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IN DEFENSE OF THE DEFENSE:

JOHN ADAMS' HEROISM AT THE BOSTON MASSACRE TRIALS

JAMES F. THOMAS IV

I. INTRO—BACKGROUND TO THE MASSACRE

The repeal of the Stamp Act in 1766 left the British government sifting for ways to finance their interests in the American colonies. This led to the Townshend Acts of 1767 – a bold set of customs duties designed to establish precedence of Great Britain's right to levy taxes on the American colonies. Parliament figured that an "external tax" collected in Europe would suffice both their financial needs and suppress colonial insurrection. They were dead wrong. Townshend had the opposite effect resulting in even greater insubordination from the colonists, ultimately leading to a dispatch of British troops to Boston Harbor in 1768. By 1770 resistance had evolved from simple boycotts of British goods to burning effigies, to tarring and feathering of tax collectors, and at its apex, to wild street brawls pitting soldiers versus civilians. All of this culminated into one of revolutionary America's most iconic moments: The Boston Massacre and ensuing trials. One of the men picked to stabilize the pendulum of justice in defense of Captain Preston and his soldiers was one of the Revolution's greatest heroes, John Adams.

II. WHY ADAMS?

Adams became a political hero in the colonies after resisting the Stamp Act. Succinctly his fame was achieved twofold; by his authoring of the "Braintree Instructions,"¹ and by delivering one of his famous forensic orations to the governor and council of Massachusetts in opposition of the tax. Adams proclaimed the Stamp Act invalid because the colony had not consented to it. "No taxation without representation." How did Adams go from verbally lambasting the British government to defending subjects of Lady Britannia's army after gunning down five citizens in the streets of Boston? The answer is quite simple: Adams was a man of strict legal principle who had already helped shape New England's political system during an era of legal and political conflation. The law is the law, and what mattered to Adams was for the law – and not the mob – to have its course. Adams' experience as an advocate for justice covered the legal spectrum of 18th century Boston; "a dispute over a whale," an argument over the alleged theft of Ipswich clams, the defense of John Hancock and the sloop *Liberty*, a freedom suit, and "a contest" between two paper mills over a water source are but a few examples

revealed in Adams' *Legal Papers*.² Adams reflects of all the cases he argued, the Boston Massacre affair was his "most gallant, generous, manly and disinterested Action..."³

III. THE MASSACRE

On the night in question, March 5, 1770, mobs from various parts of the city ascended upon a lone sentry guarding the Customs House on King Street. Captain Thomas Preston received word and sent a group of soldiers to rescue him in response. Preston arrived a few moments later to find his soldiers encircled by a large disorderly crowd daring the soldiers to discharge their weapons. Without an escape route, Preston ordered his men to muster in order to protect themselves. Volleys of snowballs, ice, and pieces of charcoal flew from the crowd hitting the soldiers. Bayonets clashed with clubs – some of which struck a defenseless Preston. According to his deposition, "had [the blows] been placed on my head, most probably would have destroyed me."⁴ Then suddenly the crackling of British muskets left five citizens lying dead in the middle of the street. Preston and eight soldiers were arrested on charges of murder after questioning.

IV. TAKING THE CASE

According to Adams' *Autobiography*, a weeping James Forrest came to him the next day and said "I am come with a very solemn Message from a very unfortunate Man, Captain Preston in Prison. He wishes for Council, and can get none."⁵ No lawyer in Boston wanted to risk being tarred and feathered, politically shunned, or even worse, assassinated for defending the men who gunned down citizens on King Street. That is unless you are John Adams; a man of order and principle, a man who "must hold himself responsible not only to his Country, but to the highest and most infallible of all Trybunals for the Part he should Act,"⁶ and a man who would not be intimidated by the mob. For Adams, legal representation "ought to be the last thing an accused Person should want in a free Country," adding, "expect from me no Art or Address, No Sophistry or Prevarication in such a Cause; nor any thing more than Fact, Evidence and Law would justify."⁷ Forrest then offered a guinea in which Adams readily accepted as his retainer. Eighteen more followed coming from Preston and the soldiers and not a word was spoken about any fees thereafter.

V. DEFENSE METHODS, PROSECUTION BLUNDERS

In modern law time is a given defensive strategy. Witnesses can forget pertinent details, which make them susceptible to impeachment; others lose interest in a case and don't bother showing up to testify, and evidence tampering becomes more likely as time moves on. In the case of the Boston Massacre, time plays an unsung role for both the

prosecution and the defense. It was agreed that cooler heads would prevail if the prosecution adjourned to a later date. What makes this a unique and interesting aspect of the trial is a defendant in 18th century Massachusetts was typically charged, tried, and judged all within a matter of days. The prosecution took 6 months to proceed with this trial, which gave John Adams all the time in the world to think about what kind of defense best served the law: Adams 0 – the Crown 0.

It was also determined that Captain Preston and the soldiers would be tried separately. A petition to the Court was issued by three of the soldiers objecting the scheme, emphasizing "let us have our trial at the same time with our Captain, for we did our Captain's orders, and if we do not obey his command should have been confined and shot for not doing it."⁸ The soldiers feared – with good reason – that Preston would deny ever giving the orders to fire, and that their defense relied heavily on claims that they acted upon such an order. Adams anticipated this kind of mutual finger-pointing and motioned the court, along with Crown prosecutor Samuel Quincy, to proceed as two trials. The court agreed, rejected the soldiers' petition, and acquitted Preston shortly thereafter.⁹ John Adams 1 – the Crown 0.

With Preston out of the way the focus turned to the soldiers. Adams' first line of defense was to figure out how to obtain a favorable jury. After all, many who witnessed the massacre – and certainly most who had heard about it – were potential veniremen chosen at open town meetings controlled by Whigs. But time was on Adams' side. Unsurprisingly, Samuel Adams – elder cousin of John – made sure that "18 good Whigs and no Tories"¹⁰ were selected to represent the people of Boston. John Adams countered by using all 22 of the defense's peremptory challenges to dismiss the entire jury. Rather than start the process all over, the sheriff – a Loyalist and friend of Preston's – was called upon to select talesmen¹¹ to fill the vacancies. And fill them he did, with Tories! In the end Samuel protested he had been outfoxed: John Adams 2 – the Crown 0.

An acquittal was not guaranteed, however, in spite of packing the jury with Loyalists. According to researcher John Reid, jury instructions included 1) options to find the soldiers guilty of manslaughter if murder didn't suffice the evidence, 2) relevance of common law, which superseded Biblical law, 3) an analysis on what constituted self defense, and 4) the judge's defense of the Mutiny Act.¹² With this in mind, Adams remained at odds with his co-council on how to proceed, reflecting later that "[My] Clients lives were hazarded by Quincy's too youthful ardour."¹³ Josiah Quincy wanted to put Boston on trial, which meant introducing all kinds of circumstantial evidence – to the tune of 40 witnesses – demonstrating to the jury that Preston and his men could have genuinely feared for their lives. On the other hand, Adams believed that such proffering of circumstantial evidence fell short of proving "beyond reasonable doubt" that Preston

and his men were in danger on the night in question. Rather, he argued, the soldiers believed they fired under orders regardless of who yelled "fire."¹⁴ The following testimony of Richard Palmes is an example of how this distinction was made:

Q: Did you situate yourself before Capt. Preston, in order that you might be out of danger, in case they fired?

A: I did not apprehend myself in any danger.

Q: Did you hear Captain Preston give the word Fire?

A: I have told your Honors, that after the first gun was fired, I heard the word, fire! but who gave it, I know not.

Q: Do you think it was possible Capt. Preston should give the word fire, and you not be certain he gave it?

A: I think it was.

In other words, the *actus reus* was never in question; it was whether the soldiers lacked the *mens rea* sufficient to satisfy acquittal, which could prove "beyond reasonable doubt" that 1) Preston may not have given the order, 2) the soldiers reasonably believed that he had, and 3) that the soldiers, in fact, acted within their official duties: Adams 3 – the Crown 0.

The prosecution's case, however, attempted to conflate the act with circumstantial evidence, thereby broadening the scope. In Samuel Quincy's mind all they had to do was convince the jury that the soldiers premeditatedly fired into the crowd, and that Preston's dispatch unnecessarily endangered the public. Samuel Quincy went as far as calling to the stand Samuel Hemmingway – who wasn't present on King Street – to testify about a particular soldier's attitude toward the citizens of Boston prior to the shooting:

Q: Do you know any of the prisoners?

A: Yes, several, there is Killroy I know particularly well.

Q: Did you ever hear Killroy make use of any threatening expressions, against the inhabitants of this town?

A: Yes, one evening I heard him say, he would never miss an opportunity, when he had one, to fire on the inhabitants, and that he had wanted to have an opportunity ever since he landed.

Not only were first-hand accounts important to the prosecution, but establishing a motive was crucial for the prosecution in ascertaining to the jury what guilt "beyond reasonable doubt" meant in this case. Cleverly, and in a twist of words, Adams argued that there are

"doubts" and "reasons," but no "reasonable doubts," and that the true determining factor was whether the soldiers fired in their official capacity or not (again, doubts and reasons). The facts, he argued, were never in question, never in doubt, (e.g., soldiers dispatched to a disturbance resulting in shots being fired) contraire to what the prosecution claimed (facts). Rather, he asked the jury to recognize what the soldiers believed to be true at the time of the incident, which was a fact that couldn't possibly be known (conflicting testimony), and that the only doubt that should be in question was whether they acted unlawfully and with malice – and not duty or defense: Adams 4 – the Crown 0.

Adams argued that it wasn't the soldiers who had malice in their hearts, but rather it was the mob that conspired to attack the "lobsters,"¹⁵ and therefore should suppress all doubt as to whether the citizens of Boston were at fault.¹⁶ In his Summation to the Jury, Adams reasoned "to form them [the mob] in the first place in Dock square, and march them up to King-street, with their clubs; they passed through the mainstreet up to the Main-guard, in order to make the attack. If this was not an unlawful assembly, there never was one in the world," adding they were, "most probably a motley rabble of saucy boys, negroes and molattoes, Irish teagues and out landish jack tarrs.-And why we should scruple to call such a set of people a mob, I can't conceive, unless the name is too respectable for them."¹⁷ What Adams aimed to do was draw a distinction between good, honest, law abiding Bostonians and militant "jack-tarrs" acting outside the bounds of legal protection. By making this distinction to the jury, not only did he avoid prosecuting Boston, but he raised enough doubt as to whether the soldiers acted beyond their official duties: Adams 5 – the Crown 0.

The jury returned a split verdict acquitting all but two of the soldiers, determining that Hugh Montgomery and Matthew Killroy were the only soldiers who clearly fired their weapons. Upon sentencing, the two were asked if there were any reason why they should be put to death, in which they invoked "the benefit of the clergy."¹⁸ The men were branded with an "M" and sent back to Castle William. Captain Preston returned to England fearing reprisal, and the British Army remained in town until the Siege of Boston in 1776.

VI. CONCLUSION

As demonstrated, John Adams was a *tour de force* to be reckoned with in matters of law and politics. The man never met a legal argument he couldn't win, never accepted one he could lose, and always took the high road when it came down to principles. This is notwithstanding a failed bid at a second presidential term, his Blackstonian reasoning behind the Sedition Acts of 1798, or his falling out with Thomas Jefferson. But what Adams lacked in political tactfulness was more than made up for in his will to ensure the

law would prevail. Whether he was charged with defending Hancock, a whaler, or the British Army; the principle of the law was what mattered most to him. This becomes clear when reading his thoughts three years after the Boston Massacre Trials:

"I . . . devoted myself to endless labour and Anxiety if not to infamy and death, and that for nothing, except, what indeed was and ought to be all in all, a sense of duty. In the Evening I expressed to Mrs. Adams all my Apprehensions: That excellent Lady, who has always encouraged me, burst into a flood of Tears, but said she was very sensible of all the Danger to her and to our Children as well as to me, but she thought I had done as I ought, she was very willing to share in all that was to come and place her trust in Providence." (Diary entry, March 5, 1773)

There are too few heroes of the law and that is why we need to remember advocates such as John Adams in a favorable light. What he accomplished in this case was nothing short of amazing, whereas the verdict didn't cause rioting in the streets, as feared, nor did it offend Boston or cost Adams his life. And what he lost in terms of business, Adams gained in terms of integrity. And that is why John Adams was one of the Revolution's greatest heroes.

NOTES

¹ Following the Virginia Resolves, the Braintree Instructions were one of the first documents in Colonial America to openly reject the authority of Parliament in an official capacity.

² Kathryn Preyer, "Legal Papers of John Adams by L. Kinvin Roth; Hiller B. Zobel; John Adams," *The New England Quarterly* 40, no. 1 (Mar., 1967): 140-41, <http://www.jstor.org/stable/363869>. (accessed April 24, 2013).

³ John Adams, *Diary and Autobiography of John Adams* (1815). L.h. Butterfield, Editor (Cambridge: The Belknap Press of Harvard University Press, 1961), under "Diary entry: March 15, 1773," <http://law2.umkc.edu/faculty/projects/ftrials/bostonmassacre/diaryentries.html> (accessed April 24, 2013).

⁴ Becker Wheeler, *The American Past* (Boston: Houghton Mifflin Company, 1990), under "Deposition of Captain Thomas Preston, March 12, 1770.," <http://law2.umkc.edu/faculty/projects/ftrials/bostonmassacre/prestontrial excerpts.html> (accessed April 25, 2013).

⁵ John Adams autobiography, part 1, "John Adams," through 1776, sheet 12 of 53 [electronic edition]. Adams Family Papers: An Electronic Archive. Massachusetts Historical Society. <http://www.masshist.org/digitaladams/> (accessed April 25, 2013)

⁶ Ibid

⁷ Ibid

⁸ John Reid, "A Lawyer Acquitted: John Adams and the Boston Massacre Trials," *The American Journal of Legal History* 18, no. 3 (jul., 1974): 195-96, <http://www.jstor.org/stable/845085> (accessed April 21, 2013).

⁹ Although Preston's trial was transcribed in shorthand, no copy survives. The only thing that is known is that he was acquitted of all charges against him.

¹⁰ Ibid., 196

¹¹ From *Medieval English Law: tales de circumstantibus* (talesmen); of the bystanders; from the wording of the writ summoning them.

¹² Ibid., 197

¹³ Adams quoted in Ibid., 201.

¹⁴ There was conflicting testimony as to whether people in the crowd yelled "fire" or if Preston gave the order to "fire." See Wheeler; Depositions, <http://law2.umkc.edu/faculty/projects/ftrials/bostonmassacre/prestontrial excerpts.html> (accessed April 25, 2013).

¹⁵ Lobsters: derogatory term used to describe British sentries because of their red coats. Also see "Excerpt From Argument of Josiah Quincy for the Defense" at <http://law2.umkc.edu/faculty/projects/ftrials/bostonmassacre/soldiersaccount.html> (accessed April 30, 2013).

¹⁶ Adams' defense relied on implicating Boston citizens as aggressors.

¹⁷ John Adams, "The Summation of John Adams," *The Legal Papers of John Adams* 64 (Jan. 1, 1965): page nr., <http://law2.umkc.edu/faculty/projects/ftrials/bostonmassacre/adamssummation.html> (accessed April 30, 2013).

¹⁸ Benefit of the Clergy: originally a provision by which clergymen could claim that they were outside the jurisdiction of the secular courts and be tried instead in an ecclesiastical court under canon law. Eventually, the course of common law transformed it into a mechanism by which first-time offenders could receive a more lenient sentence for certain crimes.

**“JUICE”-ING FOR JUSTICE AMID A “SPECTACLE OF EXCESS”:
THE SIMPSON TRIAL AT THE INTERSECTION OF POPULAR CULTURE**

KEATON POSTLER

“In a Baffling American Tragedy, O.J. Simpson Goes From Revered Superhero to Double-Murder Suspect.”

– *The Washington Post* (Jun. 19, 1994)

“Did Casey Anthony pull an O.J. and get away with murder?”

– *The Reading Eagle* (Jul. 5, 2011)

We knew that nothing is too absurd to happen in America.

– Don DeLillo, *End Zone* (1972)

If contemporary America were wondering just what to include in a time capsule for future ages to remember it by, the country would not do wrong by selecting the mass of documents and artifacts that have come to comprise the trial of Orenthal James “O.J.” Simpson. Admittedly, this singular event would demand a rather large time capsule, as the trial has engendered countless news stories, videos, documentaries, books, theories, images, court documents, memorabilia, games, jokes, and the like. But assuming that this difficulty could be overcome, the idea seems completely valid for one *very* convincing reason—the Simpson trial stands as a definitive American event, and for contemporary America, it is perhaps *the* definitive event.

A bona fide whodunit, the trial somehow managed to round up all of the quirky facets of contemporary American life into some strangely recognizable confluence. The country’s adoration of football; its long and complex history with racism; its tendency to breed conspiracy; its predictably divided opinion about nearly all national matters; its fascination with celebrities; its proverbial ethos of success achieved through hard work as well as its complete lack of sympathy for (suspected) wrongdoers; its need for a scapegoat—all of these things found their way into the mix. And that’s not all. The trial

also exposed the self-serving nature of many Americans; the tendency for singular events to make-or-break careers; the country's increasing reliance on science to uncover the "truth"; and, the by now familiar explosion of media attention in the face of popular events. Above all else, the fact remains that America *still* doesn't know whether "Juice" committed this heinous crime (nor does a conclusive answer to this question appear to be forthcoming anytime soon). The trial, one could say, brought together just about "everything that matters in this country."¹ It was the Kennedy assassination of the 1990s—only with more cameras.

O.J.'s guilt (or lack thereof), a question that has obsessed so many minds², remains from an historical perspective the *least* important thing about the trial. It clouds the vision, taking attention away from where it belongs, from what really matters about this case: namely, its ability to provide a lens through which to see America at a particular time and place. In other words, what makes all of the aforementioned themes so significant rests on the glimpse that they give into some aspect or another of the American way of life. And arguably the most interesting aspect of the Simpson trial, certainly the most contemporary, and the one that has been studied the least is the way in which it has intersected with popular culture. Examining this intersection not only offers a better sense of how the Simpson trial has been talked about, represented, exploited, and even remembered, it also raises important questions about the place of popular culture in both law and contemporary America.

Just a brief glance at some of the brand name consumer products that have come to stand for this case, almost in a synecdochic manner, immediately confirms this popular culture angle. For instance, why is it that a "white Ford Bronco" has come to be so inextricably associated with Juice's "mad flight from justice" instead of just a car?³ Why does anyone actually remember the brand name of the Bruno Magli shoes that O.J. was wearing in the photos that helped to convict him during his 1997 civil trial?⁴ Why was Simpson's criminal defense team, in a rather obvious reference to the country's Olympic basketball stars, dubbed "the dream team"?⁵ How in recent years has it come to be the case that jury questionnaires now care about which college *football* team potential jury members support?⁶ Finally, that so many people involved with the case, from the jury members to the attorneys to the defendant himself, cashed in on it in the form of books, memoirs, and documentaries—does this prove that there are no longer "any agreed and inviolable criteria" by which to differentiate the historian's art from popular culture?⁷

These questions and many more point to the popular culture that has both informed and been informed by the Simpson trial. Of course, one may wonder whether questions like these are even worth asking. That is, does a reading of the trial guided by popular culture actually have something important to say about law and contemporary

America? The answer, clearly, is yes, especially when one remembers that the study of popular culture is by no means a recent development. Since the early twentieth century, in fact, it has had a sustained and dynamic history.⁸ Today, one might even say that studying popular culture has itself become something of a "trend," thus simply "reinforc[ing] the aura" of popular culture itself.⁹ In general, these studies have been occupied with a few basic questions. For example, where does popular culture come from? Is it a product from above, below, or some interaction between the two? Moreover, what is the relationship between popular culture and other major developments of the twentieth century, things like commercialization, industrialization, and mass production? Finally, does popular culture serve some sort of ideological agenda? That is, does it work *for* the system, or *against* it? The Simpson trial may suggest a third answer to this question—that popular culture effectively *replaced* the (legal) system.¹⁰

With questions like these as a guide, popular culture has lent itself surprisingly well to the academic world, particularly in the realm of theory. Beginning in the first half of the twentieth century, a movement known as mass culture theory sprang to life, focusing its eye on the consequences of the increased industrialization and urbanization that came to characterize the West after World War I. One of these consequences, for instance, was the decline in communal bonds as well as the identity that was once derived from them. Mass culture theory was also one of the earliest attempts at trying to understand new forms of mass media (e.g. the radio) as well as the mass production of culture.¹¹ Considering the fact that studies of popular culture are concerned with questions of origin and production, it should not come as a surprise that this concept was also studied in a Marxist framework. From a Marxist perspective, popular culture is seen as a product of the top, created and distributed by the owners of capital in order to dominate the thoughts of subordinates. Of course, a Marxist reading of popular culture might also emphasize the importance of the mass media in disseminating information: because the powerful control the media, it works only to reinforce their power.¹²

But in recent years, popular culture has increasingly been studied in conjunction with postmodernism. Whereas mass culture theory is concerned with popular culture in the context of urbanization and industrialization, postmodernism examines its role from the viewpoint of consumption. If every member of society identifies to some degree as a consumer, then what does this mean for popular culture? To what extent does mass media, an arbiter on all matters and arguably the most worshipped institution in contemporary America, define reality? Does it depict the world accurately, or distortedly? In its wake, have style and meaning been sacrificed for image and excess? And in a world saturated with popular culture, can anything now be turned into a *joke*?¹³ To deny the validity of studying history and the law in conjunction with popular culture

would also be to deny the importance of these questions and, more importantly, to ignore the fact that the Simpson trial serves as a solid test case for a great many of them.

