

The Jewish burial ground of Montjuïc in Barcelona

The first alienations (1392-1408)

Montjuïc was always one sole place to my understanding. Recent studies claim that it was double in its final phase and is necessary to commence this historic discovery from the first alienations of the burial ground from its origins and clarify this point.

Jordi Casanovas, author of one of those studies, found in a document by Jaume I in 1268 mentioning the Jewish community of Barcelona, refers to cemetery in plural. He makes reference to documents found in the 14th century when they talked about old and new burial grounds in Montjuïc, giving an inadequate interpretation when mentioning the plurality of these grounds in Barcelona, at least since the 13th century.¹

The idea was also presented by David Romano, based on the aforementioned old and new burial grounds from the 14th century.² I believe that this should not be given credit. If we interpret these documents according to the context, they do not accept the plurality of these grounds in Barcelona, nor in the 13th century or in the final phase of these burial grounds of Montjuïc.

The Royal document in the year 1268 is addressed to the Jewish community of Barcelona and other places of its tax paying body (*aljama judeorum Barchinone et aliorum locorum ad comune sive collectam vestram spectancium*). The aljama was a sole entity but integrated by many surrounding communities. We should speak about burial grounds in plural not only for the community of the city of Barcelona, but for all the others paying taxes together within the aljama of Barcelona, which in those days included Caldes de Montbui, Cervera, Vilafranca del Penèdes, Montblanc, and Tarragona.³

It is noted that not all the communities had their own burial grounds. The Jewish community from Vilafranca obtained a license to buy land and to accommodate it for that purpose and so does the community of Montblanc in 1298.⁴ A *responsum* of Rabbi Salomon ben Adret, undated, mentions that the Jews in Cervera did not have a burial ground.⁵ The Jews of Caldes de Montbui (a very small community) probably did not have one either, their deceased were brought to Barcelona to be buried. Since it was not reasonable that the deceased from Tarragona, 100 kilometres away, also did the same, the plural mentioned in the document of Jaume I is not enough to justify that Barcelona had more than one burial ground.

All of the information regarding the old and new burial grounds appeared in some documents at the end of the 14th century do not necessarily mean that there were two different burial grounds separate from one another. However, this can be interpreted as two parts of the same burial ground as we have documents dated from 1377 that give a wise explanation about the origin of the “new one”. This was a permit granted by L’Infant Joan to his secretaries and to the Aljama of Barcelona in exchange for 300 gold florins, because they occupied without previous royal license a piece of land near the cemetery of Montjuïc that belonged to the Pellicer family and was to be used for new burials. (*occupastis quoddam trocium terre quod est juxta fossarium, vestrum,*

*quod trocium terre comuniter nominatur of the Pellicers, et in eo seplivistis et sepeliri fecistis plura corpora juderorum).*⁶

There are documents from the end of the 14th century that mention the old and new burial ground on Montjuïc, but do not serve as certainty nor as proof of absolute plurality. In the first place, because there are many more documents from that time where the burial ground is referred to in singular. In the second place, because when we carefully observe them, we can easily find that the accounts of the Public Notary, Jaume de Corts wanted to make a complete description of one sole place, in one part, the old, the burials that took place were ancient, and in the other part, the new, for the more recent ones.

The expressions by the notary Jaume de Corts do not allow us to conclude that there were two separate areas. As a last fact, the supposed plurality contradicts the most authorized document, as to the relation of all the properties that belong to Barcelona's Aljama, probably written by a Jewish person during the uprisings of 1391. In singular, it mentions "Lo fossar de Muntjuyich".⁷ In front of this clear and singular statement, the plural mentioned in few documents of one sole public notary makes it irrelevant.

Once we have clarified this point about the existence of one sole burial ground, we are now going to analyse what happened to this area after the destruction of the Aljama of Barcelona in 1391.⁸ It was not a simple nor easy task. The property had many different potential owners and it is not easy to understand and explain the blurry deeds not only on the land, but also on the gravestones and other stones that were found either together or separately.

