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The Talmud in a Crossfire: The Struggle for the *Iurisdictio* over the Jews within the Conflict between the Papacy and the Secular Powers (1267 and 1320)[1]

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Abstract
This article delves into the relationship between the High Medieval extension of ecclesiastical jurisdiction over the Jews and the rivalry between the papacy and the secular powers. It argues that the struggles for supremacy between the two swords led to a competition for legitimate and effective control of the *iurisdictio* over Jewish affairs. The analysis is conducted through two pivotal case studies. The first one examines the enactment of the bulls *Dampnabili perfidia Iudaeorum* and *Turbato corde* (1267) in the aftermath of the Disputation of Barcelona (1263). The second case study explores the promulgation of the bull *Dudum felicis recordationis* (1320) in the context of Pope John XXII's attempts to recompose the power and influence of the Church after the conflict between Philip IV and Boniface VIII and during the earlier stages of his dispute with Louis IV of Bavaria.

Keywords
Medieval anti-Judaism; Anti-Talmudic bulls; Church-State conflict; *Iurisdictio;* Papal inquisition

Summary: 1. Introduction; 2. James I, Clement IV, and the Talmud: The bulls *Dampnabali perfidia Iudaeorum and Turbato corde* (1267); 3. The quest for hegemony: the bull *DFR* (1320); 4. Conclusions; Bibliographical appendix

1. Introduction

By the mid-14th c., the Church had largely defined its jurisdictional attributions over the Jews. Events like the anti-Talmudic Trial of Paris (1240) and the Disputation of Barcelona (1263), the doctrinal development of the *Ius commune*, and the missionizing commitment of the religious orders boosted the interest in expanding the ecclesiastical jurisdiction in this direction. The competences to proceed against the Jews were progressively perceived as a prolongation of the inquisitorial powers against the propagation of heresy. Throughout the previous 150 years, popes and jurists had developed a *corpus* of positive norms and doctrines justifying this power and tracing its boundaries. However, the façade of incontestability and acceptance of this apparatus was a fiction. The actual real practice of Medieval Law was a complex web of jurisdictions, crossed legitimacies, and political counterweights that curbed the jurisdictional aspirations of the Church. The endemic rivalry between the so-called two swords, which sharpened in the Late Middle Ages with the consolidation of the early states, often brought this dichotomy between the Church's alleged powers and reality to light.

[1] This article has been prepared in the context of the postdoctoral program INVESTIGO, launched by the AGAUR with European funds from the NextGenerationEU program [2023 INV-2 00076], and the research project 'The Polemic Against the Talmud in Latin Europe between 1240 and 1415', funded by the Spanish Ministry of Science, Innovation, and Universities [PID2024-155482NB-I00/AEI]. I want to thank my colleagues Ulisse Cecini, Alexander Fidora, and Guillem Gavaldà for their insightful comments and suggestions.

In the decade of 1370, an apparently minor incident related to a Barcelona Jew called Astruc da Piera, who had been accused of practicing demonic magic, caused an acrimonious intellectual polemic between the well-known inquisitor Nicolau Eymerich and the Carmelite jurist akin to the Catalan-Aragonese monarchy Pere Ribot. They both championed the right of their respective jurisdictions to inquire and judge on this case. In a series of treatises, Eymerich and Ribot employed legal sources and, especially, opposed hermeneutical approaches as weapons. The intellectual and jurisdictional debate soon escalated into a diplomatic conflict that extended until the last years of King Peter III *the Ceremonious*' reign (d. 1387). Although Pope Urban VI resolved the discord in favor of the inquisitor, the dispute continued for another decade[2].

I will not address the dispute between Eymerich and Ribot in this article, but it clearly captures the underlying conflict I will discuss. A little-known Jew from Barcelona conjuring demons alone does not explain the deployment of the intellectual, political, and material means that followed. Without its proper contextualization, this episode would be but an incomprehensible eccentricity. The polemic between the inquisitor and the royal jurist was a small ramification, a tiny battle within the endemic struggles between the papacy and the secular powers for political and legal primacy. From the end of the 13th c. onwards, the quest for supremacy of kings, popes, and emperors led to intense debates on the nature of ecclesiastical power in earthly affairs. Discrepancies often transcended the intellectual domain, leading to open political and even warlike clashes.

Some authors have acknowledged the struggle between the Church and Christian sovereigns to affirm the legal and political control over the Jews in the last centuries of the Middle Ages, although none of them has examined the problem paying attention to the role of *iurisdictio* as the basis of the conflict[3]. With all certainty, *iurisdictio* was the most capital concept in medieval legal and political thought and practice, as well as one of the most misunderstood ideas by modern historians. It may be tempting to equate medieval *iurisdictio* with modern "jurisdiction", such as the jurisdiction of civil and criminal courts or the territorial jurisdiction of a public administration[4]. Admittedly, the definitions offered by medieval jurists tended to be rather superficial and not very detailed[5]. In an effort to clarify the concept and make it more accessible from the modern legal perspective, many legal historians have chosen to translate it as "sovereignty", a

[2] The dispute between the ecclesiastical and secular jurisdictions, respectively headed by Nicolau Eymerich and Pere Ribot, on the case of Astruc da Piera was analysed by Josep Perarnau and Jaume de Puig in two coordinated works: Perarnau i Espelt, J., "El *Tractatus brevis super iurisdictione inquisitorum contra infideles fidem catholicam agitantes* de Nicolau Eimeric: Edició i estudi del text", *Arxiu de Textos Catalans Antics* 1 (1982), pp. 79-126 and Puig i Oliver, J. de, "El *Tractatus de haeresi et de infidelium incredulitate et de horum criminal iudice*, de Felip Ribot, O. Carm.", *Arxiu de Textos Catalans Antics* 1 (1982), pp. 129-190.

[3] To begin with, Simonsohn, S., *The Apostolic See and the Jews, 2 vol.*, Toronto, 1991, vol. 1, pp. 105-116.

[4] Some authors have noted that there are more parallels between modern and Roman ideas of "jurisdiction" than with medieval *iurisdictio*. Rossi, G., "Deconstructing *iurisdictio*: the adventures of a legal category in the hands of humanist jurists", *Reassessing Legal Humanism and Its Claims: Petere Fontes?* (P. J. du Plessis and J. W. Cairns, eds.), Edinburgh, 2015, p. 62.

[5] See, for example, Accursius' gloss to the *Digest*, where he scantily defines the *iurisdictio* as *potestas de publico introducta, cum necessitate iuris dicendi, & aequitatis statuendae*. Accursius, *Corpus iuris ciuilis Iustinianei, cum comentariis Accursii, Tomus hic primus Digestum vetus continent*, Lyon, 1627, L. 2, T. 1, c. 1, p. 123.

term more functional and aligned with the medieval view[6]. However, the conceptual and linguistic problems remain unresolved[7]. The *iurisdictio* established between its owner and his subjects a complex net of political, legal, fiscal, patrimonial, military, and even ontological relationships that could almost be considered mystical[8]. In short, the *iurisdictio* was a concept that captured the entire idea of legal and political power[9]. Therefore, jurisdictional claims over a social group involve reclaiming absolute legal and political authority over that group, limited only by the internal structure and limits of the *iurisdictio* (customs and traditional legal constraints).

Among the multiple dimensions inherent to medieval jurisdictional practice, one of the most challenging and controversial ones was the capability to judge infidels. Popes, princes, and barons intensely disputed this prerogative. Secular powers considered the infidels in their territories as their natural subjects and taxpayers. Common expressions among Christian monarchs to refer to their Jewish subjects, such as "servants of the king's chamber" or "the king's chest", were but formulae, rather traditional formulas than strictly legal terms, used to express the bonds resulting from the ownership of the *iurisdictio*. Conversely, the Church claimed that unbelievers directly fell into its scope due to the potential threat that they posed to the Christian community[10].

This article explores the ties between the main movements of the Church to extend its *iurisdictio* over the Jews and the clashes with the secular powers. That is to say, I will argue that the effective jurisdiction over the Jews was an objective that the confronted parties in the secular-religious conflict needed to achieve to ensure their political supremacy. I do not aim to offer an alternative explanation for Late Medieval ecclesiastical anti-Judaism to those proposed from fields like social history or the study of apologetic literature, but to present a complementary reading of the intricate net of elements that made it possible. I will provide two case studies in which the promulgation of a bull concealed a broader political intentionality, to wit, securing the effective control over the *iurisdictio*. First, I will inquire into the causes of the promulgations in 1267 of

[6] Vallone, G., *Iurisdictio doimini: Intrdouzione a Matteo D'Afflitto ed alla cultura giurdica meridionale tra Quattro e Cinquecento,* Lecce, 1985, p. 18; Montagut, T. de and P. Ripoll, "Pactism in Catalonia: A Dual Conception of the Political Community", *Journal of Catalan Intellectual History* 12 (2019-2020), pp. 11-12.

[7] Aguilar, M., "Poder, estrutura, e semântica: um retorno à obra *Iurisdictio: Semantica del potere nella pubblicistica medievale (1100-1433)*", *História do Direito* 4.6 (2023), pp. 23-50.

[8] The religious resonances of the *iurisdictio* are at the very core of the concept, since it was the main instrument through which power was exercised, and the ultimate justification of medieval legal power was theological. The combination of the religious perception of statecraft and the Roman legal heritage resulted in what Ernst Kantorowicz called "*Corpus Reipublicae mysticum*". See Kantorowicz, E., *The King's Two Bodies: A Study in Medieval Political Theology*, Princeton, 2016, pp. 207ff.

[9] The most comprehensive work to date on the medieval idea of *iurisdictio* as a multidimensional political and legal concept is Costa, P., *Iurisdictio: Semantica del potere nella pubblicistica medievale (1100-1433)*, Milano, 2002, originally published in 1969. It is also worth mentioning the monograph Vallejo, J., *Ruda equidad, ley consumada: concepción de la potestad normativa (1250-1350)*, Madrid, 1992. See also Pennington, K., *The Prince and the Law: 1200-1600: Sovereignty and Rights in the Western Legal Tradition*, Berkeley and Los Angeles, 1993, for an insightful analysis of the medieval theoretical approach to political and legal power.

[10] See, for example, Stow, K., *Alienated Minority: The Jews of Medieval Latin Europe,* Cambridge (Massachusetts), 1992, pp. 259-273; Chazan, R., *The Jews of Medieval Western Christendom, 1000-1500,* New York, 2006, pp. 190-198; Assis, Y. T., *The Golden Age of Aragonese Jewry: Community and Society in the Crown of Aragon, 1213-1327*, 2008, pp. 49-63; Tartakoff, T., *Between Christian and Jew: Conversion and Inquisition in the Crown of Aragon, 1250-1391,* Philadelphia, 2012, pp. 19-22, and a long etcetera.

the bulls *Dampnabili perfidia Iudaeorum* [hereafter, *DPI*] and *Turbato corde* within the context of the conflict between James I and Clement IV after the Disputation of Barcelona (1263). Second, I will focus on the relationship between the publication of the bull *Dudum felicis recordationis* (1320) [hereafter, *DFR*] and Pope John XXII's struggle to recompose the power and influence of the Church after the conflict between King Philip IV of France and Boniface VIII and the early stages of his own dispute with Louis IV of Bavaria.

