

CUM NIMIS ABSURDUM AND THE CONVERSION OF THE JEWS *

By DAVID BERGER, Brooklyn College

IN A RECENT MAJOR STUDY,¹ Kenneth Stow has argued that the turn for the worse in papal policy toward the Jews inaugurated by the famous bull *Cum Nimis Absurdum* resulted not from the desire to segregate Jews but from the hope of converting them *en masse*. It is not merely that the papacy made intense efforts to convert Jews in the latter half of the sixteenth century; this, as Stow indicates, is nothing new. Rather, "conversion... was the core to which all Jewry policy"—including ghettoization and a variety of other new regulations—"was united."² We are dealing with much more than a mere "outgrowth of the repressive measures that typified" the Counter-Reformation;³ the new papal policy reflects a conscious decision to convert the Jews through a series of social and economic restrictions.

If true, this is a significant new interpretation, and Stow documents it through a discussion of missionary efforts, an analysis of the *De Iudaeis* of Marquardus de Susannis, and a survey of sixteenth-century thought about conversion and eschatology. He begins his argument, however, with the assertion that *Cum Nimis Absurdum* itself contains concrete evidence of the link between conversionary aspirations and legal restrictions, and if his overall interpretation is to advance beyond the realm of plausible speculation, this evidence is of considerable importance. As we shall see, however, a

* I am grateful to Prof. Louis H. Feldman for looking over the translation of the key passage in *Cum Nimis*.

¹ *Catholic Thought and Papal Jewry Policy 1555-1593*, New York, 1977.

² *Ibid.*, p. 5.

³ *Ibid.*, p. 4.

careful examination of the bull will indicate that Stow's reading is based in part on the mistranslation of a crucial passage and that the remainder of the bull will not easily bear the burden demanded of it.

Here then is the Latin text of the preamble to *Cum Nimis Absurdum* followed by Stow's translation and comment.

Text:

Cum nimis absurdum et inconueniens existat ut iudaei, quos propria culpa perpetuae seruituti submisit, sub praetextu quod pietas christiana illos receptet et eorum cohabitationem sustineat, christianis adeo sint ingrati, ut, eis pro gratia, contumeliam reddant, et in eos, pro seruitute, quam illis debent, dominatum vindicare procurent; nos, ad quorum notitiam nuper devenit eosdem iudæos in alma Urbe nostra et nonnullis S. R. E. civitatibus, terris et locis, in id insolentiae prorupisse, ut non solum mixtum cum christianis et prope eorum ecclesias, nulla intercedente habitus distinctione, cohabitare, verum etiam domos in nobilioribus civitatum, terrarum et locorum, in quibus degunt, vicis et plateis conducere, et bona stabilia comparare et possidere, ac nutrices et ancillas aliosque servientes christianos mercenarios habere, et diversa alia in ignominiam et contemptum christiani nominis perpetrare praesumant, considerantes Ecclesiam Romanam eosdem iudæos tolerare in testimonium verae fidei christianae et ad hoc, ut ipsi, Sedis Apostolicae pietate et benignitate allekti, errores suos tandem recognoscant, et ad verum catholicae fidei lumen pervenire satagant, et propterea convenire ut quamdiu in eorum erroribus persistunt, effectu operis recognoscant se servos, christianos vero liberos per Iesum Christum Deum et Dominum nostrum effectos fuisse, iniquumque existere ut filii liberae filii famulentur ancillae,

1. Volentes in praemissis, quantum cum Deo possumus, salubriter providere, hac nostra perpetuo valitura constitutione sancimus quod de cetero. . . .⁴

Translation:

Since it is absurd and improper that Jews—whose own guilt has consigned them to perpetual servitude—under the pretext that Christian piety receives them and tolerates their presence should be ingrates to Christians, so that they attempt to ex-

⁴ *Ibid.*, p. 6, note 12, and pp. 291-92.