For example, one can see how the news reports about the Simpson trial intersected with popular culture in two distinct ways. On one level, many of these reports focused their attention on the popular culture that relates to the trial in some tangible way. Reports like these discussed the white Ford Bronco and the Bruno Magli shoes mentioned above, but also the Hertz rental car company commercials that Juice starred in, his legendary career as a running back and (perhaps not so legendary) stint as an actor, and the like. These reports interest one insofar as they demonstrate that artifacts of popular culture have seeped into the courtroom, often representing this particular trial in an almost synecdochic way, as mentioned above. More importantly perhaps, some of this popular culture has even taken on a life *outside* of the Simpson trial, only one instance of which is a band that calls itself White Ford Bronco. While there appears to be no information available as to why the band chose this particular name, one can speculate that this choice of name, when combined with the knowledge that the group is an "all-90s band," just reinforces the argument that the Simpson trial stands as a defining event of contemporary America.¹⁴

But on another level, one can see how the very *language* of some of these news reports indulges itself by referencing popular culture, thus re-presenting the trial as a "spectacle."¹⁵ For instance, Simpson has been dubbed everything from an "American idol" to "the original star of reality TV"; "the perfect movie monster"¹⁶ to the "head of an MTV-ish cast of misfits and one-offs with names like Kaeto and Faye."¹⁷ Similarly, his trial has been hailed as the "Trial of the Century."¹⁸ One journalist even assembled a list of his favorite descriptions of the trial—"Othello come to life," "a [Theodore] Dreiser novel for the 90s," "a Greek tragedy," "a game show," "the ultimate murder mystery," and "the ultimate reality-TV show"—before adding his own: "the Simpson story combines the sensational and the substantive, the voyeuristic and the visceral. It presses every hot button. It's a Bayeux Tapestry of contemporary American culture."¹⁹ Whether about the trial or just Simpson himself, the language of these news reports confirms at least one thing—that this spectacular event "hijacked our culture" as Americans scrambled to make sense of it.²⁰ More importantly, it raises questions about journalistic practice. In other words, it is unethical that so many journalists would heave at the trial whatever popular culture references they could scrounge up in hopes of making one (or more) stick. By transforming the trial into a scene of popular spectatorship, many of these journalists performed the worst kind of error, one that the media replays again and again: they trivialized the fact that two people were brutally murdered—one of them a mother of two children, no less.

I should add that the language of a few of these news reports, though not explicitly referencing popular culture, still managed to create humor by operating on several hermeneutical levels. The following description of O.J.'s career as a running back, for instance, takes on an entirely different meaning when read in context of the "Bronco Chase Scene":

[H]e was particularly a master at running away from people, at reversing directions, at cutting against the grain, so that the highlights of his career always show people flying past him and flailing awkwardly while he glides and gambols on his own personal and exclusive trajectory.²¹



"Bronco Chase Scene."²²

The image of Simpson "glid[ing]" and "gambol[ing]" as he pieces together his own "personal and exclusive trajectory" could also represent two other distinct personal moments. On the one hand, it is an apt description for his entire, improbable life. At the same time, these words could very well serve as a description of his commercials with the Hertz car rental company, which often feature Juice running through airports as he tries to reach his rental car.



One of Simpson's advertisements for Hertz.²³

And at the end of the day, even this news report can do no more than helplessly revel in the happenings of this spectacular event. For when it addresses Simpson's "mad flight from justice," it mentions how other drivers on the interstate reacted as they became aware that it was Juice himself who was fleeing the police: "bystanders [were] cheering 'Go, O.J., Go!' as though they were at a football game."²⁴

Clearly, all of this initial support for Simpson helps to explain why, for instance, the jury questionnaires for the trial cared which college football team potential jury members rooted for. In other words, in contemporary America personal vendettas and political differences are no longer the only factors that taint jury decisions—pigskin rivalries and gridiron grudges may as well. This support also caught the attention of small businesses looking to profit from the hype. In 1994, not long after Simpson was incriminated, Charlie Burnside, owner of Maple Donuts in York, Pennsylvania, tried to use Juice's imprisonment as a way to sell more donuts. In a rather clever way, Burnside put up fifteen billboard advertisements around the city, all of them saying "FREE O.J." in large letters above the smaller-written "with [the purchase of] a dozen donuts."²⁵ Asked about these advertisements, Burnside admitted that he was not offering an opinion about the trial, just "grasping an opportunity."²⁶ Of course, he could have been speaking for the media when he said this, since both were contributing to the spectacle of the trial with the playful language of popular culture as a way to drive up sales.

Other exploits revealed how this money-hungry American character benefited from the intersection of the trial and popular culture. For example, Simpson signed a handful of football cards during his time in jail. Not surprisingly, these soon became "the hottest trading cards in the United States," with an estimated value of \$5,400 per card.²⁷ Similarly, E.M. Quinn, a resident of Philadelphia, Pennsylvania, wrote to *The Philadelphia Inquirer* in 1994 in order to ascertain the value of a "9 1/2-inch high, fully jointed, O.J. Simpson action figure in its original unopened box marked 'The Juice'" now that Simpson was in trouble with the law.²⁸ She was informed that the doll "could be worth as much as \$200."²⁹ Offering an explanation for these outrageous numbers, the newspaper stated that because of "the publicity that Simpson is receiving these days, everything O.J.-connected seems to have zoomed in value."³⁰

Stories like these not only demonstrate how Simpson and the trial have been represented and repackaged as commodities, they also reveal that many Americans, not just the media or the participants in the trial, wanted to cash in on this momentous event in some form or another. Still, the particular way in which the trial participants did this, through the creation of things like non-fiction books and memoirs, is of great interest

insofar as it raises one very telling question: why have no writers tried to draft a *serious* work of *fiction* about Simpson? Despite publisher concern, the idea of novelists "imagining private lives for public figures" became something of a trend in the late 1980s.³¹ For example, Max Apple's *The Propheteers* (1987) features Howard Johnson, the man behind the hotel chain, as its protagonist and Walt Disney as its villain. Robert Coover's *A Night at the Movies, or, You Must Remember This* (1987) delves into the characters of Charlie Chaplin, Humphrey Bogart, and Fred Astaire. And in one of the most lasting accounts of an infamous public figure, Don DeLillo blended fact with fiction in *Libra* (1988), a biopic novel that examined the life of Lee Harvey Oswald and the events that led up to the Kennedy assassination. Considering that the trial bubbled to life only a few years after these publications, one wonders why a novelist would not attempt to craft a serious work of fiction around O.J. "Juice" Simpson.

To explain this oddity again requires the lens of popular culture. Although it has not been treated at the level of High Art, the Simpson trial has often been fictionalized and/or satirized as Low Art. For example, the MTV-produced "claymation" television series *Celebrity Deathmatch*, which enjoyed a bit of success for a string of seasons in the late 1990s, often depicted celebrities and figures of popular culture brawling with one another in the wrestling ring until at least one of them had been killed. One episode in particular pitted Simpson against another football legend, Joe Namath.



Simpson fighting Joe Namath on *Celebrity Deathmatch*.³²

The humor of the episode, of course, hinges on all of its clever references to the Simpson trial. For example, as he interviews Simpson a character puns that the famous running back has "carved out" a place in football history. This same character also notes that Simpson is "quite the lady killer" when he is spotted flirting with a woman before the match. And as they speculate about who will win the match, one of the commentators says, "I think the jury's still out on this one." Like the media news reports previously discussed, *Celebrity Deathmatch* again demonstrates how the trial and all that has come to be associated with it has been re-presented in the humorous language and Low Art

expressionism of popular culture. In doing so, the episode blurs the line between itself and media news, which, by extension, questions the veracity and the motives of the latter. We can understand, in other words, that a show like *Celebrity Deathmatch* would treat the Simpson trial in this way, but can we say the same about the country's major news sources? In an eerie, perhaps even self-conscious response to this concern, another commentator on the show remarks: "This is *Deathmatch*; there are no rules here."³³

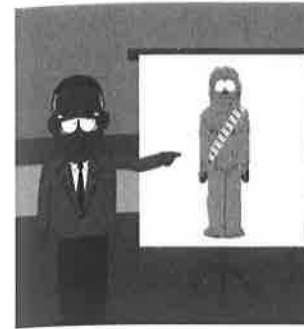
This suggestion of legal anarchy, of course, hints at popular culture's relationship to the (American) courtroom. Not surprisingly, other television series in addition to *Celebrity Deathmatch* have performed a great act in showing how the *actual* Simpson trial deviated from the rules. Often this style of joking has poked fun at Simpson's defense attorney, Johnnie Cochran, for his behavior during the criminal trial. For instance, in the series finale of the hit television sitcom *Seinfeld*,³⁴ Jerry, George, Elaine, and Kramer are tried for "criminal indifference," having failed to assist a man who was being robbed at gunpoint. During the trial, they are represented by Jackie Chiles, a man who bears a striking resemblance to Cochran:



Jackie Chiles from *Seinfeld* (left) and Johnnie Cochran (right).³⁵

The similarities, however, are not merely based in appearance. Johnnie Cochran and Jackie Chiles, for instance, share the same first and last initials. More importantly, Chiles became popular on *Seinfeld* because of his frequent use of complex words, usually in situations that did not call for them.

The animated series *South Park* satirized Cochran for this last reason as well, specifically targeting him for his memorable phrase, "If it [the glove] doesn't fit, you must acquit."³⁶ In one of the most famous scenes on the show, an animated Cochran addresses the court after Chef's lawyer has given his closing statement. Whereas this closing statement is both logical and sensible, Cochran's, which has become known as "Chewbacca defense," is not:



Johnnie Cochran giving his famous "Chewbacca defense."³⁷

"Ladies and gentlemen of this *supposed* jury, I have one final thing I want you to consider. Ladies and gentlemen, *this* is Chewbacca. Chewbacca is a Wookiee from the planet Kashyyyk. But Chewbacca *lives* on the planet Endor. Now think about it; *that does not make sense!* [. . .] But more important, you have to ask yourself: What does this have to do with this case? Nothing. Ladies and gentlemen, it has nothing to do with this case! It *does not make sense!* Look at me. I'm a lawyer [. . .] and I'm talkin' about Chewbacca! Does that make sense? Ladies and gentlemen, I am not making any sense! None of this makes sense! [. . .] If Chewbacca lives on Endor, you must acquit! The defense rests."³⁸

The main purpose of the Chewbacca defense, of course, is to expose how silly Cochran's closing argument sounded when he presented it to the jury during the *actual* criminal trial. But given its re-presentation in a Low Art form like *South Park*, this moment suggests an interesting conclusion about popular culture and its relationship with law and contemporary America.

Frankly, there seems to be something of a catch-22 at work here. On the one hand, this satire, which is often channeled through the Low Art of popular culture, allows people to express their opinions about things like law and contemporary America in an open, democratic, and basically unchecked manner. At the same time, being authorized to do this also means that this satire can (and usually does) go to extreme lengths, which is more than a little worrisome in the context of the law. The ultimate question that lingers here, obvious though it may be, is this: how can the justice system possibly conduct a fair trial in this type of atmosphere, one where films are being created about celebrity defendants and their supposed crime(s) *before* a trial has even been conducted?³⁹

But the fear is not simply one of commodification, representation, and media saturation. The intersection of popular culture and the courtroom also threatens the legal

system with a process of fragmentation. As we all know, the thrust of popular culture has always depended on those things that it can either make a joke out of⁴⁰ or sell (or both). In this respect, it repositions itself with respect to individual moments and items, things like white Ford Broncos, Bruno Magli shoes, orange juice, trading cards, and gloves that don't fit. By doing this, however—by shifting the spotlight away from an event as a whole and toward individual moments alone, toward the jokes, the controversies, the "stuff" of headlines—popular culture completely restructures reality and our perception of it. The problems facing American courtrooms today, in other words, are not just the ones that have been with them since their inception in the late eighteenth century: these concerns are contemporary. And any attempt at salvaging this mess by putting popular culture *itself* on trial would fail, for as the Simpson trial demonstrates, it's already been there; and as many trials since have indicated—including Casey Anthony's, Michael Jackson's, and many others—it's positioned itself to stay.

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6. Linder, "The O.J. Simpson Trial: The Jury," Famous Trials, 2011, <http://law2.umkc.edu/faculty/projects/ftrials/Simpson/Jurypage.html> (accessed Dec. 4, 2012).

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18. Greg Braxton, "'Trial of century' a feast of TV viewers can pick from smorgasbord of O.J. Simpson court coverage," *The Toronto Star*, Jan. 23, 1995. Still, it may be that the seemingly well-earned title "Trial of the Century" is something of a misnomer, thus lacking the affective weight that it purports to have. Gerald F. Uelman noted that this expression "may be a bit of over-used hyperbole." He has identified 34 trials that were described either with this title or with the title "crime of the century." Uelman's research only confirms the argument advanced here: that the Simpson trial revels in popular culture, spectacle, and—though I haven't explicitly called attention to it—myth. See: Gerald F. Uelman, "The Trials of Two Centuries: Lizzie Borden Meets O.J. Simpson," *Litigation* 24, no. 2 (Winter 1998): 57-58, 70-71.

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³⁰. Gold, "O.J. Simpson Figure."

³¹. David Foster Wallace, "E Unibus Pluram: Television and U.S. Fiction," in *A Supposedly Fun Thing I'll Never Do Again: Essays and Arguments* (New York: Back Bay, 1998), 50. Wallace's essay was originally published in *The Review of Contemporary Fiction* (1993). All of the examples of fiction that I cite in this paragraph are Wallace's own.

³². Image reproduced from "Celebrity Deathmatch 'Joe Namath vs. O.J. Simpson,'" Liquid Television, <http://liquidtelevision.com/videos/series/celebrity-deathmatch/page/12/>.

³³. Zanejrdz, "Celebrity Deathmatch - O.J. Simpson vs. Joe Namath," YouTube video, Jan. 6, 2011, <http://www.youtube.com/watch?v=mP8HEgmHuMU> (accessed Dec. 12, 2012).

³⁴. *Seinfeld*, like the band White Ford Bronco discussed above, is also a product of the 1990s, the same decade during which the Simpson trial occurred.

³⁵. Left image reproduced from "Jackie Chiles Knows Tiger Woods! Everybody Cheats! Leave Tiger Alone!" *Radio Planet*, Feb. 7, 2011, <http://www.radioplanet.tv/jackie-chiles-tiger-woods/> (accessed Dec. 12, 2012). Right image reproduced from Richard Willing and Haya El Nasser, "Famed attorney Johnnie Cochran dead at 67," *USA Today*, Mar. 30, 2005, http://usatoday30.usatoday.com/news/nation/2005-03-29-cochran-obit_x.htm.

³⁶. Linder, "Johnnie Cochran's Closing Argument," Sep. 27-28, 1995 (accessed Dec. 12, 2012).

³⁷. Image reproduced from Peter Zuidema, "Why is Chewbacca in my project," *Between IT, Media and the Litterbox*, Dec. 21, 2011, <http://dialectline.wordpress.com/2011/12/21/why-is-chewbacca-in-my-project/> (accessed Dec. 12, 2012).

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³⁹. Jay Freeman, "I was born to play O.J.," *Sydney Morning Herald*, Apr. 24, 1995.

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NEGATIVE BIAS TOWARD PALESTINIANS AND ARAB MUSLIMS IN AMERICAN NEWS TELEVISION

REBECCA J. MOORE

INTRODUCTION

The American news media is an influential channel of information from which the United States population obtains information. The Palestinian-Israeli conflict is an international issue that has involved the U.S. almost since its very beginning and consequently has been a major issue portrayed by the American media especially in televised news reports. Given the country's past history of political interests within its ongoing alliance with Israel, as well as its involvement with other Middle East affairs, bias in representing both Palestinians and Israelis is a common theme present in the recent broadcasts of major American networks. As a result, parallel associations of the majority religions belonging to these regional groups are found as well. More specifically the negative bias exhibited toward Palestinian-Arab Muslims is found. This negative bias in today's news television reporting the Palestinian-Israeli conflict reflects and reinforces further the discrimination, generalization, and established stereotypes that have permeated into American culture; why? Why has this negative bias toward Arab Muslims and even toward the religion of Islam as a whole become so deeply rooted in American culture? The answer lies in how natural social phenomena are at play, but more drastically in how efforts to spread hate and misinformation for private group-interested gains are really to blame.

DETECTING BIAS TOWARD PALESTINIANS AND ISRAELIS

In recent broadcasts by major American television networks, bias is found in reports focused on the latest Palestinian-Israeli round of conflict between Hamas and Israel as well as Palestine's upgraded status approved by the U.N. Networks such as NBC, FOX, CBS, and CNN have all aired related stories concerning these events; as the American media reports international news from an American standpoint, certain biases have a tendency to appear toward Palestinians and Israelis given the country's present alliance with Israel. Depending on the newscast, bias is detected to be positive or negative, explicit or subtle, and is promoted actively by individual reporters or passively through the reports themselves.

In national broadcasts on the Palestinian-Israeli conflict, positive bias tends to lean toward Israel explicitly while positive bias leaning toward Palestine is very subtle. NBC aired a discussion with former British Prime Minister Tony Blair on December 4, 2012, in which one of the reporters declared: "...listen, I mean, you look at my votes in

Congress and as pro-Israel I should have a key to Tel-Aviv on my wall in my office.”¹ Proving himself to be so pro-Israel that he must be given due credit, Blair exhibits this positive bias explicitly toward Israel and sets the stage for Palestine to be negated in terms of Israel for the rest of the session. In contrast, reporter Erin Burnett displays a positive bias that is more subtle, but this time toward Palestine. In her CNN interview with Israeli Vice Prime Minister Silvan Shalom, Shalom expresses his rejection of the U.N.’s vote to upgrade Palestine to a nonmember observer state. In her line of questioning, Burnett points out that “...the countries in the Middle East that recognize you all voted for this...[while] the United States was alone....Does today’s vote worry you? That...it’s you and the U.S. but the U.S. has lost power and influence; Israel’s losing power and influence.”² Emphasizing the event as Israel’s loss, she goes on to say that “ Hamas doesn’t recognize your right to exist – the PLO does...who wanted...this statehood resolution. Is it possible the win today gives him a boost? And...[since] he’s the guy who wants you to exist, that this is something that is actually good for you?”³ While Burnett does not explicitly show preference toward either Palestine or Israel, she still subtly conveys a positive bias toward Palestine in her interview by highlighting positive implications of its upgraded status against Silvan Shalom’s statement that “it doesn’t mean anything.”⁴

Negative bias is imbedded in American media broadcasts on the Palestinian-Israeli conflict as well, but its manifestations reveal a flip from the directionality of positive bias; while negativity is subtle toward Israel, it is very explicit toward Palestine. In an NBC newscast, reporter Ayman Mohyeldin strongly focuses on U.S. inability to stop Israel’s continuous expansion in the West Bank despite American policy, lending negative views toward U.S. actions that indirectly associate with a negative bias toward Israel.⁵ In contrast, outright negative bias toward Palestine is evident in a FOX broadcast (ironically about bias in American news coverage of the Middle East) from the reporters’ condescending tone and violent language when speaking about Palestinians. Sarcasm is used to talk of the “poor Palestinians and Arabs” who are pointed out from the context of previous reports in which they are described as “savages;” between them and the Israelis there is a “vast moral goal.”⁶ The reporters also use the term “terrorists” relating to Palestinians and claim that the phrase “kill all Israelis and Jews” was spoken by Palestinians in conjunction to Muslim radicals.⁷ Even though they are not the same thing, the reporters group the Palestinians and Muslim radicals into one group that lends very negative associations when paired with violent words that stem from their negative biases toward Palestine. Even a report that seems neutral still carries an underlying negative connotation of Palestine, such as a CBS broadcast on the U.N.’s vote for its upgraded status:

Now, we are not talking about full status as a United Nations member nation; that will require the approval of the Security Council, and the United States has already promised to veto that – U.S. Secretary of State Hillary Clinton’s guide is calling today’s vote counterproductive and unfortunate and places further obstacles in the path to peace.⁸

This reporter feels the need to differentiate Palestine’s new status from other U.N. member nations; it is not full, it is not complete, and what he is talking about is not anything like the privilege of current member nations. Palestine’s potential member status is negated in terms of being approved, which conveys a sense that it has no right for approval. Combined with negative associations of “counterproductive,” “unfortunate,” and “obstacles,” Palestine is again portrayed in a news report full of negative bias.

For Israel, there seems to be more evidence in American media of explicit positive bias and slight negative bias, while for Palestine it is the opposite; there seems to be more evidence of outright negative bias toward Palestinians and in few cases a subtle positive bias, if any. As a group of people not recognized by U.S. foreign policy in its alliance with Israel, Palestinians suffer constant negative bias in American news television. Not only is their representation as a constituent of the Palestinian-Israeli conflict skewed, their negative portrayal makes way for subsequent and parallel associates of their culture especially in regard to Islam as a majority religion in the Middle East.

NEGATIVE BIAS TOWARD ARAB MUSLIMS

Not only is negative bias toward Palestine apparent, radical and violent elements that have few ties with Islam are used in conjunction to the Palestinians within American news television. Lines separating their own nationalism and a religion that happens to be a majority in the Palestinian region become blurred. When that religion, Islam, is further associated with minority-group extremists, then region, religion, and violence are grouped together by reporters to promote a negative connotation of all three.

The synonymous use of the extremist group Hamas to exclusively reference Palestine or Palestinians automatically garners a negative association. In the FOX broadcast talk on media bias, Hamas is described as one of the two sides in the Palestinian-Israeli conflict who are violent “savages” in conflict to Israeli sympathizers and “part of the challenge” to American reporters who are “captives of Hamas” in Gaza.⁹ Both Hamas and the term “Muslim radicals” are used without distinguishing at all the nature of the extremist group as only a faction of the entire Palestinian people.¹⁰ This has become a cycle in which references of Hamas are linked to phrases such as “Muslim

radicals,” that are connected with the various religious groups of Palestine and the surrounding Arab region (no matter how peaceful). This process reverses to associate Islam in the Middle East with Hamas, and worsens because Hamas does in fact have a strong Islamic presence in the regional politics currently. Unfortunately, the cycle keeps going and going, reiterated again and again in American news television on the Palestinian-Israeli conflict as biases are confirmed upon false generalizations.