2. James I, Clement IV, and the Talmud: The bulls *Dampnabali perfidia Iudaeorum* and *Turbato corde* (1267)

The thirteenth and fourteenth centuries saw a paradigm shift in the Church's self-assumed role in judging infidels[11]. Until the mid-thirteenth century, most canonists held that the spiritual sword lacked a general power to prosecute non-Christians[12]. The pope could enact rules, especially to limit interactions between Christians and non-Christians, but their implementation largely depended on secular lords—whose obedience to the pope was not always unwavering. Regarding the Jews, the Augustinian theses advocating tolerance, as well as the *Sicut Iudaeis* corpus prior to Gregory IX, contributed to underpin this narrative[13]. Walter Pakter rightly noted that the Church already started to seek to expand its judicial power over the Jews in the twelfth century[14]. However, these advances were directed at cases involving transgressions of social boundaries (such as mixed marriages), aspects whose regulation can be traced back to Late Antiquity[15]. The increasing presence of the ecclesiastical judiciary was also evident in the prosecution of relapsed converts, a category that warrants careful consideration. From the Christian legal perspective, a relapsed convert was not a Jew pretending to be a Christian but a Christian apostate.[16] Therefore, the limits on the intervention of the Church in religious matters related to non-Christians remained stable in the twelfth century.

Even in the early decades of the thirteenth century, the Church maintained the same stance, as attested in both legal production and doctrinal works. For instance, the Fourth Lateran Council (1215) kept a stark separation between the promotion of the Church's

[11] Macías, M., "*Contra Fidem Christi Delinquentium*: The Inquisition and the Construction of Anti-Jewish Narratives in the 13th and 14th c.", *Medievalismo* 34 (2024), pp. 159–202.

[12] Gratian, for example, supported this principle in his *Decretum.* See, Gratian, *Decretum magistri Gratiani*, *Corpus iuris canonici*, *2 vol.* (A. Friedlberg, ed.), Union (New Jersey), 2000, vol. 1, Pars II, Causa XXIII, Questio IV, Canon XVI.

[13] Augustine of Hippo, *De civitate Dei, 2 vol.* (B. Dombart and A. Kalb, eds.), Turnhout, 1955, vol. 2, L. XVIII, c. XLVI. See Grayzel, S., "The Papal Bull Sicut Judeis", *Essential Papers on Judaism and Christianity in Conflict: From Late Antiquity to the Reformation* (J. Cohen, ed.), New York, 1991, pp. 231-259, and Simonsohn, *The Apostolic See and the Jews*, vol. 1, pp. 42-45. Also in Stow, K., "The "1007 Anonymous" and Papal Sovereignty: Jewish Perceptions of the Papacy and Papal Policy in the High Middle Ages", *Popes, Church, and Jews in the Middle Ages: Confrontation and Response*, New York, 2007, IV, pp. 12-20, where the author offers an overview of the Jewish response to papal protection.

[14] Pakter, W., *Medieval Canon Law and the Jews*, Ebelsbach, 1988, p. 40.

[15] On marriage, see, for example, Gratian, *Decretum*, Pars II, Causa XXVIII, Questio I, Canon X. On the treatment of Jews in Roman codification, see Simonsohn, *The Apostolic See and the Jews*, vol. 1, pp. 39-40; Cohen, M. R*., Under Crescent and Cross: The Jews in the Middle Ages*, Princeton, 1994, pp. 32-36; Abulafia, A. S., *Christian-Jewish Relations, 1000-1300: Jews in the Service of Medieval Christendom*, London, 2011, pp. 12-14. The *Liber iudiciorum*, paramount of Visigothic codification, was also profuse in these matters. See *Liber iudicum popularis* (J. Alturo i Perucho, J. Bellès, J. M. Font i Rius, Y. Garcia, and A. M. Mundó, eds.), Barcelona, 2003, L. XII.

[16] Gratian, *Decretum*, Pars I, Distinctio XLV, Canon V, and Pars II, Causa XXVIII, Questio I, Canon XII.

judicial endeavor against Christian heterodoxy and the measures adopted in relation to the Jews, whose sole finality was to regulate the interactions of this group with the Christian community[17]. The same spirit can be found in the *Decretals* of Gregory IX[18]. The most prominent canonists of the time, such as Ramon of Penyafort and Hostiensis, endorsed these positions and made no noticeable attempt to expand their interpretations[19].

Several factors prompted the Church to reconsider and extend its judicial prerogatives from the mid-thirteenth century onwards. On the one hand, the refinement of the ecclesiastical judiciary, thanks to the renaissance of Roman Law, and the consolidation of the papal inquisition in the first half of the thirteenth century, provided the papacy with the necessary means to pursue its legal, judicial, and ultimately political aspirations[20]. On the other hand, the intensification of anti-Jewish discourse, spurred by the encounter with the Talmud, created an ideal context for this endeavor[21].

The impact that the Talmud would have on the self-perceived judicial prerogatives of the Church became evident in 1248, when Cardinal Eudes of Châteauroux issued his sentence condemning the Talmud[22], adopted after translating and examining 1922 passages of the Talmud Bavli[23]. His pronouncement ended a process that began around

[17] "Concilium Lateranense IV — 1215", *Conciliorum oecumenicorum decreta* (J. Alberigo, P. Joannou, C. Leonardi, and P. Prodi, eds.), Bologna, 1973, pp. 227-271. Regarding the Jews, the council reiterated the prohibitions on usury, to walk on the streets in certain Christian festivities, to hold public offices, and to return to Judaism once baptized, and reinforced the obligation of wearing distinctive clothes (pp. 265-67).

[18] Although the Decretals offer a much broader catalog of regulations concerning the Jews than the Fourth Lateran Council, there are only two explicit references to judicial matters. The first, a fragment from Clement III's version of the *Sicut Iudaeis* bull, prohibits punishing the Jews without a prior judgment. The second addresses who is responsible for prosecuting a Jew who had attacked a priest, establishing that the competent judge is the one holding earthly jurisdiction in the land where the aggression occurred. See Gregory IX, *Decretalium D. Gregorii Papae IX, Corpus iuris canonici*, 2 vol. (A. Friedlberg, ed.), Union (New Jersey), 2000, vol. 2, pp. 1-927, L. V., T. VI, Cap. IX and Cap. XIV, respectively.

[19] Ramon of Penyafort, *Summa Sti. Raymundi de Peniafort barcinonensis Ord. Pradicator. de poenitentia et matrimonio cum glossis Ioannis de Friburgo*, Rome, 1603, pp. 32-38; Hostiensis, *Henrici Cardinalis Hostiensis*, *Summa Aurea*, Venice, 1570, f. 394v-396r. On Hostiensis, see also Pakter, *Medieval Canon Law and the Jews*, pp. 78-83.

[20] On the connection between the reencounter with Roman Law and the development of the early papal inquisition, see Southern, R. W., *Western Society and the Church in the Middle Ages*, Middlesex, 1975, p. 115; Verrill, A. H., *L'inquisition*, Paris, 1980, p. 27; Peters, E., *Inquisition*, Berkley, 1989, p. 12; Roncière, C. de la, "L'inquisition a-t-elle été perçue comme un abus au Moyen Âge", *Inquisition et pouvoir* (G. Audisio, ed.), Marseille, 2004, p. 14; Kolpacoff, J., *A History of Medieval Heresy and Inquisition*, Lanham, 2011, pp. 98-100. It is worth noting that 'inquisition' refers to cases in which the judge or his officials initiated proceedings, investigated the facts, gathered and examined evidence, and rendered a verdict. This system was opposed to the 'adversarial system', in which the parties were responsible for presenting the facts and providing evidence.

[21] For the early reception and interpretation of the events among the ecclesiastical authorities, see, for example, Fidora, A., "The Influence of the *Extractiones de Talmud* on Anti-Jewish Sermons from the Thirteenth and Early Fourteenth Centuries", *The Talmud in Dispute during the High Middle Ages* (A. Fidora and G. Hasselhoff, eds.), Bellaterra, 2019, pp. 235-247 and "The Latin Talmud and the Extension of Papal Jurisdiction over Jews", *Medieval Worlds* 11 (2020), pp. 152-164; Kedar, B. Z., "Canon Law and the Burning of the Talmud", *Bulletin of Medieval Canon Law* 9 (1979), pp. 79-82; Chazan, R., "The Condemnation of the Talmud Reconsidered (1239-1248)", *Proceedings of the American Academy for Jewish Research* 55 (1988), pp. 11-30; Pakter, *Medieval Canon Law and the Jews*, pp. 70-78.

[22] Denifle, H. and É. Chatelain, *Chartularium Universitatis Parisiensis, 4 vol.*, Paris, 1889-1897, doc. 178.

[23] Cecini, U. and Ó. de la Cruz Palma, *Extractiones de Talmud per ordinem sequentialem* Turnhout, 2018.

ten years earlier when the convert friar Nicholas Donin submitted a selection of Talmudic fragments translated into Latin to Pope Gregory IX[24]. The document denounced the outrageous blasphemies that the Talmudic texts spread against Christ, the Virgin, and the Church. At this point, the Christian world acquired full consciousness of the magnitude of the Talmud and the significant theological and doctrinal development of post-Biblical Judaism. Modern scholarship agrees in considering these events a turning point in the history of the relationship between the Church and the Jews[25]. From then on, the Jewish policy of the Papal See progressively became more aggressive and uncompromising. The Church saw how her earlier reaction after Donin's denunciation, including the Disputation (or just judgment, depending on the interpretation of the events) of Paris (1240) and the burning of the Talmud copies in the city, was confirmed by a more profound assessment. Pope Innocent IV immediately attempted to have the sentence implemented. He commanded several prominent secular lords and territorial religious authorities in Western Europe to seek and destroy all the exemplars of the Talmud.

The reaction of the Christian princes was not as enthusiastic as the Pope might have wished. Only Louis IX, who had taken an active role in the Parisian process, obeyed Innocent's orders[26]. It seems that Pope Innocent IV overestimated—or wanted to try—the actual capacity of his authority to influence the inner Jewish policy of the Christian kingdoms. James I, sovereign of the Crown of Aragon, was among the monarchs who embraced a discrete passivity. James I was a typical 13th-c. Catholic king. He was a pious man of faith who favored the goals of the Church in many regards, committed to the crusader ideal, and engaged in the fight against the Saracens and heretics. Nevertheless, his devotion did not prevent him from prioritizing the interests of his kingdoms when he deemed it necessary, even when excommunication was the price[27]. This apparent ambivalent position was also manifest in his Jewish policy[28]. His conduct in the aftermath of the Disputation perfectly exemplifies his political line: on the one hand, he ignored the orders of the Pope against the Talmud; on the other hand, he increased the prerogatives of the Dominicans to preach to Jews and Muslims in his territories[29].

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[24] See Capelli, P., "*De articulis litterarum Papae*: A Critical Edition", *The Talmud in Dispute in the High Middle Ages* (A. Fidora and G. Hasselhoff, eds.), Bellaterra, 2019, pp. 29-57.

[25] The evolution of Christian-Jewish polemics in the thirteenth century has received wide scholarly attention. To mention a sample of representative works in this field, see Cohen, J., *The Friars and the Jews: The Evolution of Medieval Anti-Judaism*, Ithaca, 1982, and *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*, Berkley, 1999; Chazan, R., *Daggers of Faith: Thirteenth-Century Christian Missionizing and Jewish Response*, Berkeley, 1989. A political and social reading of the increasingly aggressive anti-Jewish discourse can be found in Nirenberg, D., *Anti-Judaism: The Western Tradition*, New York, 2013, pp. 183-216, and *Aesthetic Theology and Its Enemies in Christian Painting, Poetry, and Politics*, Waltham, 2015, especially pp 128-164.

[26] Cohen, J., *The Friars and the Jews*, p. 73. Furthermore, Louis IX was one of the pioneers of secular legislation against blasphemy. See Tolan, J., "Blasphemy and Protection of the Faith: Legal Perspectives from the Middle Ages," *Islam and Christian-Muslim Relations* 27.1 (2016), pp. 39-40.

[27] For instance, James I was excommunicated for his opposition to the papal appointment of Bernat de Montagut as bishop of Huesca. He was pardoned thanks to the intercession of Ramon de Penyafort and after recognizing the appointment. See S. Raimundo, "Diplomatario", *Summa Iuris* (J. Rius Serra, ed.), Barcelona, 1954, docs. XXVIII and XXIX.

