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# MUSLIMS, JEWS, AND THE QUESTION OF MUNICIPAL MEMBERSHIP IN TWELFTH-TO FIFTEENTH-CENTURY PORTUGAL\*

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Within the context of medieval Portugal, the question whether Jews and free Muslims were considered municipal members (*vizinhos*) is hardly straightforward. The purpose of this chapter is to touch briefly on what the status of *vizinho* entailed and to highlight the fact that not all Jews and Muslims were necessarily excluded from all of the associated privileges, regardless of whether they held the actual title of *vizinho*. The discussion will focus on the principal economic benefit of *vizinhança* “municipal membership”: immunity from *portagens* (sg. *portagem*), toll payments on commercial activity involving the transportation of goods into a municipality. Because of this tax break, *vizinhança* was typically sought by local tradesfolk, and our study therefore compares the economic privileges extended to Jewish, Muslim, and Christian merchants. While *vizinhos* trading in their own municipality would typically have been exempt from most types of *portagens*, resident Jews and Muslims would, according to current scholarship, have been obliged to pay.<sup>1</sup> However, an examination of previously untranslated and in many cases unpublished material concerning Lisbon will show that, in the fourteenth century, religious minorities who were resident there apparently shared the same exonerations enjoyed by *vizinhos* with regard to certain tolls. Lisbon presents an interesting case for study since it was a thriving metropolis, the first documented community of free Muslims lived in a district outside its walls (the *arrabalde*), and a local community of Jews had been established by the time of the Islamic occupation.<sup>2</sup> All the more interestingly, this port city had

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1 Saul António Gomes, “Grupos Étnico-Religiosos e Estrangeiros”, in *Portugal em Definição de Fronteiras: Do Condado Portucalense à Crise do Século XIV*, ed. by Maria Helena da Cruz Coelho and Armando Luís de Carvalho Homem, Nova História de Portugal 3 (1996), 309-383 (323-324 and 350); Maria José Ferro Tavares, *Os Judeus em Portugal no Século XV*, vol. 1 (1982), 186.

2 Maria Filomena Lopes de Barros, *A Comuna Muçulmana de Lisboa. Séculos XIV e XV*, Biblioteca de Estudos Árabes 4 (1998); Gomes, “Grupos Étnico-Religiosos”, 358-359; Maria José Ferro Tavares,

a large number of resident foreign merchants (Genoese, Aragonese, etc.), and these too enjoyed certain economic privileges (exemption from certain tolls but exclusion, it would seem, from the status of *vizinho*).<sup>3</sup> The context for this city's administration was thus quite distinct from that of small villages or towns in the interior of Portugal; the lenient traditions described in material concerning fourteenth-century Lisbon were not necessarily exercised uniformly throughout the realm, and within Lisbon itself our evidence does not confirm how longstanding these traditions were. Building on previous discussions by Maria José Ferro Tavares and Humberto Baquero Moreno, it will be argued that, for a proper understanding of the municipal status of religious minorities in medieval Portugal, one must take into account factors involving date, geographic area, and the distribution of individual or community privileges.<sup>4</sup> To make this point, I will be drawing on a wide variety of sources from throughout Portugal that range in date from the twelfth to the fifteenth centuries, including municipal charters, collections of customary law, legal proceedings, and records from both Cortes ("parliamentary assemblies") and town council meetings.

### *Muslims, Jews, and Their General Status*

In the first royal charter issued to free Muslims in Portugal, that granted to the communities in Lisbon, Almada, Palmela, and Alcácer do Sal in 1170, it is clear that they are regarded as protected subjects of the Crown – a status secured for them through a series of head taxes and through tributary payments drawn from their produce.<sup>5</sup> The status shared by Jews as protected royal subjects was similarly contingent on a set payment to the royal fisc, as is exemplified in a letter to the municipal officials of Bragança that was issued by D. Dinis (ruled 1279-1325) and that, in its discussion of an annual tax to be paid by resident Jews, includes the statement:

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"Finanças e Fiscalidade das Comunas Judaicas Peninsulares", in *Finanzas y fiscalidad municipal. V Congreso de Estudios Medievales* (1997), 135-166 (139-140); Maria José Ferro Tavares, *Os Judeus em Portugal no Século XIV*, 2<sup>nd</sup> ed. (2000), 12.

3 Lisbon, Arquivo Nacional da Torre do Tombo (ANTT), *Chancelaria de D. Fernando*, bk 1, fols 84v-87r (response to article1); articles 3 and 9 of the inquiry in Lisbon, Arquivo Histórico da Câmara Municipal (AHCML), *Livro dos Pregos*, doc. 98, fols 85r-94v; see also note 66 below. Due to space restrictions, discussion of the benefits extended to alien, non-Portuguese merchants will not be included in this study.

4 Tavares, *Judeus no Século XV*, 186-187; Tavares, *Judeus no Século XIV* (2000), 67; Humberto Baquero Moreno, "A Sentença do Rei D. João I, contra os Judeus de 1412," *Lucerna. Homenagem a D. Domingos de Pinho Brandão* (1984), 411-415.

5 Alexandre Herculano et al., eds, *Portugaliae Monumenta Historica. Leges et Consuetudines* (hereafter *PMH-LC*), 2 vols (1856-1868), I, 396-397. On these tributary taxes, see Anna Matheson, Notice no. 252640, RELMIN project, "The Legal Status of Religious Minorities in the Euro-Mediterranean World (5<sup>th</sup>-15<sup>th</sup> Centuries)", Telma Web edition, IRHT, Institut de Recherche et d'Histoire des Textes – Orléans <http://www.cn-telma.fr/remlin/extrait252640/>.

And if other Jews come to this land to live, each one will pay his share of the above-mentioned 600 *maravedís* that the abovementioned Jews must pay me. And I order that you will not allow anyone to harm or manhandle or cheat these Jews, because if not you will end up having to face me on account of it.<sup>6</sup>

These minorities enjoyed religious freedom as well as a certain degree of self-government. They were organized into *comunas*, which, as Soyer succinctly explains, were “officially recognized administrative and jurisdictional corporations assembling Jews or Muslims living in a certain town and area.”<sup>7</sup> Individual Muslim *comunas* were headed by an elected Muslim communal magistrate, the *alcaide*, and the Jewish *comunas* were headed at the local level by a lower rabbi (*rabi-menor*) and at a kingdom-wide level by the chief rabbi (*rabi-mor*).<sup>8</sup>

A fair amount of documents describing the taxes paid by Muslims have survived (e.g., four twelfth- and thirteenth-century royal charters to free Muslim communities and, most notably, a lengthy late fourteenth- or early fifteenth-century confirmation of them),<sup>9</sup> yet records enumerating the variety of taxes paid by Jews do not predate the mid-fourteenth century.<sup>10</sup> Similarly, no early charter

6 ANTT, *Chancelaria de D. Dinis*, bk 1, fol. 57v: “E sse outros judeus hy veerem a essa terra morar, page cada huum assy como acaecer a cada huum em seu quinhom dos sobreditos vjo maravedis, que mi am a dar os sobreditos nomeados judeus, E mando’vos que nom sofrades que nenguum faça a esses judeus mal, nem força, nem torto, ca senom a vós me tornaria Eu porende” (edited in Tavares, *Judeus no Século XIV* (2000), 52-53 note 4).

7 François Soyer, *The Persecution of the Jews and Muslims of Portugal. King Manuel I and the End of Religious Tolerance (1496-1497)* (2007), 31; for full discussion, see Barros, *Comuna*, 20.

8 These *comunas* are not to be confused with *judiarias* and *mourarias*, the latter two terms signifying the geographic area in a town where Jews and Muslims respectively tended to reside (Soyer, *Persecution*, 28-40).

9 Namely, the charters to the free Muslims of Lisbon, Almada, Palmela, and Alcácer do Sal (1170), referenced above at note 5; to the free Muslims of Silves, Tavira, Loulé, and Santa Maria de Faro (1269), in Leontina Ventura and António Resende de Oliveira, eds, *Chancelaria de D. Afonso III. Livro I*, vol. 2 (2006), 20-21; to those of Évora (1273), in Ventura and Oliveira, eds, *Chancelaria de D. Afonso III*, 155-156; and Moura (1296), in Rosa Marreiros, ed., *Chancelaria de D. Dinis. Livro II* (2012), 481-482. The confirmation of these charters is edited in Herculano, *PMH-LC*, II, 98-100, and its date is discussed in Barros, *Comuna*, 65-66. See Anna Matheson, Notice nos 254398, 254400, 254433, and 254481, RELMIN project, “The Legal Status of Religious Minorities in the Euro-Mediterranean World (5<sup>th</sup>-15<sup>th</sup> Centuries)”, Telma Web edition, IRHT, Institut de Recherche et d’Histoire des Textes – Orléans <http://www.cn-telma.fr/remlin/recherche/>.

10 Earlier sources do however provide dispersed references to taxes such as the obligation of the Jews of Lisbon to provide an anchor and hawser for the royal galley; some information can also be gathered from a document dated 1316 that describes outstanding debts owed by all *comunas* to the Crown. Reference to the anchor is found in ANTT, *Chancelaria de D. Dinis*, bk 1, fols 141v-142v; edited in João Martins da Silva Marques and Alberto Iria, *Descobrimientos Portugueses. Documentos para a sua História*, 3 vols (1944-1971; repr. 1988), I, 46 doc. 51; discussed in Maria José Pimenta Ferro, *Os Judeus em Portugal no Século XIV* (1970), 121; and in Soyer, *Persecution*, 50. Dom Dinis’s letter to all Jewish *comunas* of the kingdom is preserved in ANTT, *Chancelaria de D. Dinis*, bk 3, fols 104r-105r; discussed in Henrique da Gama Barros “Judeus e Mouros em Portugal em Tempos Passados”, *Revista Lusitana*, 34 (1936), 165-265 and 35 (1937), 161-238 ((1937) 162-163 docs 209 and 210); Ferro, *Judeus no Século XIV* (1970), 123-124; and Tavares, “Fiscalidade e Finanças”, 142-143.

survives that outlines the rights of Jews and their obligations to the king: though Pedro I confirmed a number of privileges issued to *comunas* throughout Portugal, these confirmations are short and do not provide much detail. Letters sent by D. Pedro to the municipal authorities of Santarém, Lisbon, and Setúbal in 1366, however, indicate that local custom in these areas exempted Jews from forms of military service typically reserved for Christians (guarding the borders, owning horses and armour, transporting prisoners and monies).<sup>11</sup>

It is clear from the early records that Jews and Muslims were protected by royal authority and were directly subordinate to the king.<sup>12</sup> They enjoyed religious freedom and a degree of administrative and juridical autonomy in return for their tributary payments. Functioning thus as semi-autonomous groups, they were in many respects separated from the municipality and its liberties.<sup>13</sup> One might therefore expect that Jews and Muslims could not join the ranks of *vizinhos* or enjoy their rights and privileges. However, this, as we shall see, was not always the case.

