorities. The origin of royal power is divine, and its first manifestation is to legislate and to judge; as stated by the king himself, 'he may rightly govern his kingdom and keep his people in right and justice; and when he rightly does not rule he no longer deserves to be called king.'<sup>87</sup> The Iberian monarchies had developed a truly mosaic society since the Arab invasion, and it became crucial to regulate and to adapt to Christian traditions. They developed legal instruments on the institutional coexistence among minorities as Jews, *Mudéjar*, Mozarabic, free Moors (*mouros forros*), or pariah kingdoms. These laws also reflect the attempt to create a peaceful daily life, which

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84 *Ordenações Afonsinas*, liv. v, tit. 1; liv. v, tit. 2; liv. iv, tit. 99 (parágrafo 20).

85 *Ordenações Manuelinas*, liv. v, tit. 99.

86 Duarte, *Leal Conselheiro*, cap. 17, § 5–16.

87 'Para que aja de reger justamente seu reino e manter seu povo em direito e justiça; e quando ele justamente não rege já não merece ser chamado rei' (*Ordenações Afonsinas*, liv. v, tit. 1, p. 2).

enabled the cohesion of multi-ethnic diversity and prevented armed conflicts. As an example, some Iberian Jews arrived in Portugal, after the Pogroms of 1391 (anti-Semitic attacks) in Andalusia and Aragon.<sup>88</sup> They brought a new dynamic to the local community; they cooperated with the funding of the war against Castile and in Africa. In the fourteenth and fifteenth centuries, the king's power increased; as such, he wanted more control over this very diverse society.

For many reasons, minorities were relevant to the monarchy. These laws on ethnicity could answer two objectives:

getting the support of the Jews and the Muslims in favour of the king, and shaping multi-ethnic societies promoting daily coexistence. In fact, more than once, the Castilian army supported Muslim troops. In 1432, Yusuf IV seized the throne of Granada by defeating Mohamed IX with the support of the Christians.<sup>89</sup>

In spite of the large number of laws on minorities, there is no specific legislative medieval book for them, as they are spread among the legislation as a whole. Figure 10.1 expresses the distribution of this specific legislation on minorities.

As shown in Figure 10.1, the *Ordenações Afonsinas* represented the corpora with the largest number of laws on this theme. It is possible to separate the laws according to each reign, in order to obtain a clearer framework for the enactment of these particular pieces of legislation. These corpora collect legislation from Afonso I (1128–1185) to Afonso V (1449–1481), as shown in Figure 10.2.

From the data collected in Figure 10.2, it is possible to state that in the reign of João I (1385–1433) there were thirty-five laws enacted regarding ethnic minorities, followed by the ones from his grandson, who only enacted half that number.

The reign of João I represented a significant stage in the enactment of this specific legislation. João I had been previously (since 1364) the master of the Military Order of Avis, a relevant ideological experience that could have influenced his role as a legislative decision-maker. As king, he nominated three of his sons as administrators of the Portuguese military orders, institutions that represented Christian chivalry as opponents of the ethnic minorities. He sought to strongly establish his legitimacy at the beginning of his realm, because he was not a son of the former king, and so he

Number of Laws

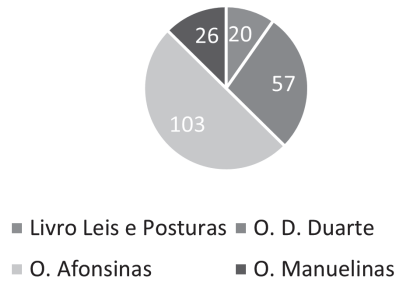


Figure 10.1. Laws on ethnic minorities, according to the Portuguese medieval legislative corpora.

88 The constant expelling and persecutions of Jews throughout Europe determined the immigration of these groups to the Iberian Peninsula. After the persecutions in 1391 and the expelling from Castile in 1492, the number of Jewish communities in Portugal grew exponentially (Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', p. 38).

89 Coelho, *D. João I*, p. 313.

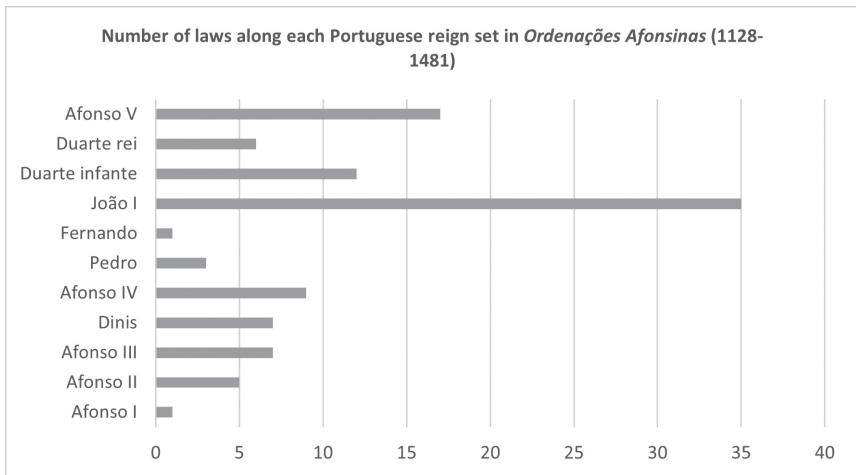


Figure 10.2. Number of laws issued during each Portuguese king's reign recorded in the *Ordenações Afonsinas* (1128–1481).