Negative bias toward Arab Muslims is still present even in less explicit anti-Palestinian news reports on the conflict. In the NBC newscast “Searching for Peace,” the reporter who claims to be pro-Israel stresses that “...as a strong supporter of Israel I know if Hamas is not there [for negotiations] then you’re going to have them killing whoever makes the deal,” and later asks “Well what do they want? Other than the destruction – they know Israel is not going away; what does Hamas want?”¹¹ The reporter emphasizes and connects Hamas with the method of killing and destruction throughout the show instead of on broader Palestinian efforts for negotiations with Israel. Although Hamas is indeed a religious extremist group, the dialogue just reinforces the negative association of Palestinian Muslims as well as Palestine as a whole without focusing on other organizations. This reporter’s gross generalization of Palestine becomes obvious when his guest, former British Prime Minister Tony Blair, feels the need to differentiate between Hamas and Palestinian nationalism in his more diplomatic answer:

To be frank, you can’t be sure. And...the point about an organization like Hamas is that...it’s properly part Palestinian-nationalist, but it’s part broader-Muslim Brotherhood, and...what the agenda is therefore is sometimes hard to decipher – but, the basic fact is if you want to get people around the table, there’s got to be at least an agreement that the violence stops.¹²

Tony Blair points out that Hamas is not all Palestinian-nationalist, and that Palestinian nationalism is not Hamas. Unlike the reporter, Blair does not convey a negative bias toward Palestine through direct association with a violent group that is a faction of the population.

Differentiations of pro-Palestine groups from negative associations or false generalizations have become the exception to the rule in American media. They are treated in such a way as to be explicitly stated in the context of reporting the conflict, while there is a hint that if not added in to the broadcast, the viewers would understand

the events otherwise. Like former Prime Minister Tony Blair, NBC News reporter Ayman Mohyeldin also details the Palestinian political group situation:

...the United States does not have any direct contact with the Palestinian factions which it and Israel and others label as terrorist organizations, despite the fact that Hamas did win democratic elections here, despite the fact that it is a part of the fabric of Palestinian politics that simply cannot be ignored or isolated or marginalized; they have instead focused on the Palestinian Authority in the West Bank that hasn’t necessarily produced tangible results.¹³

Mohyeldin explains the differences between the Hamas as thought of in the West as a “terrorist” group, and the Hamas that influenced the shift to a stronger Islamic government that has actually helped the Palestinian people recently move forward. Both Tony Blair and Ayman Mohyeldin make distinctions in their arguments between Hamas and the Palestinian people’s nationalism as a whole. Although they are featured in American news television, they are a couple of the exceptions that do not follow the otherwise persistent negative bias toward Palestinian Arab Muslims in U.S. reports of the Palestinian-Israeli conflict.

DO DIFFERENCES EXIST BETWEEN “LIBERAL” AND “CONSERVATIVE” NETWORKS?

The comparison of two separate broadcasts on the Palestinian-Israeli conflict by NBC and FOX, two networks considered to be liberal and conservative, respectively, does not show differences in negative bias toward Palestinian-Arab Muslims except in the way it is presented. The NBC broadcast “Searching for Peace” makes more subtle, indirect connotations by focusing on Hamas as destructive murderers for the Palestinian side,¹⁴ while the FOX broadcast “Mideast conflict coverage” makes explicit negative statements connecting Palestinians to “terrorists” and “Muslim radicals.”¹⁵

CNN and CBS, both considered to be toward the “liberal” side, seem to take more neutral stances when it comes to reporting the Palestinian-Israeli conflict. Two interviews led by Piers Morgan are presented simultaneously on CNN to represent both sides of the Palestinian-Israeli conflict regarding the upgrade in Palestinian status: “Palestinian envoy: We want to negotiate,” a report from the perspective of Palestinians, and “Prosor: I heard a speech ‘full of hate,’” a report from perspective of Israelis.¹⁶ CBS journalists seem to be objectively representing the same event in one (“U.N. votes to recognize Palestine as state”) as well as Palestinian celebrations in another (“Palestinians celebrate statehood recognition”).¹⁷ However, the broadcasts themselves still come across as

negative in reporting statements made by certain political figures (Hillary Clinton and Palestine's upgraded status as "counterproductive," for example), as well as because they come from the American viewpoint as allies to Israel in foreign policy and outsiders to the physical conflict happening overseas.

WHY? A NATURAL SOCIAL PHENOMENON AT THE BASIC LEVEL

To understand the phenomenon of negative bias toward Palestinian-Arab Muslims, not just in American news television but also widespread in American culture, is to first understand that natural social influences lay the foundation. Since U.S. involvement in the Palestinian-Israeli conflict and especially since its established alliance with Israel, the Palestinians as a nationalist group have been made into an "out-group" to our "in-group" identification as Americans. When we belong to a certain group, we have a sense of "us" relating to other members of our group, a sense of connectedness and understanding of individuality between members. Toward people belonging to other groups we have a sense of "them," a sense of separation and of understanding the group as a collective mass without distinctions because our experiences with members are minimal to none. Because we do not tend to personally and intimately know a lot of individual members of another group not belonging to ours, attribution theory in sociology states that "...we all make inferences about the personalities of others...concluding what the other person is 'really like'...commonly generat[ing] a significantly distorted perception of the motives and capabilities of other people's acts."¹⁸ As a group, the population of the United States displays the same kind of inferences and distorted perceptions of outside countries and cultures including the Palestinians.

WHY? ISLAMOPHOBIA EFFORT IS REALLY TO BLAME

Though the "in-group," "out-group" phenomenon definitely has its place in creating a strong foundation for how America and its media treat the issue of the Palestinian-Israeli conflict, what is really to blame for the negative biases we see toward Palestinians and Arab Muslims in American culture and news television is the Islamophobia effort to spread hate and misinformation.

In a report released by the Center for American Progress, titled "Fear, Inc.: The Roots of the Islamophobia Network in America," an investigation found that the cause of the rise of the Islamophobia phenomenon in the United States was influenced by "...a small, tightly-networked group of misinformation experts guiding an effort that reaches millions of Americans through effective advocates, media partners, and grassroots organizing."¹⁹ What started as the undertaking of only five people led to a major impact on the United States through their spread of misinformation about the religion of Islam;

these five misinformation experts testified to different state legislatures to ban mosques supposedly harboring Islamist terrorists, they proposed and were able to convince states to pass legislation banning Sharia law, and they were broadcasted over the air at a national and even world-wide level. That was only a few of their hate efforts. According to the report, more than \$40 million has been donated over the course of 10 years to support the spread of Islamophobia, and a 10% rise from 39% to 49% of Americans with anti-Islam views has been shown in polls taken in 2002 and 2010 by the Washington Post and ABC News.²⁰

Another study, titled "The Fringe Effect," by Christopher Bail, researched and found similar results; Bail used plagiarism detection software to compare American news media in press releases and television transcripts after 2001 up to 2008, and discovered that although most organizations showed positive attitudes toward Muslims after the 9/11 attacks, it was the effect of "...anti-Muslim fringe organizations [that] dominated mass media via displays of fear and anger...[A]mplification of this emotional energy created a gravitational pull or 'fringe effect' that...altered the contours of mainstream discourse itself."²¹ Anti-Muslim organizations as described by Bail and the investigators who wrote "Fear, Inc.," have had a very considerable and decisive effect on American news media and television. These misinformation organizations infiltrated the United States public with what we see today as false accusations, strong negative bias, and gross generalizations as well as established stereotypes of Arab Muslims. Not only has this negatively and significantly affected American perception of Palestinian Arab Muslims, it has drastically influenced the Muslim community around the world.

REFLECTION

Interest in this topic has stemmed from personal experience combined with recently broadening my understanding of the Palestinian-Israeli conflict from its beginning. It was 2001 when I started the fifth grade, and just a few weeks into the new school year September 11th came with the attacks by a terrorist group on hijacked planes. I was only 10 years old when this unfortunate event occurred, and I did not really have a grasp in understanding what really happened until older. What I did understand then, however, was that days after the attacks my friends from class started saying the words "terrorists," and "Muslims," and "bad" together in the same sentence, most likely repeated from their parents and teachers and TV while making basic associations that 10-year-olds will. What confused me was that most of them started to think all Muslims were terrorists and all Muslims were bad, and this hurt; my cousins, my uncle, my aunt and her family are all Muslim, but of course they are not bad. Since that time in fifth grade I have noticed a persistent trend in news and television and shows and movies and

even in conversations with other people the negative biases of Muslims that underlie American perception. The historical conflict between Palestinians and Israelis has shown evidence of discrimination, violence, and hate between two different cultures. This has been reinforced steadily through American treatment of Palestinians and Arab Muslims permeated within its culture especially after 9/11. It is troubling to see the lasting effects still to this day.

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STREET BEATS OF PALESTINE
RAP AND HIP HOP CULTURE IN THE PALESTINIAN STRUGGLE

WILLIAM FINN

"Both the Talmud and the Qur'an say 'Thou shall not kill'
yet killing continues like a poison
every day because of our actions or of theirs
there is more blood shed
I'm on the mic telling all the racists to 'come, come!'
so I can purify their hearts with the Zamzam¹ Water."²

"Summit Meeting"
Tamer Nafar
Sagol59 ft Shaan Streett & Tamer Nafar

STREET BEATS OF PALESTINE

Since the outbreak of violence in Palestine and Israel in 2000, known as the Second or Al-Aqsa Intifada, a movement of Hip Hop artists has emerged among the youth of Palestine. Although there were a few Palestinian rappers before the Intifada, they primarily rapped in English or Hebrew, and it wasn't until the breakdown of the peace process that they began to rap primarily in Arabic and the message became political. The artists use their music as a means of resistance in order to present a political and societal critique of the continuing Palestine-Israel conflict. Through this, they have forged their own identity in opposition to the problems they see with Israeli occupation and traditional Palestinian society. Rappers living in Israel, the territories and the diaspora have embraced this medium, using art, music and education as a nonviolent means of resistance instead of bombs and guns. Their conditions as second class citizens in Israel or refugees in other countries drives their music away from mainstream Rap in the West, which focuses on money, cars, glorifying drugs and using women, and brings it back to the message of many of the original Hip Hop artists in America, who used their music to protest racism and other social problems in the United States.

To understand the role of Hip Hop in Palestinian resistance, I ask four questions. How do Palestinian rappers represent the historical influences they draw upon? How does their music function as a means to criticize both the Israeli government and the more conservative and traditional groups of their own people? What have been some of the criticisms of Palestinian Hip Hop? And, to speculate: given the difficulties with technology,

financial support, travel restrictions, and internal and external opposition, how will they be able to make a difference?

INFLUENCES ON PALESTINIAN HIP HOP

In an interview, Tamer Nafar, the front man for the Palestinian-Israeli trio, *Dam*, describes Tupac (an American pioneer in Hip-Hop), Arabic Literature, and his daily life as the main influences on his music.³ By blending these influences, Palestinian Hip Hop artists have created a unique identity, while remaining true to their roots in many ways. Much of the original Hip Hop was created by oppressed African American peoples in the United States to critique the accepted norms of their society while offering an alternative to drugs and violence. Similarly, Palestinian rappers draw heavily from the poetic, musical and symbolic traditions of Palestine, as well as Arab and Palestinian politics and history of resistance.

The Hip Hop movement began in New York City in the late Seventies, as inner-city Puerto Ricans and African Americans explored new ways to express themselves and create an identity. The movement, not limited to Rap music, involved a wide range of artistic mediums, including graffiti, break dancing, beat boxing and MCing or Rap, however, because of Rap's ability to communicate ideas, arguments and criticisms, it has become the most popular of the four globally, and will be the focus of our discussion. With the advancing recording technology of the time, the rap pioneers fused elements of Jazz, Funk and Rock music with Spoken Word Poetry of the Sixties. The influence of the famous activists of that time is clear in their lyrical content, which was used to criticize racism and promote a common identity and history. Over time, with the greater success and mainstream acceptance of Rap, it divided into two camps, one using it as a tool to make money and the other as a tool to criticize political and social problems. With its global acceptance, it has been adopted by other minorities in America and throughout the world to help them articulate their struggles for acceptance, in each case also adopting elements of their own cultural backgrounds.⁴

The Palestinian rappers see themselves in a similar situation to the African American Hip Hop pioneers of the United States. Inside or outside of Israel proper, they find themselves, much like the first American rappers, with little hope for work, often as second class citizens, and with rampant drug problems in their neighborhoods. In another clip, Tamer Nafar describes one of his early experiences with Hip Hop, when he saw one of Tupac Shakur's music videos. To him, the video could have been in his hometown of Lyd. The imagery and lyrics pointing out police injustice, ghetto life, drug problems and gang violence could have directly depicted Nafar's life experiences. The use of Rap to energize and educate the black youth, and at the same time point out the different problems within White and African American societies, carried over directly into the Palestinian Hip Hop

discourse. The rappers believe the same basic frames and arguments apply perfectly to their situation with Israel and with the dysfunctional Palestinian leadership and patriarchal society.⁵

Palestinian Hip Hop blends these elements of American Rap with a whole myriad of references to Arab and Palestinian culture: works from renown Palestinian poets, music samples from traditional songs and instruments, as well as other symbols of their struggle. The use of Arabic in the music is, in and of itself, a statement of pride in their heritage and their will to resist Western cultural hegemony. It also signifies that their target audience is their own people. For the Palestinian-Israeli rappers, this is especially significant in that it can be taken as a denial of their Israeli citizenship in favor of solidarity with Palestinians in the West Bank, the Gaza Strip and the diaspora. However in some songs they 'code-switch' by rapping in Hebrew or English in order to reach different audiences.⁶

Palestine is tied to a long history of resistance through music and poetry. In Nineteenth century Arab poet, Francis Marrash's poetry, common themes include women's rights, education, social problems and peace,⁷ all common themes in Palestinian Hip Hop. Poets such as Mahmoud Darwish and Tawfiq Ziad, who discussed political and social problems with Israel as well as solidarity between Palestinians, are often referenced or sampled in songs.

Recordings of Palestinian resistance music began around 1948, influenced strongly by the emerging Pan-Arab ideals, centered in Cairo.⁸ With the fall of Egyptian dominance after the 1967 war with Israel, many Palestinian and Lebanese musicians emerged, such as Fairuz and Marcel Khalife, who, "... addressed the new reality of Palestinians living under Israeli occupation... [and] ... offered lyrical praises to the resistance efforts of the emerging Palestinian guerrilla movement."⁹ The rappers use samples from many of these musicians in their songs, as well as reworkings of other traditional songs. They also heavily use traditional Palestinian instruments in their beats, such as the Oud and the Saz.

Symbolic references to Palestine's history of struggle appear throughout the music, perhaps most notably the importance of children to resistance. Children represent hope for the future. In the Intifadas, the youth joined in the demonstrations, throwing stones at tanks, often with live gunfire as the response. They are recorded singing or reciting poetry in some songs, and much of the discussion focuses on them and their opportunities for the future.

Another extremely important symbolic element of Palestinian Rap is Islam. Islam has been described as Hip Hop's "Unofficial Religion,"¹⁰ seeing as there have been a huge number of Muslim rappers, from the first American pioneers to the more recent global community. This is especially true in Palestine. There are some Christian Palestinian rappers, but for the most part Muslims dominate the scene. The idea of martyrdom comes into the lyrics frequently, as well as "... occasional references to jihadi terminology and notions, most

particularly the concept of defensive Jihad or the defense of one's land."¹¹ This Islamic identity is a way of reasserting a separate Palestinian existence and resisting the Jewish nature of Israel.

The fusion of these elements, American Hip Hop with Palestinian art and political symbolism, happened through the violence and chaos of the Al-Aqsa Intifada. The increased hardship and suffering of the disenfranchised Palestinian youth led to their backlash against Israel, the fragmented leadership of the Palestinians and the rampant gang related violence in Palestinian ghettos. Palestinian Rap became politicized as rappers took up resistance to injustice. They adopted a new form of opposition, that as opposed to the suicide bombings and other terror attacks of this uprising, was actually more reminiscent of the non-violent cultural resistance of the First Intifada.

HIP HOP AS RESISTANCE

As a means of resistance, Palestinian Rap has allowed the youth to criticize injustice and show their experiences through a medium that people globally will listen to. Palestinian Rap has been described by some as "The Palestinian CNN," a slight change to American rapper, Chuck D's quote calling rap "The Black CNN," because of its role in education and interconnectivity in the African American community.¹² Rap on a whole also allows rappers to educate each other and the youth, and encourage constructive outlets for anger. Palestinian Rap groups have offered positive role models for the next generation, by encouraging tolerance and education over hate and ignorance. It is also a means for Palestinian women to express themselves and fight for their rights, which are repressed by both Israel and Arab men. It would be impossible to address all of the issues they discuss in this essay, but I will try to at least touch on most of the points and expand on some of the most important ones, with lyrical references to emphasize some of the points.

Palestinian rappers critique Israel's excessive violence and oppression against the Palestinian people. They attack the Israeli military's use of lethal force against protesters, the continued occupation of their territories that has been internationally deemed illegal and the numerous political prisoners held for extended periods of time, often without trial. They oppose the segregation within Israel that limits Palestinian-Israelis' opportunities for education, and largely holds them as second class citizens.

One prominent group, *PR* (short for Palestinian Rapperz) from Gaza City, wrote a song titled, "Sajeen" or "The Prisoner," analogizing their daily life in occupied Gaza to a prison with no escape:

All of my life dedicated to one room
Dominated by oppression
Walls painted with horizontal lines

Years passing in front of my eyes
As if one long line of unhappiness
My dreams part of the past's souvenirs¹³

This song can be understood as a response to travel restrictions the group has faced in Gaza. They have repeatedly been denied visas to travel to the West Bank and other Arab countries.¹⁴ Even travelling within Gaza can be extremely difficult, given the numerous security checkpoints, that at any point may be subject to closure, completely cutting off travel between cities.

Palestinian Hip Hop also criticizes many elements of Palestinian and Arab politics and society. They chastise the leadership of other Arab nations for giving into Israeli threats and not standing in solidarity with the Palestinian cause. Palestinian Hip Hop artists living in Lebanon criticize their segregation within an Arab society, life in refugee camps and the corruption of the Lebanese government.¹⁵ Rappers in Israel and the territories criticize the drug related gang violence that is prevalent in many of the Palestinian cities and the disunity between Palestinian political factions. *Dam's* song "Stranger in my country," begins with the poem Unadaykum, by Tawfiq Ziad.

I call upon you all, And beseech you,
I kiss the ground you walk on,
And say to you, "I sacrifice myself for you."

I offer you the whites of my eyes,
And the warmth of my heart I give to you,
Because the calamity which I live in is only
My share of your calamities.¹⁶

The poem and song are both in response to the feelings of mistrust between Palestinians who possess Israeli citizenship and are often seen as traitors, and those in the territories or refugee camps with no citizenship. Ziad, a Palestinian-Israeli like the members of *Dam*, calls out to all Palestinians that they should not let Israel's borders and occupation separate them in spirit.

Another noticeable point of critique is the artists' support of women's rights. In fact many of these rappers are women. They find that through Hip Hop, they have a means to have their own voice heard and to make their own path outside of the patriarchal norm.

I don't want your house
I don't want you to rescue and marry me
I am responsible for my own well being¹⁷

In this song, Abeer al-Zinati expresses her absolute independence from male dominance. When some members of her family found out about her upcoming show, she received death threats, warning her not to perform on stage, because it was not the place for a woman. After this incident, she stayed away from the scene for a while, writing in secret, until she eventually performed a show without the knowledge of her family. She later moved to the United States to escape these threats and pursue her musical career without interruption.¹⁸

As mentioned before, a significant aspect of Palestinian Hip Hop centers on the role of children in the struggle for freedom. Many songs have children chanting a chorus or poem in the background or as an introduction. The rappers focus much of their talk and efforts towards education. For the Arab-Israelis, this is especially important, given the lack of any Palestinian history or culture in the school systems. They cite the segregation of schools based on language, where Arabic schools receive significantly less funding, and the 'Nakba Law,' which makes it illegal for a publicly funded institution to discuss the Nakba, or catastrophe, of 1948, from which Israel claimed statehood while the majority of Palestinians lost their homes, ending up in refugee camps. In order to combat the historical amnesia that has taken hold of their communities, the Hip Hop artists rap about the greatness of the Arabs in the past and the significant events that have shaped Palestinian history.¹⁹

If you don't understand what we are saying
go and ask your parents
And if no one has the answers
study it alone so you can answer your kids.²⁰

This example from Mahmoud Jreri, a member of *Dam*, emphasizes this point and encourages the youth to look for their own answers. Even outside of the music, the Rap artists have gone to schools to talk with kids directly and encourage them to look into who they are. Their music encourage children to find positive outlets for their anger, instead of going down the slippery paths of gang violence or suicide bombings.

CRITICISMS

Due to the highly politicized and polarized nature of the Palestinian-Israeli conflict, there has been much criticism of Palestinian Hip Hop and its intentions. Many of the songs make reference to Jihad and the glorification of martyrs. Many songs also include recordings of gunshots and the cocking of guns in the background. Given this, are they really trying to

work for peace? Or is this another attempt to promote violence and continued Palestinian suicide bombings?

Dam's song, "Meen Erhabi" or "Who's the Terrorist," was the group's first major hit. With over two million downloads, the song became extremely popular throughout the world as a song of protest against Israel, the United States and other foreign involvement.²¹ "It exposed the non-stop oppression of occupation, and the daily humiliation and aggression committed by Israeli police and troops on Palestinian men, women and children."²² It has also been described as the 'Theme song for Hamas,' as many believe that it encourages suicide bombings and preaches blind hatred of Israel as well as general Anti-Semitism.²³

Democracy? I swear you're Nazis
With all the times you raped the Arab spirit
It got pregnant and birthed a boy called the suicide bomber
And here you are calling us terrorists²⁴

It could be argued that these lyrics justify suicide bombings. They seem very hateful towards Israelis, laying all of the blame for Palestinian suicide bombers' actions on Israeli oppression. However, in a historical perspective, suicide bombings became a common means of resistance, outside of a few extremist groups, as a result of the collective punishment of Palestinians during the Intifadas. So in a sense, when the lyrics point out that the rape of Arabs led to the suicide bomber, this is pointing out cause and effect, not actually encouraging violence. The statement concerning whether Israel is democratic or fascist can be seen as a heavy handed attempt to point out the contradictions of a Jewish Democracy, which in their view, ignores their rights as minority citizens of Israel. The rappers of *Dam* themselves acknowledge in interviews that in retrospect these lyrics are very angry, and that they did not mean for them to be taken as an excuse for murder.²⁵

There has also been some criticism of Shadia Mansour, a British-Palestinian singer and rapper. Some of her music being extremely angry towards Israel and Zionism, and many believe borders on radicalism. In the song "Kollon 'Andon Dababat," or "They Have Tanks," her lyrics seem to encourage violent action against Israel.

