

CONSTRUCTING IBERIAN IDENTITIES, 1000–1700

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# Constructing Iberian Identities, 1000–1700

*Edited by*

THOMAS W. BARTON, MARIE A. KELLEHER,  
*and* ANTONIO M. ZALDÍVAR

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## The Medieval/Early Modern Divide along the Franco-Spanish Border

In the autumn and winter months of 1686–1687, the royal emissary of the French Crown in Guyenne, in the southwest of the kingdom, complained repeatedly about the widespread presence of ‘nouveaux convertis’ (new converts) across the region.<sup>1</sup> The Edict of Fontainebleau (October 1685) had recently revoked the privileges granted to the Huguenots at the end of the wars of religion nearly a century prior. But the ‘new converts’ to whom *intendant* Louis Bazin de Bezons referred were not Calvinists then required to resume an outward Catholic identity. Rather, they were descendants of those Spanish and Portuguese Jews who in the 1490s had been forced to either convert or emigrate.

In his expansive and at times moving history of the Western Mediterranean from antiquity to the present, Teofilo Ruiz insists on religious conversion as a key to understanding ‘the Iberian experience’ and the Mediterranean at large.<sup>2</sup> There is no doubt that the forced conversion of hundreds of thousands of Jews and Muslims left a profound mark on all aspects of life in Iberia. Adding to a rich and controversial literature, David Nirenberg and the late Remie Constable have recently dissected the manifold legacy of mass conversions. Following the massacres of Jews in 1391 and the ban of Spanish Muslims (*mudéjars*) in 1502, baptized Jews and baptized Muslims, rather than religious infidels, became the objects of fear and regulation — the fear that they were undetectable and yet pulling the strings of power, that they contaminated a Catholic society which was imagined to be under constant assault from internal religious enemies. Paradoxically, the very institutions that promoted conversion also dreaded its consequences, and the indiscernible convert became a veritable obsession not only for ecclesiastical and secular authorities but also for writers, artists, and ordinary folk.<sup>3</sup>

We often forget that Iberia was not the only region of Europe where crypto-Judaism became an institutionalized reality. In 1550, King Henry II

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- 1 *Correspondance des intendants*, ed. by Le Roy Ladurie, pp. 253–90.
  - 2 Ruiz, *The Western Mediterranean*, p. 139.
  - 3 Nirenberg, *Neighboring Faiths*; Constable, *To Live Like a Moor*.

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of France invited ‘les marchands et autres portugais appelez nouveaulx chrétiens’ (merchants and other Portuguese known as New Christians) to come and live in the kingdom with their families. Everyone understood what these words meant.<sup>4</sup> In 1492, the Portuguese Crown had offered refuge to Jews fleeing Spain in return for a hefty tax, but only six years later, in 1497, it had abruptly rescinded its promise of a safe haven and banned the open practice of Judaism from all its territories. In the meantime, the Portuguese monarchy and clerical establishment lobbied for the right to create a modern Inquisition modelled on the Spanish one. In 1536, the papacy finally conceded and three tribunals were set up in Lisbon, Coimbra, and Évora (an additional seat was created in Goa in 1560).

The years between 1497 and 1536 were the golden age of crypto-Judaism in Portugal. In spite of persistent underlying antagonism and even outbursts of popular violence toward Jewish converts (brutally in the case of the 1506 Lisbon massacre), the absence of a modern inquisition during this period meant that those Jews who had been coerced into baptism were relatively free to practice a minimum of Jewish religious customs in secret — to light candles and change their clothes on Friday or shun pork and whisper ritual words that neighbours found incomprehensible. Those suspected of harbouring less than sincere Catholic beliefs were targets of scorn and physical attacks, but, before the 1530s, the Portuguese authorities did not unleash repression on a massive scale, and even then, they initially allowed for the departure of those New Christians (also derogatively referred to as *Marranos*) who wished to search for a better life elsewhere.<sup>5</sup>

The timing of the French king’s invitation to ‘merchants and other Portuguese known as New Christians’ to settle in the southwest thus coincided with the first exodus of *Marranos* from Portugal. The dubious Catholic allegiance of those whom the French Crown encouraged to come to the region alarmed the *parlement* of Bordeaux, which took thirty years to enact the invitation.<sup>6</sup> To be sure, the 1550 edict included some extraordinary concessions: these immigrants would not be considered foreigners but would be automatically granted the status of *régnicoles* (subjects of the French Crown); they would be free to move, engage in any economic activity they chose, and bequeath their assets, because they would be exempted from the *droit d’aubain*, the much maligned king’s prerogative to confiscate the property of any foreigner who died in the kingdom.