[28] Baer, Y., *A History of the Jews in Christian Spain, 2 vol.*, Philadelphia, Jerusalem, 1992, vol. 1, pp.138-162; Assis, *The Golden Age,* pp. 19-34; Tolan, J., "Royal Policy and Conversion of Jews to Christianity in Thirteenth-Century Europe", *Contesting Inter-Religious Conversion in the Medieval World* (Y. Fox and Y. Yisraeli, eds.), London, 2017, pp. 97-101.

[29] Vose, R., *Dominicans, Muslims and Jews in the Medieval Crown of Aragon,* New York, 2009, pp. 141-142.

In 1263, James I eagerly agreed to organize a second public theological disputation in Barcelona. The encounter had been instigated by the multifaceted Dominican Ramon of Penyafort and his colleague in the Order Pau Cristià, a convert. The engagement of the King was not limited to mere acquiescence or sponsorship, but he offered his residence for the debate and insisted on chairing it. Though sincere, Catholic fervor was not King James I's only incentive. Several authors have noted that additional and intricate political reasons advised the monarch to strengthen his ties with the Church. Martin Cohen was probably right when he argued that James needed further support among the Catalan-Aragonese clergy to counterbalance the increasing power of a restless nobility[30]. On his part, Robin Vose suggested that King James I wanted to attract the favor of the Pope at the expense of his rival, the French monarchy, with whom he held bordering feuds[31]. Furthermore, the organization of the disputation was an exhibition of the political power of the papacy over the secular rulers[32]. Still, his active engagement as the chair of the encounter would force the friars to share the triumph with the monarchy. There is little doubt about the monarch's broader political views and ambitions concerning the debate. The pious Christian and the devious statesman converged in the organization of the event.

The Talmud was again placed at the epicenter of the polemic, but the Christian approach differed from the disputation held at Paris. Pau did not just attack rabbinic sources, but relied on them when convenient to demonstrate that they also displayed the truth of Christian dogmas[33]. His strategy was based on the idea that Jewish sages had—willingly or unwillingly—misinterpreted their own sources, which supported the Gospels in capital matters like the arrival and identity of the Messiah[34]. The renowned Moshe ben Nahman was chosen to be the Jewish counterpart of Cristià. Nahmanides was aware of his delicate position from the very beginning. He could not win the disputation, and any argument he resorted to would be labeled blasphemous and a potential danger for the Catalan Jewry. Since it was impossible to escape the debate, he attempted to obtain some warrants from the King. Nahmanides asked James I for express permission to speak

[30] Cohen, M. A., "Reflections on the Text and Context of the Disputation of Barcelona", *Hebrew Union College Annual* 35 (1964), pp. 183ff. Also Kagay, D. G., "Structures Of Baronial Dissent and Revolt Under James I (1213-76)", *Mediaevistik* 1 (1988), pp. 61-85 and Kagay, D. G., "Rebellion on Trial: The Aragonese *Unión* and Its Uneasy Connection to Royal Law", *Journal of Legal History* 18 (1997), pp. 30-43. Indeed, in 1283, James' successor, Peter II the Great, had to face a rebellion of the Aragonese nobility, which was disaffected due to the repartition of Valencia and took advantage of the excommunication of the King and the subsequent invasion of French crusaders to impose their demands. For an overview of the rebellion and the French invasion, see Schneidman, J. L., *The Rise of the Aragonese-Catalan Empire, 1200-1350, 2 vol.*, New York, 1970, vol. 1, pp. 29-38; Hillgarth, J. N., *The Spanish Kingdoms, 1250-1516, 2 vol*., Oxford, 1976, vol. 1, pp. 253-259.

[31] Vose, *Dominicans, Muslims and Jews,* pp. 147-148.

[32] Novikoff, A. J., *The Medieval Culture of Disputation: Pedagogy, Practice, and Performance,* Philadelphia, 2013, pp. 190-191.

[33] Maccoby, H., *Judaism on Trial: Jewish-Christian Disputation in the Middle Ages,* London*,* 2001, pp. 19 and 41.

[34] Robert Chazan summarised the points of Pau's agenda as follows: "(*1) that the messiah had already come, (2) that he was to be divine and human, (3) that he was to suffer and be killed for the sake of mankind, and (4) that Jewish law and practice had lost all significance*." Chazan, R., "From Friar Paul to Friar Raymond: The Development of Innovative Missionizing Argumentation", *The Harvard Theological Review* 76.3 (1983), p. 292.

freely, a petition that the King accepted[35]. Moreover, Nahmanides unsuccessfully begged to be allowed to withdraw from the debate before the last session[36].

The Dominicans considered the disputation an incontestable victory of theirs[37]. As Nahmanides dreadfully suspected, the Dominicans' purported triumph rekindled the anti-Talmudic fervor aroused during the Paris process. Their legitimation to proceed against the Talmud had been revalidated. The friars harnessed the juncture to launch a missionizing campaign, which was articulated according to three objectives: the confiscation and examination of the Talmud, the organization of mandatory sermons in the Jewish neighborhoods, and the punishing Nahmanides for his sacrilegious interventions during the debate.

Under the veteran leadership of Ramon of Penyafort, the Dominicans decided to be cautious and conduct themselves diplomatically. A unilateral course of action could be counterproductive. King James I might have seen any movement in this regard as a potential threat to his authority and jurisdictional power over the Catalan-Aragonese Jewry. On the contrary, they circumvented the jurisdictional debate and opted to pretend that it was the King who assumed the initiative. Ramon of Penyafort trusted his influence over the King, of whom he had been a close advisor for many years[38]. Moreover, given his active and enthusiastic participation in the Disputation, he might have judged that the situation was promising to ensure his collaboration. Penyafort seemingly expected to replicate the cooperation of Louis IX fifteen years earlier while securing more solid grounds to implement his proselytizing program.

In the first instance, events took place according to the Dominican interests. On August 26th, less than three weeks after the end of the disputation, James I wrote to his subjects and officers, informing them that all the Jews and Muslims in his domains, no matter the age or sex, were bound to hear the sermons of the friars in the synagogues. Transgressors could be coerced to attend and punished with fines and other chastises. Furthermore, James I commanded his officers to protect from any aggression or offense those Jews who wanted to convert after hearing the sermons[39]. This last remark evinces the excitement of the monarch, who expected that the sermons would lead to a massive wave of voluntary conversions. He even pronounced a sermon in the synagogue of Barcelona during the Disputation[40]. Three days later (August 29th), James I issued two new enactments favoring the pretensions of the friars. The first decreed that Pau Cristià would go to several synagogues and Jewish dwelling houses to debate on faith matters

[35] The King's permission is expressly reported in the Hebrew protocol. For an edition of the text, see Tostado Martín, A., *La disputa de Barcelona de 1263: Controversia judeocristiana,* Salamanca, 2009, p. 121.

[36] Both the Hebrew and Latin protocols agree on Nahmanides' attempts to stop the disputation. However, only the Hebrew text reports that he asked to leave the debate on the fourth day. See Tostado Martín, *La disputa de Barcelona,* pp. 154 and 155 (Hebrew protocol) and 298 (Latin protocol).

[37] Indeed, whereas the Hebrew protocol depicts Nahmanides's moral and intellectual victory as partially acknowledged by the King, the Latin protocol explains that Nahmanides fled from Barcelona because he was unable to reply to Pau's arguments. Tostado Martín, *La disputa de Barcelona*, p. 298.

[38] For a bibliographical account of Ramon of Penyafort's life and career, see Valls i Taberner F., *Sant Ramon de Penyafort*, Barcelona, 1996.

[39] *Illos vero qui converti voluerint, diligatis et ab omni iniuria defendatis*: Barcelona, Archive of the Crown of Aragon [hereafter "ACA"], Cancillería Real [hereafter "CR"], reg. 12, fol. 107r [Huici de Miranda, A. and M. D. Cabanes Pecourt, *Documentos de Jaime I de Aragon, 5 vol.*, Zaragoza, 1982, vol. 5, doc. 1350; Tostado Martín, *La disputa de Barcelona de 1263,* p. 487.

[40] In the Hebrew protocol: Tostado Martín, *La disputa de Barcelona,* p. 162.

and examine their books[41]. The second one stipulated three months for the Catalan-Aragonese Jewry to eliminate the blasphemies against Jesus and the Virgin from their books according to the instructions of a commission composed by Pau Cristià, Ramon of Penyafort, and Arnau of Segarra[42].

The King's passionate commitment suddenly disappeared the next day. In a brief letter, from August 30th, James lightened his first command, published four days before, and declared that no Jew could be coerced to attend the sermons of the friars, which ceased to be mandatory[43]. The reasons behind this abrupt counterorder are unknown. Perhaps his counselors advised the King to change his political line to avoid social unrest in the *aljamas*[44]—which could potentially diminish his revenues—or to keep the balance of power with the clergy. In this second case, the King or his circle might have considered that counterbalancing the power of the nobility by ensuring the support of the clerical state did not justify increasing the power of the friars to this extent. It is also possible that important Jewish personalities close to the court and with high administrative positions interceded before the King[45].

Some months later, in March 1264, a new mandate permitted the Jews to impugn the blasphemies found by Cristià in their books. Allegations were to be examined by a new commission formed by the Bishop of Barcelona Arnau of Gurb, Ramon of Penyafort, Arnau of Segarra, Ramon Martí—the later author of the *Capistrum Iudaeorum* and the *Pugio fidei adversus mauros et iudaeos*—and Peter of Genoa[46]. The text of the order is revealing about the problems the friars were coming through to conduct the confiscations. The document shows that they could not meet the original three-month term to examine the Jewish books. It is not possible to assert with certainty whether the delay was caused

[41] *Mandamus et districte precipimus vobis, quatenus, cum dilectus noster frater Paulus Christiani de ordine fratrum predicatorum, quem ad vos pro via salutis ostendenda mittimus, venerit ad vos ad synagogas vel domos vestras vel cetera loca pro idonea causa predicandi verbum Dei vel disputandi vel conferendi vobiscum de scripturis sanctis, in publico vel in privato vel familiari collocutione* (…) *et libros vestros, quibus, quibus ipse indigerit ad veritatem vobis ostendendam, eidem exibere*. ACA, CR, reg. 12, fol. 107v [Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1364 (the date is incorrectly transcribed); Tostado Martín, *La disputa de Barcelona,* p. 489].

[42] *Statuimus* (…) *quod quascunque blasfemias contra ipsum Dominum nostrum Ihesum Christum et matrem suam beatam Mariam virginem gloriosam in libris vestris vel quibuscunque scriptis inveneritis, per vos ipsos vel qui vobis significati fuerint vel hostensi per fratrem Paulum Christiani ordinis fratrum predicatorum viva voce vel litteris cum consilio fratris Raymundi de Pennaforti et fratris A. Segarra eiusdem ordinis, scindatis omnino de libris vestris intra spacium trium mensium*. ACA, CR, reg. 12, fol. 111v-112r [S. Raimundo, "Diplomatario", doc. CXVII; Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1360; Tostado Martín, *La disputa de Barcelona,* p. 490].

[43] *Mandamus vobis, quatenus non compellatis nec compelli permittatis Iudeos civitatum, villarum et locorum dominacionis nostre nec uxores aut filios suos ad eundum ad aliquem locum extra calla iudayca eorum causa auscultandi predicationem aliquorum fratrum predicatorum.* ACA, CR, reg. 12, fol. 111v [Huici and Cabanes, *Documentos de Jaime I*, 5, vol. doc. 1363; Tostado Martín, *La disputa de Barcelona,* p. 491].

[44] On the same day, James I reduced the tax contribution that the *aljama* of Barcelona had to pay on Christmas from 500 *sous* to 300. The measure can be interpreted as an attempt to lower the impact of the decrees. ACA, CR, reg. 12, fol. 106v [Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1358.