### Vizinhaça – *Aquisition, Privileges, and Obligations*

Three terms are key within our discussion of municipal status: within a given municipality, a *natural* was someone who was born there; *morador* can, for our purposes, most safely be translated as “inhabitant” (to avoid contradictions in current scholarship as to whether this was a permanent resident or a newcomer not yet fully established in a community);<sup>14</sup> and a *vizinho* (from Latin *vicinus* > Vulgar Latin *vicinu*), in the technical sense of the term studied in this chapter, was a male head of household who had met the district’s specific requirements for membership.<sup>15</sup> Neither of these terms is mutually exclusive, just as how, in modern times,

11 António Henrique de Oliveira Marques et al., eds, *Chancelaria de D. Pedro I, 1357-1367* (1984), 522-524 docs 1107, 1108, and 1110.

12 For full discussion, see Soyer, *Persecution*, 21-83; Tavares, *Judeus no Século XIV* (2000), 52 and passim; Tavares, *Judeus no Século XV*, 76-77 and passim; Maria Filomena Lopes de Barros, *Tempos e Espaços de Mouros. A Minoria Muçulmana no Reino Português (Séculos XII a XV)* (2007); Manuel Viegas Guerreiro, “Judeus”, in *Dicionário de História de Portugal*, ed. by Joel Serrão, 6 vols (1989), III, 409-414; Gomes, “Grupos Étnico-Religiosos”, 309-383.

13 Barros, *Tempos e Espaços*, 299-302, 312-323; Marcelo Caetano, *A Administração Municipal de Lisboa durante a 1.ª Dinastia (1179-1383)* (1990), 19.

14 Mário Sérgio da Silva Farelo, “A Oligarquia Camarária de Lisboa (1325-1433)”, (unpublished doctoral dissertation, Universidade de Lisboa, 2008), 211; Armindo de Sousa, “Tempos Medievais”, in *História do Porto*, ed. by Luís A. de Oliveira Ramos, 2<sup>nd</sup> ed. (1995), 231; Maria Ângela da Rocha Beirante, *Évora na Idade Média* (1995), 579.

15 Farelo, “Oligarquia”, 209-223. In an effort to prevent modern concepts of citizenship from biasing our discussion of *vizinhaça* in early Portugal, a neutral translation of *vizinho* as “municipal member” has been employed here. It should be noted, however, that the term has elsewhere been translated as “citizen” (e.g., Soyer, *Persecution*, 52) and it is therefore important to distinguish the *vizinho* from the *cidadão*: though the latter today means “citizen”, in the medieval period the title *cidadão* was restricted to those members of the elite who were capable of holding the most elevated offices in the town council (e.g.,

one can be both a natural and a citizen of the same territory. The term *vizinho* carries two different meanings that overlap somewhat: it can be applied loosely in the general sense of “neighbour” (as one living in the same *vicus* “village”, the meaning preserved to this day), but in the contexts studied at present, it clearly refers to one’s fiscal status within the municipality.<sup>16</sup> It is used here with specific regard to those who have acquired *vizinhança* “municipal membership” – a status that, as noted above, would have appealed to local merchants.

It is key to highlight at the outset that, in the thirteenth to the early fifteenth centuries, the requirements to become a *vizinho* could differ according to municipality, and it was local custom that typically decided what these requirements would be. According to a late thirteenth-century account of the customary law of Beja, an outsider had to, among other things, rent a house and live in it for one year before he could become a *vizinho* and thus be excused from paying *portagens* in the area.<sup>17</sup> In certain other areas, outsiders, in addition to satisfying basic residency requirements, had to pay a membership fee in order to become *vizinhos*. An undated document outlining the rules of the *portagem* paid in Santarém (the *Foral da Portagem de Santarém*) states that, in order for an outsider to become a *vizinho* there, the payment of 1 *soldo* per household had to be rendered:

*Item*, the king has from all those who come to live in Santarém and its municipal boundaries, and who live there to become *vizinhos*, a single *soldo* from each household, and they will not be distrained or forced if they do not wish to pay it. And [he also receives it from] those who wish to pay, even though the Crown representative or clerk may not want to receive the *soldo* from him who wants to pay it (?). And this *soldo* is paid to be a *vizinho* according to the customary law of said town.<sup>18</sup>

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*alvazil* “judge”, *vedor* or *vereador* “councillor”, *procurador* “attorney”, *almoxarife* “treasurer”) and whose noble status bore them the right to bear arms and ride on a saddle.

16 The clearest discussion of the different meanings of the term *vizinho* is found in Alexandre Herculano (with revisions by José Mattoso and Ayala Monteiro), *História de Portugal desde o Começo da Monarquia até o Fim do Reinado de Afonso III*, vol. 4, rev. edn (1981), 355–366; for more recent discussion, see Farelo, “Oligarquia”, 211–223.

17 “Mais aqueles mercadores que alugam casas por sam migeel dano a ano e en elas moram e comem e fazem fogo e teem leytos e estes ataaes fazem nosco uiziidade en todalas cousas e estes som uezinhos en non dam portagem” (Herculano, *PMH-LC*, II, 57); “But those merchants who rent houses on Michaelmas from year to year and live in them and eat in them and light the hearth and have beds, and such persons uphold the duties of *vizinhança* with us in all matters: these are *vizinhos* and they do not pay *portagem*”. On the origin of this custom, see Herculano et al., *História de Portugal*, 359.

18 Lisbon, ANTT, Gaveta 10, maço 12, no. 17 fol. 17r: “Item El Rey ha de todos aquelles que vierem morar a Santarem e a seu termo e hy moram pera serem vezinhos senhos *soldos* de cada huã casa e nom seram penhorados nem costringidos se o nom quiserem pagar e os que quiserem pagar ainda que o *procurador* ou *escrueuam* pagar nom queyra rreçeber o soldo daquell que o quiser pagar E esto soldo paga para ser vezinho seguzdo costume da dita villa”. The *Foral da Portagem de Santarém* is preserved in ANTT, Gaveta 10, maço 12, doc. 17, fols 15r–17v; ANTT, Gaveta 10, maço 12, doc. 17a, 61–74; ANTT, *Reforma das Gavetas*, bk 18, fols 273r–276v; and ANTT, Ordem de Cristo e Convento de Tomar, maço 35, no. 74o, fols 1r–8r.

Significantly, this passage indicates that *moradores* could opt *not* to pay the *soldo* and thus not be considered *vizinhos*.

While the term *vizinho* “municipal member” appears frequently in thirteenth-century sources such as the collections of customary law, it should be noted that this technical sense is not commonly employed in the twelfth-century municipal charters (*forais*, sg. *foral*) though the technical sense is clearly described (without use of the term *vizinho*) in the charters derived from the Santarém-Lisbon-Coimbra model (dated 1179). These charters state that, each year, natural inhabitants could opt to pay 1 *soldo* in order to renew their exemption from the *portagem*: “Merchants who are naturals of the town and who wish to pay the *soldada*, that *soldada* will be accepted from them. If moreover they do not wish to pay the *soldada*, they must pay the *portagem*”.<sup>19</sup> Later sources make it clear that the payment described as a *soldada* here was in fact 1 *soldo*, as is illustrated in a document outlining the tolls due in Lisbon (the *Foral da Portagem de Lisboa*, issued in 1377):

It is a custom of the city of Lisbon that merchants who are naturals pay 1 *soldo* of *vizinhança* each year. And through this payment they are exempted from the *portagem* and customs duties on the items listed in this book.<sup>20</sup>

We thus see that the 1 *soldo* that was paid by outsiders to obtain *vizinhança* in Santarém is the same amount paid by naturals of Santarém, Lisbon, and Coimbra (and other municipalities whose charters are derived from the Santarém-Lisbon-Coimbra model) in order to renew their status.

Most significantly, however, as shall be more fully discussed below, this 1 *soldo* is also the same amount that was eventually paid by monied Jews in Lisbon and perhaps by Muslims there as well in order to obtain letters of membership (*cartas de vizinhança*). We know this from much later, fourteenth- and early fifteenth-century sources. For instance, the passage from the *Foral da Portagem de Lisboa* cited immediately above goes on to read: “And Jews and Muslims also pay this *soldo*”.<sup>21</sup> This would appear to indicate how inclusive municipalities such as Lisbon

19 “Mercatores naturales uille qui soldatam dare uoluerint recipiatur ab eis. Si autem soldatam dare noluerint dent portagium” (Herculano, *PMH-LC*, I, 407, 413, 417). Of the charters descended from the Santarém-Lisbon-Coimbra model, this clause does not occur in the charters to Beja (1254), Odemira (1255), Povos (1195), or Vila Viçosa (1270). For discussion of the principal families of Portuguese charters, see James F. Powers, “The Creative Interaction between Portuguese and Leonese Municipal Military Law, 1055 to 1279”, *Speculum*, 62.61 (January 1987), 53–80; António Matos Reis, *História dos Municípios (1050-1383)* (2007), 95–132.

20 See note 21 below. See also Iria Gonçalves, “Soldada”, in *Dicionário de História de Portugal*, ed. by Serrão, VI, 58.

21 ANTT, *Traslado do Livro da Portagem de Lisboa*, fol. 30v: “He forall da çidade de lixboa que os mercadores naturaães dem em cada huã anno huã *soldo* de vizinhança E por esto escusam portagem e

were, if natural Christian residents, local Muslims, and local Jews alike could all obtain the economic benefits of *vizinhança* by paying the same amount (1 *soldo*). However, other evidence makes it clear that not all municipalities granted religious minorities this option of purchasing *vizinhança*.

How exclusive the title of *vizinho* was and how rigorously members of the town council vetted candidates (with assessment criteria often involving calculations of wealth and sometimes including residency requirements) also differed according to municipality. Fourteenth-century records show that in Porto, for instance, candidates for *vizinhança* were first assessed by municipal judges and attorneys before they would allow them to meet the king's steward (the *mordomo*), pay him the *soldo*, and write their name in the register.<sup>22</sup>

The privileges that accompanied the status of *vizinho* are not expressly defined for us in the sources. It may, in certain areas, have entitled its holder to certain political rights, but it is difficult to determine the extent to which the political power of these *vizinhos* differed from regular *moradores* in municipal assemblies – especially since, in some cases, it is not always clear that the two terms are not being used synonymously with the former in its more general sense.<sup>23</sup> Moreover, while there is room for variation in the systems of local government adopted in different municipalities, prior to the mid-1300s, there were in general two if not three types of administrative meetings. Restricted assemblies (*assembleias restritas ordinárias*) were attended by the local elites, the *homini boni* or *homens bons* of the town (by the fourteenth century, a large percentage of these would have been wealthy merchants),<sup>24</sup> and these men alone held decision-making power at these particular convocations; *vizinhos* and *moradores* could only attend by special invitation and they had no vote. Conversely, *assembleias alargadas* “popular

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customagem das cousas contheudas em este liuro pero ja esta em husso de rregateiras e mesteiraães que fazem alguús lauores que uendem paguam com os mercadores E asy paguam este *soldo* judeus e mouros”. This manuscript copy is partly edited in Marques and Iria, *Descobrimientos*, I (suppl.), 51-60 doc. 42. Other copies are listed below at note 58 and discussed at pp. 205-209. Oddly, Barros does not include this passage in his list of documentary sources on the history of Jews and Muslims in medieval Portugal even though he discusses this text in “Judeus e Mouros” (1936), 169-170 docs 3 and 4. The clause likewise does not appear to have been discussed by subsequent scholars of religious minorities in Portugal.