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4 The 1550 edict is reproduced in *Les ‘Nations’ juives portugaises*, ed. by Nahon, pp. 21–26.

5 Yerushalmi, *From Spanish Court to Italian Ghetto*.

6 To be actionable, all royal edicts in Old Regime France had to be ratified by the *parlement* of Paris as well as every pertinent regional *parlement*. A specific decree protecting ‘Portuguese and Spaniards’ settling in Bordeaux was issued in 1574 (*Les ‘Nations’ juives portugaises*, ed. by Nahon, pp. 29–31), while the 1550 patents were confirmed in 1656 (pp. 32–35). Both these ordinances are mentioned explicitly in the royal edict of 1723 that permitted the open practice of Judaism in Bordeaux and the neighbouring areas (pp. 35–39).

In the wake of the 1550 decree, growing numbers of New Christians trickled across the border — most of them traversed France on their way to Amsterdam and Hamburg, where they could live openly as Jews, but a few made Bordeaux and nearby towns their home. In 1636, by official count, Bordeaux housed 260 Portuguese and Spanish residents, which reached some 1500 by the mid-eighteenth century, when the port city played a major role in the Atlantic transport of commodities and human cargo. They were hardly all rich but a disproportionate contingent was involved in local, regional, and international trade. New Christian merchants assumed a particularly significant role at the end of the Twelve Years' Truce between Spain and the United Provinces in 1621, when commerce between the two countries was officially suspended and they carved out corridors of contraband connecting Iberia to northern European markets in cooperation with their kith and kin in Amsterdam. Meanwhile, in 1627, Count-Duke Olivares wooed affluent New Christian bankers from Lisbon to Madrid with the prospect of *asientos*, that is, contracts to run the Spanish Crown's finance and custom houses. Olivares' many critics accused him of having put the fate of the Spanish monarchy in the hands of Portuguese New Christians, who only sought to enrich themselves. In a particularly virulent satire written around 1639, Francisco de Quevedo depicted the Count-Duke as participating in a general assembly of Jewish rabbis meeting in Salonica with the purpose of conspiring to the 'ruin of all others.'<sup>7</sup>

Among the New Christians who fled Iberia, a few prominent figures occasionally returned for brief visits carrying appropriate licences, but even these so-called *judíos de permiso* were 'barely tolerated.'<sup>8</sup> Many more went back and forth or corresponded with relatives, friends, and associates on both sides of the border at their own peril. By transgressing the prohibition to cross the Franco-Spanish frontier, they often ended up in the hands of the Inquisition, which is why we owe most of what we know about them to the records left by those who hunted them. After France declared war on Spain in 1635, the Spanish monarchy confiscated all French subjects' belongings and the Inquisition pursued with renewed vigour those New Christians who operated in French territory. In 1637 Juan Núñez Saraiba, a prosperous *hombre de negocios* and Olivares' *asientista*, was burned at the stake in Toledo at the end of a lengthy trial designed to prove, among other allegations, that he practiced Jewish rites 'de la manera que se observaba en Francia' (in the manner they were observed in France) and that he had arranged for a rabbi to travel from Amsterdam to Bordeaux in order to circumcise his old father, who lived there and was nearing death.<sup>9</sup> A year later, in 1638, a New Christian merchant residing in Biarritz handed to the inquisitors of Toledo a list of

7 Poliakov, *The History of Anti-Semitism*, II, 291.

8 For the example of Samuel Pallache, see GarcíeA-Arenal and Wieggers, *A Man of Three Worlds*, p. 128.

9 Caro Baroja, *Los Judíos*, II, 60–67.



160 alleged crypto-Jews, whom, we are to infer, he had met in person as he moved between France and Spain.<sup>10</sup> Interrogated by the Lisbon inquisitors in 1668, a certain Diogo Rodrigues described his wide-ranging peregrinations, including stays in Madrid, Toulouse, and Bordeaux, and declared that wherever he went, his goal was to make money; by his account, he traded with every sort of person, regardless of whether they were ‘Old’ or ‘New’ Christians (‘tratava com toda a casta de gente que se offereçia ou fossem christão velhos ou novos’).<sup>11</sup> Whether we take it literally or as an attempt to deflect the inquisitors’ assumption that he preferred to keep company with other crypto-Jews, Rodrigues’ statement reminds us that the Franco-Spanish border was porous and that trade offered a frequent opportunity for testing the boundaries imposed by ecclesiastical norms.