change the servitude they owe to Christians for dominion over them; we—to whose notice it has lately come that these Jews, in our dear city and in some other cities, holdings, and territories of the Holy Roman Church, have erupted into insolence: they presume not only to dwell side by side with Christians and near their churches, with no distinct habit to separate them, but even to erect homes in the more noble sections and streets of the cities, holdings, and territories where they dwell, and to buy and possess fixed property, and to have nurses, housemaids, and other hired Christian servants, and to perpetrate many other things in ignominy and contempt of the Christian name—considering that the Roman Church tolerates the Jews in testimony of the true Christian faith and to the end [*ad hoc, ut*] that they, led by the piety and kindness of the Apostolic See, should at length recognize their errors, and make all haste to arrive at the true light of the Catholic faith, and thereby [*propterea*] to agree that, as long as they persist in their errors, they should recognize through experience that they have been made slaves while Christians have been made free through Jesus Christ, God and our Lord, and that it is iniquitous that the children of the free woman should serve the children of the maid-servant—

1. Desiring to make sound provisions as best we can, with the help of God, in the above matter, we sanction by this our perpetually valid constitution that [ghettoes be established, etc.]⁵

Comment:

To paraphrase, Paul IV has stated that since it is absurd that Jews acquire dominion over Christians, he has sanctioned the following edicts, “considering” first, that the Church tolerates the Jews so that it can lead them to convert; second, that conversion will, or at least should, follow upon the Jews’ assent and agreement that the prophecies of Jewish servitude have been fulfilled.⁶ Both by its syntax and in context, the first of these

⁵ *Ibid.*, pp. 5-6, 294-95.

⁶ At this point, Stow notes the following: “In detail, the clause can be read: The Church tolerates the Jews to the end that they agree (i.e., assent) that as long as they remain Jews, they must recognize through experience that the prophecies of servitude have been fulfilled. The emphasis is on ‘agree’ (assent). They must not only recognize that they are *servi*, they must also assent to the fact that they must so recognize their condition. In other words, the Church tolerates the Jews so that it can lead them to agree that prophecies of servitude have been fulfilled. And structurally such assent is assumed either to precede or be concomitant with their conversion.”

ideas reveals that in Paul IV's estimation, Church Jewry policy must have as its on-going basis the pursuit of the conversion of the Jews. For Paul IV stated that he is issuing the following edicts considering—as the basis for issuing them—that the goal of toleration is conversion. He did not state, moreover, that the Church tolerates the Jews *because* they will eventually convert; rather, he stated that the Church tolerates the Jews *so that (ad hoc, ut)* they can be led to convert, thereby indicating an on-going commitment to conversionary activity. Then, when he introduced the second idea and proceeded to issue edicts which do indeed make the Jews experience servitude, he was surely indicating that while he did intend to end Jewish dominion over Christians, he was pursuing this intention only as a means to reaching his ultimate goal. And that was to gain the conversion of the Jews by making them assent to the fact that the prophecies of servitude had indeed been fulfilled. Apparently—although it is impossible to explain why on the sole basis of the legal restrictions themselves, for after all, the Church had demanded for centuries that the Jews must live in “servitude,” that is, in an inferior status to Christians—Paul IV believed that by fixing the Jews in an all-encompassing status of servitude, he would convince them that the prophecies of servitude (and thence every other prophecy about Christ and about the punishment of the Jews for rejecting Christ) had been fulfilled; at which point the Jews would convert.⁷

What is immediately problematic in Stow's translation is the phrase “and thereby to agree [*propterea convenire*] that as long as they persist in their errors they should recognize . . . that they have been made slaves.” In his paraphrase,⁸ Stow slides over the word “thereby” (or “therefore,” which is what *propterea* normally means) and says that the Church tolerates the Jews to the end that they agree etc. But not only is *propterea* in the sentence, it is the word establishing the link between the section on conversion and the one on servitude, precisely the link which is critical to Stow's reading of the bull. *Propterea* presumably means “on account of their conversion” or “imminent conversion” or “toleration,” but in this translation all of these options create problems of chro-

⁷ *Ibid.*, pp. 7-8.

⁸ See above, note 6.

nology, causality, and ordinary coherence. On account of the Jews' conversion (or toleration) they will agree that as long as they persist in their errors they should recognize that they have been made slaves while Christians have been made free(?). Stow's paraphrase is a valiant but ultimately unsuccessful effort to make this a coherent sentence.