22 Farello, “Oligarquia”, 213-214; Sousa, “Tempos Medievais”, 231-233; Torquato Brochado de Souza Soarez, *Subsídios para o Estudo da Organização Municipal da Cidade do Pôrto durante a Idade-Média* (1935; repr. 1989), 102-103.

23 For detailed discussion of the *vecinos* of Castile and León, their political rights, and the methodological factors involved in determining these rights, see Félix Martínez Llorente, “El régimen jurídico de la vecindad medieval y las novedades del *ius commune*”, in *Las sociedades urbanas en la España medieval*, ed. by Juan Ignacio Ruiz de la Peña et al. (2003), 51-80. The potential for confusion is made evident in Reis, *História dos Municípios*, 65-66.

24 Maria Helena da Cruz Coelho, “Em Prol do Bom Governo da Cidade: A Presença dos Elites Urbanas nas Cortes Medievais Portuguesas”, in *La Gobernanza de la Ciudad Europea en la Edad Media*, ed. by Jesús Ángel Solórzano Telechea and Beatriz Arizaga Bolumburu (2011), 299-322 (309-310).



municipal assemblies”, announced by town crier, were open to all *vizinhos* and *moradores*. And if Arnaldo Sousa Melo’s study of the categories of deliberative meetings in fourteenth- to fifteenth-century Porto can be applied to other areas, upon invitation, a limited number of *mesteiriais* (labourers, craftsmen, and other professionals, some of whom would have been *vizinhos*) could participate as representatives of their trade and have deliberative powers in restricted extraordinary assemblies (*assembleias restritas extraordinárias*).<sup>25</sup> The extent of the political involvement of *vizinhos* and *moradores* would have depended on which type of meeting was more commonly adopted in a particular area. Of course, all three are known to have been employed concurrently in some municipalities as well, in which case the type of meeting enacted would have depended on the matter to be discussed. In the case of Lisbon specifically, with the exception of a short spell between 1285 and 1298, the administration of local affairs and the election of representatives was typically decided by ordinary assemblies restricted to the Christian *alcaide* (the commander of the garrison), judges, and the *homens bons*.<sup>26</sup>

After the mid-1300s, upon new legislation promulgated by Afonso IV instituting the Regime of the *Corregedores* (*Regimento dos Corregedores*) – *corregedores* being special magistrates appointed by the king to oversee municipal justice and management – wide-scale changes to local administration were gradually introduced that aimed to place government in the hands of a select few *homens bons* chosen by the *corregedor* himself.<sup>27</sup> The accepted wisdom among historians has been that these *assembleias alargadas* were in sharp decline after 1340, but Melo has recently demonstrated that they persisted in Porto alongside the new model for meetings of municipal administration well into the early fifteenth century. Both in Porto and in Lisbon, however, their decline was met by a rise in the occurrence of restricted extraordinary assemblies.<sup>28</sup>

Though the extent of the political and non-political privileges of *vizinhança* may be subject to local variations and is thus not entirely clear-cut, it is absolutely certain from the records that *vizinhança* was accompanied by fiscal privileges, namely exemption from certain council taxes and from royal customs duties, including certain forms of the *portagem*.<sup>29</sup> The general obligations that accompanied

25 Arnaldo Sousa Melo, “Os Mesteirais e o Governo Urbano do Porto nos Séculos XIV e XV”, in *La Gobernanza de la Ciudad Europea*, ed. by Solórzano and Arizaga, 323-347.

26 See Farello, “Oligarquia”; and Caetano, *Administração*, 32-33.

27 Reis, *História dos Municípios*, 73. The first *Regimento dos Corregedores* (c. 1332) is edited in Caetano, *Administração*, 131-137; a revised version dated to 1340 is edited at 138-154; both are discussed at 51-58.

28 Melo, “Os Mesteirais”; Caetano, *Administração*, 29-33 and 70-74.

29 The description of the fiscal benefits of *vizinhança* presented above is based on current scholarship, including Farello, “Oligarquia”, 212-213; and Herculano et al., *História de Portugal*, 359. While this description is supported in numerous early records, including many that concern Lisbon, it should be noted that some other records are not always clear as to whether the privilege of exemption from the toll was restricted to *vizinhos* or extended to *moradores* in general. See, for example, the description of the

*vizinhança* do not seem to have been any different from the obligations for which regular *moradores* were responsible: the payment of certain standard council taxes and royal dues, the performance of military service, and the *serviço de aposentadoria* (the obligation to provide accommodation for the itinerant royal court when it visited the territory).<sup>30</sup>

Some twelfth- and thirteenth-century *forais* granted residents exemption from paying *portagens* throughout the entire realm, as is exemplified in the charter to the inhabitants of Proença-a-Velha (issued in 1218): “The men of Proença shall not pay the *portagem* in all of Portugal.”<sup>31</sup> Later sources make it clear that these privileges were restricted to *vizinhos* and led to issues involving tax fraud: merchants were relocating to places where inhabitants were granted such immunity, obtaining *vizinhança*, and then returning to their former homes while still retaining the benefits of realm-wide exemption from *portagens*. In 1436, in an effort to curb this practice and secure his dues, D. Duarte passed a law that aimed to make the criteria for obtaining *vizinhança* in any given municipality uniform throughout the country.<sup>32</sup> As shall be seen, his reforms also impeded any attempts made by Jewish or Muslim *moradores* from claiming *vizinhança* and reaping its fiscal benefits.<sup>33</sup>

#### Moradores – Jewish, Muslim, and Christian

Significantly, in some contexts, the term *morador* “inhabitant” encompasses all those, whether Christian, Jewish, or Muslim, who reside in a given townland. This is exemplified in its use in the *Foral da Portagem de Lisboa* cited below,<sup>34</sup> and it is also seen in a number of fifteenth-century records concerning the municipality of Loulé.

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privilege enjoyed by the *moradores* of Elvas in records of the Cortes of 1439, discussed below at pp. 211 and cited in Anna Matheson, Notice no. 326280, RELMIN project, “The legal status of religious minorities in the Euro-Mediterranean world (5<sup>th</sup>-15<sup>th</sup> centuries)”, Telma Web edition, IRHT, Institut de Recherche et d’Histoire des Textes – Orléans <http://www.cn-telma.fr/remlin/extrait326280/>. The possibility that some regular *moradores* might also have been exempt from the *portagem* in some areas does not detract from the general argument presented in this paper, and our focus on instances where *vizinho* is indisputably used in its technical sense will help us to avoid any methodological complications that might otherwise result from the likelihood of privileged *moradores*.

<sup>30</sup> Though some scholars might be tempted to argue that this lack of distinction between the responsibilities of *moradores* and *vizinhos* can be attributed to the fact that *forais* were typically written for *vizinhos*, such a comment would be influenced by an understanding of the latter term in its more general sense. Again, the study presented above is strictly focussed on the restricted use of *vizinho* described at pp. 194-196.

<sup>31</sup> “Homines prohenie non dent portadigo in toto portugalie” (Herculano, *PMH-LC*, I, 578); another example is found in the *Foral de Idanha-a-Velha* (1229) at Herculano, *PMH-LC*, I, 614-615.

<sup>32</sup> The letter is preserved in *Ordenações Afonsinas* (henceforth *OA*) II. 30.

<sup>33</sup> See below, pp. 214-215.

<sup>34</sup> See below, note 63.

The case of Loulé is particularly interesting because documentation from the meetings of its town council has survived in especially abundant proportions.<sup>35</sup> Though these records are somewhat late for our purposes, they nevertheless show that local Jews and Muslims were included among the *moradores* regularly summoned to attend the municipality's *assembleias alargadas* from at least 1402 onwards. The topics covered in the meetings to which they were invited were not specific to religious minorities; the latter thus had a voice on issues concerning general economic matters, municipal organization (elections, etc.), and a variety of other topics.<sup>36</sup> The documents also show that the *homini boni* who were called together to confer at certain meetings included Jews and Muslims. For instance, the meeting held to elect a new Crown attorney in 1487 was attended by “homes boons assy christãos e mouros e judeus”.<sup>37</sup>

This leniency may well be unique to Loulé. In her analysis of the Louletan sources, Filomena Barros has concluded that, though there was certainly a large and vital *mudéjar* population in Loulé, the *comuna* itself does not appear to have been a self-governing entity. Records bear witness to at least two fifteenth-century *alcaldes* and a number of other Muslim officials (an imam, an *almotacé* “market inspector”, an *almoxarife*, and two *escrivãos*), yet Barros has been unable to locate mention of a *tabelião* “notary”. The apparent lack of such a figure and the content of certain municipal records suggest to her that the Muslims there at that period had little juridical autonomy and were instead subject to the local town council. If she is correct,<sup>38</sup> then the *homens bons judeus e mouros* who convened at some meetings would not only have been the elite of the Jewish and Muslim *comunas* but

35 Humberto Baquero Moreno, ed., *Actas de Vereação de Loulé*, vol. 1 (1984); Manuel Pedro Serra, ed., *Actas de Vereação de Loulé, Séculos XIV-XV*, separata de *Al-'Ulya: Revista do Arquivo Histórico Municipal de Loulé*, 7 (1999/2000); Luis Miguel Duarte, *Actas de Vereação de Loulé, Século XV*, separata de *Al-'Ulya*, 10 (2004).

36 For a detailed survey of these records, see Barros, *Tempos e Espaços*, 323-341; and Maria de Fátima Botão, *A Construção de uma Identidade Urbana no Algarve Medieval: O Caso de Loulé* (2009), 190 note 8. There is also evidence of Jewish and Christian goldsmiths convening at an assembly in Porto in 1402. The latter appears to have been an atypical convocation, and the Jews at this meeting seem to have been treated as a distinct social group called to attend because of their profession, not because of their status as *moradores* (Melo, “Os Mestirais”, 345).

37 Serra, *Actas de Vereação*, 225; see discussion in Barros, *Tempos e Espaços*, 325.

38 To my knowledge, no detailed study of the Jewish *comuna* of Loulé has yet been published that might offer a point of comparison. For recent general discussion of the religious minorities in the municipality of Loulé, see Botão, *Construção*, 190-198. Interestingly, we might note that, according to records of an *assembleia alargada* that was held in Lisbon on 7 August 1285 and presided over by D. Dinis, the people of Lisbon requested that the king order local Jews and Muslims to report to the municipality's Christian *alcaide* and local magistrates – a move that would have compromised the autonomy of the *comuna* – but the request was rejected. The text is edited in Francisco Brandão, *Monarchia Lusitana*, vol. 5 (1650), 314v-315v escritura 18; Câmara Municipal de Lisboa, *Documentos para a História da Cidade de Lisboa. Livro I dos Místicos dos Reis, Livro II dos Reis D. Dinis, D. Afonso IV e D. Pedro I* (1947), 100; and discussed in Caetano, *Administração*, 30-31.

they would also have been elite members of the municipal council (*concelho*).<sup>39</sup> This possibility reminds us of the methodological importance of treating discussion of each municipality separately.