The starting point is the Royal Decree signed on the 2nd of October in 1392. There was no doubt that the ownership of the common assets of the Aljama, disappeared during the destruction, were reverted back to become part of the royal properties as vacant properties and the king was allowed to use them at his will. That day King Joan was in Sant Cugat Del Vallès and signed a Royal Decree to create a new Jewish community in Barcelona. The Jews were then assigned to reside in the Call of Sanahuja with their synagogue; and as for services, they had their burial ground of Montjuïc and a small rural house that was located half way to Montjuïc called La Posa, nearby the house of Mitjavila.⁹

The case is that this exact day the King Joan and Queen Iolant signed a sworn document committing to use all the common assets from this abolished Aljama, to settle all the pending debts before it disappeared, general community as well as personal debts.¹⁰

All the different litigations pending from the Montjuïc burial ground come from that double assignment. The king and queen played dirty, as we say colloquially and they continued complicating the matter of the common properties. Without fulfilling the commitment they did not use the profits to settle the debts, instead, some part of these profits were destined for their own use.

The legal coverage for this arbitrary decision can be found easily. On the 3rd of October, they initiated (a fictitious) litigation between the tax authority and the administrator of the goods of Barcelona's abolished Aljama deciding the use of them.¹¹ For that reason, all these decisions

were taken as if there was no clear statement about what to do and the king and queen decided to give the large and small synagogues to those lawyers that were vice chancellors of the court. King Joan gave one of the buildings belonging to the Talmud Torah Center to one of his hunting assistants. The merchant Berenguer de Cortilles who was nominated the receiver and administrator of the common properties of the destroyed Aljama , also sold the Synagogue Poca (minor) of Barcelona to the royal treasurer.¹²

When the two contradicting documents were signed on the 2nd of October, the creditors of the destroyed Aljama had already taken legal action in order to settle the debts. The creditors were grouped into two categories. On one side, there were the general creditors, who owned the tax census of the Aljama, and on the other, those who had credit over the individual Jews. Both groups were referred to as purchasers and formed a union. It is noted that the private creditors named administrators on the 18th of June 1392 - not January, as it is said by Casanovas (p.34) or in July, as stated by Duran (p. 233) and a common fund was created in order to cover expenses for the management of such.¹³

Whenever they found out that a property was mismanaged, impeding to use them to settle the debts, the creditors took legal action against the donees. The legal suit or suits against Esperandéu Cardona, donee of the principal synagogue continued on until the year 1397.¹⁴ They were even counterclaiming King Joan himself, alleging that as owner of the community they had to consider themselves subrogated in their debts. The legal question here is very delicate. It suggests that the lawyers used a clever strategy taking advantage of the convent of the Dominican nuns of the city as actors in that unusual law suit. The claim against the King, presented by the nuns had more likelihood of prospering than if it had been presented by the creditor's union. The nuns belonged to a religious institution and also had the privilege to litigate claiming poverty. The first news of the lawsuit brought about by the nuns against King Joan dates back to November 1393.¹⁵

Independent of the law suits, the arbitrational actions of the royal court continued. King Joan considered the stones of the burial ground of Montjuïc as if they belonged to him. In September of 1393, he ordered his gunsmith Galceran Pallarès to sell **all** of the stones of the Jewish burial ground in order to obtain money to buy weapons for the war against the Sardes.¹⁶ Nevertheless, later facts show that the commission made to Galceran Pallarès had no effect.

The private creditors found themselves in inferior conditions compared to the general creditors of the Aljama who were apparently protected by the royal court. Following the riots of 1391, King Joan conceded a generous moratorium of debts to the remaining converts and Jews. As a result, the private creditors would find they were unable to demand payment of their credits. The union strongly pressured the royal court to obtain the handing over of some portion of the assets of the ancient Aljama in order to direct the profits from the sales to partially recover their assets. Berenguer de Cortilles, acting as general administrator for the King and queen in matters of settling the destroyed Aljamas and the union of private creditors of Barcelona, entered in a dangerous way creating fictitious documents and complicating matters even more.

While the revocation of the moratoriums to the converts and to the Jews did not materialize, which was to occur when the general creditors would be satisfied, Berenguer de Cortilles pretended that he sold or gave over the use of the burial grounds of Montjuïc for 2,450 Florins to the administrators of the private (meaning, taking profit of the stones), as well as the perception of the census of the synagogues and Jewish brotherhoods which were taxed on various buildings in the “Call” (Jewish quarter). The sale or cession of the burial ground to the creditors took place according to a royal document stating “in order to easily and quickly settle the pending debts (financial) owed by either individuals or the entire Aljama”.¹⁷

With a formal document, the king orders 2,450 Florins for that sale to be given to Arnau Baró, merchant from Barcelona, to whom the king had assigned to settle his own debt and under the condition that because the private creditors would receive some compensation;¹⁸ consequently causing even more confusion regarding the rights of the burial ground as the amount of 2,450 Florins paid to a private individual that was not a creditor of the Jews, instead, of the king.