Oh heroes of the Palestinian resistance force
You will extinguish a Zionist terrorist racist failing hostility
Oh Gaza's righteous martyrs
you who have challenged the enemies on the line of fire
Your spirits will be the symbol of light
your triumph is writing on all the walls²⁶

There is however more to her story than just blind hatred of Israel. She claims that much of her early work was motivated by hate, but since actually visiting the Territories and collaborating with Hip Hop artists there, her understanding of the issue has changed to be much less extreme. "I have let my emotions guide me in the past. I was pro- anything that was resisting Israel. I felt so much anger about what we knew was happening that I didn't look at the problem with a microscope."²⁷ Also, if this song is viewed in the context of which it was written, much more comes to light. It was written during the 2008 Israeli invasion into Gaza. During this time, many other Palestinian rappers, in Israel, the West Bank and the diaspora were recording similar songs, showing their support for their fellow Palestinians in Gaza.²⁸

There is also opposition to Hip Hop within Palestinian society. Especially in Gaza, it is viewed as a Western intrusion into Palestinian culture. To the more conservative Palestinians, Hip Hop culture is seen as both an American cultural encroachment and un-Islamic by nature. The baggy clothing worn by the Hip Hop crowd certainly does not make them any more likable to the internal critics. Their lyrics are also very fast and confusing, often with fast code-switching between Arabic, Hebrew and English, which perhaps makes the music unintelligible to some listeners. There have even been instances of violence against the rappers in Gaza. "Members of *PR* were attacked mid-performance by Islamic extremists and beaten up. *PR* got off lightly when compared to what befell their fellow rapper *Sompol*, who was kidnapped by gunmen during a concert and 'warned to stop bringing un-Islamic Western behavior into Gaza.'"²⁹

THE FUTURE OF PALESTINIAN HIP HOP

There are three elements that make success in Palestinian Hip Hop difficult. These are largely related to the effects of the occupation. First, the physical separation of the rappers makes it difficult to collaborate. Rappers in Israel, Gaza, the West Bank and the diaspora are often unable to meet face to face, and even if it is possible, frequent checkpoints and road closures make it a slow and difficult process. The internet has helped enormously with this. It allows them to access each other's music and swap ideas without actually meeting. Also barring their path is a lack of recording facilities. There are few studios in the territories, and the ones in Israel are either out of reach or too expensive to be practical. The groups have responded to this by instead setting up home studios to record. It is also difficult to find a record label. There are few labels within Israel or the Territories that are willing to sign Palestinian Hip Hop artists. Interestingly, the Palestinians living in Lebanon and Jordan are at an advantage due to a greater access to facilities and labels. Often though, the rappers have to resort to using the internet as the medium for their music.³⁰

Despite the many problems facing the Palestinian Rap community, I think that it is in a unique position to help bring about peace. Words have the power to expose wrongs, bring together isolated Palestinian communities, and hopefully bring about a peaceful dialogue between the people of Israel and Palestine. Whether or not their attempts will directly affect political actions is difficult to determine, but already Rap artists both Israeli and Palestinian are coming together to talk, and Palestinian artists are collaborating with other rappers throughout the world. This will most certainly spread the message among the Hip Hop community, but will it actually affect those not affiliated with the style of music? With the globalization of music in the modern world and acceptability of Rap in mainstream society, it is more likely now than ever before to make a difference, especially given that they preach peace and acceptance, which will make them more agreeable to people who otherwise might ignore the issue.

With increasing attention due to the recent documentaries, *Slingshot Hip Hop*, *Saz- The Palestinian Rapper for Peace*, and *Hip Hop is Bigger than the Occupation*, which was just released this year, the word has been getting out to the global Hip Hop community. It could be argued that in this regard, the diaspora is an advantage to Palestinian rappers. It allows for connections and collaborations to be made between Palestinian rappers throughout the world and rappers of different cultural backgrounds. This source of division within the community could result in a much greater strength, given the use of the internet to connect the different artists.³¹ There have also been numerous tours in the past few years, throughout Europe and North America, including a 60th anniversary concert for al-Nakba in San Francisco, that included various Palestinian and non-Palestinian rappers.³² These have brought rappers from all areas of Palestinian society together, and has helped to get their message across to the people of the West.

What remains to be seen is whether Palestinian Hip Hop will become part of the identity of the Palestinian struggle, like the of poetry of Mahmoud Darwish and music of Fairuz and Marcel Khalife. A movement supporting peace, dialogue, education and art is at the very least a small step towards justice in the Palestinian-Israeli conflict. There is much opposition to their efforts, in America, Israel and in many conservative Palestinian Parties, through this globally accepted artistic medium that allows for more concepts and arguments in a given amount of time than any other, Palestinian rappers are able to convey to the world how they believe peace can be achieved.

NOTES

¹ The Zamzam Well is located near the Ka'aba in Mecca and is said to be the water source given by God to Abraham and his son, Ishmael.

² Translation from Hugh Lovatt, "Palestinian Hip Hop Culture and Rap Music" (PhD diss., Exeter University, 2009), 38.

³ *Slingshot Hip-Hop*. Dir. Jackie Salloum. 2008.

⁴ Lovatt, "Palestinian Hip-Hop Culture and Rap Music," 9-10.

⁵ *Slingshot Hip-Hop*. Dir. Jackie Salloum.

⁶ Yuval Orr, "Legitimizing Narratives in Rhyme" (Honors Thesis, University of Pennsylvania, 2011), 44.

⁷ Shmuel Moreh, *Studies in Modern Arabic Prose and Poetry* (Leiden: EJ Brill, 1988), 95.

⁸ Orr, "Legitimizing Narratives" 22.

⁹ Ibid., 24.

¹⁰ Lovatt, "Palestinian Hip-Hop Culture and Rap Music," 36.

¹¹ Ibid., 37.

¹² Emily Gogolak, "Hip Hop and the Palestinians," *Global Post*. 24 October 2011.

¹³ Lovatt, 47.

¹⁴ Ibid., 23.

¹⁵ Reese Erlich, "Palestinians in Lebanon Find a Political Tool in Hip Hop," *NPR*, 9 June 2011.

¹⁶ "Lyrics," *Damrap.com*.

¹⁷ Lovatt, 19.

¹⁸ *Slingshot Hip-Hop*. Dir. Jackie Salloum.

¹⁹ Ryan Brownell, "Palestinian Hip Hop vs. Israeli Education System," *Alternative News*, 1 April 2012.

²⁰ "Lyrics," *Damrap.com*.

²¹ Lovatt, 17.

²² Dianne Mathiowetz, "Palestinian Hip Hop Inspires Resistance and Hope," *Workers World*. 1 May 2010.

²³ Sharona Schwartz, "Palestinian Hip-Hop Group Comparing Israelis to Nazis Performs for Oregon Public High School Students," *The Blaze*. 12 December 2011.

²⁴ "Lyrics," *Damrap.com*.

²⁵ *Slingshot Hip-Hop*. Dir. Jackie Salloum.

²⁶ Gole Yas, "Lyrics for Kollon Endhon Dabaabat," *AllTheLyrics.com*, July 2009.

²⁷ Janne Louise Andersen, "The Passion, Politics and Power of Shadia Mansour," *Rolling Stone*. 4 September 2011.

²⁸ Ibid.

²⁹ Lovatt, 29.

³⁰ Lovatt, 27.

³¹ Sunaina Maira, "We Ain't Missing: Palestinian Hip Hop-A Transnational Youth Movement," *The New Centennial Review* 8 (2008): 161-192.

³² Suzanne Manneh, "Palestinian Youth Express Themselves Through Hip-Hop," *New American Media*, 26 May 2008.

THE UNIQUE HISTORY OF MOROCCAN JEWRY IN THE 20TH CENTURY

CAROLINE HOFFMANN

Post World War II, there were more than a quarter of a million Jews living in Morocco. By the end of the Arab-Israeli Wars in 1967, Morocco Jews numbered barely twenty thousand. The mass emigration of Moroccan Jews from Morocco in the decades following World War II occurred in multiple stages. Each stage can be characterized by certain specific political, economic, and social incentives for emigration, including the banishment of the sultan Muhammad V, lack of jobs and a dwindling economy, fear and uncertainty surrounding Arab nationalism, growing appeal of Zionism, and specific, albeit contained, instances of violence towards the Jewish population as a result of the creation of the Jewish state of Israel. Just as Jewish settlers arrived from the Near East and Spain in large successive waves, so they left.

The question remains, still, as to why so many Jews fled Morocco. If the status of Jews in Morocco was considerably better than in the majority of the world, as documents and scholars suggest, then why did the population of Jews dwindle down to twenty-two thousand by the year 1968? Between 1948 and 1953, approximately thirty thousand Moroccan Jews immigrated to Israel, constituting about eleven percent of the total Jewish population pre-1948. Though this is certainly a large sum, in the years between 1954 and 1955, thirty-seven thousand Jews emigrated from Morocco; nearly the same amount in only a year's span.¹ While some scholars focus on the creation of the Jewish state and "quasi-messianic enthusiasm" as the main motivating factor for emigration, it is important to note that the highest levels of emigration did not occur immediately after the creation of the state of Israel. Specifically, Norman Stillman focuses on the religious aspect and affirms that it was not a result of fear, violence or political oppression that drove the majority of the Moroccan Jewry away in hordes.² If this messianic appeal of Zionism was the main reason, then emigration would have peaked after 1949. However, I argue that historically it was a combination of economic, political, and social factors that lured the Moroccan Jews to emigrate, including but not entirely as a result of the creation of a Jewish state and increased Zionism.

To completely understand the fear Moroccan Jews experienced and felt, it is important to comprehend the timeframe and quick succession of events that drastically changed their economic, political, and cultural identities.³ The period between the creation of the Jewish state in Israel and the 1967 Six-Day War in Israel-Palestine may have been not even twenty years, but in those twenty years Moroccan Jewry dwindled down to less than ten percent of its post-World War II population. Post-World War II the world, in general, may have been returning to normal, but this was not the case in Moroccan Jewry. First I

will examine the general characteristics of emigration, and the common factors in each wave. From evaluating statistics, scholarly articles, and encyclopedias, I identified three distinct periods in which specific economic, political and social factors prompted significant increases of emigration of Moroccan Jews to Israel from Morocco. The first wave occurred immediately after the establishment of the Jewish state of Israel, the second between the years 1954 and 1957, and the final wave of emigration from 1961-1964. In this presentation, I will be focusing on the general characteristics of emigration from 1948-1967, and cover the first wave of emigration.

COLLECTIVE FACTORS INFLUENCING EMIGRATION

Economically, the competition for jobs in a suffering economy left many Jews out of work with few opportunities. Jews had always occupied a special niche in Moroccan society, not only as their status as *dhimmis*, or the protected minority, but also in the economy. For the purposes of background information and familiarity, I will briefly discuss the traditional role of Jews in the economy: After the Islamic conquests, Moroccan Jews were delegated the menial tasks and less-desirable jobs. Eventually, however, they used this situation to carve out specific trades and professions, maintaining job security, local ties, and internal autonomy.⁴ This economic niche carried over into colonial Morocco, where Jews remained the premiere cobblers, tailors, peddlers, and traders. Under French rule, the economy declined, creating job competition in the fields reserved exclusively for Jews in the previous centuries. The business and trade sectors of the economy faced the most competition as a result of the sagging economy and French colonial rule. This competition, combined with a globalized economy and rise of industrialism also created job losses for local Jewish artisans and tradesmen. The slow economy meant job losses for many Moroccans, regardless of religious affiliation. Muslim Moroccans began to infiltrate the traditionally Jewish professions, increasing competition for these jobs and amplifying unemployment rates for Moroccan Jews.⁵ Thus, it is clear why many Jews would emigrate for economic reasons. A sagging economy, job loss, and increased, often unfair, competition created an abysmal economic future for many Moroccan Jews. In addition to economic difficulties throughout this time period (1948-1967), Jews in Morocco faced political disturbances, both foreign and domestic.

The Arab-Israeli wars between 1948 and 1967 are not to be overlooked: they may have been physically far from Morocco but in spatial consciousness the events were cause for tension between the Jews and Muslims living in Morocco.⁶ From 1948 on, there was no animosity felt by Moroccan Jews towards their Muslim neighbors and they had the political assurance of the sultan of protection. Shortly after the establishment of the Jewish state, Sultan Muhammad V issued a proclamation to the Jews and Muslims of Morocco. In this proclamation, he called upon the Jewish population to remember that Jews in Morocco have

always been protected and that any involvement in the Zionist cause would dissolve this agreement of protection. In addition, the sultan effectively differentiated the Moroccan Jews from the "rootless Jews who have turned from the four corners of the earth toward Palestine" in order to remind his subjects that regardless of faith or other distinguishing characteristics, they are all Moroccans.⁷ Despite public assurance (via the Sultan Muhammad V and later King Hassan II) of their safety, many Moroccan Jews continued to flee.

Of course, a key component in the emigration of Jews is the popularity and spread of Zionist activities. The Zionist movement initially focused on the European-Russian Jews, the Ashkenazi, and thought the Sephardic, or Near East and North African Jews, were the "weaker segments of society."⁸ However, as tension grew between Palestinians and Zionists, Zionist leaders focused their attention on Sephardic Jews. From the beginnings of the Zionist activity in Israel, the main objective of Zionists leaders was to increase their claim to the land by having a sufficient population settled there, which would reinforce the Zionist claims of a national home in Palestine.⁹ Jacob Abadi, a scholar who specializes in Moroccan-Israeli relations, asserts that large-scale immigration did not take place in Morocco until representatives from Israel arrived and began convincing Jewish settlers to emigrate.¹⁰ Despite harsh protocols and increased persecution under Vichy control and centuries of living as second-class, albeit protected, citizens, the waves of mass emigration needed the pull of Zionist activities in Morocco. In the case of Moroccan Jews, they were not only pushed by economic and political success abroad, but also pulled by increased Zionist activity.

THE FIRST WAVE: 1947-49

The period post-World War II was indubitably turbulent and uncertain for all Moroccans, particularly the Jewish population. Political instability as a result of Sultan Muhammad V's direct opposition of France and the establishment of the Moroccan nationalist political party, the Istiqlal, contributed to and garnered support for Moroccan independence and Arab nationalism in general.

The first significant wave of emigration occurred in 1948. The evident reason for this is the creation of Israel, but this is not the only reason. A direct result of the creation of Israel was a rise in Arab nationalism and increasing dissatisfaction with their colonizer, France. The beginnings of Arab nationalism and call for Moroccan independence did not suddenly appear: in April of 1947, Sultan Muhammad V cast Morocco's support to the burgeoning Arab League without mentioning compliments to France, and in 1949 refused legislature and reforms proposed by the French, much to the chagrin of the colonial powers.¹¹ The sultan's direct opposition and refusal to cooperate, especially in regards to the Istiqlal political party, created a tense atmosphere. Throughout the 1940s, the Istiqlal

party and cries for Moroccan independence grew stronger despite attempts by the French to suppress activity.¹²

The events before and during World War II, including the Vichy regime and the Holocaust, sharpened the sense of a common destiny for the Moroccan Jewry. As a result, Moroccan Jews no longer blindly supported Western Europeans and were more receptive to the ideas of Zionism. Colonial rule conducted a series of centralizing reforms which combined all of the Moroccan communities throughout the country and also sharpened religious and class distinctions: as a direct result, Jewish inhabitants began to identify themselves first as Jewish, then as Moroccan.¹³ This reclassification of identity is also seen in Greek Jews post World War II, where Greek Jewish identity became a complicated balance of religion and nation; thus the struggle in identity is seen not only in Morocco, but in other countries with a historically substantial Jewish population.¹⁴ Moroccan Jews were also exposed to Zionism because of their interactions with Jewish soldiers in the Allied camps.¹⁵ This Jewish identity continued post-World War II and caused tension between their Muslim neighbors who, at the same time, were identifying with the Moroccan nationalist cause. This tension further grated with the outbreak of the first Arab-Israeli war.

While Moroccan Jews were mainly spared the wave of violence that followed the United Nations Partition Plan because of the sheer physical distance from the conflict and the French colonial rule which still exercised repressive control, Moroccans did not live in a vacuum. News reports via radio and newspaper still infiltrated the population, and though the long tradition of tolerance between the two religions existed, contained acts of violence against the Jewish population occurred exactly one month after the creation of the Jewish state. Violence intensified, but peaked, directly following the creation of the state of Israel. Between June 7 and 8 of 1948, forty-two Jews were killed and approximately one hundred and fifty were injured in the northeast towns of Oujda and Djereda. In addition to bodily harm, homes and businesses of Jewish inhabitants were severely vandalized by Muslim Moroccans.¹⁶ Despite the sultan's proclamation and assurances, many Moroccan citizens still felt the tension of Israel-Palestine. Another factor contributing to the violence in Oujda and Djereda is the cities' locations: close to the border between Morocco and Algeria, many Jews passed through these two cities. The Muslim inhabitants, engulfed with nationalist ideas, felt resentment towards those who did not support the goals of Arab nationalism.

Interestingly enough, it has been suggested that the violence against Jews at Oujda and Djereda in 1948 was tolerated, even organized by French officials in the area. An Israeli official asserted that the representatives of French colonial administration "openly ignored the upheavals," mainly in order to later use these actions against the Muslim population via exploitation and sanctions.¹⁷ Other scholars point to exterior forces as a cause for violence in these communities, and that "in spite of the efforts of the government to prevent outbreaks of violence," such as Sultan Muhammad V's speech in May, "riots

broke out against the Jews in the North because anti-Jewish propaganda, probably from foreign sources," had been distributed to the Muslim population.¹⁸ This is troubling, to say the least, but orients the issue and origin of violence against Jews as not Muslim-based, but nationalist-based. The scholar Michael Laskier notes that though Muslims carried out the violent acts against Jews, the Muslim element is eclipsed by the greater struggle for Moroccan independence. Indeed, many Muslims thought the Jewish population sympathized with the French, thereby identifying the Jews as enemies of the independence movement. Muslim Moroccans were not alone in this perception: the French sought the Jews as sympathizers, and perhaps restricted emigration in order to strengthen their case against the nationalist forces of Morocco.

The violence against Jews was clearly not endorsed by the Sultan Muhammad V, and many Jews in Morocco who held significant economic and political positions did not fear their future quite as much as their poorer coreligionists.¹⁹ Like Norman Stillman, Michael Laskier notes that the Jews "had not been singled out... moreover the terrorist organizations seemed anxious to avoid maltreating Jews," and any documented violence towards Jews was not tolerated by the government.²⁰ After the attacks, the government brought scores of guilty to trial, sentencing two of them to death and others to imprisonment, solidifying Muhammad V's assertions that violence against Jews was not to be tolerated.²¹ Regardless, Sultan Muhammad V's proclamations of support did not always translate down to the local populations, who sometimes felt betrayed by their Jewish neighbors for collaborating with and supporting the French. According to some historians, such as Heskell M. Haddad, the pogroms in Oujda and Djereda were the main factor for the mass emigrations of 1948.²²

Another contributing factor to the mass emigration of Moroccan Jews from 1947-1949 is the increased activity of Zionists. Mass emigrations were organized clandestinely by local Zionists, who gained enthusiasm and support from the aforementioned political events post-World War II and increased Arab nationalism.²³ The majority of these clandestine efforts culminated in border towns, such as Oujda and Djereda, where the two attacks in June of 1948 took place. In an attempt to stabilize and structure the emigration, French administration worked with Israel to set quotas. Though not illegal, the process of emigration in the years between 1947 and 1949 can be described best as "semilegal" and discreet.²⁴ In July 1949 the Jewish Agency opened up a semi legal emigration bureau disguised as a social welfare program, known as Cadima (trans. Forward).

These mass emigrations did not escape the minds of the Moroccans who still remained, Jewish and Muslim alike. Moroccan press viciously attacked the Zionists, suspicious of underground Zionist networks. The press also brought up an interesting point: how could the sheer volume of Jews leave Morocco without the financial support of an outside entity? Emigration was expensive, and not all who fled were of the upper class of Moroccan society. In fact, the majority of Jews who left Morocco for Israel in this first

wave were of the lower classes.²⁵ Nevertheless, due to Zionist rhetoric and the hope for a better political and economic future, many Jews liquidated their assets and packed up their families to immigrate to Israel.

Economic conditions, in general, suffered post-World War II. Across all sectors of Moroccan society, unemployment was on the rise and Morocco experienced an economic depression. Severe droughts in 1943 caused some Moroccan farmers to lose nearly seventy percent of their livestock, affecting not only their immediate families, but also their greater community, and contributed to famines in 1944 and 1945.²⁶ The famines, caused by foodstuff purchases of the armies during the war, poor rainfall and low crop yields, crippled the population and widened the gap between the economic classes.²⁷ Additionally, Morocco's economy experienced inflation rates of more than thirty percent in 1949.²⁸ These conditions just barely improved, but fell in stark contrast to the economic prosperity of the new Jewish state of Israel. For many Jews who recently suffered from famine and increased job competition as a result of Muslims infiltrating the traditionally-Jewish professions, moving to Israel seemed like a better opportunity. In addition, many Jewish-owned stores were boycotted by the Muslim population as a result of the wars in 1948 in Palestine.²⁹ Economic and political instability alone would cause an increase in emigration: combined with the creation of the Jewish state of Israel and increasing Zionist activities, mass emigration was inevitable.

CONCLUSION

The mass emigration of Moroccan Jews immediately following the creation of the state of Israel is not the simple result of one action or event. If it were, then the majority of Moroccan Jews would have left in the first few years of the creation of Israel. Instead, statistics and research expose that the emigration movement picked up momentum after 1953, and increased the most after 1961. Therefore, other factors need to be considered. It is the combination of growing Arab Nationalism, political instability and less faith in colonial powers; dwindling domestic economy and greater opportunities abroad; not only appeal of Zionism as most scholars in the field have argued.