[45] For Robert Chazan, the lobby by the wealthiest Jewish families was behind the new political line adopted by James I. Although these families probably played a relevant role in the earlier shift in the summer of 1263, their pressure alone cannot explain the escalation of the conflict between the Church and the King. Chazan, R., *Barcelona and Beyond: The Disputation of 1263 and Its Aftermath*, Berkeley, 1992, pp. 85ff.

[46] ACA, CR, reg. 13, fol. 156r [S. Raimundo, "Diplomatario", doc. CXVIII; Tostado Martín, *La disputa de Barcelona,* p. 492].

by the magnitude of the endeavor or by the pressure of influential Jewish officers. In any case, this pressure probably led the King to operate a second instance for appellations.

The aseptic administrative tone of the document cannot conceal a new effort of the King to reverse his earlier decisions. It is unlikely that James I enacted this order as a mere attempt to set further procedural safeguards[47]. Although the measure did not impede the mission that Penyafort and the friars had undertaken, it was a nuisance and proof of the progressive detachment of King James. The Dominicans had the power to reject the allegations in their hands, but the prolongation of the revision process was an added obstacle. In addition, the reformed commission included two members, Peter of Genoa and Arnau of Gurb, who did not belong to the Dominican sphere[48]. The measure was the prelude to the complete disowning of the Dominicans. James I was preparing the ground before harshening his opposition to the anti-Talmudic campaign he had contributed to initiate. Less than a year later, he took a decisive step towards the rupture with his former allies. In February 1265, the King released the inhabitants of the *collecta*—Jewish tax region—of Barcelona, the largest in Catalonia, from the obligation to answer the inquiries of the friars on the contents of their books[49]. With this last decision, James completely withdrew his support to Penyafort and virtually precluded the mission of the friars.

However, it was the punishment of Moshe ben Nahman which led to the peak of the conflict. The Dominicans had expressed their wish to have Nahmanides punished soon after the end of the Disputation for having circulated a blasphemous account of the encounter. James I traced a red line on this aspect. In this case, he did not hold the same ambiguous position embodied in a sequence of orders and counter-orders that he adopted regarding the persecution of the Talmud. He remained inflexible. Nahmanides had always maintained good relationships with the Royal Court and had eventually been one of the King's advisors on Jewish matters[50]. Moreover, the King himself had authorized him to speak freely in the debate without consequences.

James attempted to negotiate a compromise solution. He proposed to banish Nahmanides for two years and burn his books. The friars viewed the offer as insufficient and rejected it. Meanwhile, the relationship between James and Penyafort had deteriorated enough to make the King opt for a more aggressive course of action. He sought to reinforce his position by gathering supporters among the clergy, including the Bishop Arnau of Gurb. James succeeded in his task. Indeed, the Bishop of Barcelona had already aligned himself with the monarch in the reform of the anti-Talmudic commission. In April 1265, the King enacted a new decree proclaiming that after having taken counsel with many churchmen and legal experts—Arnau of Gurb is expressly mentioned—he had decided that only the King was entitled to hold Nahmanides accountable, for he had granted permission to the rabbi to present his arguments without restrictions[51]. Anticipating the reply of the friars, he also alleged that Nahmanides wrote his protocol of

[47] Robert Chazan interpreted the creation of an appellation instance as a mechanism to make the procedure fairer. I do not share his view. The subsequent sequence of documents rather suggests it was the previous step to stop the inquiries of the friars. Chazan, *Barcelona and Beyond*, p. 91.

[48] Baer, *A History of the Jews,* vol. 1, p. 156.

[49] ACA, CR, reg. 13, fol. 257r [Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1449].

[50] See, for example, Baer, *A History of the Jews,* vol. 1, pp. 104-106.

[51] *Nos* (…) *concedimus tibi dicto Bonastrugo de Portra* (…) *non… [tene]aris tempore aliquo respondere nisi tantum in posse nostro et presentia*. ACA, CR, reg. 13, f. 265r [Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1452; Tostado Martín, *La disputa de Barcelona,* p. 493].

the debate by request of the Bishop of Girona, who apparently endorsed this version. This same day, James I dispatched a safeguard to Nahmanides to return to Girona[52].

For the Dominicans, this was the last straw. Penyafort reacted to the concatenation of dares by appealing to the Pope. As the subsequent correspondence between the Pope and James I evidences, Pau Cristià went to Rome, where he presumably took advantage of his stay to complain in person about the offenses of the King. Clement IV immediately aligned with the friars. The relationship between James I and Clement IV was already in a delicate moment. A dispute between the two leaders had arisen some months earlier due to James' intention to repudiate his wife to marry one of his lovers[53]. In addition, James I's heir—the future King Peter *the Great*—had married the daughter of King Manfred of Sicily, an alliance deemed threatening by the papacy and other European powers[54]. By the time Pau Cristià met Clement IV, the papacy was at war with Manfred, who had occupied the southern papal territories[55].

In 1266, Clement IV wrote to King James, reprimanding him severely for his permissive policy towards his Jewish subjects[56]. Clement IV emphasized the obligation to remove Jewish officers from their positions and to be proactive in the fight against the Talmud. He likewise demanded an exemplary punishment for Nahmanides for participating in the debate and circulating his protocol. In other words, James I was commanded to undo all his decisions. The tone of the Pope contrasts with the initial diplomacy of Penyafort. Clement IV adopted a position of primacy and absolute superiority, both earthly and spiritual, over the Catalan-Aragonese prince. Still, he did not directly challenge the jurisdictional claims of the Crown over its Jewish subjects. The letter was a warning call to James, a reprimand to rectify his political lines before escalating the conflict.

James ignored the warnings. He was probably confident of his political strength within the Crown and the support of broad sectors of the Catalan clergy. Clement IV, in turn, was not willing to forgive this disregard. On 15 July 1267, he sent Pau Cristià back to Catalonia with a letter for the archbishop of Tarragona, Benet of Rocabertí (d. 1268), reiterating his orders to proceed against the Talmud[57]. It was a significant movement that permitted Clement IV to manifest his engagement with the Dominican side and pressure the Catalan clergy to do the same. It was a mechanism to undermine James' position. The Pope was preparing the ground for his main attack. The same day, Clement issued the bull *DPI*—it is noteworthy that the letter to the Archbishop of Tarragona also started with the words *DPI—,* specifically addressed to James I. The bull started with a sort of

[52] ACA, CR, reg. 13, fol. 265r.

[53] Also, in 1266, Clement IV wrote to James rejecting categorically his request for divorce. See the letter in Baronius, C., *Annales Ecclesiastici, 37 vol.*, Paris, 1880, vol. 22: 1257-1285, year 1266, docs. 27 and 28. James sought permission from the Pope to repudiate Teresa Gil of Vidaure, who was ill with leprosy, to marry his lover Berenguera Alonso of Molina.

[54] Schneidman, *The Rise of the Aragonese-Catalan Empire,* vol. 2, pp. 318-319.

[55] On the conflict between King Manfred and the papacy, see Runciman, S., *The Sicilian Vespers: A History of the Mediterranean World in the Later Thirteenth Century,* Cambridge, 1958, chaps. II-VI. Also, Koller, W., "Manfredi, re di Sicilia", *Enciclopedia Federiciana*, retrieved from: https://www.treccani.it/enciclopedia/re-di-sicilia-manfredi_(Federiciana)/

[56] Archivum Apostolicum Vaticanum [hereafter AAV], reg. 29A, fol. 10r-11v, edited in Tostado Martín, *La disputa de Barcelona,* pp. 497-499; Simonsohn, *The Apostolic See and the Jews*, vol. 2, doc. 226; Grayzel, S., *The Church and the Jews in the XIIIth Century*, *vol. 2,* New York, 1989, doc. 24.

[57] AAV, Reg. 70, fol. 53r, edited in Tostado Martín, *La disputa de Barcelona de 1263,* p. 500; Simonsohn, *The Apostolic See and the Jews,* vol. 2, doc. 228.

introductory justification in which the Pope reviewed the sins committed by the Jews. Then, he cautioned James about the Talmud, a sacrilegious work that had replaced the Old Law among the Jews and that was replete with blasphemies against Christ and the Virgin. Clement IV prompted the King to command his barons and officers—paradoxically, many of them were Jewish[58]—to cooperate with the archbishop of Tarragona in the task of finding, examining, and, if necessary, destroying all the copies of the Talmud in his dominions[59]. His recommendation to trust the examination of the books to Pau Cristià, as stated in the letter to the Archbishop of Tarragona, was an evident stance in favor of the interests of Penyafort and the Dominicans.

Two weeks later, the Pope completed his offensive with the general-scope bull *Turbato corde*[60]. Pope Clement IV established five cases that were under direct ecclesiastical jurisdiction: relapsed converts, their accomplices, Judaized Christians,

[58] On the extensive employment of Jewish officers—especially as bailiffs—by James I and his son Peter II (d. 1285), see the monograph Romano, D., *Judíos al servicio de Pedro el Grande de Aragón, 1276-1285*, Barcelona, 1983. See also Assis, *The Golden Age of Aragonese Jewry*, pp. 13-16; Baer, *A History of the Jews in Christian Spain*, vol. 1, pp. 144-150.

[59] *Dampnabili perfidia Iudeorum... Quia vero hiis et aliis eorum abusionibus ... decet tam ongruis quam festinis remediis refragari, venerabilibus fratribus nostris — archiepiscopo Terraconensi et suffraganeis eius, nostris in virtute obedientie damus litteris in mandatis, quod adversus predictos Iudeos super premissis prudenter et viriliter insurgentes, te carissimum in Christo filium nostrum et omnes barones, nobiles et balivos regni et terrarum tuarum moneant et inducant attente, barones, nobiles et balivos eosdem ad hoc per censuram ecclesiasticam, si necesse fuerit, appellatione postposita, compellendo, ut a Iudeis tibi et eis subditis, totum Talamud cum suis additionibus et expositionibus et omnes eorum libros ipsis faciatis liberaliter exhiberi; quibus exhibitis, illos ex eis qui de textu Biblie fuerint et alios de quibus nulla sit dubitatio quod blasphemias vel errores contineant seu etiam falsitatem, Iudeis restituant supradictis; ceteros vero sigillis eorum, ut expedit, consignatos in aliquibus tutis locis, in quibus ipsis videbitur, deponant custodiendos fideliter, donec super hiis consulta sedes apostolica ordinet in posterum quid de ipsis sit fieri oportunum... Proviso attentius ut condicto consilio tecum et cum aliis personis ydoneis, prout fuerit oportunum, commissum eis tam pium et salubre negotium taliter ordinent, ac ita prudenter et caute procedant in ipso quod id ubicumque contingat fieri simul et eodem tempore fiat... Licet igitur super hiis, que faciunt ad gloriam divini nominis, serenitatem tuam non credamus indigere precaminum lenimentis, eam tamen pro huiusmodi negotio menti nostre firmiter alligato, ex intimo cordis affectu rogamus et obsecramus in Domino Ihesu Christo, in remissionem tibi peccaminum iniungentes, quatinus totum predictum Talamud cum additionibus et expositionibus eius ac omnes libros Iudeorum ipsorum ubique per tuum regnum et dominium capias et capi facias ac eisdem archiepiscopo et suffraganeis exhiberi, alias in hiis que ipsis circa Iudeorum presumptiones committimus impendendo eis necessarium auxilium, consilium et favorem, ita quod ipsi, tua fulti potentia, commissum sibi ministerium ad divine maiestatis honorem exequi valeant iuxta votum, ac tibi exinde felicitatis eterne premia laudisque humane preconium et favoris apostolici proveniat incrementum.* In Simonsohn, *The Apostolic See and the Jews*, vol. 2, doc. 229. Also in Grayzel, *The Church and the Jews*, vol. 2, doc. 25.