needed to be recognized as an heir. Some of his supporters were from these ethnic minorities which had several prestigious individuals among them. Their support was crucial. They also meant a strong connection between Portugal and Morocco, and consequently, they could be involved in preventing social instability following the conquest of Ceuta.<sup>90</sup> After the conquest of the city (25 August 1415), the mosque was consecrated as a Christian cathedral,<sup>91</sup> and King João I had his sons knighted precisely inside this temple (Duarte, Pedro, and Henrique).<sup>92</sup> Five years later, the diocese of Ceuta was created.<sup>93</sup>

At the same time, this king enacted several laws regarding the location of the neighbourhoods of Muslims (*mourarias*) and Jews (*judiarias*). They should keep living in neighbourhoods apart from the rest of the population;<sup>94</sup> there were punishments for Jews or Muslims who were found outside their neighbourhoods after evening prayers or during the night.<sup>95</sup>

According to the historiography, the reign of João I was, indeed, a key moment. It does not seem that the king himself desired to change the situation. Nevertheless, the Iberian and northern African background obliged the king to make such changes. For

90 For example, in 1419, the Moors from Granada attacked Ceuta (Coelho, *D. João I*, p. 310).

91 The Muslims adopted a similar procedure after the conquest of Cordoba. Half of the main church was converted into a mosque, after 785, while the remaining churches of the city were destroyed (Rodríguez, ed., *Muslim and Christian Contact in the Middle Ages*, p. 41). In 1405, the synagogue of Toledo was transformed into a church (Coelho, *D. João I*, p. 308).

92 Coelho, *D. João I*, p. 309.

93 Coelho, *D. João I*, p. 311.

94 *Ordenações Afonsinas*, liv. II, tít. 76; liv. II, tít. 102.

95 *Ordenações Afonsinas*, liv. II, tít. 80; liv. II, tít. 104; liv. II, tít. 112.

him it was rather clear that he should prevent social instability in the realm, following the pogroms in Castile (1391) and the conquest of Ceuta (1415).

At this point, several questions can be addressed. Was the king himself the main author of this legislation? Was he the only authority who promulgated it? Was there any lobby for the promulgation of laws? Did the diplomatic roles of these minorities prevent stricter legislative measures or criminal penalties against them? To what extent were these royal laws obeyed? The legislative corpora in analysis cannot answer all these questions. They can only be answered from a different kind of source, like the criminal records, which are beyond this research.

Regarding the Portuguese medieval legislative corpora, several conclusions can be stressed. The legislative corpora were not only a punitive instrument. For the monarchy these collections also have a formative role. They could support and promote the acculturation process, in an early stage. This is quite unique, given the stereotype of 'Otherness'. Somehow the laws applied to the Jews were replicated to the Moors. Unfortunately, it is impossible to assess if it occurred due to the royal initiative or due to an order made by them. The royal speech is, first, aimed at the Jews and, later, extended to the Muslims, and the rule is that members of these minorities cannot hold any power over Christians.<sup>96</sup>

In fact, the king legislated on these minorities after being pressured by the people. The two main issues were the neighbourhoods and the clothing, and the people, in *Cortes* (medieval Parliament), asked the king to enforce these determinations. It seems that the king did not intend to enforce segregation, as he wanted to avoid social conflicts. But the popular representatives were the most enthusiastic supporters of this norm of spatial segregation and control of physical space.<sup>97</sup>

Later on, when new economic and social elites replaced the role played by the Jews and Muslims, the royal speech became different. With King Manuel I (1495–1521) the political discourse had become radicalized. The ongoing Mediterranean war had clear overtones of religious and cultural 'Otherness'. The king wanted to please the pope for many reasons. Among them, he expected the papacy to approve changes in the Military Order of Christ regarding its patrimonial administration and the raising of incomes. To accomplish this strategy, he was authorized to create the so-called *comendas novas* (new commanderies), using the rents from some churches. On the other hand, the papal bulls on ethnicity used to employ more severe terminology and emphasized the religious differences between the Christian and Islamic faiths.<sup>98</sup> All these bulls put the focus on social opposition, which reflected the faith dichotomy.

On the other hand, the royal legislative texts helped to ensure some solutions in order to support coexistence between Christians and the ethnic minorities. They had different identities, religions, cultures, but they were all together under the same royal authority. They were targets for segregation, but they were not necessarily marginalized. The image granted by the manuscripts could be discussed in a deeper sense. Does it represent real lives or just some ideological and stereotyped lives existing above all

96 Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', p. 38.

97 Barros, 'Judeus, Cristãos e Muçulmanos no Portugal Medieval', p. 45.

98 Costa and Lencart, 'Ethnic and Religious Minorities'.

on *paper*? The Portuguese historiography has seen remarkable developments, from the ‘closed paradigm to the *rediscovery*’, in a holistic approach, of these ethnicities.<sup>99</sup>

The role played by the military orders at the level of the multi-ethnic society is clarified from the approaches we have taken within the framework of the project in which this book is included. With regard to royal law, the military orders would have had a considerable influence, given their deep connections to the papacy, which stimulated a divided society based on the confessional difference, and its prominence in the royal court. More than any other institution, the military orders, especially the international ones, had had a very intense coexistence with several ethnic groups across the Mediterranean.

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99 See Barros, ‘Ethno-Religious Minorities’.

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