NOTES

¹ "Morocco," *Encyclopaedia Judaica* 12:342, 344.

² Norman Stillman, *The Jews of Arab Lands in Modern Times* (Philadelphia: The Jewish Publication Society of America, 1991) 166.

³ See Appendix A, Interview with Haim Tolidano, a Moroccan Jew living in Meknes, Morocco.

⁴ Joseph B. Schechtman, *On the Wings of Eagles: the Plight, Exodus, and Homecoming of Oriental Jewry* (New York: Thomas Yoseloff Ltd, 1961) 269.

⁵ Schechtman, 275.

⁶ The United Nations Mandate for Partition Plan was signed on November 29, 1947, giving way to the first Arab-Israeli war on the following day. The war concluded on May 14, 1948 with the defeat of the Palestinians and creation of the state of Israel on May 15, 1948.

⁷ Stillman, 513-4.

⁸ Harvey E. Goldberg, "From Sephardic to Mizrahi and Back Again: Changing Meanings of 'Sephardi' in its Social Environments," 166, 171.

⁹ William Cleveland, *A History of the Modern Middle East*, (Boulder, CO: Westview Press, 2009) 254.

¹⁰ Jacob Abadi, "The Road to Israeli-Moroccan rapprochement" *The Journal of North African Studies* 5, no. 1 (2000) 30.

¹¹ Ira M. Lapidus, *A History of Islamic Societies* (Cambridge: Cambridge University Press, 2002) 610.

¹² The Istiqlal (trans. Independence) party was created in 1943 and supported by Sultan Muhammad V.

¹³ Schroeter, 158.

¹⁴ K. E. Fleming, *Greece: A Jewish History*, (Princeton, NJ: Princeton University Press, 2008) 5.

¹⁵ Stillman, 137.

¹⁶ Stillman, 152.

¹⁷ Michael M. Laskier, "Jewish Emigration from Morocco to Israel: Government Policies and the Position of International Jewish Organizations, 1949-56," *Middle Eastern Studies*, 25, no. 3 (July 1989): 325.

¹⁸ Marion Woolfson, *Prophets in Babylon: Jews in the Arab World*, (London: Faber and Faber Limited, 1980) 166.

¹⁹ Stillman, 154.

²⁰ Michael M. Laskier, "The Instability of Moroccan Jewry and the Moroccan Press in the First Decade after Independence" *Jewish History*, 1, no. 1 (Spring 1986) 39.

²¹ *Encyclopaedia Judaica*, 344.

²² Lela Gilbert, "The 'Nakba' of Morocco's Jews," *The Jerusalem Post*, sec. Features, April 29, 2010.

²³ Michael Menachem Laskier, and Eliezer Bashan, "Morocco," *The Jews of the Middle East and North Africa in Modern Times*, ed. Reeva Spector Simon, Michael Menachem Laskier, and Sara Reguer (New York: Colombia University Press, 2003), 496-497.

²⁴ Laskier and Bashan, 498.

²⁵ Laskier, "The Instability of Moroccan Jewry and the Moroccan Press in the First Decade after Independence," 46.

²⁶ Andre Chouraqui, *Between East and West: A history of the Jews of North Africa* (Philadelphia, PA: The Jewish Publication Society of America, 1968) 265.

²⁷ C. R. Pennell, *Morocco Since 1830: A History*, (New York, NY: New York University Press, 2000) 268-269.

²⁸ C. R. Pennell, 273.

²⁹ C. R. Pennell, 277.

MAKING THE "MODERN WOMAN:" JOURNEY OF INDEPENDENCE IN SOCIAL AND HOME LIFE OF MIDDLE CLASS WOMEN IN ENGLAND AFTER WORLD WAR I

NATALIE WUEST

World War I changed life in England permanently. Before the war, citizens lived under Victorians ideals; at end of World War I, women in the middle class were more independent by obtaining jobs and better education. Before the war, England's citizens lived under Victorian and Edwardian standards. Men were the money makers, owners, and rulers of their own household, staff and life. Women belonged in the household as the wife and mother. As the war raged on longer than expected, views on society changed. While the men were gone fighting to defend their country women took the jobs in factories building equipment to send home. If the women weren't in the factories than they became nurses or did civic work; with commercialism being one of the most popular and successful work forces, many middle class women left home to work in offices. It was the beginning of a new era; one that revolutionized the role of women in England and throughout Europe. In England during World War I, middle class women gained independence by taking jobs on the home front which led to self-sufficiency in home and social life.

English values and morals of society before the war, in home life, in were rooted in childhood. The responsibility and management of the home was the duty of the husband while the wife took care of the children. Respectability and domesticity were of the highest moral and social values for women. In middle and upper class families, mothers and wives usually passed the duties of caring for a child to a servant who would most likely be a woman of lower class standard.¹ "Class, as well as gender divisions were, partially at least, created in the nursery."² A household with high finances would often have multiple servants caring for one child.³ By the time the children left the nursery, mothers began to teach proper social skills. Manners were one of the most important aspects of social life in proper English society. Middle class children learned certain social and gender aspects through imitating their own parents. They learned "silent habits of command," and the proper way to address and look at people.⁴ Young ladies were raised to be proper young women of society; respectable and formal at all times. They were presented as,

"Morally superior to males – whether because the division of labour between the sexes had protected them from the dangers confronting many male breadwinners, or because their maternal functions had conditioned

them to display tenderness and compassion and to listen attentively to the voice of conscience."⁵

Woman's keenness to compassion and emotion can be sited as a top reason to teach young children the manners and sophistication of the time.

The humanity of the women was always being contrasted to the egos of the men. In *The Evolution of the Sex*, written by J. A. Thomson in 1899, he describes men as energetic and women as passive. Mothers and wives are known as "angels of the households."⁶ Women were expected to stay at home while men dealt with finance and social problems. Women could not be left to fend for themselves in public. If the young women wanted to go into town, they had to be chaperoned almost everywhere if they were at a young age by someone much older. During this time in England, "[y]oung men can drink and gamble and frequent houses of ill fame, but the only way a girl can get recreation is in a narrow gauge buggy ride on a moonlight night or at a dance."⁷ The beliefs of the Victorian society emphasized restraint; any pleasures in life were regarded as sinful.⁸ The world views of Victorian culture were handed down from people in higher positions of government and social life. Young girls would grow up surrounded by the comforts of home, get married to someone who would provide and protect them, and live to an older age as a wife and mother; just as their mothers and grandmothers had done.

Victorian period values were learned at the home first and foremost, but soon reinforced in school. Young ladies that attended university in England suffered many restrictions.

"We were asked always to wear gloves in the town . . . we must not ride bicycles in the main streets nor take a boat out on the river in the daytime unless accompanied by a chaperone who must be either a married woman or one of the college dons."⁹

Vera Brittain, an author and a young lady during World War I, spoke of attending college with a tone more of important than excitement. "I look forward to facing a hedge of chaperones and Principals with perfect equanimity."¹⁰ They were admitted into school and could attend classes, however they were not awarded any academic degree or honor. Men and women attended classes separately, lived separately and at some universities, had separate departments that regulated activities for both men and women.¹¹ Some colleges even went so far as to try and put "housewifery" into the school syllabus, stating that "women were destined for marriage."¹² Even though Victorian culture truly welcomed opportunities from education, most had a problem with reconciling

motherhood and marriage. An article from an 1895 issue of *Nineteenth Century* stated that "of the 1,486 women who had had a university education, only 208 had subsequently married, many of the rest had presumably settled for the life of 'the glorified spinster.'"¹³ Vera Brittain again expresses her love of university life in comparison to her own home life.

"I am very glad to be here, and thankful to have escaped, permanently I hope, from the old aimless life and the increasingly unsuccessful attempts to accommodate myself to unresponsive surroundings."¹⁴

Most women believed that a career was an alternative to marriage, and that it was impossible to have both during the late 19th century. As England expanded into the 20th century, Victorian moral values began to slowly minimize in importance even before the war began. The late Victorian period is characterized as a time of transformation. It moves from a time based on gender and class discrimination to one that helps women of all classes move as one and become more independent.

When Britain declared war on Germany in 1914 men were needed on the front lines. As men left their jobs to be employed by the military, women were needed to take the jobs left vacant. Nearly as many as two million women replaced men in total unemployment, including women from middle classes. The opening of jobs brought a wider range of occupations into view.¹⁵ Middle class women took jobs that were previously held by men such as school teachers and secretaries. With the men fighting for the protection of their country, it became acceptable for young women to have jobs and make their own money to support themselves and their families. With the freedom of jobs came access to activities before thought unacceptable in society. For example, middle class ladies were allowed to walk around town without chaperones, live in their own apartment, and even smoke, (this was mostly only suitable for young and single middle class women.¹⁶) Ladies not only wanted jobs to prove their own independence or make money for themselves, many wanted to help the war effort from the home front, the only 'safe' place for women in war.

Work such as nursing was not expected to be done for middle class women. Although, Vera Brittain helped at the local hospital and ended up caring from soldiers from England as well as Germany, she (as an upper middle class woman) worked side by side with ladies below her own class. In a letter she wrote to one of her friends fighting in the war, she stated, "I don't suppose the work I shall have to do could possibly be dignified by the name of nursing – except in the will to do it, which is as good as if the work were ever so skilled."¹⁷ Vera consistently describes her duty as a nurse as exciting

and loveable, but she soon realized that her "hospital work has lost the little glamour it ever had."¹⁸ The words of the soldiers echo in her head as she took care of them. She believed that she is helping in World War I the best way that she thought was possible as a young woman. In 1918, in a letter to her brother, Vera talks about how she is thinking of the new position of a woman officer. She notes that "now her day is beginning to dawn."¹⁹ She continued her nursing career until 1919 when she decided to finish her college education at Oxford. By 1918 the amount of women employed jumped from over three million to almost five million women, showing that after the war, many women viewed employment as a type of service to her family and household.²⁰


When men returned from war, most were angered at the women taking jobs. Unemployment began to soar, and the women who were single and widowed tried to claim rights to keep their jobs over the women who had husbands who came back from the war. Many women were not just keeping jobs, but began to form what now is called the "modern woman." Well-paid ladies were seen smoking in public along with using language that was once only suited for men. Some ladies donned the 'flapper' attitude and wore bright lipstick, short skirts, and walked around without the protection of chaperones. Before the war broke out the duty for a man was clear, however, it was not so for women in England.²¹ Men were supposed to hold honor and enlist to fight in the war, which most did. Women were not supposed to hold jobs, especially women in higher class, and gain more freedom in their lives. Some ladies even went so far as to say that "wartime sacrifices were not being equitably spread between men and women."²² The most notable difference between women of middle class and women of lower classes were that the women in the middle classes were more subjected to working in offices rather than factories. Commercial industry was the most popular during the time and the most prosperous as well. Almost half of the women who replaced men ended up in the commercial sector, which expanded more than 34 percent.²³

England's return to "normalcy" after the war shows a country changed permanently. Ads began to surface that show women rejecting marriage and living as a successful and happy single woman. One ad for the household cleaner S.O.S. shows a young woman on a balcony tossing her head back and rejecting a man on his knees, arms outstretched, asking for her hand in marriage. The ad is titled "The *Final* 'No!'" as she states underneath, "What? Give up my freedom to become your slave? Not in a thousand years!"²⁴ (See fig. 1 on page 10) She declares that marriage is a form of slavery and "Mary Dale Anthony" (author of the ad) "knows better. These girls are so foolish. They need not household drudgery, not with all of the modern, time- saving products like S.O.S."²⁵ The modern woman is now not only seen in the town, but in magazines, ads,

and in day to day life. She does not need to be stuck insider her home, she can live a happy and prosperous life. The changes in English women only grow as the century continues.

World War I was a time of change. Moral standards changed from having women never seen as more than just a proper lady of the household to a woman who could walk the streets of town during the day unsupervised. The majority of middle class women had their lives changed for the better with these new social standards. Women had jobs, were married, and were able to have a happy life at home. This "modern woman" led to more social and political power in England. Women became respected and equal people in society over time. This does not mean that women were gallivanting all over town in tiny dresses with martinis; this simply shows that women became more than just a wife and baby making machine. The "new woman" is now something of the present, rather than something of the future.

FIGURE 1



The Final "No!"

"What? Give up my freedom to become your slave? Not in a thousand years!"


By MARY DALE ANTHONY

With a toss of her head, she declared her independence in utter finality—and forsook woman's most sacred obligations because of her dread of household drudgery. Almost every day, I meet these girls who are *deliberately* avoiding marriage.


Really! They are so foolish, for women today don't need to spend their lives keeping house if they use the quick, easy short-cuts that actually do work better than old-fashioned methods.

For instance, you should see their surprise when I show them how easily and quickly S. O. S. cleans and polishes even the stickiest, most stained aluminum. A few whisks with a pad of S. O. S. and stubborn vegetable stains simply vanish. It is so easy to shine all kitchenware, sinks, faucets, stoves and refrigerators with this kitchen magician.

If you have never discovered S. O. S. by all means send me the coupon below, for S. O. S. is the favorite short-cut of thousands of women.



Mary Dale Anthony
Advocate on kitchen and household cleaning problems to thousands of women.



S.O.S.

The Magic Cleaner of Pots and Pans

Sold by grocery, hardware, variety, and department stores. Requested in 3- and 6-oz. boxes.

R. O. S. MANUFACTURING CO.
New York - Chicago - San Francisco
R. O. S. Mfg. Co. of Canada, Ltd.
885 Bannock Ave., Toronto, Ont., Can.

Enclosed is the fee (five 2c stamps) for a mild package of S. O. S.

Name _____
Address _____
City _____ State _____

© 1927 R. O. S. M. Co.

In using advertisements see page 6 193

NOTES

- ¹ Leonore Davidoff, "Class and Gender in Victorian England: The Diaries of Arthur J. Munby and Hannah Cullwick," *Feminist Studies* 5, no. 1 (Spring 1979) 93.
- ² Ibid.
- ³ Ibid, 94.
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- ⁶ G. R. Seale, *A New England?: Peace and War 1886-1918* (Oxford: Clarendon Press, 2004), 55.
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- ¹⁰ Vera Brittain, *Letters from a Lost Generation: the First World War Letters of Vera Brittain and Four Friends*, Roland Leighton, Edward Brittain, Victor Richardson, Geoffrey Thurlow. Edited by Alan Bishop and Mark Bostridge. Boston: Northeastern, 1999. 28.
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- ¹³ Ibid, 69.
- ¹⁴ Vera Brittain, *Letters from a Lost Generation: the First World War Letters of Vera Brittain and Four Friends*, Roland Leighton, Edward Brittain, Victor Richardson, Geoffrey Thurlow. Edited by Alan Bishop and Mark Bostridge. Boston: Northeastern, 1999. 32.
- ¹⁵ Joanna Bourke, "Women On the Home Front in World War One," BBC History, http://www.bbc.co.uk/history/british/britain_wwone/women_employment_01.shtml.
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- ¹⁸ Ibid, 150.
- ¹⁹ Ibid, 198.
- ²⁰ Jerome Bruner, "Women and the First World," Spartacus Educational <http://www.spartacus.schoolnet.co.uk/Wfirst.htm>.
- ²¹ G. R. Seale, *A New England?: Peace and War 1886-1918* (Oxford: Clarendon Press, 2004), 778.
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- ²⁴ Mary Dale Anthony, *The Final 'No'* (May 1927), Good Housekeeping, jpeg file, <http://www1.assumption.edu/ahc/modern%20woman/modernwomandefault.html>.
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MATTEO RICCI AND THE NECESSITY OF A CHRISTIAN-CONFUCIAN SYNTHESIS

KEVIN MILLER

Matteo Ricci was an exceptional Jesuit by any standard of the Society of Jesus. As an untiringly hard worker for the Catholic Church in China during the late Ming Dynasty, Ricci possessed an unprecedented grasp of the Chinese language and culture, accompanied by a fairly objective worldview uncharacteristic of many of his European contemporaries. Yet despite his careful and deliberate work, Ricci was unable to create a solid foothold for Christianity in China. Many point to Ricci's attempt to create an orthodox Confucian-Christian synthesis as opposed to a Buddhist-Christian synthesis as the reason for his failure. The notion of Buddhist compatibility with other religions can be seen in the works of scholars like Otto Franke, a German Sinologist, and Jacques Garnet, a French historian of China. Franke believed that Ricci failed to see the compatibility of Buddhism and Christianity that Li Zhi (dates?), a neo-Confucian heavily influenced by Buddhism, did. Garnet argued that Ricci's pre-Copernican scientific understanding prevented him from accepting the Buddhist cosmology, blinding him to the clear similarities between the two faiths.¹ What this approach fails to consider is that regardless of the philosophical compatibility of the two faiths, it was simply not feasible for Ricci to pursue a synthesis with any Chinese school of thought besides orthodox Confucianism due to the political and cultural climate of late Ming China.

Three major schools of thought existed During Matteo Ricci's time in China under the rule of the Wanli Emperor: Buddhism, Taoism, and Confucianism, with Neo-Confucianism (a modern term) containing elements of all three in varying degrees depending on the practitioner. Buddhism has existed in China as an initially foreign religion since the Han Dynasty. The religion thrived during the time of Wanli, with the emperor himself being a patron of Buddhism in his personal life.² Wang Yuanhan, a failed Confucian scholar, described the prevalence of Buddhism in Beijing during the reign of the Wanli emperor; "The capital was a sea of monks... For every three private homes there was one monastery."³ Though this is hyperbole, the account still speaks to the commonness of institutionalized Buddhism, not to mention the increase in lay Buddhism experienced during the period.⁴

However, one should not confuse this with complete acceptance of Buddhism in the Ming Dynasty. The Wanli Emperor imposed various restrictions on monastic Buddhism by regulating their administrative structure, forcing monasteries to send reports of misconduct of other monasteries to the Central Buddhist Registry that were more concerned with interference in government affairs (such as building temples

without government approval or harboring criminals) than religious affairs, and requiring the top four monks of the Buddhist community as well as some abbots to take examinations given by the Ministry of Rites.⁵ This heavy regulation of accepted Buddhism was accompanied by an imperial ban on the White Lotus sect, a blanket term for heterodoxical forms of Buddhism that were seen as seditious to the state, justly or unjustly.⁶

This treatment of Buddhism became a serious problem for Ricci when he first entered China and established his first church in Zhaoqing. The Jesuits were men from the West who wore robes and were clean shaven, which caused them to be immediately associated with the Buddhists. While in Zhaoqing, the Jesuits erected a building they called "the Flowery Tower" and put up two plaques upon their church given to them by the governor of Zhaoqing that said "The House of the Saints and the Flower" and "A Holy People from the Occident"⁷ (Paul Rule translates the signs as "Temple of the Flower of Saints" and "Men who have come from the Pure Land of the West").⁸ When the church in Zhaoqing was attacked by the locals shortly after the signs were placed, combined with news Ricci had heard of the destruction of Buddhist temples aligned with sedition,⁹ the implication became clear. The Jesuits had been associated with the White Lotus society, the White Lotus being a flower and Pure Land Buddhism often being associated with this broad label.¹⁰ Before leaving for Nanjing in 1595, Ricci decided "it would be to the advantage of the Christian faith if they would let their beards grow and wear their hair longer, so they would not be taken for idol worshippers."¹¹

This change of hairstyle did not rid the Jesuits of the "bonze" (Buddhist) label. Despite Ricci's optimism over the change in appearance, he conceded that "the common people... thought that all priests were the same. So... the upper class could not treat [the Jesuits] as their equals, for fear of overstepping the bounds of civility."¹² In the various cities Ricci travelled, people referred to the fathers of his mission as Jesuits bonzes who resided in temples, not churches. In Nanjing the principal charge made against the Jesuits was that they were part of the White Lotus sect.¹³ In this context of Ricci trying desperately to rid himself of the Buddhist label, his attack against the religion many years later (*The True Meaning of the Lord of Heaven*, his definitive work where he lays out his arguments against Buddhism and Taoism in Chinese, being published in 1603) could quite plausibly be the culmination of years of opposition to Buddhism as a counterproductive label instead of a longstanding refusal of the compatibility of Buddhism and Christianity.

Taoism was the other major popular religion of the day, although calling it a singular religion may not be accurate. Taoism is associated with the Tao (or Dao) and thinkers like Laozi and Zhuangzi, but it also is difficult to separate from the innumerable

folk beliefs of China that varied from region to region.¹⁴ Considering the difficulty that exists in defining what exactly Ming Taoism entailed today, it must have been nearly impossible for Ricci. In describing the different beliefs of China, Ricci states that "the third religious sect is called Lauza, and had its origins with a philosopher who was contemporaneous with Confucius... He is called Lauza, or the Old Man Philosopher. He left no writings of his doctrines."¹⁵ Ricci clearly failed to grasp that Laozi was a person and the common name for his most important work, which was very much left behind as a testament to his doctrines. There was one facet of Taoism he fully grasped; alchemy. This is because misunderstandings about the practice would associate Ricci with Taoism.

Alchemy was practiced widely in China and associated with Taoism, though the term in this sense includes the desire to find the elixir of eternal life as well as create precious metals. It became common belief that, because the Jesuits had a very mysterious source of income, they must be practicing alchemy. Paul Rule translates Shen Te-Fu as saying that Ricci "does not make money by lending at interest, and he is continually generous to others, yet he is not poor, so he is suspected of practicing alchemy."¹⁶ This was problematic because, though the government did not administratively regulate the Taoist to the same extent as the Buddhists, they officially condemned alchemy.¹⁷ Other policies were in place to check Taoist power as well, like a ban on addressing the Lord-On-High, which was often associated with large religious that could lead to large political dissent, along with a ban on demonic-arts and shamanism, which could be applied broadly to persecute heterodoxical or revolutionary faiths.¹⁸ With Taoism, like Buddhism, Ricci probably felt the need to condemn the practice in order to save himself from being associated with it and facing expulsion from China on the grounds of being seditious. Admittedly, this was probably less so the case in Taoism as Ricci was far more ignorant of the religion and carried fewer associations with it.