[60] *Turbato corde audivimus et narramus quod quamplurimi reprobi Christiani veritatem Catholicae fidei abnegantes se ad ritum Judaicum damnabiliter transtulerunt; quod tanto magis reprobum fore dignoscitur, quanto ex hoc nomen Christi sanctissimum quadam familiari hostilitate securius blasphematur. Cum autem huic pesti damnabili, quae, sicut accepimus, non sine subversione predicte fidei nimis excrescit, congruis et festinis deceat remediis obviari: universitati vestre per apostolica scripta mandamus, quatenus infra terminos vobis ad inquirendum contra haereticos auctoritate sedis apostolice designatos super premissis tam per Christianos, quam etiam per Judeos inquisita diligenter et solicite veritate, contra Christianos, quos talia inveneritis commisisse tamquam contra hereticos procedatis: Judeos autem, qui Christianos utriusque sexus ad eorum ritum execrabile hactenus induxerunt; aut inveneritis de cetero inducentes pena debita puniatis; contradictores per censuram ecclesiasticam, appellatione postposita, compescendo, invocato ad hoc, si opus fuerit, auxilio brachii secularis*, Simonsohn, *The Apostolic See and the Jews,* vol. 2, doc. 230; Grayzel, *The Church and the Jews*, vol. 2, doc. 26.

Jewish proselytes, and blasphemers[61]. Beyond legal categories, the main innovation introduced by the *Turbato corde* was terminological. Clement IV established a close relationship between blasphemy and heresy. The expansion of the definition of heretic entailed an enlargement of the Church's self-perceived competencies to proceed against the Jews, especially against relapsed converts and the purported Judaized Christians. The bull, therefore, challenged the purported exclusive jurisdiction of the secular princes over their Jewish subjects. It was an aggressive movement aiming at consolidating the earthly aspirations of the papal monarchy.

Clement IV created an uneasy scenario for James I. The initial admonishment had become a direct order realized under the canonical formalism of two bulls, one of them expressly addressed to him. If the King relinquished to the Pope, he would implicitly acknowledge the papal jurisdictional primacy on the inner and early affairs of the Crown. A hypothetical capitulation would increase the influence of not only an external power such as the Papacy but also the internal power of the Catalan-Aragonese clergy, one of the main counterweights of the monarchy. The position of James I would weaken to a considerable extent. But if he disobeyed, he would initiate a direct conflict with the Pope, whose consequences could be unforeseeable. In the worst case, it could lead to his excommunication, a situation his enemies could take advantage of, as his son Peter II later experienced first-hand.

Soon after the bulls were issued, Nahmanides fled to Acre, where he died in 1270. The causes of his departure remain obscure. He might have left the Crown voluntarily or been formally banished. Likewise, James I might have advised Nahmanides to leave Catalonia because his personal security could not be guaranteed or because he had become an unbearable source of political unrest. Whatever the reasons, James I opted for a direct confrontation with the Pope once Nahmanides was out of the game; however, a connection between both events is unlikely. The physical weakness, the advanced age of Clement IV and Ramon of Penyafort, and his confidence in his internal supports might have convinced the king to disobey the two bulls. On 25 October 1268, he issued five decrees preventing the implementation of the Papal decisions and reassuring his sovereignty over the Catalan Jewry. Two of them reiterated the royal stance against the obligation to hear the sermons of the friars in the synagogues or to answer about the contents of the Jewish books[62]. Another one confirmed the privileges of the Jewish butchers to be supplied by Christian merchants and to sell kosher meat in the *call*[63]. The fourth one reassured the perpetual titularity of the synagogues and Jewish cemeteries[64]. Finally, the king exempted the Barcelona Jews from wearing distinctive clothes, except the so-called round cape[65].

[61] As interpreted in Grayzel, *The Church and the Jews,* vol. 2, p. 16.

[62] ACA, CR, reg. 15, fol. 122v [Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1602 and 1604]. The privileges were later extended to Lleida: ACA, Pergamins, Jaume I, n. 1955 [Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1613].

[63] ACA, CR, reg. 15, fol. 122v [Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1606]. On the conflicts related to Jewish butcheries, see Macías, M., "Los carniceros como guardianes de la comunidad: La situación legal de los carniceros judíos en la Corona de Aragón, 1250-1330," *Iuslabor* 1 (2023), pp. 215-249.

[64] ACA, CR, reg. 15, fol. 123r [Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1607].

[65] ACA, CR, reg. 15, fol. 123r [Huici and Cabanes, *Documentos de Jaime I*, vol. 5, doc. 1601]. The measure relativized the implementation of Canon 68 of the Fourth Lateran Council, which stipulated a number of measures for the public differentiation of Christians and Jews. "Concilium Lateranense IV — 1215", *Conciliorum oecumenicorum decreta* (J. Alberigo, J. A. Dossetti Perikle, J. C. Leonardi, and P. Prodi, eds.), Bologna, 1973, pp. 227-271.

Fortune smiled at King James I. On 29 November 1268, a month after issuing the decrees, Pope Clement IV died—curiously, Benet of Rocabertí passed away the same year. He could not react to the monarch's dare—in case he received the news of their promulgation on time. His successor, Gregory X, was not crowned until 1271. The new Pope adopted a lower profile regarding Jews and the persecution of the Talmud and did not show any interest in resuming the clashes of his predecessor with James I. However, the apparent passivity of the new Pope did not imply the derogation of the bulls[66]. The papacy was determined to defend its conquests. In the next century, the bull *Turbato corde* played a fundamental role as a source of legitimation for the inquisitors to proceed against the Jews and the Talmud.

Both the *Turbato corde* and the *DPI* were a direct consequence of the conflict with James I. They were the mechanisms Pope Clement resorted to vindicate his jurisdictional and political primacy over a wayward secular ruler. However, it should be noted that the existence of a conflict between the Dominicans and the monarchy around the Talmud and Nahmanides did not imply a straight rupture between both parties. The complex synergies of medieval social life impeded it. Both groups needed each other to a lesser or larger extent. The friars depended on the King to conduct their daily activities and secure their monasteries and properties. The King relied on the clergy in many social, religious, and administrative regards. Medieval power could not escape the interconnections between secular and spiritual power[67]. While the series of movements preventing the process against Nahmanides and the Talmud were taking place, we can see a close cooperation between the monarchy and the Dominicans on other matters. For example, the Bishop of Barcelona, who aligned with James I against the anti-Talmudic campaign of the friars, and Ramon of Penyafort collaborated as papal delegates in a process on the validity of a marriage between two nobles[68]. Seemingly, Penyafort and Shlomo ben Adret, the disciple and successor of Nahmanides as the spiritual and political leader of the Catalan Jewry, participated as legal experts in the intestate succession of Benvenist da Porta, a Jewish inhabitant of Barcelona and *batlle* of the same city[69]. Both sides played their cards in the affair of Nahmanides trying to pressure their opponent. Nevertheless, the events that preceded the death of Clement IV had strained the relationship between the King and the Pope enough to cause a potential rupture with unpredictable consequences.

[66] Pope Gregory X renewed the *Turbato corde,* stressing the persecution of relapsed converts. Grayzel, *The Church and the Jews*, doc. 33 and Simonsohn, *The Apostolic See and the Jews,* vol. 2, doc. 236.

[67] R. W. Southern synthesized this aspect of medieval politics with accuracy: "*Secular rulers everywhere found that they could live quite comfortably with the ecclesiastical machine. Most of them had no love for it, but they could more surely improve their positions by threats and compromises than by a full-scale conflict*". Southern, *Western Society and the Church*, p. 50.

[68] The process started in 1263, under the Papal reign of Urban IV, and finished in April 1267. See, ACA, Butlles, l. 15, n. 5, edited in Schmidt, T. and R. Sabanés i Fernández, *Butllari de Catalunya: documents pontificis originals conservats als arxius de Catalunya (1198-1417), 3 vol.*, Barcelona, 2016, vol. 1, doc. 438.

[69] ACA, CR, reg. 15, fol. 117r-v [S. Raimundo, "Diplomatario", doc. CXXVII]. On the ambivalent relationships between the friars, the Jews, and the monarchy, see Simon, L. J., "Intimate Enemies: Mendicant-Jewish Interaction in Thirteenth-Century Mediterranean Spain", *Friars and Jews in the Middle Ages and the Renaissance,* (S. J. McMichael and S. E. Myers, eds.), Leiden, 2004, pp. 53-80.

3. The quest for hegemony: the bull *DFR* (1320)

After the death of Clement IV, the anti-Talmudic zeal of the mid-13th c. papacy apparently decreased. From 1267 until the publication of the *DFR* in 1320, no new bull seeking to enlarge the ecclesiastical prerogative over the Jews appeared. The legislative silence, however, did not entail a reduction of the inquisitorial activities. The persecution of relapsing converts, blasphemers, and Jewish texts continued with unequal success and cooperation from the lay authorities[70]. The *DFR* attempted to revitalize the commitment of the papacy in this endeavor. In front of the purported spreading of Jewish blasphemies and proselytism, John XXII deemed it necessary to *recall* the spirit of the previous anti-Talmudic legislation to fight this menace[71]. The *DFR* aimed at revitalizing the persecution and punishment of relapsing converts, and at the localization and confiscation of the Talmud and other blasphemous Jewish works[72].

In the opening lines, John XXII framed the measure as a reaffirmation of the undertakings previously assumed by Clement IV and Honorius IV against the Talmud and its blasphemies, as the pope described them, directed at Christ, the Virgin Mary, and core points of Christian teaching. In strictly legal terms, the bull did not introduce substantive changes to the prevailing regime; its function was rather to restate and reinforce existing commitments in an area where, in John XXII's view, ecclesiastical officials had acted with insufficient diligence. To that end, he restated the accusations leveled at the Talmud in Paris. The bull made explicit reference to Eudes of Châteauroux's final verdict, the *DPI*, and to Clement IV and Honorius IV's legal production[73] in order to stress the binding force of the *DFR* and underpin its juridical

[70] See, for example, Yerushalmi, Y. H., "The Inquisition and the Jews of France in the Time of Bernard Gui", *The Harvard Theological Review* 63.3 (1970), pp. 317-376; Tartakoff, *Between Christian and Jew,* pp. 13-57; Hill, D., *Inquisition in the Fourteenth Century: The Manuals of Bernard Gui and Nicholas Eymerich*, York, 2019, pp. 14-29.

[71] *Dudum felicis recordationis Clemens IV, blasphemiis Judaeorum innumeris, abusionibus multis et detestabilibus blasphemiis contra Salvatorem et Dominum Jesum Christum, ac praecelsam et gloriosissimam semper virginem Mariam genitricem ejus, in quodam libro contentis ipsorum, plenius intellectis; (...) et insuper bonae memoriae Oddo Tusculanus episcopus in regno Franciae Apostolicae Sedis legatus, quia quosdam Judaeorum ipsorum libros, qui Talmutz nominantur, per se et alios fidei zelatores inspectos reperit errores innumerabiles, abusiones et blasphemias continere, contra Judaeos pronuntiasse dignoscitur supradictos, prout in eisdem litteris ac pronuntiatione, quarum tenores fecimus annotari praesentibus, continetur.* Simonsohn, *The Apostolic See and the Jews,* vol. 2, doc. 309.