Virtually all the problems will disappear, however, as a result of one observation: the Latin text has been mistranslated. This sentence does not speak of the Jews' agreeing to anything; *convenire* does not refer to the Jews and it does not mean "to agree." Like the previous infinitive *tolerare*, it is governed by *considerantes* and continues the normal sentence structure for indirect discourse; its meaning here is the standard "to be appropriate." The passage should therefore be translated as follows: "Considering that the Roman Church tolerates the Jews in testimony of the true Christian faith and to the end that they [convert], and that it is therefore appropriate [*propterea convenire*] that as long as they persist in their errors they should recognize through experience that they have been made slaves, while Christians have been made free through Jesus Christ, our God and Lord, and likewise recognize that it is iniquitous that the children of the free woman should serve the children of the maid-servant, . . . we sanction . . . that [ghettoes be established etc.]"⁹

This reading is smooth and crystal-clear. Because Jews are tolerated for two purposes both of which serve Christian aims (to testify to Christian truth and to make possible the Jews' conversion), it is therefore appropriate that they be subordinated to Christians. This subordination is no more closely related to the conversion reference in the earlier part of the sentence than it is to the "testimony" reference; rather, it simply follows from the fact that Jews are tolerated in the

⁹ Even if one were to insist that *convenire* means "to agree" and that it is not being used in its normal impersonal sense, the subject would be the same as that of *tolerare*, namely, *Ecclesiam Romanam*; the church therefore agrees that Jews should be made to recognize their servitude.

first place only for reasons that serve Christendom. The Jews will not be subjected to severe restrictions as an inducement to conversion (at least not according to the text of the bull) but simply because that is their appropriate treatment in the light of their rightful place in a Christian world.¹⁰

The only indication in *Cum Nimis* of the motivation for Jewish conversion is the *pro forma* repetition of earlier assertions that this will result from the kindness of the Church ("Sedis Apostolicae pietate et benignitate allecti, errores suas tandem recognoscant"). It is, of course, true that Paul IV's definition of "kindness" fell rather short of the Platonic idea of that quality, and he apparently understood it to mean the mere fact of minimal toleration. It is further true that Paul's predecessors usually used this terminology when they were demonstrating something resembling genuine kindness,¹¹ but there is nevertheless nothing in the bull to indicate that Paul expected Jews to convert as a result of "every privilege and restriction"¹² affecting them.

What then is left of the novel motivation allegedly reflected in *Cum Nimis*? At first glance, eliminating the mistranslation still leaves untouched what Stow calls "the real no-

¹⁰ Not very much should be read into the remark about the appropriateness of the Jews' "recognizing" that Christians have been made free through Jesus while Jews are slaves, and that it is iniquitous for the children of the free woman to serve the children of the maid-servant. If this means that the primary purpose of subordination is conversion, it would be a policy going back three hundred and fifty years, because this phrase, as Stow points out (pp. 8-9), is taken from a canon of Innocent III and means little more than "that Jews become aware of the fact of their servitude, to the end that they do not become presumptuous and try to acquire dominion over Christians." In other words, the Jews should be taught their place. I would be inclined to add that there is a conversionary hope lurking behind this phrase, but there is nothing striking or new about it. In any case, Stow's argument here depends on the Jews' *agreement* to recognize this interpretation of their servitude and on the link between the subordination of the Jews and the reference to their conversion, and both these elements disappear from the bull once it is properly translated.

¹¹ See Stow's citations *ibid.*, pp. 11-12.

¹² *Ibid.*, p. 10 (my emphasis).

velty”¹³ of the bull, namely, the assertion that Jews are tolerated “to the end that” they convert. *Cum Nimis*, he argues, does not say that they are tolerated *because* they will ultimately convert, and unlike the usual *Constitutio pro Iudaeis*, it does not say that they are tolerated even though they remain hard-hearted. Rather, it says that they are tolerated *so that* they will convert.