In an effort to dispel the long shadow of the Black Legend on narratives of the Spanish Inquisition, Ruiz reminds us that the Papal Inquisition was born not in Aragon, and certainly not in Castile, but rather in thirteenth-century Occitania, during the so-called Albigensian Crusade.<sup>12</sup> That, however, was the medieval Papal Inquisition. In the sixteenth century, seizing on the prerogatives of the Gallican Church, the French monarchy did not accept the presence of a branch of the new, Counter-Reformation Papal Inquisition created in 1542, whose tribunals each regional Italian state had to host. Nor did France follow the example of Spain and Portugal, both of whom had demanded the establishment of a monarchic inquisition. As a result, those ‘Portuguese’ who came to live in Bordeaux and its surroundings after 1550, although perpetually suspected of being crypto-Jews, were free from inquisitorial persecution.

New Christians in the southwest of France were nonetheless antagonized by the clergy, the local population — which saw them as both religious enemies and political traitors — and by those merchants, wine producers, insurance underwriters, and bankers who felt threatened by real and imaginary competition. It fell on the king, who regarded them as an economic asset, to ensure their protection and well-being. In spite of the official ban on the presence of Jews in the kingdom, and weary of the negative consequences that the departure of New Christian merchants would have on French commerce, Crown officials were charged with a delicate balancing act. The correspondence of Louis Bazin de Bezons reveals that royal authorities had no illusions about the immigrants’ religious identity. In May 1688, the *intendant* called them ‘les Juifs qui sont dans cette province sous le nom des Portugais’ (the Jews who reside in this province under the name of Portuguese).<sup>13</sup> Having acknowledged that, he nevertheless discouraged them from emigrating and bringing their

10 Caro Baroja, *Los Judíos*, III, 336–44.

11 Lisbon, ANTI, *Tribunal do Santo Officio: Inquisição de Lisboa*, Processo 5101, fol. 28<sup>r</sup>.

12 Ruiz, ‘The Holy Office in Medieval France’, pp. 34–35.

13 Paris, AN, G/7/134, letter by Louis Bazin de Bezons to the *contrôleur général*, Bordeaux, 13 May 1688.

wealth and talent abroad, notably to the United Provinces, France's foe, with which war was about to break out again. He even threatened to arrest those suspected of preparing to flee and ordered them to pledge their goods.<sup>14</sup> At the same time, he laboured to bring New Christians into religious compliance and pursued a Jesuit project for the establishment in Bordeaux of 'une espèce de séminaire' (a sort of seminary) specially designed for the education of New Christian children.<sup>15</sup>

This was the context in which a Bordeaux lawyer, Étienne Cleirac, edited a volume of maritime laws titled *Us et coutumes de la mer* (Usages and Customs of the Sea).<sup>16</sup> Both this title and its author are today virtually unknown, even though the book was a notable success. First published in 1647, *Us et coutumes de la mer* appeared in 1661 in an expanded edition printed in at least 1200 copies (an exceptional print-run for a non-religious book at the time) and was then re-issued four more times. The frontispiece of the 1647 edition, an otherwise unadorned tome, displays the motto 'Undarum Terræque Potens' (Potent over sea and over land) under the coat of arms of Anne of Austria, the regent queen of France during the minority of Louis XIV (1643–1651), to whom the book is dedicated.