There are, moreover, randomly recorded instances of Jews and Muslims of other localities participating, to our surprise, in duties that were typically reserved for Christian *moradores* (e.g., fulfilling certain levels of military service).<sup>40</sup> It is particularly interesting that Jews and Muslims were also responsible for providing the *serviço de aposentadoria*, since, after 1361 (when laws requiring them to live in separate areas of town were enacted), this would appear to have transcended the idea of segregation – unless the royal solicitors who requested these lodgings were in fact doing so for the Muslims and Jews of their retinue.<sup>41</sup> While the present study aims to highlight how the question of the municipal status of religious minorities is blurred by the fact that some communities had access to fiscal benefits typically reserved for municipal members, these other lines of inquiry are equally fruitful in gauging the role of Jews and Muslims in the municipalities in which they lived.

### *Religious Minorities and the Portagem*

As mentioned above, the *portaticus* (in Latin; *portagem* in Portuguese), based on the *portorium* of Roman law, was a toll on goods brought into a town for sale by outsiders or non-*vizinhos*.<sup>42</sup> The term at times takes on a looser, compendious sense in some sources, signifying the tolls paid for a variety of different transactions: e.g., the toll paid by travellers for watering their livestock in the local river, or the toll for importing goods via a *foz* “river mouth” (the latter tax is more accurately known as the *dízima*). While *vizinhos* were exempt from most *portagens* in their own municipality, certain tolls were ineluctable, such as the fee for bringing in goods intended for sale via ship (paid by the *vizinhos* of Santarém), or for commodities brought in via the *foz* (paid by the *vizinhos* of Lisbon).<sup>43</sup>

39 I use the terms “municipal council” and “town council” interchangeably in this paper to translate *concelho*. On the history of the *concelho*, see Reis, *História dos Municípios*, 70; Herculano et al., *História de Portugal*, 33-589.

40 For a survey of such instances, see Soyer, *Persecution*, 54-59.

41 For discussion of the *serviço de aposentadoria* and the Jews, see Tavares, “Finanças e Fiscalidade”, 160-162. For a list of Christians who sought *aposentadoria* from Muslims, see Barros, *Comuna*, 16; and *Tempos e Espaços*, 709-710.

42 Vulgar Latin variants in Portuguese sources include *portagium*, *portadigum*, *portadicus*, *portadico*, *portadgo*, *portalgo*.

43 Iria Gonçalves, “Portagem”, in *Dicionário de História de Portugal*, ed. by Serrão, V, 122-123; Ruy d’Abreu Torres, “Dízima”, *Dicionário de História de Portugal*, ed. by Serrão, II, 326-328; António Henrique de Oliveira Marques, *Hansa e Portugal na Idade Média* (1959), 122; *Foal da Portagem de Santarém* in Lisbon, ANTT, Gaveta 10, maço 12, no. 17 fol. 17r. For *portagens* paid by the *vizinhos* of Lisbon, see ANTT, *Chancelaria de D. Fernando*, bk 1, fol. 84v.

With respect to collection of the *portagem*, the procedure outlined in the Évoran family of charters states that foreign merchants would have been obliged to register and stay with a host who was a resident of the municipality.<sup>44</sup> It is suspected, based on what can be gleaned from other sources, that the merchant's wares were typically kept in the host's storehouse and, once all sales were completed, the host, in recompense for his assistance, received a third of the *portagem*. The host would have been responsible for paying the remaining two thirds to a *portageiro* (either a royal officer or, later, a tax farmer).<sup>45</sup> Though the *portagem* was a *direito real* "royal tax", this two-third balance typically went to either the king, ecclesiastics, or the local lord depending on which of the three governed the area and issued the *foral*. Toll rates differed according to municipality, and amounts typically depended on the quantity and type of commodity involved. This is made clear in the twelfth- and thirteenth-century municipal charters,<sup>46</sup> but it is best illustrated in later charters outlining the *portagem* payments of specific towns (e.g., the above-mentioned *Foral da Portagem de Lisboa* and *Foral da Portagem de Santarém*). These provide lengthy, detailed lists of tolls due for a variety of goods, whether raw materials (spices, grain, ore, fish, shellfish, fruit, etc.) or finished products (tiles, leather clothing, etc.).

Early municipal charters and collections of customary law contain frequent mention of Muslims in relation to the *portagem*, yet, with one possible exception, they contain no mention whatsoever of Jews paying this royal tax. This is best illustrated in the *foral* of Proença-a-Velha (issued by Pedro Alvites, Master of the Temple, in 1218), which sums up the standard rule as follows: "Concerning *portagens* and passages and customs from Muslims and Christians, a third part is given to their host, and the [remaining] two thirds to the brothers [of the Temple]."<sup>47</sup> To my knowledge, the only mention of Jews in relation to the *portagem* in these twelfth- and thirteenth-century sources occurs in a thirteenth-century collection of the customary law of Beja, where the question whether Jews from outside the municipality should be subject to the toll is moreover presented as a *contenda* – "a matter of dispute", an instance where there is confusion concerning the proper procedure. The sole surviving manuscript copy is damaged and the ruling is illegible:

44 See, for example, the *foral* of Idanha-a-Velha (1229) in Herculano, *PMH-LC*, I, 614-615.

45 F. Salles Lencastre, *Estudo sobre as Portagens e as Alfândegas em Portugal (Séculos XII a XVI)* (1891), 1-2; João Lúcio d'Azevedo, *Elementos para a História Económica de Portugal (Séculos XII a XVII)* (1967; repr. 1990), 39.

46 For example, the Santarém-Lisbon-Coimbra model of charters reads: "Portagia uero et forum et quinte sarracenorum et aliorum ita persoluantur sicut consuetudo est, exceptis his que superius scripta sunt, et uobis relinquo" (*Foral de Coimbra* in Herculano, *PMH-LC*, I, 417).

47 "De portagines, et de passagines, et de decimas, de mouros, et de christianos tercia parte detur suo hospite, et duas partes ad fraires" (Herculano, *PMH-LC*, I, 578).

Another cause for disagreement is that they want to receive one *maravedi* from every Jew who passes through our town ... a Jew who ... pays *portagem*.<sup>48</sup>

Did some Jews in the thirteenth century believe that they did not have to pay *portagens* anywhere in the kingdom? Certainly, the scarce mention of Jews paying *portagens* would seem somewhat curious, knowing as we do that Jewish merchants were tremendously active in domestic and international trade in twelfth- to fifteenth-century Portugal.<sup>49</sup> Did they have a special arrangement with the king? This may be suggested in a letter issued by Afonso III in 1272 that states that Jews in the Algarve were also required to pay *dízimas* and *portagens* on items transported via the *foz* but collection of their payments appears to have been overseen by the *rabi-mor* or his *almoxarifes*.<sup>50</sup> Apart from some early fourteenth-century records from the municipality of Sesimbra, there is little evidence of Jewish subjection to the toll prior to the reign of Fernando I (1367-1383).<sup>51</sup>

As noted above, the situation regarding free Muslims is entirely different. They are described as subject to the toll in the twelfth- and thirteenth-century municipal charters descended from the Évora model (1166). These texts moreover illustrate the variety of taxes involving Muslims that fell under the general umbrella of *portagem* payments. Not only were Muslim merchants required to pay upon entering a town with, for example, a cartload of rabbit skins, but payments were also made for transactions involving the admittance of three types of Muslims (presumably captives) to market: a slave to be sold, an enslaved Muslim seeking to buy his freedom, and a Muslim accompanying his lord to assist him in his trade:

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48 "A outra contenda he que querem filhar huum maravedi de cada huum iudeu que passa per nossa uila ... huum judeu que ... da portagem" (Herculano, *PMH-LC*, II, 57; ellipsis marks are Herculano's to denote where the manuscript is illegible). Another edition is found in José Francisco Correia da Serra, ed., *Collecção de Livros Ineditos de Historia Portugueza: Dos Reinados de D. João I, D. Duarte, D. Affonso V, e João II*, vol. 5 (1824), 483. A passage from the *Costumes de Castelo Bom* (regarding the payment of 1 *morabitinus* to *alcaides* for buying fish on a Friday) does not appear to relate to the *portagem*: "Judeo qui comparare pescado: Totus judeus qui pescado comparare in uernes pectet 1 morabitinum a los alcaides et si christianus comparauerit pora iudeus, pectet 1 morabitinum a los alcaides, sin autem iuret cum 1º uicino" (Herculano, *PMH-LC*, I, 770).

49 For discussion of Jewish mercantile activity in the twelfth to fourteenth centuries, see Tavares, *Judeus no Século XIV* (2000), 116-121.

50 The letter is edited in Marques and Iria, *Descobrimientos*, I, 10-11 doc. 16. It is discussed in *Descobrimientos*, II, 1, 278-279 and in Gomes, "Grupos Étnico-Religiosos", 350. See also Marques and Iria, *Descobrimientos*, I, 24-25 doc. 33.

51 Barros, "Judeus e Mouros" (1936), 182 doc. 39. Barros references Sesimbra, Arquivo Histórico Municipal, *Livro do Tombo da Villa de Cezimbra e seu Termo* (the transcription dated 1728), fols 5 and 405, which I have not been able to consult directly.

Concerning the *portagem* [...] For a cart-load of rabbits brought by Christians, 5 *solidi*. For a cart-load of rabbits brought by Muslims, 1 *morabitanus* [...] For a Muslim whom they sell in the market, 1 *solidus*. For a Muslim who redeems himself, a tenth. For a Muslim who labours alongside his lord, a tenth.<sup>52</sup>

This Évoran *foral* is one of the few extant documents that distinguish between the amounts paid by Muslims and Christians as a toll. Unfortunately, in 1166, the *morabitanus* was a Muslim coin of no fixed value, limiting our ability to gauge the extent of any disparity in fees paid.<sup>53</sup> Yet Évora was a frontier town: for many years throughout the course of the Portuguese Reconquista, it was the only town in the Muslim South that was in Christian hands. Recorded mentions of free Muslims living in Évora do not predate 1273; it is therefore possible that the text is in fact referring to Muslims from outside the territory.<sup>54</sup>

The wording in the Penamacor recension of charters descended from this Évoran model is somewhat ambiguous and may actually suggest that local

52 “De portagem [...] De carga de christianos de conelios V solidos. De carrega de mauris de conelii I morabitanum [...] De mauro quem uendiderint in mercato I solidum. De mauro qui se redimeret decimam. De mauro qui taliat cum suo domino decimam” (Herculano, *PMH-LC*, I, 392-393). My translation of *taliat* (*taliaverit* in most charters descended from this Évoran model) requires some explanation. In Old Portuguese, meanings of the verb *talhar* (> Vulgar Latin *taleare* “to cut”) include “to cut, divide, tailor”; “to cut through (in the sense of travel in a direct route)”; and “to settle upon, agree, fix” (Joaquim de Santa Rosa de Viterbo et al., *Elucidário das Palavras, Termos e Frases que em Portugal Antigamente se Usaram e que Hoje Regularmente se Ignoram*, 2<sup>nd</sup> ed. (1865; repr. 1965), s.v. *talhar* I and II). *Taliat* could therefore signify “labours alongside”, “travels alongside”, or “comes to an agreement with”. The use of *pepigerit* (3sg. future perfect active indicative of *pangere* “fastens, makes fast, drives in” but also “to agree upon, settle”) instead of *taliaverit* in the *forais* of Penamacor (1209) and Proença-a-Velha (1218), which are descended from the Évoran charter, supports the first and last of these possibilities: “aut cum domino suo pepigerit” (Herculano, *PMH-LC*, I, 539 and 578). A more detailed but much later account of this clause occurs in the late fourteenth- or early fifteenth-century confirmation of the tributes paid by Muslims (Herculano, *PMH-LC*, II, 98-100). Item number 6 of this confirmation may reconcile these readings by relating that the Muslim negotiated financial remuneration for his labour (presumably for assisting his lord at market since the earliest known instance of this clause occurs within the context of *portagem* payments).