[72] *Nos igitur, ad quos specialiter pertinet fidei orthodoxae defensio, in debitae considerationis scrutinio recensentes, quod tam pestilens tamque perniciosus morbus, qui adhuc in diversis perdurat partibus, non est aliquatenus contemnendus, ne processu temporis inficiendo fideles alias damnabilius convalescat;* (...) *fraternitati vestrae, dictorum praedecessorum inhaerendo vestigiis, in virtute obedientiae districte praecipiendo mandamus*, (...) *in praedicationibus et sermonibus vestris, quos propter hoc frequenter* fieri *volumus et mandamus, monere curetis et eis districtius inhibere, ut a praemissis omnibus et singulis aliis in litteris eisdem contentis studeant penitus abstinere, eos ab iis per spirituales poenas, de quibus expedire videritis, appellatione postposita compescendo;* (...) *Et nihilominus a Judaeis, in civitatibus et dioecesibus consistentibus supradictis, legem seu libram hujusmodi, quem Talmutz, ut praedicitur, vocant, omnesque alios ipsorum libros cum additionibus el expositionibus eorumdem faciatis Vobis integraliter assignari, eos ad hoc poenis, de quibus expedire videritis, canonicis compellendo*; (...) *vel illos [libros] ex eisdem, quos blasphemias, vel errores, aut imprecationce, seu falsitates repereritis continere, igni comburatis, invocato ad hoc, si opus fuerit, auxilio brachii secularis...*. Simonsohn, *The Apostolic See and the Jews,* vol. 2, doc. 309.

[73] John XXII did not explicitly mention the text by Honorius IV he was alluding to. John XXII probably referred to the letter he sent to the archbishop of Canterbury in 1286, whose style and contents resemble those of the missive that Clement IV sent to the archbishop of Tarragona in 1267. See Simonsohn, The Apostolic See and the Jews, doc. 255.

legitimacy and consistency within the existing legal framework. The bull was swiftly incorporated into the inquisitorial legal repertoire as the ultimate justification for the ecclesiastical jurisdictional attributions over the Jews[74].

At the time of the bull being enacted, the endemic conflict between the two universal powers was at one of its peaks[75]. New political opportunities, theories, and ambitions converged with unprecedented challenges, threats, and dares. The conflict between Boniface VIII and Philip IV of France between 1296 and 1303 was a good representation and premonition of the scenarios the Church would have to deal with in the decades to come. At the same time, the showdown led to one of the most ambitious papal attempts to extend his temporal power and to one of the most open challenges to the spiritual legitimacy of a pope in the Middle Ages. The conflict started when Philip IV decided to tax the French Church to defray his war against the English King Edward II Longshanks, and it intensified when he arrested the Bishop of Parmier under the charge of treason. Philip IV considered that as long as he was the rightful protector of the French clergy, he had the natural power to tax and judge its members. That is to say, he held that the monarchy had jurisdiction over the French Church. Boniface VIII did not share his views. After Boniface VIII's failed attempt to summon the French bishops to Rome in 1301 as a display of power, he enacted the bull *Unam Sanctam*, proclaiming the superiority of the Papacy over the lay princes[76]. Philip IV responded with two meetings of the three estates. In the second of these gatherings, most of the French clergy sided with the king and declared Boniface a heretic. During the process, propagandists from both sides produced a large number of polemical treatises upholding the theses of one party or the other[77]. The conflict peaked when the French troops, in alliance with the armies of the Roman Colonna family—an old enemy of the Caetano family, to which the Pope belonged—, seized Rome and for a few days captured the Pope in Anagni[78].

After the death of Benedict XI, who held the papal seat for less than a year, the new French-origin Pope Clement V moved the See to Avignon. The decision was partly

[74] Bernard Gui's manual for inquisitor, which was produced circa 1324, already referred to *DFR* as a legal basis to proceed against the Jews. Gui, B., *Practica inquisitionis heretice pravitatis* (C. Douais, ed.), Paris, 1886, pp. 170-171. Also Eymerich made indirect reference to this bull in his polemic with Pere Ribot: "*Tertio, patet ex aliis statutis circa et contra iudeos vel pro, editis titulo De iudeis et saracenis per totum, et aliis, que ecclesia vel papa statuit et semper in favorem fidei catholice, ut patet totum titulum predictum discurrendo et litteras apostolicas Clementis quarti, Gregorii x, Ioannis xxii, Clementis vi et Gregorii xi, que diriguntur fratribus predicatoribus in terris saracenorum, iudeorum, paganorum, etc. demorantibus, in quibus de infidelibus, pro et contra, semper in favorem fidei, plurima statuuntur*". Perarnau i Espelt, "El *Tractatus brevis*", pp. 108-109.

[75] For a synthesis of the evolution and decline of the early ideal Gelasian division of Christian government into two clearly separate domains until the conflict between Boniface VIII and Philip IV, see Menache, S., "The Gelasian Theory from a Communication Perspective: Development and Decline", *Edad Media. Revista de Historia* 13 (2012), pp. 57–76.

[76] John XXII, "Extravagantes", *Corpus Iuris Canonicis, 2 vol.* (A. Friedberg, ed.), 2000, vol. 2, Tit. VIII, Cap. I.

[77] On the papal side, see, for example, Viterbo, J. of, *De Regimine Christiano: A Critical Edition and Translation* (R. W. Dyson, ed.), Leiden, 2009, and Romanus, A., *De ecclesiastica potestate* (R. Scholz, ed.), Aalen, 1961. In defense of the secular power, see, for instance, Bleienstein, F., *Johannes Quidort von Paris. Über königliche und päpstliche Gewalt. Textkritische Edition mit deutscher Übersetzung*, Stutgart, 1969.

[78] For a synthesis of the stages of the conflict, see Strayer, J. *The Reign of Philip the Fair,* Princeton, 1980, pp. 250-278; Whalen, B. E., *The Medieval Papacy*, Houndmills, 2014, pp. 155-158. On the military aspects of the conflict, see Partner, P., *The Lands of St Peter: The Papal State in the Middle Ages and the Early Renaissance*, Berkeley, 1972, pp. 292-296.

motivated by Philip's pressure, who was eager to maintain the papacy under his control as a political asset, and partly because of Rome's instability and inner fights[79]. The papacy of Clement V soon evinced the French intentions to instrumentalize the spiritual power to accomplish its political agenda and the consolidation of the royal *iurisdictio* in the kingdom. The condemnation of the Templars, one of the greatest creditors and political rivals of the monarchy, at the Council of Vienne (1311-1312) and the promulgation of the decretal *Pastoralis cura* (1312), which annulled a sentence promulgated by Emperor Henry VII against King Robert of Sicily on the basis of the autonomy *de iure* of local princes from the Holy Roman Empire[80], are clear examples.

However, Philip IV's victory came at a high cost. The Italic campaign had been costly, and the wars against England and Flanders were still ongoing. Royal finances were in poor shape, and the support of the barons began to decline. The cancellation of the debts with the Templars, along with the confiscation of their goods and properties, and the general expulsion of the Jews in 1306, which was also followed by a thorough campaign of confiscations[81], were intended to relieve the economic crisis of the monarchy. Philip IV's sons, who succeeded the throne after brief reigns, inherited this challenging context. When Louis X was crowned after his father's death in 1314, one of his first actions was to grant new charters of privileges to the peripheral territories to secure the loyalty of the local lords[82]. The following year, he authorized the return of the Jews in exchange for a large monetary compensation for the royal treasury[83]. Louis X added a second condition: they could return with all their goods and resettle in their former properties, but they could not bring the Talmud with them.

Two months after Louis X's death, John XXII became pope. Although he was probably elected because his advanced age foreshadowed a short and foreseeable reign, the seventy-year-old pope proved to be an energetic and ambitious man committed to the restoration of the Church's influence and the hierocratic ideal[84]. He might have seen the difficult situation of the French monarchy as very propitious to launch his agenda. His decision to remain in Avignon was not the result of French pressure, but rather a matter of political convenience. Avignon was a papal enclave surrounded by French territories. However, the town was easily defendable in case of conflict. It was close enough to France and Italy to exert a strong influence on the political life of both territories, but

[79] Rollo-Kister, J., *Avignon and Its Papacy, 1309–1417: Popes, Institutions, and Society*, Lanham, 2015, pp. 28-32. In these pages, the author argues against the idea that Clement V was but a mere puppet in Philip IV's hands. He holds that he had no option but to accept the French hegemony, given the current weakness of the Curia.

[80] Clement V., "Constitutiones", *Corpus Iuris Canonicis, 2 vol.* (A. Friedberg, ed.), Union, 2000, vol. 2, Lib. II, Tit. XI, Cap. II. For a commentary on this decretal, see Souto Paz, A., "La idea medieval de nación", *Cuadernos de Derecho Público* 2 (1997), pp. 131-132, and Vivó de Undabarrena, E., "La influencia de la canonística en la constitución del imperio y de los estados nacionales", *Nacionalismo en Europa. Nacionalismo en Galicia: La religión como elemento impulso de la ideología nacionalista*, (G. M. Morán, ed.), A Coruña, 1998, pp. 353-372; Pennington, *The Prince and the Law*, pp. 187-191.

[81] Jordan, W. C., *The French Monarchy and the Jews: From Philippe Augustus to the Last Capetians*, Philadelphia, 1989, pp. 200-213.

[82] Bradbury, J., *The Capetians: Kings of France, 987-1328*, London, 2007, p. 279; Hallam, E. M. and C. West, *Capetian France, 987-1328,* London, 2020, pp. 365-367. See the documents in Laurière, E. J. de, *Ordonnances des roys de France de la troisième race*, *21 vol.*, Paris, 1723, vol. 1, pp. 551-587.

[83] Laurière, *Ordonnacnes des roys de France*, vol 1, pp. 595-597.

[84] Rollo-Koster, *Avignon and Its Papacy,* pp. 44-46.

isolated enough to prevent external influence on the papal court[85]. Moreover, John XXII knew the city and its inner dynamics quite well, for he had been its archbishop since 1310[86]. He also undertook a thorough reform of the papal administration and reshaped the College of Cardinals, favoring the promotion of French clerics. He deliberately sought the representation of the most influential French families. With this move, he secured the loyalty of both the French clergy and nobility[87].

At the time of his papal crowning, the other traditional Christian power, the Holy Roman Empire, was immersed in a succession crisis. The election of a new Emperor raised a dispute between two candidates, Louis of Bavaria and Frederick of Habsburg. In the earlier stages of the successional feud, Clement V's successor, John XXII, adopted an apparent attitude of neutrality. The pope probably decided not to intervene, expecting that an internecine war would weaken the Empire and benefit the interests of the Curia, and even of France, in Italy[88]. Whatever the reasons, the façade of neutrality ended soon. John XXII was committed to recovering the influence of the papacy over Italy, including the physical ruling of Rome. His plans required an active involvement in the German conflict, supporting the candidate whose interests were less directed at the West and with whom an eventual mutual understanding could be possible. In other words, John XXII needed to bet on the lesser evil, which seemed to be Frederick of Habsburg.

The struggle with Louis of Bavaria, which resembled the disputation between Philip IV and Boniface VIII in many regards, was the greatest challenge of John XXII's papal reign. By 1320, the conflict was in an early stage. Louis of Bavaria had not yet defeated Frederick of Habsburg at the Battle of Mühldorf (1322), consolidating as the King of the Germans and Emperor; John XXII had not decreed his excommunication (1324); and the operations at the Italic front (1324-1327) had not started[89]. However, the escalation was already foreseeable. John XXII had enacted the bull *Si fratrum* (1317)[90], which declared the papal regency of the Empire in the event of a vacancy on the imperial throne, and a new propagandistic battle had begun[91].

The crisis emerged at the cultural, intellectual, political, and military levels. Still, the effective holding of jurisdictional power was always the main goal—that is, the authority to create and enforce norms and the faculty to punish their infringers. The

[85] Guillemain, B., *La cour pontificale d'Avignon (1309-1376) : Étude d'une société,* Paris, 1962, pp. 77-79.

[86] Hayez, A.-M., "Jean XXII et Avignon. Une cité épiscopale régie par un pape", *Jean XXII et le Midi*, Cahiers de Fanjeaux, 45, Toulouse, 2012, pp. 131-158.