Both instrumental and genuine motivations moved Cleirac to assemble an anthology of recent maritime laws accompanied by his commentary. Published when France was beginning to assert its position in the increasingly competitive arena of international commerce, *Us et coutumes de la mer* was a means for its author to ingratiate himself with the monarchy after his son had gone into exile for joining the local branch of the Fronde known as the Ormée. But Cleirac's intellectual project had broader ambitions and ramifications. As the dedication explains, he wished to make available to judges and lawyers with little or no direct experience of maritime trade a handbook that would assist them in their task of adjudicating disputes among merchants, ship captains, sailors, and underwriters. He also aimed to confer prestige on the 'fils de Neptune' (children of Neptune), as he called all people working at sea, who had long been regarded as inferior to the 'fils de la terre' (children of the land).<sup>17</sup>

Evidently, Cleirac was not an unabashed critic of the emerging commercial society. A devout Catholic, he did not espouse intransigent condemnations of the moneyed economy, of which there were plenty. As a barrister in the *parlement* of Bordeaux and a legal official in the Admiralty court, he belonged to the urban elite but was not eligible to purchase an aristocratic title and

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- 14 Paris, AN, G/7/133, letter sent by Louis Bazin de Bezons to the *contrôleur général*, Bordeaux, 15 October 1686.
- 15 Paris, AN, G/7/134, letter sent by Louis Bazin de Bezons to the *contrôleur général*, Bordeaux, 27 May 1689.
- 16 The following paragraphs build on Trivellato, *The Promise and Peril of Credit*.
- 17 Cleirac, *Us et coutumes de la mer* (pages without numbers). All citations from Cleirac come from the second (1661) edition of his 1647 work.



was thus less threatened by the rising status of merchants than the nobility of sword and of robe. In his commentaries, he alternates between praise and disparagement for merchants and bankers: he heralds them as treasures for state and society as long as they behave honestly but condemns those who act as profiteers.<sup>18</sup>

What distinguished the two groups? What qualified as dishonest behaviour? Cleirac never answers these questions in any straightforward way. Instead, he tells a story — a story in which Jews stand in for fraudulent behaviour with a rhetorical penchant that reveals the self-evidence of such claim for his readers, and that added an original and insidious twist to a plethora of well-worn stereotypes. Glossing over the first article of an authoritative Rouen collection of norms concerning marine insurance, Cleirac writes:

Les polices d'assurance, & les lettres de change, furent méconnuës à l'ancienne Jurisprudence Romaine, & sont de l'invention posthume des Iuifs, suivant la remarque de *Giovan Villani* en son histoire universelle.

Insurance policies and bills of exchange were unknown to ancient Roman jurisprudence and are the posthumous invention of Jews, according to the remarks of Giovan[ni] Villani in his universal history.<sup>19</sup>

These are puzzling words. If it is true that premium-based insurance and bills of exchange 'were unknown to ancient Roman jurisprudence', there is no basis whatsoever for contending that Jews invented either of them, nor did Giovanni Villani, the famous Florentine chronicler who died of the plague in 1348, ever make this claim. However, repeated and expanded in the second edition of *Us et coutumes de la mer*, for the following three and a half centuries these lines formed nothing short of a legend that captivated great minds like Montesquieu and Marx, that was broadcast through myriad lesser texts, and that inspired a number of counter-narratives.

Whether coined by Cleirac or adapted by him from an oral tradition that has been lost, the legend of the Jewish invention of marine insurance and bills of exchange mixes facts and fiction, and blends together views of Jews and of credit that belong to two distinct historical moments — what today we call the Middle Ages and early modernity. Through a meandering narrative, Cleirac recounts that when Jews were expelled from France by a series of kings whom he mentions by name — Dagobert (r. 629–634), Philip Augustus (r. 1180–1223), and Philip the Tall (r. 1316–1322) — they devised new financial instruments in order to retrieve their assets abroad (every expulsion was accompanied by confiscation). As they fled to 'Lombardy', that is, to northern and central Italy, Jews — Cleirac writes — carried their invention with them. There, Guelfs and Ghibellines, supporters of the pope and the Holy

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18 Cleirac, *Us et coutumes de la mer*.

19 Cleirac, *Us et coutumes de la mer*, p. 218.

Roman Emperor, respectively, found marine insurance and bills of exchange very useful when each faction was expelled from its hometown by political adversaries and had to shield its properties. The story culminates with these Italian exiles perfecting the use of these financial inventions and bringing them to Germany, Flanders, and eventually to Amsterdam.