53 On the *morabitanus*, see António Henrique de Oliveira Marques, “A Circulação e a Troca de Produtos”, in *Portugal em Definição de Fronteiras*, ed. by Coelho et al., 487-528 (521-528); António Mendes Correia et al., eds, *Grande Enciclopédia Portuguesa e Brasileira*, vol. 17 (1960), s.v. *morabitanus*; and Joaquim Veríssimo Serrão, *História de Portugal. Vol. 1. Estado, Pátria e Nação (1080-1415)*, 5<sup>th</sup> ed. (1995), 196.

54 Barros, *Tempos e Espaços*, 139-140; Gomes, “Grupos Étnico-Religiosos”, 333. Another example of a text outlining tolls paid by Muslims is the collection of the customary law of Castelo Bom (also a frontier town) dated c. 1188-1230: “Tota bestia maior que unijere de mauros cum carga det medium morabitanum in portatico, et de ida 1<sup>a</sup> quarta de morabitanio. Et cl asno que uaiã 1<sup>a</sup> octaua et de uenita 1<sup>a</sup> quarta. Et de las bestias mayores que leuaren a uender dent singulas octauas de morabitanio. Et de asino ad sua razon: cauallo de siela 1 morabitanum: de las uacas tomen singulas octauas. De carneros tomen de L<sup>a</sup> I carnero” (Herculano, *PMH-LC*, I, 789). Records do not indicate that a community of free Muslims was living in Castelo Bom at the time that this text was composed (Barros, *Tempos e Espaços*, 32), and it is possible that here, too, the clause refers to fees paid by non-local Muslims.

Muslims were exempt from the *portagem*, as exemplified in the *foral* of Penamacor: “Christians and Muslims who do not live in Penamacor or its territory are to pay these *portagens*.”<sup>55</sup> However, there is little evidence that Muslim populations were established in the territories whose *forais* were of this particular recension. What is more, extant administrative records of *portagens* paid in the medieval period are rare, and they do not elucidate whether the payments were made by local or non-local Muslims. Our ability to measure the extent of any privileges is therefore restricted. If local Muslims were in fact obliged to pay the *portagem*, it is possible that the procedure involving registration with a host would not have applied to them since they lived nearby. The distribution of *portagem* dues paid by local Muslims might therefore have been different, but this is not specified in the early charters.<sup>56</sup>

### *Religious Minorities and Vizinhança in Lisbon*

We have seen that, according to the municipal charters of Lisbon, Santarém, and Coimbra, *mercatores naturales* could purchase exemption from the *portagem* for 1 *soldo* (which, at the time, was the typical pay for a few days of non-specialized work; its purchasing power was the equivalent of a new pair of shoes or six large chickens).<sup>57</sup> We have also seen that the late fourteenth-century *Foral da Portagem de Lisboa* indicates that the Jews and Muslims of Lisbon – who were also arguably

55 “Istas portagines dent christiani et mauri qui non habitauerint in penamacor neque in suis terminis” (Herculano, *PMH-LC*, I, 540). Cf. the *Foral de Proença-a-Velha*: “Istas portagines dent homines christianos sive mauros que non morant in prohentia nec in terminis suis” (p. 579). On the Penamacor recension, comprised of the *forais* to Penamacor (1209), Proença-a-Velha (1218), Idanha-a-Velha (1229), Salvaterra (1229), Sortelha (s.d.), and Penagarcia (1256), see Maria Cristina Cunha, “Forais que tiveram por modelo o de Évora de 1166”, *Revista da Faculdade de Letras: História*, 5 (1988), 69–94 (80 and passim).

56 Note, however, that a different distribution of *portagem* dues concerning Muslims may be described in records from the inquiries into land and property rights (*inquirições*) conducted by Afonso II between 1220 and 1223 regarding Coimbra. ANTT, Gaveta 3, maço 10, doc. 17 fol. 7v: “Templarij [...] habent terciam de portagine in Colimbria de habere mourisco. et dedit eis domina Regina Tarasia pro anima sua Templo” (Saúl António Gomes, “As Ordens Militares e Coimbra Medieval: Tópicos e Documentos para um Estudo”, in *Ordens Militares: Guerra, Religião, Poder e Cultura. Actas do III Encontro sobre Ordens Militares*, ed. by Isabel Cristina F. Fernandes, vol. 2 (1999), 64 doc. 11). It is difficult to determine whether the distribution of dues collected from Muslims outlined here is referring to a tradition different from the standard 1/3 to one’s host and 2/3 to the king/military order/ecclesiastics that is outlined in the Évoran family of municipal charters. Since the text also does not make clear whether the Muslim goods being taxed were carried in by Muslims themselves or by Christian traders, there is a limit to how much one can deduce from this reference.

57 *Posturas Municipais de Coimbra* (1145), edited in Manuel Augusto Rodrigues and Avelino de Jesus da Costa, eds, *Livro Preto Cartulário da Sé de Coimbra* (1999), 769–772 doc. 576; one chicken was worth 2 dinheiros (=0.166 soldos) according to the *foral* of Arganil issued in 1175 (Herculano, *PMH-LC*, I, 403). According to a document preserved in ANTT, S. Jorge de Coimbra, maço 6, no. 25, the daily wage in 1260 was 1 *soldo*. I am grateful to António Henriques for locating this document (*non vidi*) and for providing me with these calculations of the value of the *soldo* in 1179.



*mercatores naturales* – had likewise been able to purchase exemption by paying the same *soldo de vizinhança*.<sup>58</sup>

This *Foral da Portagem de Lisboa* and the majority of other extant sources mentioning the exemption of Lisboetan religious minorities from paying *portagem* are each in their own way related to records concerning a dispute that arose c. 1371 between Fernando I's officials and the *concelho* of Lisbon. According to a lengthy account of this dispute that is preserved in the chancellery of D. Fernando, merchants in Lisbon had previously been exempted from certain types of *portagens* there upon payment of the annual *soldo de vizinhança*, but those responsible for collecting the *portagem* were now contravening local custom and exacting all tolls regardless. This document, dated 11 October 1371, indicates that, after an enquiry into earlier practices, the royal court ruled in favour of Lisbon's *vizinbos*.<sup>59</sup> There is no mention of Jews or Muslims in this particular record, but a later abridged account of the affair indicates that the Jewish *comuna* of Lisbon was included among those whose rights were transgressed by the tax collector. The latter document, dated 1379, shows that, though Fernando I ruled in favour of the *vizinbos* of Lisbon in 1371, difficulties with tax collectors persisted and the case concerning the Jewish *vizinbos* was ultimately judged separately.<sup>60</sup>

This latter document is particularly significant because it indicates that, despite their religion and their existence as a semi-autonomous *comuna*, the Jews of Lisbon considered themselves to be *moradores e vizinhos* of the municipality so long as they made the annual payment of the *soldo de vizinhança*, which exempted them from paying certain tolls and customs. Upon this payment, moreover, the document indicates that they received *cartas de vizinhança* issued by the town council. The record also provides the name of the tax collector with whom these

58 ANTT, *Traslado do Livro da Portagem de Lisboa*, fol. 30v cited above at note 21 (this copy is dated c. 1434). This same *foral* also describes local Jews and Muslims as being exempt from paying the *dízima* on fruit transported for their own private consumption in the same way that Christian *vizinbos* are: "E de costume que de cada huía destas coussas que troueram ou enuiarem aos vezinhos de lizboa e a outros quaees quer mercadores que som na dícta çidade asy xpãos come judeus e mouros para seu mantimento e despenderem em sas casas nom paguam dizima saluo sse vierem pella foz nom escusam a dizima" (ANTT, *Traslado do Livro da Portagem de Lisboa*, fol. 27v). The corresponding passage in a later fifteenth-century copy occurs at ANTT, *Livro da Portagem de Lisboa*, fol. 37r; discussed by Barros, "Judeus e Mouros" (1936), 169-170 doc. 4. Another shared exemption from the *dízima* is described at ANTT, *Traslado do Livro da Portagem de Lisboa*, fol. 28v; ANTT, *Livro da Portagem de Lisboa*, fol. 38r; discussed by Barros, "Judeus e Mouros" (1936), 169 doc. 3. Yet another example of shared exemptions from customs and excise duties is contained in ANTT, *Livro da Portagem de Lisboa* (the foliation in this manuscript (reference code PT/TT/FC/001/356) is not continuous; the passage is located at file 47 of the digital copy available at <http://digitalq.dgarq.gov.pt/>).

59 ANTT, *Chancelaria de D. Fernando*, bk 1, fols 84v-87r; partly edited in Marques and Iria, *Descobrimientos*, I (suppl.), 295-296 doc. 180.