In addition to, and in large part because of, the persecution of heterodoxical or seditious religion, the regionally-specific folk nature of Taoism made it very difficult for Ricci to penetrate. These beliefs were more than just schools of religious thought, but had become deep-rooted aspects of Chinese culture. Taoist belief in, for example, the creative energy of earth led to a fairly common worship of the soil spirit in many areas, which was a central practice in the communal life of agrarian societies with the particular soil of their region represented in altars.¹⁹ So, in order for the Jesuits to infuse Christianity with these beliefs, they would have to canvas large areas of China appealing to small societies individually as opposed to influencing scholarly philosophical discussion as Ricci had attempted to do with Confucianism. Though this would not be a novel missionary strategy for the Jesuits, it was simply not feasible in China. During much of Ricci's time in China, a war with Japan in Korea was looming over the political policy of the country,

adding to fear of foreigners and sedition.²⁰ When attempting to enter Nanjing shortly after the war began, the magistrate who sent Ricci "got the idea that he should send Father Ricci back to Xaucea, lest he should be criticized for bringing a foreigner into the Capital City during the period of a war scare."²¹ Ricci was eventually granted voyage to Nanjing by river after receiving permission from a general, but he avoided going ashore for fear of running into difficulty with authorities and noted that "wherever they were stopped they were met by Military Police."²² Clearly free-roaming travel by groups of foreigners was not possible during Ricci's time in China, so neither was a synthesis with Christianity and local Taoist or folk beliefs.

Ricci's treatment of Buddhism and Taoism had essentially doomed his ability to try to incorporate Christianity in Neo-Confucian beliefs. Neo-Confucianism was inherently tied to Taoist and Buddhist teachings, with many Neo-Confucian scholars such as Li Zhi (the philosopher whom Otto Franke claimed would have likely accepted a Christian-Buddhist synthesis that Ricci did not pursue) openly advocating the inclusion of Buddhism and Taoism into the Confucian cannon.²³ Even Neo-Confucians who were not clear patrons of Taoism still employed aspects of the religion in their rituals by regularly participating in sacrifices to Taoist deities they did not believe in.²⁴ Since Buddhism and Taoism were so intertwined with Neo-Confucianism, for Ricci to attack these beliefs and then appeal to the compatibility of Neo-Confucianism with Christianity would be hypocritical.

It should now be clear that since Buddhism and Taoism were seen as potentially dangerous to Wanli state that was weary of secret societies and foreigners, Ricci had to rid himself of his association with these beliefs by condemning Buddhism and Taoism. In doing so Ricci lost an ability to connect his faith with Neo-Confucianism. In addition to this, the political and military state of the times prevented large scale cultural conversion, leaving only the realm of religious scholarship to be influenced. This meant that Ricci's only option was to appeal to Orthodox Confucianism, which would cause little controversy as the school was thoroughly accepted by the state. Ricci admired the Confucian classics used in the imperial examination system, even translating the "Four Books" that were added to the five classics, which he wrongly stated that Confucius compiled.²⁵ He claimed true Confucian morals, which he defined differently than the Neo-Confucians, were essentially the same as Christian ones and that "Shang-ti" in the classics was really the misguided name for the Christian God.²⁶

As Otto Franke or Jacques Garnet would probably be quick to state, this Confucian-Christian synthesis failed. There are myriad reasons for this, but the purpose of this piece is to explain why a Confucian-Christian synthesis came to be, not why it failed. Regardless of the possible merits of a Buddhist-Christian synthesis, this was

simply not a plausible approach for Ricci to pursue if he wished for the Christian mission in China to remain. Though Ricci was by no means perfect and did sometimes falter in his understandings of Chinese society, he was still an intelligent man whose choice to co-opt his beliefs with Confucianism was not out of dogmatic ignorance but of conscious deliberation and necessity.

NOTES

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¹⁹ Twitchett, Crispin, and Fairbanks, 872-73.

²⁰ Dunne, 38.

²¹ Ricci and Trigault, 265. Due to the fact that Trigault did not rely solely on Matteo Ricci's diary for his book but added other accounts occasionally to fill in gaps (though he claimed there was no work of his own in the book), Louis Gallagher has translated the narrative portion in the third person using "Father Ricci" instead of "I" or "me," even though this was a first person account.

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²⁴ Ts'un-yan, Liu. "The Penetration of Taoism into the Ming Neo-Confucianist Elite." *T'oung Pao* 57, 1/4 (1971): 32-33.

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²⁶ Ibid., 63.

CHAD LANDRUM

Convivencia is a word that comes directly from Spanish and is often translated as coexistence or more literally as "living-togetherness." It has become a mainstay of history classrooms and is essential for any education on Medieval Iberia. In its broadest sense it refers to the period from 711 AD, when Muslim forces invaded the Iberian Peninsula, to 1492 AD, when Christian forces conquered Granada: the last Muslim kingdom on the Iberian Peninsula. This period is often called *La Convivencia*, specifically referring to the fact that during this time Christians, Jews, and Muslims lived together in a situation that was almost unique; few places during the Middle Ages had Muslims, Christians, and Jews living in such close contact (exceptions would include Sicily, parts of the Levant, and parts of Turkey). The unique nature of this situation has given rise to countless historical investigations into the nature of *La Convivencia*; that is, historians have tried to comment on what were the reasons these three different groups were able to live together. Some historians have proposed a peaceful model of *convivencia*, which presents the relationships between the three groups as being harmonious and peaceful and argue that there was a real sense of religious tolerance during *La Convivencia*. However, other historians have argued just the opposite; they conclude that during *La Convivencia* there was no sense of religious tolerance and that coexistence was based on necessity and pragmatic tolerance. Like most arguments in history the truth often lies somewhere in the middle. Considering *La Convivencia* with great scrutiny is useful for a better understanding of the realities of Medieval Iberia. To better understand *La Convivencia* it is first important to understand the origins of the word *convivencia* and its use as a historical term. Then an analysis of legal, literary, and secondary sources can help to better outline the realities of *La Convivencia*. In my analysis I focus primarily on sources from the well documented thirteenth century, which is considered a pivotal point in the history of Medieval Iberia and *La Convivencia*.

The origins of the word as a historical term can be attributed to the works of Ramón Menéndez Pidal on the history of the Spanish language. He only used *convivencia* in reference to a coexistence of language norms in the various early Romance dialects present on the Iberian Peninsula. It was his pupil, Américo Castro, who first used *convivencia* in reference to the three religious groups (Christians, Jews, and Muslims) that inhabited the Iberian Peninsula.¹ Since Castro's introduction of the term *convivencia*, historians of Medieval Iberia have entered a debate similar to the one created by Susan Brown in her work *The Tyranny of a Construct*, which sparked the debate over the

meaning and usefulness of the term feudalism. The debate over *convivencia* centers on the extent of the "living-togetherness" of the three religious groups in the Iberian Peninsula and whether or not the exchange of culture, ideas, and customs can be considered a truly tolerant society or one that was pragmatic and tolerant by necessity or even one that might not have been tolerant at all. It is worth noting that although Castro coined the term *convivencia* in its historical sense, the idea of peaceful tolerance in Medieval Iberia was first promulgated in the late Middle Ages and later in the 19th century by a number of scholars for several different reasons.

The peaceful model of *La Convivencia*—or the myth of an "interfaith utopia" as historian Mark R. Cohen refers to it—began as early as the end of the Middle Ages, when Jews, aware of Muslim Turkey's grant of refuge to expelled Jews, began to believe that Islam provided them a peaceful haven away from the environs of an increasingly hostile Europe.² By the 19th century this view that Islam was historically more tolerant of Jews was studied by the Jewish historian Heinrich Graetz. His *History of the Jews* proclaims that "Jews in Arab lands" and particularly the "Jews of Spain" enjoyed unrivaled privileges and reached the height of their culture in a time where Jews elsewhere were persecuted and fatigued by ecclesiastical and secular powers. He even went as far as to say that the Jews of Spain were historically looked upon as superior beings by their counterparts in the rest of Europe.³ Such an outlook served the political end of forcing enlightened leaders of the 19th century to extend their promise of equality to everyone, including the Jews.⁴ While this outlook was simplified, it nonetheless served its purpose and the idea of a peaceful tolerance of Judaism under Muslim rule grew in scope and weight.

In the later part of the 19th century and the early 20th century the history of the Iberian Peninsula took a turn inward in response to the wealth of archeological material being uncovered at the time along with the response to the crushing defeat of Spain in the Spanish-American War. The narrative of Spanish history focused on its past and how it had gone from being one of the largest empires in the world to a tumultuous region almost constantly embroiled in fiery rebellion and revolution. Part of these narratives of history was the works of Américo Castro, namely *The Spaniards: an Introduction to Their History* and *The Structure of Spanish History*. In the first of these books he introduced the term *convivencia* and forwarded the historical postulate that Spaniards as a unique identity came about after the conquest of 711 AD with the blending of the three religious cultures that inhabited the Iberian Peninsula until the completion of the *Reconquista*. In essence he argued that Christians, Muslims, and Jews living together are what shaped the modern Spanish identity. While he did recognize intolerance and persecution as a factor of this "living-togetherness," it was nonetheless from his works

that the modern use of the word *convivencia* arose. This term combined with the abovementioned positivist view of Medieval Iberia is how *La Convivencia* became associated with peaceful and harmonious coexistence. Some modern historians, such as Norman Roth, have perpetuated this idea by downplaying persecution in the period and emphasizing cultural cooperation.⁵ This same narrative is used by historical writers such as María Rosa Menocal, who in her book *The Ornament of the World* focuses on the accomplishments of the three religious groups and their cooperation while paying little attention to the intolerance and violence that existed in the period. However, in recent decades the arguments on the other side have also grown. Writers like Thomas Glick, David Nirenberg, and Mark Cohen have written extensively on the subject of *La Convivencia* pointing out that living together and social cooperation does not eliminate the fact persecution existed and that religious intolerance was rampant in the period. Even with this voice of descent it is the former narrative that has become more popular and well known. This could be for a number of reasons, namely Spaniards desire to shake off the image of being an intolerant Catholic nation that helped to perpetuate the violence of the Middle Ages and the later violence associated with the Black Legend.⁶ With this understanding of *La Convivencia* in mind, a look at the history of Medieval Iberia and an analysis of its history can help to create an image of what the lives of Christians, Jews, and Muslims actually looked like and whether there was a peaceful tolerance or not.

The Middle Ages of Iberia began with the gradual de-Romanization of the Peninsula and the arrival of the Visigoths, who had been sent to expel other barbarians. They eventually settled in the Iberian Peninsula and brought with them Arian Christianity, which was considered heretical by the majority Catholic population. While the Visigothic kings eventually converted, they nonetheless espoused anti-Semitic views, which contributed to their persecution of the Jewish Diaspora that lived in Spain. Their rule came to an end with the invasion of the Iberian Peninsula at the hand of the Umayyad Caliphate. This invasion, supported by the Jews, lasted seven years, and by 718 AD most of the Iberian Peninsula was firmly under Caliphate rule.⁷ Only areas in the far north, namely the Pyrenees and Cantabrian mountains, would Christian kingdoms maintain independent rule.

The arrival of Islam in the Iberian Peninsula, in Arabic *Al-Andalus*, brought an end to most persecution the Jews might have experienced under Visigothic rule and replaced it with a flourishing that would become known as the Jewish Golden Age. Under Muslim rule Christians and Jews were seen as people of the book (*dhimmi*) and given limited citizenship and self rule. While a *jizya* tax was imposed as part of this self rule, Christians and Jews nonetheless enjoyed degrees of autonomy and faced little pressure to convert. This treatment continued after local leaders broke with the Umayyad leaders in Damascus

and declared the autonomous Emirate of Cordoba which would later be elevated to the title of Caliphate. Until the fall of the Caliphate of Cordoba urban Jews enjoyed continued autonomy and due to their personal and religious emphasis on education many were given cabinet appointments and served as advisors to the Emirs and Caliphs. Outside of urban environments less is known about the position of Jews and the countryside was mostly dominated by traditionalist Berber clans who would have been less than friendly to outsiders. Nevertheless, it is the urban picture that persists and it is the one that is often used as the prototypical example of peaceful and harmonious *convivencia*. However, this reality only holds true for this period of about three hundred years.

In the years following the breakup of the Caliphate of Cordoba (1031 AD) the Iberian Peninsula was shared by a number of independent Muslim kingdoms (*taifas*) in the south and several Christian Kingdoms in the north. The *taifas* became embroiled with infighting and the Christian kingdoms of the north used this to their advantage to make substantial gains as part of a wave of *Reconquista* fervor. The conquest of Toledo in 1085 AD impelled the *taifa* leaders to request aid from the Berber Almoravids who quickly annexed many of the *taifas* into their territory. While this unified force helped to repel Christian invasions, it also oppressively ruled and imported a Maghreb culture different than the Oriental-Arab culture of the Cordoba Caliphate. Almoravid rule was eventually overthrown and the *taifas* restored, but the Christian conquest of Lisbon in 1147 AD led the leaders of the second *taifa* period to request aid from the Berber Almohads who ruled much like the Almoravids. Their eventual overthrow led to another *taifa* period which culminated in the creation of the Nasrid Kingdom of Granada (1238-1492 AD) after a period of Christian conquest.

Concurrently, the Christian crowns of Leon, Castile, Aragon, and Portugal took advantage of the *taifa* periods to expand their territories at the expense of the Muslim rulers. Conquest of large cities like Toledo brought the Christians kingdoms into unprecedented contact with Muslim and Jewish culture, and in order to preserve peace and order the local institutions and traditions were often subsumed into the Christian ruling structure. Likewise, intolerance faced at the hands of the orthodox Almoravids, Almohads, and various *taifa* rulers drove Christians and Jews to the Christian kingdoms which were becoming increasingly more tolerant as a necessity. This period of rapid conquest and instability extending from the dissolution of the Caliphate of Cordoba (1031 AD) to the formation of the Emirate of Granada (1238 AD) can be seen as a direct challenge to the idea of *convivencia* as a peaceful model of coexistence. The Jewish Golden Age was brought to an end in *Al-Andalus*, but the Christian response to minorities was one of pragmatic tolerance and welcome. In effect the second class status

of *dhimmitude* under Muslim rule was appropriated by Christian rulers and applied to the new minorities in their midst. The interfaith sociability between Muslims, Christians, and Jews that existed before the Reconquista continued after it.⁸ However, notwithstanding this positive view is the undeniable fact that Jewish persecution rose in the previously peaceful Muslim territories. Likewise, in some parts of the Christian territories while *de jure* Jews were tolerated, *de facto* they were barely welcomed by the local populace; the same was true for the Muslim populations of Christian Iberia. While the *Reconquista* may have caused immense amounts of cultural exchange it did not always lead to acceptance.

It is in this particular period of turmoil that the harmonious and peaceful image of *convivencia* does not hold up, and it is in this period that my research begins. Focusing on the reigns of the Christian kings James I of Aragon (1213-1276 AD) and Alfonso X of Castile (1252-1284 AD) I intend to show the exact nature of *convivencia* in their respective kingdoms and why the idealistic model of a peaceful and harmonious coexistence does not seem to fit.

Aragon at the beginning of James I's rule was a country in turmoil. It had experienced major losses at the hands of the Capetian kings of France during the Albigensian Crusade, and while the Pyrenees would eventually be settled on as the natural boundary of the two kingdoms that was still in the future. Beyond the losses in France, at the beginning of James I's reign, the nobles of Aragon were unwilling to accept his rule. It was not until order was restored that James was able to focus on his more ambitious plans. During his rule he expanded the Crown of Aragon to include most of the Balearic Islands (instated as the Kingdom of Majorca) and most of the territory of Valencia (instated as the Kingdom of Valencia). He also warred in Murcia on behalf of Alfonso X, ruling there for about 20 years until he returned the territory to Alfonso X. In the legal realm he established the primacy of and supported the wider use of *The Usatges de Barcelona* (the Usages of Barcelona) as the laws of the County of Catalonia and codified the *Furs of València* (Charters of Valencia) based on existing laws in the Crown of Aragon (especially the aforementioned Usages).⁹ He also supported the development of Catalan literature and authored his biography *The Book of Deeds* (*Llibre de Fets*) in Catalan. During his reign, he also presided over the public debate between the Jewish rabbi Nahamanides and the Jewish convert Pablo Christiani. It is from these legal texts, primary sources, and ephemera that we can begin to construct what life looked like for Jews and Muslims in this period and if it really was *convivencia* as understood in the traditional sense. The same holds true when looking at the reign of Alfonso X in Castile.

During the reign of Alfonso X, there was much intellectual and political activity. He worked to codify and standardize laws. In his life he promulgated the *Fuero Real* (Royal Charters) in the territories of Castile and wrote the comprehensive law code *Las*

Siete Partidas, which eventually went into full effect under his great-grandson. He was a major advocate for the use of vernacular and implemented the use of Castilian in much of his writing. His support of the vernacular also extended to creative works such as the Galician-Portuguese *Cantigas de Santa Maria*. Intellectually he was into astronomy and astrology, which he learned through Arab texts and Jewish translators in his court. He also supported schools of translation to further the translation of Arabic and Hebrew text into Latin and Castilian; the most notable school was the one at Toledo. As part of the translation effort his famous *Libro de Juegos* (Book of Games) was written, which contains some of the earliest depictions of chess and dice in Western Europe. Lastly, his intellectual efforts extend to the writing of the *Cronica General* also called the *Estoria de España*. While Alfonso may have been spurned as unscrupulous and extravagant as a leader, his contributions to the material knowledge of Spain are not to be underestimated. During his regime the sheer volume of works created were impressive and provide insights into the legal and daily life of Castile. These documents aid in creating an image of *convivencia* just like the ones left from the reign of James I. From the legal documents the positions of Jews and Muslims in society (or at least their supposed position) can be extrapolated for both kingdoms and an image what the *convivencia* of Christians, Jews, and Muslims actually looked like can begin to form. Other non-legal sources can provide additional evidence that helps to support or contradict the legal sources and provide a fuller understanding of *La Convivencia*.

The Usages of Barcelona (*Usatges de Barcelona*) was the codification of Roman and Visigothic law into a single coherent form that took place during the reign of Count Ramon Berenguer IV of Barcelona (1131-62 AD). It also combined precedents from the comital courts of Catalonia and the ecclesiastical synods. With time it became used throughout the County of Catalonia. James I was forced to uphold this law code by his nobles, and in fact some of the struggles early in his reign was due to his attempt to change these laws. The Usages of Barcelona would later influence the legal codes in Mallorca and Valencia. More importantly, they provide a legal insight into the realities of life in the Crown of Aragon, specifically in regards to the rights of minorities. The Usages of Barcelona referred to the Jews as such but it used the term *Saracen* to refer to Muslims and people of Arab, Berber, or other North African descent. While this can be confusing it worth noting that it was difficult to separate religious from ethnic identity in this period.¹⁰ Plainly, Iberia was religiously divided into three legal groups: Christians, Jews, and Muslims and a person's legal status was determined by which group he belonged to.

The first reference to a minority religion in the Usages of Barcelona is the ninth law in the code which says:

*Let Jews who are beaten, wounded, captured, incapacitated, and even killed be compensated according to the ruler's will.*¹¹

This law is interesting because it provided legal protection for the Jews of Catalonia, but it also made them bound to the ruler's will. In this way they were subject to the rule of law, and in a way were treated as if they were property of the Crown of Aragon. It also related to the legal idea, prominent across Europe, that all Jews were direct subjects of the king.¹² While this afforded them some protection, it also made them vulnerable to their rulers, especially those who were less than friendly to Jews. This also stripped them of any inherent value and made them dependent on the ruler to set their value, which was not the case for Muslims. This likely related to the reality that Jews were consistently the minority caste on the Iberian Peninsula and always subject to the rule of another. While this also devalued a Jew's work and made him dependent on the ruler's interpretation of his values, it also created the possibility for a friendly ruler to assign him a value that is larger than what it might be otherwise. For Muslims, the eighteenth law instead makes their value and protection dependent on themselves:

*Let offenses against Saracen captives be compensated as to masters for their slaves. Therefore, let their deaths be compensated according to their value. It says this since there are many of a great ransom price while others are skilled and instructed in different types of crafts.*¹³

In this case captured Muslims were to be treated and compensated for as if they were slaves. This reduced their legal status as captives immensely. While this was specifically a provision for compensation of a captive, it did not include compensation for independent Muslims. Nevertheless, because Muslims were also seen (at least in theory) as direct subjects of the king and in reality were in many areas the subjects of Christian lords, compensation for them would have been settled in Christian courts. It can be assumed that compensation for non-slave Muslims worked the same as with Jews.¹⁴ Other laws like 100, 101, and 102 further addressed issues surrounding Muslims living in the midst of Christians and revealed some of the fears of this:

100

Let Christians not sell weapons to the Saracens except with the consent of the prince. But if they do so, let them reclaim the weapons which they have sold, no matter how difficult for them. And unless they do so, let them pay the ruler a fine of a hundred golden ounces.

101

Let them pay the same fine if they sell food to them contrary to the prince's wishes.

102

Let a person who informs the Saracens concerning a military expedition or strategy of the ruler or who betrays his plans or secrets pay the same fine, after he had made compensation for any wrong which takes place because of this.¹⁵

The first of these laws, number 100, served as a restriction on the rights of Muslims and made sense in the context of the near constant warfare that existed during the period of the *Reconquista*. Limiting the rights of Christians to sell weapons to Muslims not only showed that Muslims had a lower status under the law but it also showed that there was a very real fear in regards to the loyalty of the Muslims under Christian rulers in the Crown of Aragon. The mandate to reclaim the weapon or pay a fine served as a way of eliminating this potential threat or compensating the crown so they may be prepared for this potential threat. It also attested to the fact that there were Christian weapon smiths selling their wares to Muslims in their cities and villages, which would mean that religious boundaries broke down in the market place.

Law 101 is a little trickier because it in essence denied Muslims a right to food if the prince so wishes. While larger cosmopolitan cities may have had a number of Muslims that would have been able to sell food to each other, smaller cities may not have had this ability. In this way the Crown may have been able to starve out potential rebellion during times of unrest or approaching warfare. It also would have driven the Muslims in the Crown of Aragon to live in larger communities to avoid this possibility. Muslims in smaller areas who were not farmers may have been pushed to live in larger towns so they could more easily live off the money they made as artisans or tradesmen. Again, being unable to buy food would serve as a severe damper on a person's livelihood, and avoiding this possibility was essential.