Cleirac refers to Jews harshly, using a theologically inflected vocabulary. But the ultimate targets of his invective are ‘Lombards’, a term that originally referred to moneylenders hailing from Asti and adjacent towns in northern Italy and that soon encompassed all Christian lenders, especially those who operated north of the Alps. In Cleirac’s account, Lombards, having absorbed the teaching of wicked Jews, extorted usurious rates from naïve Christian debtors. They were considered worse than Jews — namely, Christians who behaved like Jews. They were also more dangerous than Jews because they were not easily recognizable and because Christian kings were reluctant to expel them. At least, Cleirac comments, ‘Jews were hated, treated as jackanapes, and continuously ridiculed.’<sup>20</sup> He also notes that, since the Fourth Lateran Council of 1215, Jews were obliged to wear a ‘bonnet jaune’ (yellow hat), which marked them apart from the rest of the population. By contrast, nothing distinguished Lombards outwardly from reputable Christian merchants. Moreover, the 1274 Church canon *The Abyss of Usury* had ordered all Christian rulers to expel foreign Christian moneylenders from their domains, and Lombards had been banned from France more than once. But ‘these rustics’, as Cleirac calls them, ‘had many friends at court’ and as a result, in 1311 were readmitted ‘on condition that they would become honest in the future and would abstain from all their bad practices.’<sup>21</sup> Unsurprisingly, Cleirac adds, ‘instead of reforming themselves, these parasitical hypocrites became even more dissolute.’<sup>22</sup> It was only in 1347 that the French king finally ‘purged his kingdom of them and drove them out of France.’<sup>23</sup>

There are several layers of meaning in Cleirac’s bewildering narrative. Here I would like to stress how this seventeenth-century Bordeaux lawyer turned the Middle Ages into a usable past. A graduate of the Collège de Guyenne, one of the kingdom’s most renowned humanist secondary schools, attended by the young Michel de Montaigne and Joseph Scaliger, Cleirac went on to study law. He was thus educated in the scholarly tradition that during the sixteenth century had revolutionized the study of Roman law and history and that taught him to look to the Middle Ages instead of antiquity for

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- 20 ‘... les Iuifs vivoient odieux, traités en faquins, & ridicules continuellement’: Cleirac, *Us et coutumes de la mer*, p. 220.
- 21 ‘ces Rustres eurent tant d’amis en Cour ... [à] condition qu’ils seroient plus gens de bien pour l’advenir, & qu’ils s’abstiendroient de toutes les male fassons’: Cleirac, *Us et coutumes de la mer*, p. 221.
- 22 ‘au lieu de s’amander, la dissolution de ces parivrés hypocrites augmenta’: Cleirac, *Us et coutumes de la mer*, p. 221.
- 23 ‘en purgea son Royaume, & les deterra de France’: Cleirac, *Us et coutumes de la mer*, p. 222.





arguments about the formation of the French state and society, especially as a defender of the monarchist cause.<sup>24</sup> When he died, Cleirac had a personal library of 671 volumes. That said, he was neither a philologist nor a first-class savant — something that helps explain his eclectic use of sources (a point to which I will return). For sure, he was no Hebraist. His knowledge of Jewish history was limited to the dates of the expulsions from the French kingdom, which figured in most chronicles of France, and his views of Judaism were shaped by Churchmen and secular authors equally averse to Jews.

In any case, Cleirac was not interested in Jews *qua* Jews. Rather, he deployed them as a trope to address his real concern: the growing influence of private finance as evidenced by the increasing diffusion and intricacy of marine insurance and, even more, bills of exchange. By describing Lombards as ‘judaizers’, Cleirac inserted himself into a tradition that harkened back to the Church fathers and that the semi-coerced and forced conversions of the fourteenth and fifteenth centuries, not to mention of the presence of large numbers of ‘Portuguese’ in the southwest of France, revived with particular intensity. The invisibility of Bordeaux’s New Christians was matched by the increasingly inscrutable nature of bills of exchange, which were becoming more and more complex while also more commonly used. In this unstable social and economic order, the figure of the medieval Jewish usurer functioned as a symbolic surrogate for missing legal lines of demarcation between good and bad credit, and between genuine and insincere Catholics.

Written in coded words on thin slips of paper, bills of exchange could be hard to decipher (especially by those who did not handle them professionally). They had no intrinsic value and yet were capable of moving wealth across vast distances and from one individual to another. No one invented bills of exchange, which evolved slowly from notarial contracts into commercial papers as the need to remit sums abroad increased during the thirteenth-century commercial revolution. Instead of placing silver coins on board a ship or on the back of a horse at risk of losing them to a storm or a corrupt customs guard, a merchant could now make payments in a distant town and in local currency by sending his agent a piece of paper.