The document stating the imagined sale of the use of the burial ground is said to have been authorized by the notary Pere Joan Despou on the 5th of October 1393. It is evident that it makes no sense that the creditors would pay such an amount of Florins to recover so little. Not much later, Berenguer de Cortilles acknowledges that he had not been paid for this transaction. The 2,450 Florins were not shown to be deposited in his accounting ledger.¹⁹ In the year 1402 as we have the possibility to exhibit, Arnau Baró tried to carry out a legal sale of the burial ground in order to receive a part of the 2,450 Florins that King Joan had assigned regarding that fictitious sale.

The creditors refused to pay anything, but it seems that the removal of the stones from the burial ground began straight away and just after, the few Jews remaining at that time in Barcelona rushed to present a formal complaint. Very few days following the fictitious sale or cession, the king and queen ordered the chief magistrate of Barcelona to make a public announcement forbidding anyone to touch anything related to the burial ground in Montjuïc, and in the multi-century area where they did not want anything to be altered. They expressed this with these words: “We want, in any case, for the debt and motive of justice that the burial ground of the Jews that used to be located in the city of Barcelona, on Montjuïc, be preserved without damage, therefore that nothing be touched for any cause or reason as this burial ground serves the same purpose for which it was anciently assigned by our predecessors of glorious memory.”²⁰

The order of the kings was not complied with. The removal of stones continued together with the approval of the chief magistrate. The Jews had to request two more royal provisions in favour of this ground mentioning that it was mainly used for Jewish burial before and after the destruction of the Aljama.²¹

The private creditors also had access to the royal court, even more than the Jews. In January, 1394, they managed to obtain certain favourable provisions, among the most important, the cancellation of the moratoriums allocated to Jewish and convert debtors and the revocation to maintain the stones of the burial ground.²² They also managed to obtain a royal commission from the king and queen addressed to the lawyer, Guillem-Pere Buçot that he resolves if the

creditors had the right to use the burial ground after this strange contract of sale without paying any price.²³

The legal actions and disputes were never resolved, but the removal of stones continued, now ordered by the king. In January 1395, King Joan used fifty stones from the burial ground of Montjuïc to build the Monastery of the Geronims on Collserola, inaugurated by Queen Iolant.²⁴ Thirty more stones were used to build the church of Portal Nou in the city.²⁵ Ironically, fatal historical events caused that there are no remains of either of those two buildings.

At the beginning of 1395 the legal property of the burial ground on Montjuïc became even more complicated. In an arbitrary way with the intention of obtaining more cash, the treasury of Queen Iolant pretended that the burial ground was alienated and was necessary to buy it again so that the Jews of Barcelona could bury their deceased. The queen drafted a document to the both the king's and queen's managers and councilmen of the different Jewish Aljamas, that they had to pay 3,000 Florins to buy the houses, synagogue and burial ground for the new Aljama of Barcelona, since all previous properties had been sold to pay the creditors of the previous Aljama. The queen gave credit to (Rabbi) Hasday Cresques as commissioner to negotiate with each community with regards to the amount that each had to pay to reach the 3,000 Florins and announced that the concierge, Antoni Estaper, would be allowed to sign public documents, since he himself swore to use that money for whatever Hasday Cresques and the queen's treasury would dispose.²⁶

Notifications by the queen were sent to the Aljamas of Aragon. A copy of a letter written in Hebrew remains, stating that Montalban's community paid at least 10 Florins to recover the burial ground on Montjuïc.²⁷ Antoni Estaper, royal concierge in charge of collecting this money, charged his salary of 7 Sous per day deducted from the commission. A total of 252 Sous for 36 days during which, starting from the 11th of March when departing from Barcelona, travelled through the kingdom of Aragon making the claims directed to pay for the burial ground in Montjuïc.²⁸

Once the money was collected from the Aljamas in Aragon, a document was produced for the assigning the burial ground on Montjuïc, clearly contradicting what was earlier stated, that it had been alienated and for that reason, had to be recovered. We have this document of cession, which is new proof of the will to confuse the parties involved. The date of said document is from 13th July 1395 granted by Berenguer de Cortilles, treasurer Aljamas in the riots of 1391. The treasurer theoretically yielded the burial ground to the Jews of Barcelona, but monetarily it was given to cavalier Francesc d'Aranda, Queen Iolant's administrator.²⁹