[87] Guillemain, *La cour pontificale d'Avignon*, p. 202 ; Gazzaniga, J.-L., "La création de la province ecclésiastique de Toulouse par Jean XXII", *Jean XXII et le Midi*, Cahiers de Fanjeaux, 45, Toulouse, 2012, p. 152.

[88] Blake, B. R., *Angelus Pacis: The Legation of Cardinal Giovanni Gaetano Orsini*, Leiden, 2007, p. 27.

[89] Housley, N., *The Italian Crusades: The Papal-Angevin Alliance and the Crusades against Christian Lay Powers,* Oxford, 1982, pp. 23-30; Partner, *The Lands of St Peter*, Chap. 9.

[90] John XXII, "Extravagantes", Tit. V, Cap. I.

[91] In 1317, Pierre de la Palu circulated his *Tractatus de potestate papale;* the following year, Pierre Godin published *Tractatus de causa immediate ecclesiastice potestatis*. See Magistri Palude, P. de, *Tractatus de potestate papae (Toulouse, Bibl. De la Ville, 744)* (P. T. Stella, ed.), Zürich, 1966, and Pierre Godin, G. de *Tractatus de causa immediata ecclesiastice potestatis* (W. D. McCready, ed.), Toronto, 1982. On the other side of the polemic, Dante had published in 1313 *De monarchia,* and he was preparing his *Comedia*, both works vindicating his Ghibelline positions. See Alighieri, D., "Monarchia", *Opere minori di Dante Alighieri*, *2 vol*. (G. B. Squarotti, ed.), Torino, 1997, and Alighieri, D., *La divina commedia*, *3 vol*. (N. Sapegno), Firenze, 1989, especially *Inferno* XIX v. 49-54 and *Paradiso XXVII* v. 22-27.

possession of the *iurisdictio* by a medieval ruler would be comparable to the control of the judicial, executive, and legislative branches in a modern state. As noted above, holding the *iurisdictio* over the Jews and other non-Christian groups entailed an essential vindication of power and legitimacy for any of the parties involved in the conflict. Both the Church and the lay princes believed themselves to be the lawful owners of this prerogative. The temporal powers deemed the Jews their natural subjects, who could be ruled, taxed, and punished and to whom they owed protection as sovereigns. In contrast, the papacy viewed them to be under its spiritual scope insofar as they were unbelievers and a potential threat to the cohesion of the Christian community. For the princes, jurisdictional rights over the Jews implied complete political autonomy in their territories; for the Church, they confirmed its supremacy over the temporal sword. Considering these premises and the crisis context in which the papacy was immersed at the dawn of the 14th c., it is not surprising that John XXII struggled to assert his jurisdictional authority over the Jews.

As noted earlier, the content of the bull did not change the legal framework set by the *Turbato corde*. The two rules shared the same scope and goals, which were the condemnation of relapsed converts and alleged Talmudic blasphemies against Christ and the Virgin Mary. The *DFR* introduces itself not as a legal step forward but as a reminder of the spirit of the *Turbato corde*. Indeed, John XXII's legal project could easily be misunderstood as a mere confirmation of the *Turbato corde*. However, certain textual elements reveal the pope's political intentions and show that *DFR* aimed at much more than merely reaffirming a previous rule. The first of these elements is how the sequence of antecedents is presented. John XXII does not explicitly refer to the legal documents but to their authors. He particularly praises Eudes of Châteauroux, who condemned the Talmud with the support of the French lay authorities, and Clement IV, who confronted James I's jurisdictional claims over the Jews. This approach, where the authors are emphasized over the rules, is not accidental. John XXII selected two figures who defended and legitimated the primacy of the ecclesiastical *iurisdictio* against foes of the faith.

The second element is the position of the three original recipients of the bull. The *Turbato corde* was a direct order to the Franciscan and Dominican inquisitors, but John XXII addressed the *DFR* to one bishop and two archbishops, who were supposed to coordinate the task of the inquisitors. Once again, it was a deliberate movement. At the beginning of the thirteenth century, the young papal inquisition was organized and managed by the episcopal sees. The many responsibilities of these entities and their bureaucratic nature made the system inefficient[92]. In an effort to streamline the fight against heresy, Gregory IX issued the bull *Ille humani generis* (1232), authorizing the Dominicans to serve as inquisitors in collaboration with the dioceses, a prerogative that was later extended to the Franciscans[93]. The autonomy and leadership of the new mendicant orders grew significantly in the following decades, which explains why Clement IV entrusted them with implementing the *Turbato corde*. However, the *DFR* seemed to reverse this trend by. This detail, which may appear minor, reflects his special interest in this bull and its successful implementation. The pope was very careful when selecting his collaborators for a specific mission. When a situation required political

[92] Belda Iniesta, J., "Excommunicamus et Anathematisamus: predicación, confesión e inquisición como respuesta a la herejía medieval (1184-1233)", *Anuario de Derecho Canónico* 2 (2013), p. 107.

[93] Fredericq, P., *Corpus documentorum inquisitionis haereticae pravitatis neerlandicae*, Gent, 1889, pp. 82-83.

acumen, John XXII was reluctant to rely on inquisitors. He considered them idealists thoroughly committed to their work, indifferent to the political consequences of the judicial service, and lacking a broader perspective. Bishops were much more reliable in this sense, for they were more familiar with power struggles, and John XXII could have more control over them (especially over the French)[94]. The pope may have believed that three loyal bishops were more trustworthy than regular inquisitors.

Limiting the initial scope of the bull to French territories offered other advantages. The French sovereigns had traditionally built their legitimizing discourse on claims of being the champions of Christianity, referring to themselves as the "Most Catholic Kings"[95]. Without sacrificing its political interests, the monarchy had encouraged cooperation with church authorities on matters of faith, including those concerning the Jews. The trial of the Talmud in 1240 and the subsequent campaigns to confiscate Jewish texts are good examples. The conflict between Philip IV and Boniface VIII had dampened this relationship[96]. The king may have seen that the line between collaboration and renouncing the *iurisdictio* was too narrow. After his victory over the pope and once he believed he had regained control over the local clergy, the assistance of royal authorities in the inquisitorial activity of the region was resumed[97]. Even after the Jews were expelled from France in 1306, the papal inquisition in the Languedoc launched several campaigns to find and seize remaining copies of the Talmud, with active (and at times seemingly leading) involvement from royal officials. Bernard Gui drew on his participation in these events to gather much of the material related to the Jews in his *Practica inquisitionis*[98]. Therefore, this history of cooperation with lay authorities and the relative weakness of the monarchy facilitated the implementation of the *DFR* in the region without opposition.

The identity of the three bishops is the third element that demonstrates the pope's special political interest in the *DFR*. Étienne de Bourret, Renaud de la Porte, and Jean-Raymond de Comminges exhibited all the characteristics we just discussed. They were French, bishops and archbishops in French dioceses, and loyal to John XXII. This loyalty was not rooted in an ideological affinity with the pope's agenda but rather in more mundane reasons. John XXII had boosted their careers and become their sponsor. To begin with, the pope had appointed them to their current positions. In the future, he continued to depend on these three men for sensitive political tasks, rewarding their allegiance with lucrative promotions and ecclesiastical benefits.

Let's elaborate further on this point. Étienne of Bourret spent most of his ecclesiastical career in a quiet position at Poitiers. In 1317, John XXII appointed him dean of the Cathedral Chapter at Chartres. Three years after this initial promotion and less than two months before the *DFR* was enacted, he became the bishop of Paris. Until his death in 1325, he was one of the pope's key figures to secure his influence in the city, especially at the university, which had become a point of tension between the monarchy and the

[94] Boureau, A., *Satan the Heretic: The Birth of Demonology in the Medieval West*, tr. T. L. Fagan, Chicago, 2006, pp. 39-42.

[95] Dunbadin, J., "The Political World of France, c. 1200-c. 1336", *France in the Later Middle Ages* (D. Potter, ed.), Oxford, 2002, pp. 43-45; Beaune, C., *The Birth of an Ideology: Myths and Symbols of Nation in Late Medieval France*, tr. S. R. Huston, Berkeley, 1991, pp. 172ff.

[96] Saperstein, M., "The Conflict over the Rashba's Herem on Philosophical Study: A Political Perspective", *Jewish History* 1.2 (1986), p. 32.

[97] Bradbury, *The Capetians*, pp. 261-262.

[98] Gui, *Practica inquisitionis*, pp. 67-74.

Church[99]. He became, again with Renaud de la Porte, one of the leaders of the legal team that prepared the divorce process of Charles IV and Blanche of Burgundy, which the pope finalized in May 1323[100]. John XXII also relied on Étienne to pave the way for the canonization of Thomas Aquinas in 1323. Two years later, in February 1325 (he died in November), he authored a solemn letter rescinding the condemnation of the Thomistic theses instigated by the university's chancellor Étienne Tempier in 1277[101].

Renaud de la Porte (d. 1327) survived and thrived in French politics because of his ability to navigate between the ecclesiastical and royalist parties. He became the last bishop of Limoges in 1294. When the conflict between Philip IV and Boniface VIII began, he initially sided with the pope. He was one of the few French bishops who attended the synod summoned by Boniface VIII in 1301, which ultimately led to the publication of the bull *Unam Sanctam*. As the conflict grew, Philip IV confiscated his goods and properties. The royal response apparently persuaded Renaud. The next year, he attended the assembly organized by the king to declare Boniface VIII a heretic[102]. After the papal court moved to Avignon, he tried to maintain good relations with both the king and the pope. He participated in the Council of Vienne and was one of the eight commissaries who conducted the inquiries against the Templars and drafted the first list of charges before the synod[103]. During his time as bishop of Limoges, he actively supported the inquisitorial activities in the region and collaborated with Bernard Gui, who held him in high esteem[104]. In 1316, less than four months after his coronation, John XXII appointed him Archbishop of Bourges. The pope relied on Renaud as an intermediary to the French royal court, commissioning him, for example, as an ambassador to Flanders to de-escalate the conflict[105]. When Charles IV attempted to follow his father's example and tax the French clergy to defray the costs of the war against England, Renaud de la Porte mediated between the king and the pope[106]. As noted above, he participated in the divorce process of Charles IV. In 1322, he was promoted to the rank of Cardinal of Ostia[107].

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[99] On the competence between the monarchy and the Church for the control of the University of Paris, see Courtenay, W. J., "John XXII and the University of Paris", *La vie culturelle, intellectuelle et scientifique a la cour des papes d'Avignon* (J. Hamesse, ed.), Turnhout, 2006, pp. 237-254.

[100] Étienne Bourret's report availing the divorce is quoted verbatim in John XXII's sentence. Jean-Raymond de Comminges and Renaud de la Porte are also mentioned. See Coulon, A., *Lettres secrètes et curiales du pape Jean XXII (1316-1334) relatives à la France*, *4 vol.*, Paris, 1913), vol. 2, doc. 1419, especially p. 100.

[101] On Étienne de Bourret's role in the canonization of Thomas Aquinas, see Lowe, E., *The Contested Theological Authority of Thomas Aquinas: The controversies between Hervaeus Natalis and Durandus of St. Pourçain*, London, 2013, p. 128; Gerulaitis, L. V., "The Canonization of Saint Thomas Aquinas", *Viviarium* 5 (1967), p. 35. For his letter, see Denifle, *Chartularium universitatis Parisiensis*, vol. 2, doc. 838. For the condemnation, see Denifle, Henricus, *Chartularium universitatis Parisiensis*, vol. 1, doc. 473.

[102] Laporte, A. de, *Notice sur la vie et l'épiscopat de Raynaud de la Porte, évêque de Limoges, archevêque de Bourges, cardinal romain,* Limoges, 1862, pp. 25-28.

[103] Barber, M., *The Trial of the Templars*, 2nd ed., Cambridge, 2006, p. 139.