In fact, however, the elimination of the mistranslation affects this point as well. If the imposition of new restrictions were really tied specifically to conversion by the language of the bull itself, the remark that Jews are tolerated so that they will convert might be an important policy statement. But we have seen that the main argument in this passage is that Jews should be subordinated because the very reasons for their toleration are to serve the purpose of Christendom. In this connection, the bull lists the two standard reasons for toleration—that Jews testify to Christian truth, and that they are allowed to live so that they will convert at the end of days.¹⁴ In this context, the use of “so that” instead of “because” is insignificant; “because of their future conversion” and “so that they will at length convert” mean—or at least can mean—almost exactly the same thing.¹⁵ This passage in *Cum Nimis* is a com-

¹³ *Ibid.*, p. 10.

¹⁴ In a review of *Catholic Thought (Association for Jewish Studies Newsletter)*, 21 [October, 1977], p. 12), Jeremy Cohen has already noted that Stow emphasizes the word *tandem* (“at length”) in earlier papal statements about Jewish conversion, and then ignores it in *Cum Nimis* (in addition to p. xxiv noted by Cohen, see also pp. xx-xxi). Stow may feel that the word *satagant*, which he translates “make all haste [to convert]” cancels the effect of *tandem* here—a sort of Christian *be-‘ittah ahishennah*—particularly in the light of the belief that the end of days is imminent (cf. pp. 131, 243).

¹⁵ The one advantage of the “so that” construction was that it enabled Paul to make a parenthetical reference which repeats the remarks of his predecessors about the role played by Christian kindness in bringing about conversion. Note too that Stow cites the use of *tolerare ut verae fidei lumen sequuntur* in a 1540 document to which he attaches no significance (p. 12, note 24). Once the construction was used in a major papal pronouncement, it naturally became popular, and removed from the context of *Cum Nimis*, it did encourage some

monplace statement of the reasons for tolerating Jews while repressing them at the same time.¹⁶

The difference in terminology between *Cum Nimis* and the ordinary *Constitutio pro Iudaeis* is also easily explained without reference to a new theory about oppressing Jews as a means of converting them. The usual *Constitutio* emphasized protection rather than repression; hence it noted that Jews are to be tolerated despite their obduracy. *Cum Nimis* emphasizes repression rather than protection; hence it notes that Jews are to be suppressed despite their tolerated status. The thrust of the preamble, therefore, is to show that toleration of Jews, far from being inconsistent with their repression, actually requires it in the light of the reasons for toleration itself. The usual formula would have made no sense, not because of a direct link between conversion and legal restrictions, but simply because the primary purpose of *Cum Nimis* is to impose such restrictions.

What is the impact on Stow's general thesis of this absence of corroboration in *Cum Nimis*? There is no doubt that the argument is weakened considerably; in essence, it is deprived of its clinching documentation. Nevertheless, the effect is not necessarily fatal. There was clearly an intense interest in converting Jews in late sixteenth century Italy, probably fueled by the eschatological speculation that Stow describes so well. The increase in repressive measures against Jews in-

people to intensify missionary activity. But even in the later examples of its use (including the one on pp. 24-26), it means that Jewish conversion will be encouraged by exposure to Christians, by Christian kindness, or by straightforward missionary activity, and not by the imposition of restrictions.

¹⁶ Note that Stow's remark (p. 10) that "toleration—indeed, in the overall context of *Cum Nimis*, every privilege and restriction touching the Jews—had been granted *solely* [my emphasis] for the purpose of leading Jews to convert" ignores the first purpose of toleration, which is testimony to Christian truth. It is true that "the real testimony to the truth of Christ and his Church was the millenium" [p. 277], but that is obviously not the meaning of the statement that Jews are tolerated "in testimoniam verae fidei christianae" in *Cum Nimis*, nor does Stow say that it is.

augurated by *Cum Nimis* could have been motivated by these aspirations, and Stow makes a learned and forceful case for such a relationship. On the other hand, the restrictions on the Jews may nevertheless have resulted primarily from a combination of the factors discussed and rejected by Stow in chapter XI of his study. The text of *Cum Nimis*, which is entirely silent on conversion as a motive for repression, will not help us. The case is not closed.