During the sixteenth century, bills of exchange became ever more arcane. International merchants settled their debts and credits in account books by the stroke of a pen, so that it was no longer necessary for a trader to deposit cash with a banker to have a bill of exchange issued to him. By the early seventeenth century, bills of exchange could also be endorsed and passed on to a new creditor, a procedure that increased their circulation and generated the technically erroneous impression that they were paper money. Meanwhile, a new institution emerged in Europe: the financial fair. At these gatherings, the best known occurring in sixteenth-century Lyon, a select group of bankers and brokers engaged in the purchase and sale of bills of exchange

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24 Kelley, *Foundations of Modern Historical Scholarship*.

rather than commodities. Financial fairs epitomized the divorce between money and commodity markets and favoured the development of new and abstruse techniques of currency arbitrage. They stood at the pinnacle of early modern European capitalism, which in Cleirac's narrative appears to be as oligopolistic, as Fernand Braudel would later depict it.<sup>25</sup>

A long line of economic thinkers, from Aristotle to Adam Smith, condemned speculation for the sake of speculation as opposed to the trade in natural resources and manufactured goods. In the sixteenth century, following the Thomistic opposition between trade and finance, influential Catholic moral theologians devised seemingly precise classification systems to parcel legitimate bills of exchange (those used as remittances) from those they categorized as loans, and thus as usury. In 1582 the Florentine writer Bernardo Davanzati, scion of a banking family and member of several learned academies, likened those bills of exchange that were employed to convert currencies for the purpose of facilitating long-distance trade to a seed of grain that, once it falls on the ground, first dies and then is reborn as a new fruit 'per imitazione di natura' (imitating nature). By contrast, he called bills that were utilized for purely speculative goals 'cambi secchi' (dry exchange) because they dried up the blood from the veins. Dry exchange, he wrote, 'non serve al comodo della mercanzia, ma solamente all'utile del danaio' (does not sustain the utility of trade, but only the utility of money).<sup>26</sup>

Like Davanzati, Cleirac did not censure the use of bills of exchange altogether, but unlike Davanzati, he did not accept the Church taxonomies that condemned all forms of currency arbitrage because he knew how intrinsic to commercial practice those practices had become. Nor could Cleirac find an alternative framework in civil law. Then, like now, the complexity of commercial credit perpetually exceeded the regulatory frameworks set in place to tame its risks. This normative vacuum, I suggest, explains his recourse to Jews as allegorical figures.

While bills of exchange increased in sophistication and theologians debated their varying degrees of acceptability, in Europe's principal commercial hubs a parallel phenomenon was under way: local and foreign merchants involved in international trade operated more and more independently from corporate organizations like guilds and consular jurisdictions. Institutional variation in this regard was considerable. Amsterdam was the only European city where foreign merchants were not subjected to any legal discrimination: in return for forgoing any form of institutional self-regulation, they were given equal access to all financial and judicial services. But elsewhere, too, the definition of who was an international merchant became less and less tied to a guild structure. In other words, during the sixteenth and seventeenth centuries, bills of exchange became more abstract while social hierarchies were becoming more fluid.

25 Braudel, *Afterthoughts on Material Civilization and Capitalism*.

26 Davanzati, 'Notizia de' cambi', pp. 45–46.





In Bordeaux, Cleirac witnessed these profound challenges to the established order of the Old Regime when he took it upon himself to assemble the first comprehensive compilation of maritime laws written in vernacular. According to the so-called *loi de dérogeance*, French aristocrats who engaged in manual work, conducted commerce, or served as a magistrate lost their prerogatives, including their much-coveted fiscal immunities. During the seventeenth century, several legislative measures chipped away at this principle. In 1629, after years of negotiations with the relevant representative bodies, a wide-ranging reform project championed by Michel de Marillac proposed, among other things, that those noblemen who invested in overseas wholesale trade be exempted from the *dérogeance*. It also recommended the ennoblement of those merchants who manned a vessel weighing no less than 200 tons for at least five years and of anyone who served as a consul or magistrate, as long as he did not engage in petty trade.<sup>27</sup> Never registered by the *parlement* of Paris as prescribed to become law of the kingdom, these recommendations were not implemented. But the setback was only temporary.