60 ANTT, *Chancelaria de D. Fernando*, bk 2, fols 54r-55r.

difficulties first began: Lopo Martins, who, as records show, was the treasurer responsible for collection of the *portagem* in Lisbon (the *almoxarife da portagem de Lisboa*) in 1371 and again from 1381 to 1382.<sup>61</sup>

After a long and protracted affair, we learn from a document dated 1414 and concerning the Jews of Leiria that the Lisboetan Jewry eventually lost the privilege of *vizinhança* and exemption from the *portagem*.<sup>62</sup> We also learn this from revisions to the *Foral da Portagem de Lisboa*. The original *foral* was issued by D. Fernando in 1377 after a detailed enquiry into the rules and rates pertaining to the toll in Lisbon, but updates to former procedure were later introduced into the text, either by D. Fernando himself (once judgment had been passed concerning the Jews of Lisbon) or by a successor. The copy in ANTT, *Traslado do Livro da Portagem de Lisboa* states, “Concerning Jewish and Muslim *moradores* of the city of Lisbon: they used to be exempt from paying the *portagem* along with the Christians but now they pay”.<sup>63</sup> Abrogation of former exemptions are also signalled in the earliest surviving copy of the *foral* – that commissioned by João I in 1401 – where it is explained that the changes were the result of new tax farming procedures implemented in the final quarter of the fourteenth century. According to this text, tax farmers had requested that religious minorities no longer be exempt:

And Jews and Muslims who live in [Lisbon] enjoyed the same privilege as Christians in that they paid neither *portagens* nor customs, but once the *portagem* was contracted to tax farmers, the latter asked and we conceded that they will no longer be excused as they were previously.<sup>64</sup>

The claim put forward by the Lisboetan Jewry *c.* 1379 – namely that they had customarily been issued *cartas de vizinhança* by the municipal council – is corroborated in the abovementioned record concerning the Jews of Leiria. The payment of 1 *soldo* per capita for these letters is not mentioned in the latter source, but this omission may simply be due to the brevity of the document. We are fortunate to have the depositions from an inquiry into former practice concerning the

61 A biographic account of Lopo Martins is found in Farello, “Oligarquia”, 541-547; see 744 for a list of officials responsible for collecting the *portagem* in fourteenth-century Lisbon.

62 Arquivo Distrital do Porto, *Cabido da Sé do Porto*, bk 1673, parchment no. 2, discussed below at pp. 213-214.

63 ANTT, *Traslado do Livro da Portagem de Lisboa*, fol. 33r: “Dos judeus e mouros moradores na cidade de lixboa husauam com os xpaãos de nom paguarem portagem nem costumagem e ora paguam”; discussed in Barros, “Judeus e Mouros” (1936), 169 doc. 3.

64 ANTT, *Traslado do Foral da Portagem de Faro*, fols 11v-12r: “E desto husauam judeus e mouros que moram na dita cidade com os xpaãos que nom paguam portagem nem costumagem e depouys que a portagem for arrendada demandarom nos e nom escussam conmo ante escussauam”. The corresponding passage in the copy dated to 1434 occurs at ANTT, *Traslado do Livro da Portagem de Lisboa*, fol. 10r.

*portagem* in Lisbon that was undertaken from c. 1378-1381 for the Lisboetan court case (preserved in AHCML, *Livro dos Pregos*, doc. 98, fols 85r-94v).<sup>65</sup> Articles 2 and 5 of the inquiry indicate that, according to local custom, both Muslims and Jews had been exempt from paying the *portagem* in Lisbon. The text does not provide a detailed description of this custom and whether or not it involved payment of a *soldo*, yet we may note, for that matter, that there is likewise no mention of Christian naturals paying the *soldada*.<sup>66</sup> It is also not overtly specified anywhere in the rubric of the articles or the recorded testimony that, in association with their exemption from the *portagem*, the Jews and Muslims of Lisbon were considered *vizinhos* or issued *cartas de vizinhança*. However, one might deduce their acceptance as *vizinhos* from Joham Durañez's response to article 5, in which he states that all *vizinhos* were exempt from the payment without offering a distinction between the denominations mentioned in the rubric of the article – a lack of objection may well signify consent.<sup>67</sup>

Evidence of Muslims likewise objecting to Lopo Martins and his overzealous exaction of the *portagem* has not come to light.<sup>68</sup> Nevertheless, we have seen that information gathered from the inquiries into former practice that are contained in the *Foral da Portagem de Lisboa* and in the *Livro dos Pregos* suggests that Muslims had also been exempted from the toll, with the former text specifying that they, like the Jews, had paid 1 *soldo* to obtain *vizinhança* and its associated

65 A different manuscript copy is edited in Câmara Municipal de Lisboa, *Documentos para a História da Cidade de Lisboa. Livro I de Místicos, Livro II del rei Dom Fernando* (1949), 227-258 (part of doc. 21). Tavares, in *Judeus no Século XIV* (2000), 67 note 65, and *Judeus no Século XV*, 209 note 113, lists additional documents related to this court case that, working remotely, I have not myself been able to locate despite the kind efforts of the staff at the Arquivo Histórico da Câmara Municipal de Lisboa: AHCML, *Livro 1.º de Provisões e Privilégios de D. Fernando*, doc. 21, fols 28-29v; and *Livro 1.º dos Místicos*, codex 2, fol. 19. Moreno omits references to the manuscript sources altogether in his discussion of the case ("A Sentença do Rei", 411). It may be helpful here to correct the errors in Tavares's references for what appears to be the *Foral da Portagem de Lisboa* in her abovementioned lists: details should read ANTT, *Feitos da Coroa*, Núcleo Antigo 357 (previously *Forais antigos*, maço. 2, no. 3) – this is the 1434 copy of the *foral* referenced in the present article as *Traslado do Livro da Portagem de Lisboa*; and ANTT, *Feitos da Coroa*, Núcleo Antigo 356 (previously *Forais antigos*, maço. 2, no. 2) – referenced in the present article as *Livro da Portagem de Lisboa*.

66 Article 2: "[...] E desto husavam judeos e mouros que moram na dita çidade come xpaãos que nom pagam portagem nem costumagem E depois que a portagem foy rendada demandaromnos e nom escusam come ante escusavam" (fol. 86r); article 5: "[...] E este diretio nom pagavam judeus nem mouros moradores na dita cidade de lixboa salvo depois que a portagem foy rendada que os constrangerom e pagam" (fol. 87v). See also article 10 (cited below at p. 210), which states that resident Jews and Muslims of municipalities where *vizinhos* are issued realm-wide exemption from the *portagem* are likewise exempt. The only reference to the *soldo* occurs in article 3, where it is mentioned in passing and with regard to Genoese merchants trading in Lisbon.

67 AHCML, *Livro dos Pregos*, doc. 98, fol. 87v.

68 Again, I am unable to locate certain documents listed by Tavares (see note 65 above), and I am therefore unable to verify whether they contain evidence corroborating the right to *vizinhança* among the monied Muslims of Lisbon.

fiscal benefits. This statement from the *Foral da Portagem de Lisboa* regarding Muslim payment of the *soldada* does not appear to be corroborated in any of the above-discussed records descended from the 1371 court case. To my knowledge, it is not supported anywhere.<sup>69</sup> At present, the only clear evidence of religious minorities who were card-carrying municipal members in Lisbon concerns the Jews. This discrepancy reminds us that it is imperative to treat Muslims and Jews separately in discussions of the social history of religious minorities in Portugal.

### *Religious Minorities and Vizinhança in Portugal*

In his efforts to tighten regulations concerning the acquisition of *vizinhança* and exemption from the *portagem*, D. Duarte passed laws making it clear that local Jews and Muslims were not to be considered *vizinhos* and they were not to be excused from paying tolls in the municipalities where they resided.<sup>70</sup> The need for this legislation suggests that there were certain loopholes that made some Muslims and Jews try to claim (and, at an earlier stage, possibly even succeed in claiming) some of the same privileges as *vizinhos* of the areas in which they lived. That they sometimes succeeded in benefitting from realm-wide exemption is suggested by a late fourteenth- or early fifteenth-century revision to the *portagem* rules of Lisbon which states that religious minorities who had previously benefitted from what would seem to be realm-wide exemption from the toll were now subject to it: “Concerning Jews and Muslims who live in the realm

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69 One possible line of inquiry that I have not been able to pursue involves records from the Cortes of 1331 discussed by Barros (*Tempos e Espaços*, 313). According to article 23, the Muslims of Lisbon alleged that they held a special privilege (granted by D. Dinis and confirmed by Afonso IV) preventing the Christian *almotacé* from entering the Muslim district in order to fine them for transgressions against the town council's *almotaçaria*: they were “exemptos que os Almotacees nom entrem ao aRualde pera leuar deles pena ssobr 'esto aynda que os achem en falssura” (edited by Barros from AHCMML, *Livro I de Cortes*, fol. 22, *non vidi*). A paraphrase of the document in contemporary Portuguese is provided in Caetano, *Administração*, 121-129. According to a letter from D. João I that is summarized in *OA II*, 71, Jewish *comunas* had of old been granted autonomous regulation of their own *almotaçaria*, governed by their own Jewish *almotacé*, and one might presume that the same privilege of self-government was granted to Muslims in this respect (see discussions of the *almotaçaria* in Tavares, *Os Judeus no Século XV*, 77-78; Barros, *Tempos e Espaços*, 312-314). In the year 1280, the council of Évora had had to obtain a special privilege from D. Dinis in order to force resident Jews and free Muslims to comply with the market prices set by the council's *almotaçaria*: “Em outra parte senhor pedevos merecê o concelho d'Evora que os mouros forros e os judeus usem com elles os feictos da almotaçaria assi como vesinhos” (ANTT, *Chancelaria de D. João II*, bk 26, fol. 66v; edited in Gabriel Pereira, *Documentos Históricos da Cidade de Évora* (1885; repr. 1998), 32-34 doc. 22). A letter issued by D. Dinis in 1309 moreover indicates that Jews and free Muslims in Évora had refused to obey this directive, likely because of their own longstanding privilege (ANTT, *Odiána*, bk 1, fol. 147v; Pereira, *Documentos*, 50-51 doc. 33). If the free Muslims of Lisbon were *vizinhos*, would they have been required to comply with the municipal *almotaçaria*? If so, then the fact that they arranged for this special exemption could stand as indirect evidence of their status as municipal members.

70 See below, pp. 214-215.

and who live in municipalities that have letters of exemption from paying the *portagem*: [they] used to enjoy [the same exemptions] as the Christians but now they pay”.<sup>71</sup> And in deposition records from the Lisboetan court case, one finds that these realm-wide exemptions from tolls on certain items had formerly been upheld in Lisbon for *all* merchants of such privileged municipalities, whether Christian, Muslim, or Jewish: “And Jews and Muslims who live in areas where these letters have been granted were exempt from this *portagem* in the same way that Christians are”.<sup>72</sup>

Tavares has argued, with respect to the Jews of Portugal, that “[i]t is probable that the question of the [right of] Jewish inhabitants [to] *vizinhança* was only raised at the end of the fourteenth century”.<sup>73</sup> She bases this statement on the abovementioned court records that show that the monied Jews of Lisbon had previously obtained the status of *vizinhança* by paying 1 *soldo* per capita. However, one difficulty with such a general statement is that it does not take into account the fact that payment of the *soldo* was not necessarily a universal pre-requisite to acquire or renew *vizinhança*: as noted above, procedures in place for the acquisition of municipal membership could differ according to municipality. Also, though we have clear evidence that local Jews in areas other than Lisbon obtained *vizinhança* (namely in Viseu, Leiria, and possibly Porto),<sup>74</sup> evidence has not been presented to confirm that the procedure they followed to acquire this status in Viseu (and Porto?) was necessarily the same as that followed by Christian *vizinhos* of the same territory. In the case of Leiria, we know that the Jews obtained

71 ANTT, *Traslado do Livro da Portagem de Lisboa*, fol. 32v: “Dos judeus e mouros que morom no Reyno e morom em alguas villas que ham cartas de nom paguarem portagem husauam com os xpaãos e ora paguam”.