[104] Guillemain, B., "Le milieu épiscopal et cardinalice de Bernard Gui", *Bernard Gui et son Monde*, Cahiers de Fanjeaux, 16, Toulouse, 1981, p. 328.

[105] Coulon, *Lettres secrètes*, vol. 1, docs. 364 and 491.

[106] Coulon, *Lettres secrètes*, vol. 2, doc. 1339.

[107] Recent historiography has shown little interest in the life and career of Renaud de la Porte, and no modern biography has been recently published. For a biographical survey, see Chesne, F. du, *Histoire de tous les cardinaux François, 2 vol*., Paris, 1726, vol. 2, pp. 431-433; Cardella, L.*, Memorie storiche de' cardinali della Santa Romana Chiesa*, *6 vol.*, Roma, 1792-1797, vol. 2, pp. 114-115; Laporte, *Notice sur la vie et l'episcopat de Raynaud de la Porte* ; Chacon, A., *Vitae, et res gestae Pontificvm Romanorum et S.*

The last member of this trio is Jean-Raymond of Comminges, then Archbishop of Toulouse. Out of the three recipients of the *DFR*, he had the most successful ecclesiastical career. He was the son of Count Raymond VII of Comminges, whose nobiliary lineage was one of the oldest and most influential in France. His family name secured him an advantageous position when he joined the clergy. In 1309, he was appointed Bishop of Maguelone despite not having reached the canonical age to preside over a diocesan see[108]. Like Renaud de la Porte, Jean-Raymond attended the Council of Vienne. John XXII soon took notice of the young bishop. Indeed, the pope placed all the members of the Comminges family under his protection[109]. As part of his ambitious administrative reforms, the pope established the archbishopric of Toulouse in 1317, which he immediately entrusted to Jean-Raymond.[110] He vividly supported inquisitorial activity in the Languedoc, becoming a close collaborator of Bernard Gui and Jacques Fournier (the future Benedict XII), with whom he participated in the process against Bernard Délicieux, one of the first leaders of the Spiritual Franciscans to be purged during the papal struggle against this faction of the Minor Friars[111]. As his relationship with the pope strengthened, Jean XXII sent a letter to Philip V recommending the services of Jean-Raymond[112]. He was promoted to cardinal in 1327 and appointed Bishop of Porto in 1331. By that time, he enjoyed ecclesiastical benefits from France, Portugal, England, Castile, and other principalities[113]. In the conclave following the death of Jean XXII in 1334, he received the majority of votes but was persuaded to refuse the papal crown due to his intention to bring the Curia back to Rome[114]. Jean-Raimond of Comminges died in 1348[115].

R. E. Cardinalivm ab initio nascentis Ecclesiæ vsque ad Vrbanvm VIII. Pont. Max., 4 vol., Roma, 1677, vol. 2, p. 415.

[108] Latour, P. de, "A propos du cardinalat de Jean Raimond de Comminges", *Revue de Comminges* 111 (1996), p. 365. Curiously, in 1327, when he was already a cardinal, the Curia annulled some appointments approved by Jean-Raimond because the beneficiaries were under the canonical age. Coulon, *Lettres secrètes*, vol. 3, doc. 3362.

[109] Henry, S., "Un portrait de Jean-Raimond de Comminges à Lavaur", *Revue de Comminges* 99 (1994), p. 331.

[110] Coulon, *Lettres secrètes*, vol. 1, doc. 444. On the creation of this archbishopric, see Gazzaniga, "La création de la province".

[111] Guillemain, "Le milieu episcopal", p. 329. Apparently, his involvement in the debates on the Spirituals and the Franciscan poverty extended throughout his entire life. For instance, he was mentioned in the records of a debate on the Franciscan approach to poverty held in 1331; Nold, P., "Pope John XXII's Annotations on the Franciscan Rule: Content and Contexts", *Franciscan Studies* 65 (2007), p. 315. Jean-Raymond also participated in other inquisitorial processes against members of the clergy, such as Jean Philibert, who was condemned for his alleged Waldensian sympathies in 1320; Dykmans, M., "Le rite de la dégradation des clercs: d'après quelques anciens manuscrits", *Gregorianum* 63.2 (1982), pp. 316-317, and Coulon, *Lettres secrètes*, vol. 1, doc. 998

[112] Coulon, *Lettres secrètes,* vol. 1, doc. 1023. The relationship was not always as idyllic. In 1323, Jean-Raimond sent a letter to John XXII apologizing for an unspecified deed and reiterating his loyalty. The pope replied, accepting his excuses and advising him to obey all his future orders. Coulon, *Lettres secrètes*, vol. 2, doc. 1802.

[113] Latour, 'A propos du cardinalat', p. 367.

[114] Wrigley, J. E., 'The Conclave and the Electors of 1342', *Archivum Historiae Pontificae* 20 (1982), p. 68.

[115] As occurred with Renaud de la Porte, the most comprehensive biographical surveys on Jean-Raymond the Comminges are found in classical sources, such as Chacón, *Vitae, et res gestae*, vol. 2, p. 418-419; Chesne, *Histoire de tous les cardinaux*, vol. 2, pp. 453-452; Sainte-Marie, A. and A. Déchaussé, *Histoire chronologique de la maison royale de France*, *9 vol*., 3rd ed., Paris, 1726-1733, vol. 2, p. 634; Devic, C. and J. Vaissète, *Histoire générale de Languedoc avec des notes et les pièces justificatives*, *16 vol*., Toulouse, 1872-1905, vol. 4.1, pp. 318 and 357.

It is clear that John XXII invested great effort and time in meticulously planning every detail before issuing the bull. No aspect of the preparation and execution of the *DFR* was left to chance. The pope carefully considered every word of the text; selected a territory where he could exercise more direct control and where no strong opposition from secular authorities was likely to arise during its implementation; and he entrusted the task to three men of his absolute confidence and who owed him their current (and future) positions. As I have argued, the *DFR* was not a mere ceremonial reaffirmation of a previous tradition, but a forceful attempt to vindicate the place of the Church at the vanguard of the Christian community, above kings, princes, and emperors. John XXII did so at a time when the papacy was not only recovering from the dispute between Philip IV and Boniface VIII, but was also entering a new open conflict with Louis IV of Bavaria.

In this sense, the bull was an early show of force at a moment when the two rivals were still testing each other before the conflict escalated. The strategic meaning of the *DFR* can thus be compared to the bull *Si fratrum,* for both were a maneuver of the papacy to demonstrate its power and pressure the rival. The *DFR* was just a small movement, a legal skirmish, within a larger conflict. The bull only availed the Church's self-perception of its own power, but did not impinge on the jurisdictional equilibrium between the secular and the religious.

The Jews, in their intermediate position as subjects and infidels, remained a particular political battleground. Neither the pope nor the lay lords were disposed to cede the *iurisdictio* to their opponents. Louis IV was quite eloquent when, twenty-three years later, he released Count John of Nürenberg from all his debts with Jewish creditors and justified his decision by saying that "your body and your property belong to us and our realm, and we can do with you and it whatever we like"[116]. This raw and straightforward statement is very revealing about the implications of holding the *iurisdictio* over the Jewish (or any other) subjects and gives evidence of the political relevance of securing its ownership. It clearly explains why an insignificant Jewish inhabitant of Barcelona could spark a theological, political, and legal dispute within the Crown of Aragon of such a magnitude that it required the arbitration of the Pope. The conflict over the *iurisdictio* over the Jews was an inherent element in the power struggle between the Church and secular authorities throughout the Middle Ages.

4. Conclusions

This study has covered approximately a hundred years of conflict between the religious and secular powers. The changes in the political dynamics of Catholic Europe led to an inevitable struggle between the hierocratic ambitions of the papacy and the aspirations of secular princes to consolidate their autonomy. The two cases under review have demonstrated the essential role played by these clashes in the progressive extension of the inquisitorial attributions over the Jews. The judicial and political power that both parties aimed to achieve was embodied in the Medieval notion of *iurisdictio.* The legitimate and effective possession of the *iurisdictio* provided its owner with an indisputable political and legal power over the people falling under its scope. The success of the contenders depended on the achievement of jurisdictional rights. Every aspect of

[116] Patschovsky, A., "The Relationship between the Jews of Germany and the King (11th-14th centuries). A European Comparison", *England and Germany in the High Middle Ages* (A. Haverkamp and H. Vollrath, eds.), Oxford, 1996, p. 193.

government related to the *iurisdictio* became a miniature battlefield. Considering its political and religious implications, the jurisdiction over the Jews was, therefore, a crucial objective.

Both cases share the same ideological roots, but the scenarios I outlined show some differences. In the first case, the conflict was driven by a jurisdictional dispute between James I the *Conqueror* and the Catalan Dominicans following the Disputation of Barcelona (1263). The process against Nahmanides, the confiscation of the Talmud, and the push for mandatory preachings in Jewish neighborhoods were the main sources of disagreement. The conflict was peaceful, mainly local, and focused on clear goals that didn't have the deep or complex implications of the second case. The intervention of Clement IV and the progressive escalation of the conflict were motivated by the inability of the Dominicans to alter James's political agenda. Neither the king nor Ramon of Penyafort viewed their dispute as part of a larger conflict. The aftermath of the Disputation of Barcelona was merely a minor setback in the close political cooperation between the monarchy and the friars. However, the conflict between Clement IV and James I only makes sense when considering their tense relationship in other areas, such as the negative of the Pope to dissolving James I's marriage and the threatening matrimonial alliance between the Crown of Aragon and King Manfred of Sicily, who was a direct military rival of the papacy. The effective exercise of *iurisdictio* over the Jews was viewed by both the king and the pope as a political objective because it served as a tool to maintain their supremacy over the rival. By opposing the papal demands, James I defended, on one side, his authority over the clergy of the Crown of Aragon and, on the other, his political independence (within the boundaries of medieval idiosyncrasy) from the Church. Beyond the ideological conflict, James I was not willing to renounce such a political, social, and economic asset as the Jews indeed were.

The second case was framed by a much more complex reality where the contest for *iurisdictio* over the Jews was just a tiny front within a broader quarrel. Though latent for a long time, the clash between the two swords' particular interests peaked at the dawn of the 14th century. The feuds that the papacy held against Philip IV of France and Louis IV of Bavaria involved the political, military, and intellectual domains. The alleged supremacy of each contender over the other was embodied in their respective jurisdictional claims. Every domain in which they managed to secure legally and materially the possession of the *iurisdictio* was a small victory. The promulgation of the *DFR*, thus, was just one of the many movements that John XXII made to recover the Church's lost influence, consolidate his primacy over the temporal power, and scuttle Louis IV's imperial ambitions. The aims and motivations of the contenders did not substantially differ from those of the previous scenario. However, in this case, the conflict became European-wide and even violent. The effort and attention that John XXII dedicated to promulgating the *DFR*, carefully laying the groundwork and relying on bishops he deeply trusted for its initial implementation, demonstrate that he did not see the struggle over authority over the Jews as a minor front. On the contrary, he regarded this debate as a first-order goal of his regenerative program.

Notwithstanding the incidental differences that might be found in these two scenarios, in both cases, the promulgation of bulls extending the ecclesiastical jurisdiction over the Jews was an immediate consequence of the rivalry between the spiritual and secular powers. The three anti-Jewish bulls that I have discussed were enacted in scenarios of open confrontation in which a papacy aiming to achieve its earthly ambitions

had to deal with wayward lay lords who tried to circumvent the spiritual tutelage of the Holy See. It was a period of turbulence and change that foreshadowed the tumultuous centuries to come. The papacy aspired to become the supreme political authority of Catholic Christendom. At the same time, the Christian kingdoms were engaged in a configurative process of consolidation that ultimately led to the birth of the early States. In the midst, the Jews became collateral political objectives in an endemic and multifaceted crossfire.

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