Prior to these actions, Berenguer de Cortilles explains that on the 5th of October 1393 he sold the old and new burial grounds of Montjuïc including the land and the stones for the price of 2,450 Florins to certain private creditors of the Jews of Barcelona. He goes on to say that the buyers had not paid for this acquisition and on July 12th of the same year (the day before) had rescinded on the contract in exchange for payment of 1,050 Florins. Taking into account that this land is now free and profits need to be generated, Berenguer de Cortilles is said to have taken the decision to yield it to the honourable cavalier Francesc d'Aranda, with full intention to hand this

land over to the Jews as a burial place (*ut possitis dictam terram et sepulturas seu carners et capvases judeis quibus volueritis ad sepeliendum concedere et transportare*). An annual tax of 20 morabatins is imposed to be paid on Sant Joan in June with a licence to be redeemed by receiving twenty-two and a half Florins for each. As down payment, six hundred Florins or 6,600 Sous was required.³⁰

To my understanding, it is clear that this document established for the burial ground of Montjuïc had a double intention: making an excuse to ask for more Florins from the different Jewish Aljamas and make all the more complicated the ownership by interposing a sinister-like character such as Francesc d'Aranda as the concessionary owner. Berenguer de Cortilles pretending to ignore the lawsuits pending from the burial ground could care less about giving the rights to Francesc d'Aranda that he has, as the administrator, on behalf of the king and queen. He accepts a reduction to 5,500 Sous for down payment instead of collecting the 6,600! Moreover, promising with a written document that within a year will have the confirmation from King Joan.³¹ At that point, everything becomes more complicated by the evil intentions with contradicting documents in case they have to rebate the lawsuits that the Jews from the “call” may present.

On the same day of July 13th, a notarial act was signed stating the possession of the burial ground to the new tenant through different administrators. Guillem Cardona from the king's royal treasury acted on behalf of Berenguer de Cortilles and (Rabbi) Hasday Cresques, a Jew from Zaragoza, on behalf of Francesc d'Aranda, and Bonafós de la Cavalleria, also Jewish and from Zaragoza. The legal powers were signed on the same day in front of the same notary, that of Berenguer de Cortilles to Guillem Cardona as well as that of Francesc d'Aranda to the two Jewish men from Zaragoza.³²

Thanks to Francesc d'Aranda, concessionary owner, the few Jews that had remained in Barcelona in 1395 were allowed to bury their deceased in the burial ground on Montjuïc upon which King Joan again commanded the prohibition of removing stones from there.³³ Hence, the objective of taking more money from the Jewish Aljamas also continued. Following that summer, they asked for 1,000 Florins to redeem the burial ground of Montjuïc “a part of 100 morabatins should be paid in the form of taxes and a part should be shared among our Aljamas,” the queen charged 50 Florins to the Aljama of Gerona and 50 more to “our newly rebuilt Jewish Aljama in the city of Barchinona”.³⁴ As payment for all the reconstruction works of the Aljama of Barcelona, the king and queen had the Jewish Aljama pay a salary to Hasday Cresques.³⁵

King Joan I died on the 19th of May 1396. During the first months of the reigning of King Martí, the reduced community of Jews of Barcelona continued living in poor conditions. The synagogue of Sanahuja in the “call” became the Trinity chapel and convent in 1395. The Jews had to ask again for a new license from the new king for another synagogue in (1400).³⁶ Nonetheless, the following year King Martí allowed the privilege to the city, valid for 8 years preventing the reconstruction of the Aljama and that the Jews could stay in the city more than fifteen days.³⁷ From the 18th of May 1401, the Jewish community was once again forbidden to use the burial ground on Montjuïc. The removal of stones continued and was brought to the main royal palace in Barcelona.

King Martí was always concerned about the renovation work of his palaces in Barcelona (the main palace, the secondary, the Valldaura house and later, Bellesguard) and even imagined that a new palace could be constructed next to the Drassanes. In June of 1401 he requested Jaume Sala, a merchant from Barcelona, to construct an orchard or garden in the main royal palace³⁸ and it is supposed that he is authorized to use the stones from the Jewish burial ground. From the 20th of October 1401, a most interesting document appeared stating that Joan Martínez, carter and resident from Barcelona, signed an agreement with Jaume Sala, mason of the royal palace of Barcelona. He agreed to use his cart for the construction of the orchard that Jaume Sala was working on in the main palace, not less than two hundred large flat stones carted from Montjuïc to the palace square; and Jaume Sala agreed to pay him for the stones from Montjuïc as well as for transport. The cost of transport was expensive: three Sous and two Dinners for the cobblestones or 9 diners depending on the kind of stone.³⁹