Law 102 is a more direct way of stating the fears expressed by the previous two laws. This one mandated that any person who informed the Muslims of military plans pay the same fine of 100 ounces of gold and compensation for any wrong which they caused by revealing said plans. This associated the selling of weapons and providing of food to Muslims as treason in certain contexts. It also revealed a much greater fear. Constant fighting and unstable borders coupled with people of any allegiance living along the frontier would have made any ruler uneasy. Given the fact that most areas under the

Crown of Aragon had been previously been under Muslim rule would amplify this fear. The possibility of Jews, Muslims, or even Christians desiring a return to Muslim rule would have been a reality that these laws intended to avoid. The fear that converted Jews and Muslims might abandon the Christian faith is expressed in law 70 of the *Usages*:

If anyone lures a baptized Jew or Saracen back to their religion or calls him either "turncoat" or "renegade" or if anyone within our city walls or burghs is the first to draw a sword against another or calls him a "cuckold," let him pay a fine of twenty golden ounces of Valencia to the prince because of his ban. And if he hears or suffers any wrong there, let no compensation be made him for this and afterwards let him await the law and justice of his adversary.¹⁶

This law attempted to restrict the possibility of apostasy or the abandonment of the Christian faith, by converted Jews and Muslims, and did so by eliminating the chance that they would be goaded or peer-pressured into leaving Christianity. Apostasy was a cardinal sin for all three religions inhabiting the Iberian Peninsula, but only the one in charge had the ability to enforce punishment for it. Beyond the reasoning that apostasy was sinful this law also enforced the idea that there was a real fear of cultural assimilation in this period. None of the religious groups wanted to give ground to the others. Likewise mass conversions represented serious challenges to the powers that be. Religious stability was in the best interest of the rulers, and holding on to any and all converts to the dominate religion would make for the eventual dominance of a single religion. Further laws such as law 119 also made it difficult to convert and created consequences for it:

The aforesaid forbears, however, can disinherit their sons or daughters, nephews or nieces if they act with such effrontery as to seriously strike or dishonor their fathers, mothers, grandfathers or grandmothers, accuse them of a crime before a tribunal, or if the sons become traitors, the daughters do not want to marry husbands but live shamefully, or if the sons become Saracens and do not want to recant. If indeed they have been clearly proven guilty of such things, they must be expelled from their inheritance from the abovementioned persons, if the grandfathers or grandmothers, fathers or mothers are willing.¹⁷

The ability to be disinherited would mean significant losses for any man who converted to Islam, especially if he were of the noble class and stood to gain a lot by

inheritance. This sort of law all but assured that nobles would not convert to Islam at the expense of titles, lands, etc., but it also worked for other classes. In this period it was common that sons would receive shop or lands from their parents even if they were of the peasant or artisan class. If one did not have the money to be successful, being disconnected from this inheritance equaled certain doom. As aforementioned this sort of law definitely discouraged conversion to Islam, and while it did not mention Judaism, it did not imply that conversion to Judaism was condoned or acceptable. Further documentation, such as the Disputations of Barcelona (discussed later), provided evidence to show that conversions to Judaism were not acceptable and conversions to Christianity were encouraged.

With this look at the legal code of Barcelona it is already apparent that the environment that the Christians, Jews, and Muslims of the Crown of Aragon lived in was not one that was excessively tolerant or peaceful and harmonious. The fact that it was necessary to establish a system of compensation for beaten or attacked minorities attested to the fact that there were beatings and attacks on said minorities. Likewise the limitation imposed on Jews and Muslims reveals their status as second class citizens, and the prohibitions that prevented Christians from converting to Judaism or Islam show the sense in which members of such groups were looked down upon. However, other documents from this period show that the actual implementation of these laws may have been different. After all, the *Usatges* served as a legal guideline, but not all situations were addressed by the law code. Moreover rulers often acted above the law and were able to make decisions that were in their best interest.

A number of primary and secondary sources comment on the status of minorities in the period and help to flesh out the actual nature of interreligious relationships and *convivencia*. The first notable source which helps to establish the semi-autonomous status of the Jewish and Muslim communities comes from James I's biography *The Book of Deeds (Llibre dels Feyts)*. In this biography commentary on the Muslim community reveals that James I's was willing to allow them to retain a number of their own civil and religious institutions, which meant that they were also allowed to stay in his domain.¹⁸ Historian David Nirenberg presents further evidence of this tolerance and extends its scope to Jewish communities living under the Crown of Aragon.

In writing about the Crown of Aragon Nirenberg points out that James I's conquests brought large swathes of Muslim territory under his rule at a very fast rate. With this came communities Muslims that were much larger than the ones already in the Crown of Aragon. While it also introduced Jews, they were more concentrated in the northern parts of the crown and were primarily in urban areas.¹⁹ On top of this most were direct subjects of the king, which meant that they were of great value to the king and that

they were often very integrated into Christian society. This created an environment of acceptance and often economic dependence because of the different trades and roles that Jews filled.²⁰ On the other hand, during the conquest of Mallorca and Valencia treaties had to be made that respected the Muslim majority.²¹ Rather than expelling the Muslims and Jews in these regions, which would have been costly and impractical (given their skills, large numbers, and willingness to recognize James I's suzerainty), many of the people and institutions were left intact. In Mallorca and Valencia the pattern of small and well irrigated properties were maintained, a system perfected over centuries, rather than the typical distribution of territory into seigniorial domains.²² Likewise crafts and trades that had been perfected under Muslim rule often stayed the same. Paper makers in Játiva were given a monopoly for the entirety of the Kingdom of Valencia and Muslim silk weavers were also established there.²³ Essentially, a pragmatic solution was applied in conquered areas. Local populations were integrated into the new Christian rule and change primarily happened on an administrative level. Again, while laws may have restricted the rights of the conquered to buy weapons, it did not restrict their right to practice their religion.²⁴ In this respects, there was a very strong sense of *convivencia*. Pragmatic tolerance helped the conquered areas to remain productive which was not only in the interest of the ruler but everyone. However, a fearful suspicion is also obvious from the aforementioned laws. As such it can be expected that to some extent there was some religious intolerance and fear of the "other." Nevertheless, this is only one example from the period. Another well known example that shows royal policy and attest to these growing religious tensions is the Disputations of Barcelona which took place in 1263 AD.²⁵

The Disputation of Barcelona between Pablo Christiani and Nahmanides represented an interesting contradiction of sorts. As already established the legal tone of the Crown of Aragon was one that to an extent was openly hostile towards non-Christian religions. On the other hand the protected status of Jews, the resistance to conversion by force, and the aforementioned resettlement patterns all point to a society that was at least tolerant of minority religions, if only pragmatically so. While James I did have Jews serving in administrative positions, the purpose of this dispute was nonetheless to convert Jews by proving their religion wrong publically.²⁶ The Jewish convert to Christianity, Pablo Christiani was well versed in the Torah, Talmud, and other Jewish teachings as well a Christian teachings through his studies as a Dominican friar. The debate focused primarily on using rabbinic text to prove that the Jewish Messiah had already come in the form of Jesus Christ.²⁷ While records do not declare a definitive winner of these debates, it is generally accepted Nahmanides put up strong fight and dominated for much of the debate.²⁸ However, who won the debate did not matter; the actual purpose of the debate

was to test out the debate format and because of its apparent success it was later implemented in other cities across the Crown of Aragon and later Castile. It undoubtedly contributed to a wave of conversion fervor and for some historians it can be seen as a factor that led to the pogroms of 1391 AD.²⁹ While this effort to publicly and openly convert Jews may have been part of the sociopolitical landscape of the Crown of Aragon in the thirteenth century, it nonetheless attested to the more accepted position of the Jews. As compared to the first disputation in Paris in 1240 AD where the Talmud was put on trial, condemned for blasphemy, and then burned, this disputation was relatively tame. This fact alone shows the Jews of Aragon were more secure in their societal position which is confirmed by their level of economic and social integration.³⁰ Ultimately, this evidence contributes to a fuller picture of *convivencia* in the Crown of Aragon.

In Aragon while religious minorities were tolerated and often economically and socially integrated, they were not equals to their Christian rulers. Their presence was due to centuries of tradition, the indispensable roles they played in society, and in fact that overall they were welcome. However, religious minorities were also treated as second-class citizens and often subject to the mood of the rulers. They were never guaranteed the same rights as Christians and in certain circumstances they could be denied basic necessities such as food. Likewise, sentiments of intolerance were growing. To call this sort of living-togetherness peaceful or harmonious would be an injustice to reality and history. Furthermore, the growing intolerance in this period would lead to the eventual expulsion of Jews and Muslims from the Crown of Aragon (as well as Castile). While the situation was different in Castile, sources there provide a comparable analog. Similar laws existed in Castile in the more in depth legal corpus of Alfonso X in Castile and his *Las Siete Partidas*. Likewise, several non-legal sources such as: *Las Cantigas de Santa Maria*, the Toledo School of Translators, and secondary commentary help to flesh out the details and provide a point of reference in comparing the legal and daily realities.

Las Siete Partidas (The Seven-Part Code) of Alfonso X were one of the most thorough and complete legal codes of its day. It took over ten years to compile and even modern translations span multiple volumes. Alfonso X may have had a number of intentions while they were being written and notably the laws never make specific mention of Castile or its territories. Some assume that his intention was to create a law that could be used once he was king of the Holy Roman Empire and Castile; given his ambitions for the former there is a chance that this was the case. Whatever his reasons may have been, the nobles of Alfonso X's kingdom did not support his efforts to promulgate *Las Siete Partidas*, nor his goal to obtain the crown of Holy Roman Emperor. Notwithstanding, the *Partidas* did go into effect about 100 years later in 1348 AD under Alfonso XI, and they provide interesting legal insight into what *convivencia* may have

looked like under the reign of Alfonso X. After all, it is very likely that Alfonso X would have held the views expressed in the *Partidas* and ruled similarly.³¹ Unlike its counterpart in Aragon the *Partidas* are organized into seven parts, which are divided into titles, which are then divided into laws. The *Partidas* have two different titles dedicated specifically to Jews and Muslims (or Moors as they are referred to in the *Partidas*) separately and both groups are also mentioned in a number of laws outside of their specific titles.

The first thing worth noting about Jews and Muslims in the *Partidas* was the location of their titles. Both titles were in the Seventh *Partida* which is dedicated to "Crimes, Exegesis, and General Principles." Moreover both titles were sandwiched between titles addressing "Necromancy, Divination, Etc." and "Heresy." The specific placing of these two minority groups between serious crimes to some extent explains the reasoning behind their placement. While being a Jew or Muslims was not specifically a crime, conversion to either from Christianity was. Apostasy represented a major concern surrounding these two minorities and laws governing their interactions with Christians were necessary to assure that Christians did not leave the faith. Likewise, while Judaism was not seen as heresy, there was a minority that did see Islam as heresy, hence its placement.³² However, apostasy was not the only crime that surrounded these two groups. Laws written to protect these two groups show that mistreatment and forced conversions at the expense of social order were also crimes that extrinsically related to these two groups. Again, while being a Jew or Muslim was not specifically a crime in and of itself, their unique social position made it that there were many legal concerns surrounding their presence. The laws of titles XXVI and XXV of the *Partidas* expressed these concerns and in some ways worked to ensure social harmony; but, in others way they fell short in their efforts and emphasized intolerance over cohesion. In their efforts to curb apostasy and protect these minorities the *Partidas* often ended up marginalizing them or separated them as an "other."

As aforementioned apostasy was a serious crime in this period and in the *Partidas* a number of laws existed to discourage and punish apostasy. Outside of titles XXIV and XXV, which addressed conversions in the context of a specific religious minority, there were several laws in *Partida* VI that focused on apostates in the context of succession and inheritance. For example Title III, Law IV of *Partida* VI declared that:

"No man who has been sentenced to perpetual banishment and styled, in Latin, deportatus, can be appointed an heir. . . Nor can apostates who were Christians and have become Moors or embraced some other religion. . ."³³

Just like the aforementioned Law 119 in the *Usatges* this law also attempted to curb the desire to convert by creating consequences for conversion. By eliminating a person's right to inheritance based on religion the Crown of Castile effectively took away a person's future livelihood. A person's inheritance represented their future and without it they risked certain failure. Title VII, Law VII of the same *Partida*, titled: *A Father Can Disinherit His Son If He Becomes a Moor, a Jew, or a Heretic*, further clarifies this:

*Where a son or a grandson becomes a heretic, a Jew, or a Moor, and his father is a Christian, he can certainly disinherit him for this reason. But if the father is a heretic or an adherent of some other religion, and his sons or grandsons become Catholics, the father is then bound to appoint such sons or grandsons as his heirs, although he may not wish to do so. Where a father has some sons who are Christians and others who are not the Catholics shall inherit from their fathers, and the other shall not be entitled to any of his estate; if however, they afterwards embrace the faith they should be given a portion of the estate, but the profits which the Catholics have received during the time that the other sons were heretic and did not believe in our religion, cannot be demanded of them. If the father and sons are all heretics, and the other nearest relatives are Catholics, then the true believers, and not the others, shall be entitled to the estate. Where one of the sons is a heretic, and all the other relatives that he has, not only those in the direct descending line but also those in the ascending line, as well as those in the collateral line as far as the tenth degree are also heretics; in case said son had been a priest, the church will be entitled to inherit all his property if it should claim it within a year after he was declared a heretic. If a year should elapse without the church claiming the property, the king shall then be entitled to it. If said party is a layman, the king shall be entitled to a property.*³⁴

What was interesting about this law was that it not only discouraged conversions away from Christianity as other aforementioned laws did, but it also provided incentive for heretics—especially second and third generation heretics—to convert to Christianity. The use of the language “some other religion” also implied that on some level this law may also have applied, on some level, to Jews and Muslims. If that were the case, then younger sons could use this law as a tactic to inherit their father's property over an older brother. Even if this did not apply to Jews and Muslims, it still provided incentive for heretics to abandon their heresy and follow Christian teaching. More importantly, it also

allowed the church and king to potentially profit off of heresy by being the ultimate heir to any will where there is no Christian in the line of succession. Even so, by mandating that property be inherited by Christians, the law supported the centralization of the nobles' power and redistributed the power of heretic to that of Christians or the king. All and all, this law points to a severe intolerance of heresy and apostasy on the part of Christian rulers that extended on some level to Jews and Muslims. While Jews' and Muslims' self-governing statuses might have protected inheritance within the community, if a Christian were to convert to either, they surely could not expect to have received their inheritance. Beyond these discouragements to conversion, Titles XXIV and XXV more fully address the laws governing Jews and Muslims, and included harsher punishments for conversion.

Title XXIV, Law VII and Title XXV, Law IV both demanded that Christians who became Jews or Moors be put to death and have their property disposed of.³⁵ For a convert to Judaism the law demanded that his property be disposed of as if he were a heretic, and according to Title XXVI, Law II regarding the penalty for heresy this meant that a convert's property would belong to his children or their descendants or his next of kin who is Catholic if he has no heirs. If there was no such next of kin, the property then went to the king or church depending if he was a layman or a clergy member, much like the above law from *Partida* VI. Likewise, a convert to Islam would have his property given to his children who are Christian, followed by Christian relatives within the tenth degree, ultimately followed by the royal treasury. Again, these provisions like the ones above enforced this idea that conversion out of Christianity was frowned upon and created an incentive for persons to remain Christian. Likewise, it served to reduce the powers of minorities to grow by conversion and enforced the *status quo* of Christian leadership. While these laws may speak to the religiously intolerant nature of this period, there were many other laws in the *Partidas* that addressed the nature of how the three religions of Castile should interact outside of the concerns of conversions.

Title XXIV of *Partida* VII is entirely dedicated to addressing the nature of Jews living under Christianity and how they should interact with Christians. In the first two laws of this section it was established that the Jews were always permitted to dwell amongst Christians and that they should continue to practice their faith without interruption. However, these first two laws also restricted Jews from trying to convert Christians and recreating the Passion scene on Good Friday.³⁶ In addition to this, Law II banned Jews from leaving their house or quarter on Good Friday, and disallowed reparations for injury or dishonor they may suffer on that day. In one respect this law seemed to be immensely misguided and intolerant by limiting Jews on a Christian holy day, on the other hand it also served as a warning and was a response to endemic violence

towards Jews that happened around that holiday. In this light it could be seen as a protection for the Jews, at least in a paternalistic way. Other laws in this section created certain restrictions for Jews such as Law III which said:

*... No Jew could ever afterwards hold an honorable position, or a public office by means of which he might, in any way, oppress a Christian.*³⁷

This law shows the position that Jews held in the Christian world. While no Jew had ever been a ruler over Christian people, at least in Medieval Iberia, the idea that a populace of Christians should be ruled by a Jew seemed unfeasible. Likewise any public office that allowed a Jew to oppress Christians was deemed unfair and unacceptable. This law undoubtedly appealed to a populist view that the majority should not be ruled by the minority. It also was in line the view of the Fourth Lateran Council (1215 AD), which held that "it is quite absurd that anyone who blasphemes Christ should have power over Christians."³⁸ However, it did not in any way specify what "oppressing a Christian" meant. It is well known that in this period that Jews worked for the royal court in a number of posts, especially as tax collectors. Whether this was considered oppression in unknown and was probably subject to opinion and interpretation. Other laws such as Law IV, VIII, IX, X, and XI also placed restrictions on Jews. Law IV restricted the building of new synagogues to being no larger, higher, or more decorated than the one that was previously there.³⁹ Likewise, any new construction needed to be approved by the community's lord. Law VII banned Jews from having Christian servants and it also banned Christians from feasting with Jews or taking Jewish made-medicine.⁴⁰ Law IX punished Jews who have intercourse with a Christian woman whether she was "a virgin, a married woman, a widow, or a common prostitute."⁴¹ Law X banned Jews from owning Christian slaves and mandated that any slaves who converted to Christianity were to be immediately freed.⁴² Law XI was perhaps one of the most infamous restrictions and required that Jews wore "some distinguishing mark upon their heads" so that they could be identified and thus avoided.⁴³ For example, someone could not adhere to the mandate of Law VII (banning Christians from feasting with Jews or taking Jewish-made medicine) if he did know who was Jewish. All of these laws created an idea of "living togetherness" that is anything but harmonious. While it is true that some of them may have been written as direct reactions to what may have been seen as interreligious relations that were too cozy, it also affirmed the fact that at this time the legal attitude towards Jews was shifting in the direction of intolerance. If these acts did occur, it showed that on some level daily life interactions were definitely varied and peaceful between Christians and Jews. On the other hand, it also shows that these peaceful

interactions were being seen negatively by those in charge. This is defended by the growing religious opinion that saw the sexual mingling of Christians and so-called infidels as morally polluting and corrupting.⁴⁴ Moreover, while these laws prevented close interaction, a number of other laws did the exact opposite and fostered tolerance and legislated against interreligious violence.

Law II of Title XXIV demanded that Jews be allowed to live amongst Christians without compulsion to convert.⁴⁵ Law IV demanded that their synagogues not be defaced or robbed and that Christians neither put animals in nor loiter in synagogues.⁴⁶ Law V protected the Jewish Sabbath and prevented them from having to appear in court on the Sabbath.⁴⁷ Law VI explicitly forbade forced conversions.⁴⁸ And again Law XI, the one that mandated that Jews wear a visible mark, could also be interpreted as protecting them from possible mistreatment or punishment. People could avoid breaking laws if they knew of what religion a person was. All in all, it is evident from these laws and others that overall the relationship between Christians and Jews under the law was one that was regulated and pragmatic. Cooperation was encouraged, but a healthy distance was to be kept. Interreligious interaction was tempered by a fear of cultural assimilation. More importantly laws were constructed to the benefit of those in power. A similar attitude was held towards Muslims in *Las Siete Partidas* and the laws governing them were constructed similarly.

Title XXV "concerning the Moors" was constructed in the same way as the previous section regarding the Jews. It began with defining the Moors and their religion as it was perceived by Christians. Notably, it compared Moors to Jews saying that:

In the previous Title we treated of the Jews and of their obstinacy which they display towards the true faith, we intend to speak here of the Moors and of their foolish belief by which they think they will be saved.

This title, just as the previous title, intended to establish laws for the Moors living amongst Christian that would govern the interactions between the two.

The first law of this title proclaimed that:

*Moors shall live among Christians in the same way that we mentioned in the preceding Title that Jews shall do, by observing their own law and not insulting ours.*⁴⁹

This immediately establishes the autonomy that was granted to Muslims living in Christian Castile, however the parts of the law that follow are not as welcoming. Law one continued to say:

Moors, however, shall not have a mosque in Christian towns, or make their sacrifices publicly in the presence of men. The mosque which they formerly possessed shall belong to the king; and he can give them to whomsoever he wishes. Although the Moors do not acknowledge a good religion, so long as they live among Christians with their assurance of security, their property shall not be stolen from them or taken by force; and we order that whoever violates this law shall pay a sum equal to double the value he took.⁵⁰

This portion of Law I established the policy of subjugation which attempted to control the Muslims as a minority and restricted their position in society. This was in line with the aforementioned treatment of the other religious minority, the Jews. However, the Muslims were afforded fewer rights than the Jewish communities. While they were legally protected from losing their property, this did not extend to areas that were recently conquered.⁵¹ Muslims also were not allowed to worship amongst Christians. This in all likelihood stemmed from the fact that the Christians saw their religion as paganistic (rather than misguided like the Jews) as aforementioned in the opening of Title XXV. Furthermore, the protection established by law I may have been put in place to protect the power of Christian rulers who had Muslim subjects and vassals. There was also the concern that unlike Jews, who were always a minority, Muslims represented a majority in most towns conquered during the Reconquista. Therefore most towns would have a mosque prominent and in the center of town. In order to effectively convert these cities the mosque would need to be replaced with a church (as seen in Cordoba, Granada, Murcia, etc.). This replacement not only represented a change religion but also signaled a change of power. Thus, by the restriction of the religion of minorities and subjugated peoples, the Christian rulers asserted their own faith. In the overall picture of *convivencia* this already points to a level of intolerance for Muslims living amongst Christians. Other laws, such as Law X, further purported a certain level of intolerance for Muslims living amongst Christians in its ban on intercourse between Muslims men and Christian women.⁵²

Law X demanded that any Muslim that had sexual intercourse with Christian a woman be stoned. The woman, if she is a virgin, must also had to give up her property to her father, mother, or grandfathers (or the king if she had none of those) if it was her first

offense, and if it was her second offense she must forfeit her property to the aforementioned persons and be put to death. If she was married she would be placed under the power of her husband who could burn her, release her, or do what he pleased. Most interestingly if a Muslim had sexual intercourse with a "common women who abandons herself to everyone" they would only be scourged together through town for the first offense and put to death for the second. All in all, this law pointed to a general unease regarding Muslims living in Christendom and to the same aforementioned fear that Christians might be living too closely to non-Christians and acting "too friendly" towards them. It also reflects the previously mentioned position, held by the Catholic Church, sexual relations between members of different religions was morally polluting. On the other hand the fact that such a law had to be written also points to the fact that these close relations already existed. In any case this law with the aforementioned Law I created a strong sense of intolerance towards Muslims. Other laws regarding conversion to Islam only perpetuated this sense of intolerance.