The Crown was determined to divert some aristocratic wealth toward its newly established companies for intercontinental trade and to boost overseas commerce more generally in order to compete with its Dutch and English rivals. By 1669, the energetic finance minister Jean-Baptiste Colbert succeeded in drafting and implementing a royal decree that, after describing commerce as an essential source of public and private wealth, made maritime (though not overland) trade compatible with the status of nobility.<sup>28</sup> A related principle was inscribed in the better-known 1673 *ordonnance de commerce*, which stated that everyone who signed a bill of exchange would be subject to the jurisdiction of tribunals run by merchants (title XII, art. 2). In light of this norm, as an eighteenth-century jurist later put it, noblemen, office-holders, and clergymen who signed a bill of exchange lost their ‘qualité’ (quality), that is, their rank.<sup>29</sup> In short, long before the Revolution did away with feudalism, the Crown was introducing small but significant changes in a feudal regime and an anti-commercial ideology that had nurtured its legitimacy for centuries in the hope of advancing France’s stature in global commerce.

The baseless attribution of the invention of bills of exchange to medieval Jews found its way into print at a moment when these bills had reached an unprecedented level of complexity and the age-old culture of inheritable aristocratic honour was being eroded at a faster pace than ever before. Confronted with more and more abstract paper credit instruments and less and less rigid social hierarchies, Cleirac looked back at the Middle Ages as a time when Jews, the presumed culprits of all economic crimes, could be isolated, expropriated, and expelled.

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27 Isambert, *Recueil général*, XVI, 280 (art. 198) and 339 (art. 452).

28 Isambert, *Recueil général*, XVIII, 217–18.

29 Jousse, *Nouveau commentaire*, p. 365.

What constrained the most cunning merchants from using bills of exchange for pure personal gain and from tricking gullible borrowers? A practicing lawyer, Cleirac found no satisfactory answers to this fundamental question either in the writings of moral theologians (whose classificatory schemes he found too rigid) or in existing norms issued by civil authorities (which were either too strict or too vague, or altogether absent). Financial fraud hid potentially everywhere and yet was seemingly undetectable. Faced with this legal vacuum, Cleirac turned to a stockpile of erudite and popular anti-Jewish imagery that equated Jews with economic treachery and that his readers grasped without difficulty. For Cleirac, its alleged Jewish origin was the bill of exchange's original sin. Nothing prevented good Christian merchants from using these bills properly to sustain the long-distance trade that benefited the Christian community at large. But if Christian merchants resorted to the same credit instruments for purely self-serving goals, they deserved to be called 'Jewish'.

Thus far, I have surveyed a number of circumstantial reasons that may have induced Cleirac to designate marine insurance and bills of exchange as a medieval Jewish invention. But why did he credit the fourteenth-century chronicler Villani with an idea the Florentine never expressed? The question is all the more baffling because virtually every other citation in Cleirac's commentaries is accurate. Wishing to nail the symmetry between Jews and usury (understood in the broadest possible sense, as the opposite of charity, as any rapacious and exploitative economic behaviour), Cleirac borrowed lines from a great number of pertinent authors, ranging from Father Ambrose, Dante, and Matthew Paris to Jesuit theologians and recently deceased French historians. From the late thirteenth century onward, a host of ecclesiastical decrees and artistic representations had impressed the continuity between Jews' religious and economic infidelities on the minds of learned and common people alike. None of these sources, however, ascribed the invention of marine insurance or bills of exchange to Jews.

Villani's chronicle was a well-known text, accessible in a sixteenth-century Venetian edition. It had a lot to say about Florentine commerce and banking, as well as about usury and Jews. Indeed, Cleirac refers to it correctly on a number of occasions, as when he recalls the date of the coinage of the first golden florin. Curiously, in a commentary on the customs of Guyenne that only survives in a nineteenth-century manuscript copy, he cites a specific chapter in Villani that may give us an additional clue. It is a famous passage, in which Villani offers what became the standard version of the so-called miracle of the consecrated host, said to have occurred in Paris in 1290 and better known today from its representation painted by Paolo Uccello for the Corpus Domini confraternity of Urbino in the 1460s.<sup>30</sup> According to this miracle, a Christian woman brings a Jewish moneylender a host as a pawn; once he throws it into the fire, the host bleeds — proof that it was the body of

30 *Croniche di messer Giovanni Villani*, fol. 94<sup>r</sup> (book 7, chap. 136).



