Chapter Eight:
The Jews and the Law

Servi Cameræ Regis

The advent of Aragonese rule in Sicily was not accompanied by a change in the status of the Jews as subjects of the royal treasury. The status of Sicilian Jews was the same as that of their brethren in Aragon, where the Jews were described as Iudei servi camerae regis and the like. The alienation of regalia, which included the revenue from the Jews and/or jurisdiction over them, to laymen and to the Church, continued. It is estimated that during the first centuries of Aragonese rule, the royal domain was limited to no more than half of Sicily. The Crown tried to stem further alienation, to buy back regalia, and to prevent Jews from moving to the territories of the barons. That situation, however, had no serious impact on the legal status of the Jews. Jews could and did fall back on royal protection when the need for that arose. The viceregal interventions in the events in Modica and elsewhere were an example, albeit an extreme one. Although the archives of feudal administrations have not survived, there is reason to believe that legally speaking, there was no substantial difference between the status of the Jews in the royal domain and that in the queen’s demesne and the baronial territories. Toward the end of the fifteenth century, the position of some of the feudal lords weakened, but that no longer had an effect on the Jews.1

The position of the Jews as servi camerae regis was the basis of the relationship between the Crown (or the rulers to whom it had delegated its authority) and the Jews. The Crown looked upon the Jews as its

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1 Baer, Juden im Christlichen Spanien I, p. 1043. For the changing position of the barons, see Trasselli, Ferdinando il cattolico, pp. 353f. For an overview, see Mazzamuto-Mineo, Condizione giuridica, pp. 453f.; Pertile, Storia del diritto italiano III, pp. 203f.; Senigaglia, Condizione giuridica, pp. 75f. An exception is the proceedings of the trial in 1471 of Salloc of Caltagirone, which took place in the court of the Count of Modica. See Modica Scala, Modica, pp. 451f. For the queen’s jurisdiction over the Jews in her demesne, see Doc. 3876a; Vicens Vives, Fernando el Catolico, pp. 430f. For Palermo, see e.g. Docs. 3918, 3921, 4001.
property. In return, it felt duty-bound to safeguard ‘its’ Jews and to protect them. The exact terms of these reciprocal relations were spelled out in charters, privileges, and other official documents issued to the Jews. It was a personal relationship, in a manner of speaking. The validity of the privileges expired on the sovereign’s death and had to be renewed by his successor, accompanied by a fee. The sovereign could milk his Jews to a point of exhaustion, as he could his other sources of revenue. He refrained from doing so most of the time because the taxes and other payments of the Jews were his chief source of ready cash and for other practical reasons. The theological basis for the presence of the Jews in Christian lands is often cited in this context. Only when other considerations obtained the upper hand the sovereign did break the treaty with his Jewish subjects, as happened in 1492. In that, the situation of the Jews in Sicily vis-à-vis the Aragonese/Spanish Crown was no different from that of other Jewish European communities and their rulers in the Middle Ages.2

The legal status of the Jews in mediaeval Christian society has been the subject of much debate among scholars. In the last analysis, the Jews were an ‘estate’ or class as it were, to themselves, a situation in line with the social system of the age. While they were not at the top of the social pyramid, they were not at the bottom either. They were a group apart, granted some advantages and suffering from certain disadvantages. In Sicily, throughout the Aragonese period, they were citizens of the towns they lived in. This is attested by innumerable instances of citations in the records, chiefly notarial ones. They obtained citizenship at birth, through marriage, legal adoption of a place of residence, and so forth, as did Christians. As citizens, they enjoyed the privileges of that position and assumed its duties. They were fully-fledged citizens of towns like Palermo, a royal domain, and Syracuse, a possession of the queen, and, of course, smaller localities. The towns fiercely defended their citizens against all comers, especially in the matter of jurisdiction, such as attempts to cite them to out-of-town courts. The records contain many instances to show that this was no mere formality. The civic status of the Jews remained in force right down to the expulsion. That did not prevent the towns from adopting some discriminatory measures of their own against their Jewish citizens.3

2 For the charters, both individual and collective, see supra. On the status of servi camerae regis, theological Jewish servitude, and so forth, see my Apostolic See, History, pp. 94f. and supra. For the first mention under Aragonese rule, see Doc. 252 and p. 11787.

3 The status of citizenship of the Jews in Palermo goes back at least to the twelfth century — probably before. See Doc. 196; Colorni, Ebrei nel sistema del diritto comune,