72 AHCML, *Livro dos Pregos*, doc. 98, fol. 89v: “E esta portagem escusauam judeus e mouros que moram nos lugares hu ham taes cartas come os xpaãos”.

73 “[É] provável que a questão da vizinhança dos moradores hebraicos só se tenha posto nos finais do século XIV” (Tavares, *Judeus no Século XV*, 186-187); Tavares, “Finanças e Fiscalidade”, 140 and 158.

74 See Tavares, *Judeus no Século XIV* (2000), 67-68. According to a record of disputes that arose between the bishop and town council of Porto that is edited in *Corpus Codicum Latinorum et Portugalensium eorum qui in Archivo Municipali Portucalensi Asservantur Antiquissimorum*, vol. 2 (1917; repr. 1972), during the reign of D. Dinis, the town council decided that Jews and Muslims no longer required the bishop's approval to relocate to Porto. The text states that they are free to come live “as vizinhos”; it does not state that they *are* vizinhos, and the context moreover does not make it clear that *vizinho* is not used in the general sense of “neighbor”: “Jtem des tanto tempo que a memoria dos homeens nom he em contrayro, foy husado e Custumado que nenhuum Judeu nem Mouro nom morem na dita Çidade sem outorgamento e mandado do senhorio. E ora os do dito Conçelho mandam hi morar os Judeus e soffrem Aos da dita Çidade que lhes alquiem (=aluguem) as casas en que moram. O que nom he seruiço de deus nem prol dos que moram na dita Çidade” (p. 257); “Jtem Ao quarto agrauo dos Mouros e Judeus. Mandarom que possam viuer na terra come vizinhos. e sse mal hasarem desy lançemnos fora e denlhes pea segundo for o feyto” (p. 261). These passages are discussed in Artur Carlos de Barros Basto, *Os Judeus no Velho Porto*, separata de *Revista de Estudos Hebraicos*, 1 and 2 (1929), 39-41; and Tavares, *Judeus no Século XIV* (2000), 67-68.

*vizinhança* in a different manner: through a *carta de vizinhança* that was issued by João I to the entire community.

Evidence of kings granting such community-wide *cartas de vizinhança* would moreover suggest that Jews were not considered innately eligible for municipal membership as Christians were – had they been, they would not have required this special privilege. The example given concerning Leiria postdates the end of the fourteenth century, but references to earlier community-wide letters issued to other municipalities are found scattered throughout the sources, as are references to exemptions granted to certain Jewish or Muslim individuals from areas where community-wide exemptions had not been issued.<sup>75</sup> Since the procedures outlined for Jewish acquisition of *vizinhança* in these sources sometimes differs from the procedures followed by Christians (most clearly illustrated by their need for special privileges), it follows that the Jews were, in many municipalities, viewed differently – as a group without an inherent right to *vizinhança*.

Perhaps most importantly, according to the above-cited *Foral da Portagem de Lisboa*, Muslims had also formerly been able to pay the *soldo de vizinhança* in Lisbon and yet there is no clear evidence that Muslims would have been eligible for municipal membership in other municipalities.<sup>76</sup> Nowhere else are they referred to as *vizinhos* (apart from the possible exception of Porto). The only indisputable evidence of Muslims sharing the same economic privileges as municipal members is limited to the frontier town of Elvas, and even in this case, Muslim residents were not automatically eligible for release from the *portagem*: as records from the Cortes of Lisbon (1439 and 1455) show, their exemption had not been municipally issued but had been obtained through royal privilege in recompense for military service. During times of war with Castile, rather than simply guard the royal tents or the baggage train, they had participated in combat – a duty that was generally reserved for Christian *moradores*.<sup>77</sup> Their exemption thus had little to do with payment of a *soldo de vizinhança*.

Interestingly, these Cortes records, too, do not preserve the voice of a Muslim community objecting to their payment of the *portagem*: it was the municipality of Elvas that asked Afonso V to reinstate the exemption that had formerly been

75 For instance, in the same documents concerning the Jews of Leiria, D. João's directives to tax collectors indicate that exemptions issued by his predecessors would be honoured: "E esto ffazede saluo se os dictos judeus nos mostrarem cartas nosas ou dos reis que ante nos fforam per que os ajam por ujinhos" (Moreno, "A Sentença do Rei", 414; discussed below at pp. 213-214).

76 ANTT, *Traslado do Livro da Portagem de Lisboa*, fol. 30v cited above at p. 196.

77 ANTT, *Leitura Nova, Odiana*, bk 6, fol. 141v; ANTT, *Chancelaria de D. Afonso V*, bk 2, fol. 8; ANTT, *Odiana*, bk 3, fol. 173v; ANTT, *Chancelaria de D. Afonso V*, bk 15, fol. 81v; see Anna Matheson, Notice nos 326280 and 326281, RELMIN project, "The Legal Status of Religious Minorities in the Euro-Mediterranean World (5<sup>th</sup>-15<sup>th</sup> Centuries)", Telma Web edition, IRHT, Institut de Recherche et d'Histoire des Textes – Orléans <http://www.cn-telma.fr/remlin/>.

granted by his forbearers. The municipality alleged that resident Muslims had always been granted this privilege in gratitude for their service, and the combined facts that Elvas was only conclusively adopted into Portugal *c.* 1229 and that it was a frontier town against an at times hostile neighbour lend support to their claim – enlistment could well have been a cause for exemption from the toll there as far back as the town's genesis under the Portuguese Crown. Clearly, it was in the municipality's best interests to have extra men fighting against the Castilians, and the ability to offer the Muslims release from the toll as an incentive to fight would still have been in their favour considering Elvas's strategic location for Portugal's intervention in the current Castilian civil wars (1433-1443).<sup>78</sup> Still, while the motive for indulgent behaviour towards the Muslims of Elvas is clear, it is specific to the local context; one must approach discussion of the geographically dispersed Muslim *comunas* on a case-by-case basis.

Despite the abovementioned vague wording in the Penamacor recension of municipal charters that may or may not suggest that local Muslims (if indeed there were any) were excused from the *portagem*,<sup>79</sup> the permissive attitude towards the Muslims of Lisbon that is reflected in the *Foral da Portagem de Lisboa* and in the depositions in the *Livro dos Pregos* was not universally extended to all Muslims of the kingdom. Rights differed according to municipality, as is suggested by the special privilege that for years had to be issued to the Muslims of Elvas in order for them to be exempt from the *portagem*. Since the treatment of Muslims in the Lisboetan records was not exemplary, it would seem unadvisable to base an argument concerning the status of the Jews of the entire realm on these same records concerning Lisbon.

Also, though there is clear evidence of leniency towards Jews in fourteenth-century Lisbon, there is no evidence from an earlier period to confirm how far back the practice of accepting Jews as *vizinhos* was exercised. Surviving records of communal exemptions elsewhere are moreover – apart from the possible case of the Jews and Muslims of Porto – limited to the fourteenth and early fifteenth centuries. The records certainly suggest that Jews were often successful in their petitions for the privilege of *vizinhança*; it appears that considerably less evidence of such success among Muslims *comunas* has survived. But even if neither minority were automatically eligible for *vizinhança* within a municipality, it is clear that, in some districts, Jews and/or Muslims shared *de facto* the same economic benefits as *vizinhos de jure*. However, from the late fourteenth century onwards, laws restricting access to such privileges began to be imposed.



<sup>78</sup> António Henrique de Oliveira Marques, *Portugal na Crise dos Séculos XIV e XV*, Nova História de Portugal 4 (1987), 550-555. I owe this point to Dr António Castro Henriques.

<sup>79</sup> Discussed above at p. 204-205.

*The Abrogation of Leniency (Late Fourteenth/Early Fifteenth Century)*

Dom Fernando's ruling that stripped the Lisboetan Jewry of their right to *vizinhança* and exemption from the *portagem* set a precedent for later revocations of fiscal exemptions elsewhere in the kingdom. Records dating to the reign of his successor, João I, again present evidence of Jews refusing to pay the *portagem* in their municipality, once more for the reason that they considered themselves *vizinhos*, but this time because they were granted this status by royal privilege; there is no mention of the *soldo de vizinhança*. This evidence concerning the Jews of Leiria is found in a letter dated 8 August 1414 in which an earlier letter (dated 16 January 1412 and describing the Leirian court case) is transcribed.<sup>80</sup> In this instance, the Jews, according to their testimony, were granted the privilege of *vizinhança* in a letter issued by D. João himself. Yet the Crown attorney, Bartolomeu Domingues, rejected their claim because a separate letter had been issued by the same king stating:

no Jews in our land should enjoy the privileges of temporary residences (*estaus*) nor are they to be considered *vizinhos* for the reason that they do not participate in military service but instead live by their crafts and trades and they [therefore] should not be considered *vizinhos*.<sup>81</sup>

In defence of his position, Domingues reportedly argued:

despite the fact that the Jews of Lisbon and Guimarães and other regions of [the king's] realm show letters from the councils where they are *moradores* so that they may be considered *vizinhos*, tax collectors still make them pay the said *portagem* and collect it for the king along with his other dues.<sup>82</sup>

He also reminded the courts of D. Fernando's aforementioned judgement that revoked the right to *vizinhança* from the Jews of Lisbon.

Dom João's final judgement not only deprived the Jews of Leiria of the status of *vizinho*, he extended his decision to the Jews of the entire realm. As of 1412, *cartas de vizinhança* issued to Jews by municipal councils were nullified; no longer

80 Arquivo Distrital do Porto, *Cabido da Sé do Porto*, bk 1673, parchment no. 2; edited in Moreno, "A Sentença do Rei", 413-415.

81 "[P]orque nenhuis judeus da nossa terra nom deujam dauer priujllegios de estaaos nem seerem auudos por uizinhos porque nom serujam em Guerra mais uujam por sseus ofiços e mesteres e nom deujam de seer auudos por vizinhos" (Moreno, "A Sentença do Rei", 414).

82 "Que nom embargando que os judeus de Lixboa e de Gujmaraees nem doutros llogares dos nosos regnos mostrassem carta dos conçelhos onde fossem moradores per que os ouuessem por uizinhos que os costringessem que todauia pagassem a dicta portagem e arrecadassem pera nos com os outros nosos djreitos" (Moreno, "A Sentença do Rei", 414).



would Jews be able to benefit from the status of *vizinho* unless they had been granted this privilege in a royal letter. The same ruling is extended to Muslims in another document attributed to João I, in the confirmation of tributes paid by free Muslims in Portugal:

Moreover no Jew or Muslim is a *vizinho* and, on account of this, they pay the king the *portagens* and levies that are due from them, and they cannot be excused from this except by a letter from the king addressed to them specifically, and they are not excused by any other means.<sup>83</sup>

While the king's decision with regard to Leiria is clear, the reason for the seeming contradiction that he would uphold previous royal letters of privilege issued by himself and his predecessors but not the letter that he himself granted to the *comuna* of Leiria remains a mystery.