Christ. The woman is punished for her sin and the Jewish moneylender burnt at the stake. One of the most widespread and inimical images of Christian anti-semitism, the miracle of the consecrated host was meant to strengthen popular belief in transubstantiation (the Catholic doctrine according to which during mass the host is transformed into the real body of Christ), and did so by drawing an iron-clad analogy between usury and blood libel. The name of Villani likely conjured up this narrative.

Was Cleirac a forger? Yes, of course he was. Was he a deliberate forger of the calibre of some of his contemporaries who adulterated the past as a way of generating new historical criticism?<sup>31</sup> No, he was not a forger of that stature, nor was he a serial forger. We may never determine what led him (or his publisher) to credit Villani with this tale of origin. What we know is that tales of origins proliferated in early modern scholarship and that Cleirac was schooled in a sixteenth-century legal and humanistic tradition that would have encouraged him to immerse himself in medieval as much as classical authors.

The legend of the Jewish origin of private finance was a delayed projection of quintessentially early modern anxieties onto a half-real, half-imagined Middle Ages. Recent scholarship has shown that medieval French Jews were engaged in a variety of economic activities aside from moneylending and that even when they lent to their Christian neighbours, they did not necessarily enter into conflict with them. Important as it is, because it challenges an entrenched narrative about the economic functions of Jews in late medieval Europe, this research does not help us to decipher the implicit associations that Cleirac and his readers drew between Jews and credit. The Bordeaux lawyer grafted the expansion of the paper economy of the time onto a medieval past that his readers perceived at once as proximate and yet altogether different. By locating the alleged invention of marine insurance and bills of exchange and their subsequent diffusion across Europe along a chronological continuum stretching from the seventh to the seventeenth century, when Amsterdam reached its apogee as Europe's main mercantile and financial hub, Cleirac collapsed together multiple moments in the history of credit, of Jews, and of Jewish economic roles. This chronological compression, in turn, allowed for expansive allegorical readings.

The unfounded story that surfaced in print in the mid-seventeenth century was the product of an age of confessional wars, conversion missions, and dissimulation. After the Reformation tore Christendom apart and baptism was forcibly administered to Jews, Muslims, and native people at home and overseas, exterior identity ceased to be a stable indicator of one's inner beliefs. In the most comforting historiographical account of this drama, scepticism became a defining trait of European culture at the same time as repressive institutions perfected their bureaucratic apparatus and ideological hegemony. In an equally uplifting grand narrative of European history, the increasing

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31 Grafton, *Forgers and Critics*.

abstraction of credit markets went hand in hand with the expansion of commercial society to bolster modern capitalism by facilitating exchanges between traders near and far. That very same abstraction, however, magnified concerns about malpractice and oligopolies that were hard to trace and contain. The legend gave voice to these darker thoughts. A piece of paper rather than a silver coin that one could weigh and bite was now sufficient to purchase goods or settle a debt in a remote town that one might never visit in person. Coinage fraud and clipping had long been and remained a major problem in marketplaces the world over — and it is not a coincidence that clipping coins was among the frequent accusations levied against medieval Jews — but paper credit instruments intensified fears of fraud because they dissociated value from anything tangible.

Conservative theologians were not the only commentators who felt acutely the dangers that accompanied the expansion of private finance. Long before the invisible hand became an enduring metaphor of the idealized self-regulation of the market, many observers were ready to recognize the benefits brought by new credit instruments and the intensification of market exchanges between strangers, even as they worried about how to curb excesses. The forgotten tale of origin that I uncovered gave bills of exchange, objects of endless admiration and no less puzzlement, an illusory stability by allowing for a supposedly Jewish origin to ‘explain’ why fraud always lurked behind those enigmatic credit contracts.

The legend of the Jewish invention of Europe’s most advanced financial instruments seized on the Middle Ages as a time when Jews could be identified, controlled, and subjugated, as the counter-example to seventeenth-century Bordeaux, the only European city where New Christians were recognized to be crypto-Jews and yet allowed to live and prosper. Cleirac turned the Middle Ages into a usable past, as have so many authors and institutions in later epochs. He latched on to a story that, misguided as it was, allegorized the perils of increasingly impersonal credit markets, in which mysterious financial contracts benefited some more than others and predatory lending went unpunished. It was the wrong approach to a thorny problem for which we have yet to find a solution.



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