Laws III, IV, V, VI, VII, and VII all address the issue of conversion to Islam and make up the bulk of Title XXV.⁵³ While some of these were discussed earlier in this paper, others have not. As aforementioned, law IV provided punishment to any Christian that becomes a Muslim, which was forfeiture of property and death. However, law V, expanded on this by providing punishment for Christians that become Muslims and then return to Christianity. Law V (which also extended to Jews) explicitly said that a man who repented for his apostasy must nevertheless be punished and shall remain infamous forever so that his testimony could not be taken. He also could not hold office or an honorable position, he could not make a will, he could not be appointed heir to others, and he could not make or receive sales and donations. The explicit intent was that, "a dishonorable life will be worse to him than death itself." While this punishment was a bit extreme, it was not the final extent of it.

Law VII declared that an apostate who repented can still have his reputation attacked for up to five years after his death. This meant that he could still be tried for such offenses, and if convicted, have his property disposed of as recompense. As with most of the aforementioned conversion laws this served to not only create barriers to conversion but forced the majority religion on a populace. It most definitely created a tension amongst religions and since the intention of such laws has been previously discussed further discussion would be unnecessarily repetitive. However, with all of these tough laws which served as a barrier against conversion, there was nonetheless a law which could override them all.

Law VIII provided a sort of immunity clause to apostates that repented and, "render some great service to the Christians resulting in the substantial benefit of the

country." It argued that such actions should not go unrewarded and provided substantial evidence that previous apostate was "attached to the Christians" and only left the faith due to "shame or reproach from relatives and friends." After completing such acts of "great service" the law demanded that said person be released from the penalty of death, infamy, forfeiture, etc. It also restored all the honors and use of things which Christians ordinarily use. While this law did not specify what sort of great services qualify, it is imaginable that such services were only within the ability of someone with great wealth or money. Perhaps the construction of a large church or the leading of some military campaign would guarantee the aforesaid reversal of legal consequences. This law could be seen as some sort of protection for misguided nobles who did not want to see their property stripped from them. It undoubtedly served to the benefit of those in power and created a special legal protection for those that could afford it. While it does not explicitly promote or detract from tolerance, it is not hard to imagine that some might use this law as a way to falsely convert back to Christianity and continue their Jewish or Muslim practices in private with greater secrecy (such as the case in the *conversos* fear of the 14th and 15th century). Also in light of these laws which discouraged conversion and promoted varying degrees of intolerance there are other laws which demanded the tolerance of Muslims and supported their existence amongst the Christians of Castile.

The second law of Title XXV demanded that Muslims, just like Jews, be converted by kind words and not by force. While in reality this was not always the case, it nonetheless tried to ensure that conversions were voluntary as they were the only ones seen as religiously valid. Likewise, this law also prevented Christians from refusing to assent to the desire for conversion. In essence this law reinforced the position stated in the beginning of Title XXV that allows Muslims to live peaceably among Christians without insult or fear of violence. Law IX sought to extend this protection from violence to Muslim envoys traveling from other kingdoms. It explicitly demanded that envoys—Christian, Muslim, or Jew—be allowed to travel safely through the domains of Alfonso X. It forbade anyone from doing them violence, wrong, harm, or injury to them or their property.⁵⁴ It also provided that an envoy who may owe debt to someone in the realm that was contracted before their visit that would nevertheless be protected from arrest or being brought to court. However, if the debt was contracted after their visit to the realm, they then could be brought to court and be compelled to pay them. In practice, such a law acted as a primitive form of diplomatic immunity. It not only promoted tolerance of Muslim visitors, but it also promoted strong diplomatic relations with Muslim kingdoms. After all no king would be happy to hear that their envoy was robbed, jailed, or had acts of violence committed against them. However, like all laws this one too could be looked at from another level. It can be extrapolated from this that such acts may have occurred in

the past or had been rampant in the present. Thus on one level it served to promote tolerance, but on another it showed that the people of Alfonso X's domain might not have been so tolerant.

All in all, a look at the legal corpus left by Alfonso X gives massive insight into the nature of *convivencia* during his reign. A close look at *Las Siete Partidas* revealed that Jews and Muslims were regarded as protected classes allowed to live amongst Christians without fear of violence or abuse, or at least that is what the law proscribed. The degree to which they were allowed to live among Christians varied. Both the Muslims and Jews were barred from having sexual relations with Christians, and the Jews were further banned from even having Christians staying in their home or even having dinner with a Christian. However, Jews were allowed to have their synagogues in Christian cities, while the Muslims could not have their mosques in a Christian city. Both groups were protected from forced conversions, but there were harsh penalties for Christians who converted to Islam or Judaism, namely death. Nevertheless the overall tone of *Las Siete Partidas* is mixed. On one hand, it presents an image of society that may be interacting too closely and threatening the powers that be by a possible cultural mingling and, on the other, it presents the image of an increasingly intolerant society that nevertheless realizes that it cannot simply get rid of the minorities in its midst. To help flesh out these details and create a more developed sense of what interreligious relations looked like, other non-legal sources can help to provide a fuller image of what the *convivencia* between Christians, Jews, and Muslims may have looks like.

As previously mentioned, the reign of Alfonso X not only contributed *Las Siete Partidas* to the corpus of Castilian works, but was also responsible for the creation of such text as *Las Cantigas de Santa Maria* (Canticles of the Holy Mary), the *Estoria de España* (Spain's History), and countless translations such as *The Book of Games*, *Lapidario* (a medical treatise), and *Libro de las Cruces* (an astronomical text). From these texts and the process of translating these texts, more about interreligious relationship can be learned. Many of these texts provide some sort of commentary on the nature of interreligious relationships; furthermore, the Toledo Schools of Translators was an intercultural venture with Christians, Jews, and Muslims working side by side to translate Arabic text into Latin and Castilian. The nature of this translations process provides further insight into the whole matter of *convivencia*.

The *Cantigas de Santa Maria* was perhaps one of the most thorough sources when it came to the treatment of Jews and Muslims in popular literature in Medieval Iberia. Both groups were mentioned on numerous occasions and both were portrayed in a variety of ways. For example, in song 12 of the *Cantigas* Jews were portrayed as crucifying a waxen figure of Jesus, but in songs 85, 89, and 107 Jews in a variety of circumstances

were saved by the Virgin Mary in their times of need.⁵⁵ Similarly, in songs 99 and 229 Muslims were punished for their efforts to desecrate images of the Virgin Mary, but in songs 329 and 379 Muslims were said to profess the Virgin birth and were protected by the Virgin Mary from attacks by Catalonians.⁵⁶ While the circumstances of these songs portrayed the Jewish and Muslim characters in a light that made sense at the time (most are accompanied by conversions to Christianity) they nonetheless point to the fact that popular perceptions of Jews and Muslims took influence from a mix of demonizing stories and stories of their "true righteousness." In the context of *convivencia* this shows that there was no single prevailing view of these two religious minorities and in all likelihood the tolerance of both minorities varied widely. The same cannot be said from what we know about the Toledo Schools of Translators.

As aforementioned, the Toledo School of Translators was one of Alfonso X's greatest achievements and was responsible for the translation of innumerable texts from Arabic and Hebrew into Latin and Castilian. The texts that were translated were often done by a team of translators and, at least in the school of translation, Christians, Jews, and Muslims worked side by side for the advancement of knowledge, science, and technology. Alfonso X's intellectual side can be seen in these works as they were often done by his commission and, in fact, he also had a number of scholars in his royal court, such as the translator and astronomer Isaac ibn Sid.⁵⁷ Other works such as the *Alfonsine Tables* and *The Book of Astronomical Knowledge* were also produced by Jewish court astronomers and, in essence, point to a tolerance of religious minorities, at least on a personal level. Alfonso X's lust for knowledge superseded his religious convictions and it is easy to imagine that Alfonso was able to overlook a person's religion if they were working to further his cause. This idea is further supported by images from *The Book of Games* which depicts Alfonso X playing chess or possibly learning the game from a Muslim. While this does not speak to the nature of *convivencia* in the kingdom as a whole, it does show that on a personal level religious minorities were tolerated and even welcomed by the king. Again the aforementioned fact that Jews and Muslims served in the royal court supports this idea. It also leads one to look further at some of Alfonso X's policies and the material culture of Castile.

Beyond the creation of *Las Siete Partidas*, one of Alfonso X's most important political actions was the continuation of the *Reconquista*. In 1243 AD, while still prince, he made the *taifa* of Murcia a protectorate and later incorporated it fully into the Crown of Castile and in 1248 AD he aided in the conquest of Seville. Although he was not king during the conquest of these kingdoms, his coronation in 1252 AD meant that he played a major role in their incorporation under the crown of Castile. Initially, in Murcia, his plan was to slowly displace the Muslim population while keeping the systems of irrigation

intact.⁵⁸ While this plan respected the Muslim population of Murcia, it was more pragmatic than anything. In order to learn the complex system of irrigation implemented by the Muslims, Muslims were needed to teach Christians how to operate it. While it was difficult, in the long run it paid off and kept the land productive. By comparison the treatment of Seville was much different. After its conquest in 1248 AD, the Muslim population was expelled so the area could be resettled by nobles and the church.⁵⁹ Soon after, some Muslims were asked to return to administer the irrigation system.⁶⁰ This same less-tolerant approach was later applied in Murcia after a rebellion was put down by James I and order was restored; however, in this case, Muslims were kept to help with the complex irrigation system. Far from peaceful *convivencia*, these realities reflected a varied nature of coexistence along the border. The approach of pragmatic tolerance explained why pottery works of only the Muslim style were permitted in Cordoba.⁶¹ It also explained the fact that many Christian men served as mercenaries under Muslim commanders and even why in 1274 AD Muhammad II, King of Granada, was vassalized by Alfonso X.⁶² However, because tolerance was mostly pragmatic, it also explained the regional expulsions of Muslim populations, and how they slowly built up to the eventual expulsion in 1526 AD. The incorporation and assimilation of Jewish and Muslims culture, infrastructure, governing idea, etc. alongside the rejection of other parts of presence were part of this idea pragmatic acceptance and tolerance.

Castilian material culture provides an excellent point of comparison to *Las Siete Partidas*. The latter established the expected legal status for minorities and represented the growing trend towards intolerance in society. It also showed the nature of society in the thirteenth century and the fears of a society that was seen as too tolerant. Laws banning intercourse between members of particular religions and close interaction were promulgated often and probably ignored equally as often.⁶³ Resettlement patterns and the treatment of minorities after conquest show a similar tension. On one hand, minorities were accepted as necessary, but on the other they were rejected when perhaps there was more wealth to be gained. In material culture, this translated into popular literature and music, which depicted Jews and Muslims in a variety of ways, often emphasizing their Christian qualities as what made them good and their Muslim or Jewish qualities as what made them evil. However, illustrations from instructive manuals showed Christians alongside Muslims and sometimes they were dressed alike. Laws from the period allowed the production of goods in the Muslim style only in certain areas. Most interestingly, Alfonso X had Muslims and Jews in his royal court and his final will actually denounced his Christian subjects and praised his Muslim allies.⁶⁴ In essence, this all points to a society that tolerated minorities, but only to an extent and only on certain levels.

In both the Crown of Aragon and the Crown of Castile, Christians could tolerate Jews and Muslims living among them as long as they were separate and subject to Christian rule. Jews and Muslims often enjoyed their protected status, but, eventually it began to define them as an other that was separate from the mainstream. While certain aspects of their infrastructure and governance were assimilated in Christian conquest, others were not. The fear that the minorities might try to interfere with Christian ways of life grew stronger with time, especially with the increasing strength of Christianity. The thirteenth century is often seen as a transitional period in the history of Medieval Iberia. It was the period where unquestioned Muslim dominance of the Iberian Peninsula finally gave way to Christian control. It was a period of recovery within a landscape that had totally changed. After almost two centuries of civil wars and infighting the Muslim territory was reduced to the rump state that was the Nasrid Kingdom of Granada; with all of its losses being at the hands of Christians. For Christians, newfound dominance also put them in a place of transition. In the two preceding centuries of conquest, new populations of Muslims and Jews entered their kingdoms at unprecedented rates. They offered opportunities for economic and intellectual growth, but they also presented many challenges. On one hand they introduced infrastructure, governance ideas, technological developments, and material wealth to both crowns. On the other, they espoused conflicting religious ideas which, in the minds of Christians, brought into question their loyalty and what rights they were allowed to have. The question of how to effectively and safely govern these minorities in line with Christian beliefs became dominate for both Crowns. The push and pull of these factors is what shaped the interactions of these three groups and the idea of *convivencia* before, throughout, and after the thirteenth century. Growing fears constantly were in tension with the benefits of keeping minorities in both Crowns, as seen in the above evidence from the thirteenth century. These tensions would continue to grow in the fourteenth and fifteenth century through events such as the Marinid invasion and the Black Death, which contributed to a greater fear of Muslims and Jews on the part of Christians. The growing fears surrounding *conversos* (converts), *la limpieza de sangre* (cleanliness of blood), and bouts of anti-Jewish violence (such as the pogroms of the Black Death and 1391) all attest to the growing intolerance towards minorities in the late Middle Ages. The final culmination of this intolerance was in 1492 when Jews were expelled by the proclamation of the *Alhambra Decree* and Muslims were given the ultimatum to convert or leave (in 1501 for those of Granada and 1526 for all of Spain). The later expulsion of the *moriscos*, descendents of the forced converts, from Valencia (1609) and Castile (1614) are also testaments to the intolerance that would arise in the future that undoubtedly stemmed from this period.

Of all that can be said about thirteenth century Spain and *convivencia* one definite conclusion from the above analysis is this: Christians, Jews, and Muslims most certainly did live together. However, the nature of this living-togetherness varied immensely based on location and time and certainly was different from person to person. Nevertheless, certain general statements can be made about the nature of *convivencia*. First and foremost, Jews and Muslims were legally treated as "others" and were not afforded the same rights as Christians. While certain individuals may have been exempt from this rule due to positions in the royal court or wealth, most members of the Jewish and Muslim communities were not. Secondly, the strong fear of apostasy and suspicion of possible traitors in one's midst contributed to a sense of religious intolerance and a growing fear of assimilation amongst the Christian majority. Thirdly, while Jews and Muslims were legally "others" they were nonetheless protected by the law for a variety of reasons. Jews were safe from persecution because tradition and Christianity demanded it. Muslims represented a strong minority that simply could not be thrown out. Many of the legal protections that were afforded to religious minorities were pragmatic solutions for dealing with them. Muslims and Jews were allowed to live amongst Christians because they often provided economic benefits in the form of taxation, irrigation, craftsmen, and royal courtiers that could not be simply ignored. The official tolerance of religious minorities was subject to a sort of value-cost ratio. To call any of this living-togetherness peaceful or utopian would be an injustice.

It is often argued by historians that the past should be judged by its own values. If that is the case, then the *convivencia* in the thirteenth century could probably be considered ideal as compared to the rest of Europe. Life for religious minorities was a great deal better than in most other parts of Europe and elsewhere the intermingling of Christians, Muslims, and Jews was almost unheard of. However, this image is unsatisfying and not truthful. Consider what could be a potential summation of the Jim Crow Era: "During the Jim Crow Era, Blacks in America were given unprecedented levels of freedom and equality, and in comparison to their counterparts in most of the world they were pretty well off. The contributions of Blacks to American literature, science, and culture are undeniable and show how good off they were." Just as this summation of the Jim Crow era does not look at the full reality of the situation, the same is true for the utopian model of *convivencia*. While the situation of Jews and Muslims was better than in most parts of Europe and their contributions to science, technology, and culture are undeniable, their treatment and relationship with Christians should not be construed as peaceful and harmonious. A better approach would be to see their relationships as pragmatic and necessary. Looking at the period from this view not only is more accurate, but it also better explains the narrative of Spanish history. While the

former overlooks the *Reconquista* and arrives at the expulsion of 1492 AD with almost no explanation, this model better explains the gradual increase of intolerance towards minorities and places Medieval Spain in place that is much more similar to the rest of Europe in the same period.

NOTES

¹ Thomas F. Glick, "Convivencia: an Introductory Note," in *Convivencia: Jews, Muslims, and Christians in Medieval Spain*, ed. Vivian B. Mann, Thomas F. Glick, and Jerrilynn D. Dodds (New York: George Braziller, Inc., 1992), 1.

² Mark Cohen, *Under Crescent and Cross: the Jews in the Middle Ages* (Princeton: Princeton University Press, 1994), 3.

³ Cohen, 4. This view was also used by Graetz to support the idea of Sephardic dominance.

⁴ Cohen, 4.

⁵ David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996), 8.

⁶ Nirenberg, 3.

⁷ Benjamin R. Gampel, "Jews, Christians, and Muslims in Medieval Iberia: *Convivencia* through the Eyes of Sephardic Jews," in Mann, 14. As Gampel points out, evidence for this claim only comes from Visigothic claims of conspiracy in 694. The lack of corroborating data may discredit this, but it can be asserted that in light of their persecution many Jews would have been happy to rid themselves of their oppressive overlords and supported the invasion when it arrived.

⁸ Cohen, 129.

⁹ Kagay 45-46.

¹⁰ Thomas F. Glick, *Islamic and Christian Spain in the early Middle Ages* (Princeton: Princeton University Press, 1979), 166.

¹¹ Donald J. Kagay trans., *The Usatges of Barcelona: The Fundamental Law of Catalonia* (Philadelphia: University of Pennsylvania Press, 1994), 67.

¹² Nirenberg, 22.

¹³ Kagay, 68.

¹⁴ Nirenberg, 28-29. What is also worth considering is the use of the word *capture*; while it may have meant individual Muslims in captivity, it may have also implied that all Muslims were seen as being captive to their Christian rulers.

¹⁵ Kagay, 90.

¹⁶ Kagay, 80-81.

¹⁷ Kagay, 95.

¹⁸ Damien Smith and Helena Buffery, *The Book of Deeds of James I of Aragon: A Translation of the Medieval Catalan Llibre dels Fets* (Burlington: Ashgate, 2003), 95.

¹⁹ Nirenberg, 27.

²⁰ Nirenberg, 28.

²¹ Nirenberg, 24-25.

²² Glick, *Islamic and Christian Spain in the Early Middle Ages*, 99.

²³ Glick, *Islamic and Christian Spain in the Early Middle Ages*, 223-224.

²⁴ Raymond Carr, *Spain: a History* (Oxford: Oxford University Press, 2000), 95.

²⁵ Disputation is the common English translation for this debate and as such will be used in this paper.

²⁶ Gampel, 22.

²⁷ Cohen, 144.

²⁸ Gampel, 23.

²⁹ José Luis Villacañas, *Jaume I El Conquistador* (Madrid: Espasa Calpe, S.A.) 625.

³⁰ Cohen, 144.

³¹ Samuel Parsons Scott trans. *Las Siete Partidas: Volume Five: Underworlds: The Dead, The Criminal, and the Marginalized*, ed. Robert I. Burns, S.J., (Philadelphia: University of Pennsylvania Press, 2001), xxxii.

³² Scott, xxvi.

³³ Scott, 1193.

³⁴ Scott, 1229-1230.

³⁵ Scott, 1435 and 1439-1440.

³⁶ Scott, 1434. This is explicitly a reference to the persistent myth that Jews in the Middle Ages tried to reenact the Crucifixion with malicious intent.

³⁷ Scott, 1434.

³⁸ Nirenberg, 38.

³⁹ Scott, 1434.

⁴⁰ Scott, 1435-1436.

⁴¹ Scott, 1436.

⁴² Scott, 1436.

⁴³ Scott, 1437.

⁴⁴ Cohen, 38 and 130.

⁴⁵ Scott 1433-1434.

⁴⁶ Scott, 1434.

⁴⁷ Scott, 1434-1435.

⁴⁸ Scott, 1435.

⁴⁹ Scott, 1438.

⁵⁰ Scott, 1438.

⁵¹ Carr, 84 The redistribution of rural areas into seigniorial domains in cities such as Seville attests to this.

⁵² Scott, 1441-1442.

⁵³ Scott, 1439-1440.

⁵⁴ Scott, 1441.

⁵⁵ Dwayne E. Carpenter, "Social Perception and Literary Portrayal: Jews and Muslims in Medieval Spain," in Mann, 66.

⁵⁶ Carpenter, 73.

⁵⁷ Thomas F. Glick, "Science in Medieval Spain: The Jewish Contribution in the Context of *Convivencia*," in Mann, 86.

⁵⁸ Glick, *Islamic and Christian Spain in the early Middle Ages*, 100.

⁵⁹ Colin Smith, "Convivencia in the *Estoria de España* of Alfonso X," *Hispanic Medieval Studies in Honor of Samuel G. Armistead*, eds. Michael Gerli (Madison: Hispanic Seminary of Medieval Studies, 1992), 294.

⁶⁰ Ibid.

⁶¹ Glick, *Islamic and Christian Spain in the early Middle Ages*, 223.

⁶² Smith, 294-295.

⁶³ Smith, 293-294.

⁶⁴ Smith, 295.

~ SPECIAL THANKS ~

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