João I's successor, D. Duarte, issued further legislation regarding religious minorities and their attempts at claiming exemption from the *portagem*. His decree regarding the Jews is preserved in *Ordenações Afonsinas* (henceforth *OA*) II. 69 under the heading "That Jews are not to be excused from paying the *portagem*, nor considered *vizinhos* in any municipality, even if they have lived there for a long time".<sup>84</sup> The context likely concerns Jewish inhabitants of municipalities whose *forais* have exempted them from paying the toll in the entire kingdom, as is succinctly stated in the corresponding rule for Muslims, the heading of which reads, "That Muslims are not to enjoy the same privileges extended to Christians, who, as *vizinhos* of certain districts, are exempt from paying *portagens* and other customs duties":

King D. Duarte, my lord and father of praised reputation, when an infante passed a law in which he ordained that, regardless of whether, by letters and privileges or charters by his father the king or by the kings that preceded him, the *moradores* and *vizinhos* of some places are excused and privileged so that they do not pay *portagens* and passages and other customs dues, the Muslims of his kingdoms and dominions who live in these same places are not to benefit from such privileges, graces, mercies, and charters given to the Christians. In all cases, the Muslims are to pay these duties just as those who neither reside there nor are *vizinhos* there do.

83 "Item nenhum mouro nem judeu nom som uizinhos e porem pagam a elrei suas portageens e deretos que delles ha dauer e nom se podem scusar saluo per carta delrey que para ello aiam em special e doutra guisa nom som scusados" (Herculano, *PMT-LC*, II, 100).

84 "Que os Judeos nom sejam escusados de pagar Portagê, nem avudos por vizinhos em alguã Villa, ainda que hi morem longamente" (*OA* II. 69); see Anna Matheson, Notice no. 326282, RELMIN project, "The Legal Status of Religious Minorities in the Euro-Mediterranean World (5<sup>th</sup>-15<sup>th</sup> Centuries)", Telma Web edition, IRHT, Institut de Recherche et d'Histoire des Textes – Orléans <http://www.cn-telma.fr/relmin/extrait326282/>.

This law having been reviewed by us, we order that it be observed and upheld as it is described above, and in the manner that it was devised by the aforesaid king and lord and already confirmed by us in the corresponding case concerning the Jews, because we hold it to be in the service of God and in our own interests as well as those of our kingdoms.<sup>85</sup>

Duarte does not mention what happened to Jews and Muslims who already held royal letters of privilege. Judging from the afore-seen records of the Cortes of 1439 and 1455, which indicate that the Muslims of Elvas did not pay *portagens* during his rule, it would seem that previous royal exemptions were respected.

Despite his rescindment of Jewish access to the status of *vizinho*, confusion persisted regarding their obligation to pay certain customs and excise taxes. The district auditor (*contador da comarca*) of Trás-os-Montes, for instance, had a difficult time getting Jews at the fair of Santa Maria de Azinhoso to pay the *sisá* for the reason that the *concelho* considered them exempt by virtue of an old letter of privilege.<sup>86</sup> Exemptions were moreover granted in the reign of Duarte's successor, Afonso V: in 1476, in an effort to increase the population of Miranda do Douro, he granted that all Jews who moved there would benefit from the same privileges that the *vizinhos* held.<sup>87</sup> Privileges addressed to individuals also continued to be issued: in 1455, upon request by the municipality of Mourão, which faced a shortage of tradesmen, he granted that the five Jewish and Muslim professionals (a cobbler, a tailor, a potter, a blacksmith, and a shearer) who were willing to move to Mourão could share the same privileges as the *vizinhos* of the town.<sup>88</sup> And in 1465, upon request by D. Alvaro de Bragança, the king granted José Negro,

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85 "Que os Mouros nom gouvam dos Privilegios, per que os Chrisptaões como vizinhos dos Lugares som izentos de pagarem portageês, e outras costumageês: ElRey Dom Eduarte meu Senhor, e Padre de louvada memoria em sendo Infante fez Ley, per que hordenou, que nom embargante que per Cartas, e privilegios, ou foraaes, que per ElRey seu Padre, ou pelos Reyx, que antes foram, sejam escusados, e privilegiados os moradores, e vizinhos d'algũs Lugares, que nom paguem portageês, e passageês, e outras costumageês, os Mouros de seos Regnos, e Senhorio, que morarem em os ditos Lugares, nom gouvissem de taaes privilegios, graças, e mercees, e foraaes dados aos Chrisptaões; e que em todo caso os Mouros pagassem esses direitos assy como os que hy nom moram, nem som hi vizinhos. A qual Ley vista per nós mandamos que se guarde, e compra, como suso dito he, e pela guisa, que per elle dito Rey, e Senhor foi hordenado, e per nos ja confirmado em tal caso ácerca dos Judeos; porque o entendemos assy por serviço de Deos, e nosso, e bem de nossos Regnos" (*OA II* 108). See Anna Matheson, Notice no. 326283, RELMIN project, "The Legal Status of Religious Minorities in the Euro-Mediterranean World (5<sup>th</sup>-15<sup>th</sup> Centuries)", Telma Web edition, IRHT, Institut de Recherche et d'Histoire des Textes – Orléans <http://www.cn-telma.fr/telmin/extrait326283/>.

86 ANTT, *Chancelaria de D. Duarte*, bk 1, fol. 121r and bk 3 fol. 75 (*alterum non vidí*); discussed in Tavares, *Judeus no Século XV*, 203 note 21.

87 João II's confirmation of this grant is preserved in ANTT, *Chancelaria de D. João II*, bk 18, fol. 126v (*non vidí*); discussed in Barros, "Judeus e Mouros" (1937), 178-179 doc. 234.

88 João II's confirmation of this grant is preserved in ANTT, *Chancelaria de D. João II*, bk 8, fol. 219v; discussed in Barros, "Judeus e Mouros" (1936), 175 doc. 19; Soyer, *Persecution*, 73.

merchant of Lisbon, a *carta de vizinhança*.<sup>89</sup> Despite these indulgent acts, one might still presume, as Tavares and Moreno do, that new exemptions became much less frequent in the fifteenth century.<sup>90</sup>

It has been posited that the decline of exemptions extended to Jews in this period had much to do with the ascension of the Christian mercantile class in the late fourteenth and early fifteenth centuries and the curbing of Jewish competitors who already had the advantage of strong links in international trade.<sup>91</sup> Of course, rather than ascribe this change solely to interfaith rivalry, one might also be tempted to consider Fernando's reforms to the collection of *direitos reais* as having something to do with the period of economic crisis and social upheaval that marked mid- to late fourteenth-century Portugal: such an initiative to extort all possible avenues of income would have been necessary to finance war (in Fernando's reign, the war against Enrique II of Castile; in João I's reign, the Luso-Castilian war of 1383-1411 and the conquest of Ceuta) and to finance maritime exploration (especially in the reigns of D. João and D. Duarte).<sup>92</sup> We might also call attention to the motive expressed by D. Duarte himself in *OA II*. 30. 1: the desire to secure all royal property (*património real*).<sup>93</sup> Similar reasoning had been used earlier by João I in his aforementioned decision regarding the Jews of Leiria and the entire realm, and the protection of *património real* is known to have motivated many other initiatives carried out by these two kings.<sup>94</sup> Moreover, considering the criticism directed at the Crown for instituting the heavy tax burden of the *sisas gerais*, kings could hardly be remiss in the collection of other *direitos reais*.<sup>95</sup> In view of all this, the objections to Jewish exemption from the *portagem* voiced by tax farmers could not be ignored.

### Conclusion

The question of the municipal status of religious minorities is obscured by the fact that the principal fiscal privilege held by municipal members could, in some districts, be shared by Jews and Muslims, either upon purchase of *vizinhança* or upon receipt of royally or municipally issued letters of immunity. Our ability to

89 João II's confirmation of this grant is preserved in ANTT, *Chancelaria de D. João II*, bk 9, fol. 12.

90 Tavares, *Judeus no Século XV*, 186-187; Moreno, "A Sentença do Rei", 413.

91 Tavares, *Judeus no Século XV*, 187; Moreno, "A sentença do Rei", 413.

92 On this period of crisis, see António Henrique de Oliveira Marques, *History of Portugal. Vol. 1: From Lusitania to Empire* (1972), 108-118; and Marques, *Portugal na Crise*.

93 "[S]omos per Direito theudo ao refrear quanto bem podermos e nom leizarmos minguar o Patrimonio Real, que nos he dado pera soportamento de Nosso Estado" (*OA II*. 30. 1).

94 Tavares, "Finanças e Fiscalidade", 149.

95 António Castro Henriques, "The Rise of a Tax State: Portugal, 1371-1401", *e-journal of Portuguese History*, 12.11 (June 2014), 49-66; Rui Manuel Figueiredo Marcos, "A Administração Fiscal Portuguesa Anterior ao Século XIV: Alguns Aspectos Fundamentais", *Direito*, 16.12 (2007), 27-36 (33-35).

determine the extent of the privileges actually exercised by Muslims and Jews is limited by the survival rate of the sources, yet records do clearly indicate that access to exemptions not only varied according to municipality but also changed over time: exemptions were in decline after the third quarter of the fourteenth century, when it became more common for tax farmers to collect the *portagem* for the king, presumably because these men objected to the loss in revenue.

Though it is striking to see that, earlier in the fourteenth century, Lisboetan Jews had been able to purchase *vizinhança* and its associated fiscal privileges at the same price paid annually by natural Christian inhabitants, no strong evidence has yet come to light to prove that Muslims could do the same. Nevertheless, whether or not some members of Muslim *comunas* were granted the actual status of *vizinbo*, we know that the Muslims of Elvas, at least, were granted the economic benefits of exemption from the toll in Elvas. Records also indicate that some Muslim and Jewish *moradores* of privileged areas may well have succeeded in enjoying the same realm-wide exemptions from the *portagem* that were extended to the municipality's Christian inhabitants.

This discussion has raised a number of important questions, not all of which have been answered. For instance, what was the motive behind the municipality of Lisbon's acceptance of Jews (and perhaps Muslims) as *vizinbos* since, according to modern historians, the *soldada* was paid to the royal fisc and not the municipality?<sup>96</sup> Also, was the *soldo* really paid in its depreciated value as a symbolic payment, as scholars such as Iria Gonçalves have suggested, or was it used as a unit of measure (meaning that the contemporary equivalent of the original worth of the *soldo* was paid, without depreciation)?<sup>97</sup> Such queries beg further attention from economic historians so that we may come to a fuller understanding of the municipal status of religious minorities in twelfth- to fifteenth-century Portugal.

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96 Henrique da Gama Barros, *História da Administração Pública em Portugal nos Séculos XII a XV*, 2<sup>nd</sup> ed., vol. 5 (1948), 92; Azevedo, *Elementos para a História Económica*, 39; Gonçalves, "Portagem". Any discussion of motive should take into account the fact that occasional traders, petty saleswomen (*regateiras*), and foreign merchants such as the Genoese had also been customarily exempted from certain toll payments in Lisbon. See notes 3 and 66 above.

97 Gonçalves, "Portagem".