The document does not specifically state that the two hundred large flat stones came from the Jewish burial ground, but could be supposed as Jaume Sala had his eyes on them. In October of the following year, King Martí, then residing in Valencia, was alerted that the the royal authority of Barcelona had announced a public auction for the sale of the Jewish burial ground in Montjuïc. King Martí's reply to Jaume Sala stated that regarding the Jewish burial ground, having already given a letter to the head authority of the city the process could commence to sell to whoever is interested in it.⁴⁰

The alluded letters addressed to the chief magistrate were stated as follows: "According to what we have newly understood by Arnau Baró from this city, we assign to you the actions of selling the Jewish burial land as well as the stones in the hill of Montjuïc , as you decide. We ask you to carry out these instructions and are not going to alter our intentions".⁴¹ The King's letter, as on so many other occasions, must not have had any effect. From the following May we have another letter from King Martí to the same chief magistrate of Barcelona where he expresses that he knew about the announcement for the legal sale of the burial ground. He then strictly orders that this land not be handed over to the buyer, in the case that the sale has taken place; rescind it, since he has the intention of restoring the Aljama of the Jews of the city.⁴²

King Martí is unable to restore the community for lack of Jewish inhabitants. The burial ground was or seemed to be abandoned and the bailiff of Barcelona gave a license to be able to raise and feed cattle there.⁴³ Disappointed by his intentions, he does not have suitable properties to offer for the new Celestine friars monastery which had been decided to be founded in the main royal palace of Barcelona, named Santes Relíquies, King Martí yields this, among other properties, the burial grounds of Montjuïc. The document of this cession is dated November 8th 1408.⁴⁴ It is ignored whether the Celestines actually took peaceful possession of the burial ground and had them available in some way or another. As it is known, they left the monastery without it having been run with a sense of normalcy and King Alfons IV in 1422 yielded the monastery and the chapel of the royal palace to the order of the Merced monks of the convent of Barcelona. Carrying out the donation from King Alfons, the archbishop of Zaragoza, expresses that he gives the monastery of the Santes Relíquies to the prior of the convent of the Merced together with the chapel of the Royal Palace, along with the relics, decorative elements, etc. "ac cum omnibus suis

juribus et pertinenciis universis”. Unfortunately, it is not said whether or not the burial ground in Montjuïc at that moment belonged to the Monastery of Santes Relíquies.⁴⁵

From 1408 onwards, the succession of the owners of the burial ground is not known. In the 19th century the burial grounds are in the hands of private owners. For reference, I will contribute news regarding the successive ownership of two buildings that were part of the Jewish Aljama of Barcelona: The Synagoga Poca and the Posa, near the house of Mitjavila. It seems that it is possible that following this distribution, the burial ground in Monjuich followed the same fate.

The two aforementioned buildings went through a parallel path, being that the ownership was held by the preaching nuns’ convent of Barcelona. The lawsuits that we mention at the beginning of these notes filed against King Joan in 1393 continue on for many years. King Ferdinand I decrees the definitive sentence on the 11th of March 1413.

From the general character of the royal sentence, we learn that the legal action taken by the nuns was against the predecessors of Ferdinand I and against he himself. The basis of this legal action was that in the involvement of the creditors of the “call”, a tax of 4,000 sous for pension and 60,000 sous for capital that the nuns had upon the Jewish Aljama had not been met, while the monarchs had been assigning the common assets of the Jewish community to various creditors, some of which were later on in time and had less rights than the convent. King Ferdinand acknowledged that the nuns had the right to the lost pensions, from the day they ceased to be met until the capital was paid, but it was not accepted that the legal action was taken against their own assets since the monarchs had become involved in the matters of settling the debts of the “call” as mere administrators! The king sentenced and demanded his commissioners to settle the Aljamas’ account of what they had had received and paid. If there were funds left over, it was demanded that a capital tax be paid to the nuns and their pensions and if there was not enough money, the nuns were ordered to be content with the assets which was not clearly stated just what they were.⁴⁶

It is not necessary to state that the settling commission, if accounts were presented, were in red numbers. Since the sentence did not determine the common assets that were to be used to meet the required taxes of the nuns, two proceedings by King Ferdinand were required.⁴⁷ Since these could not determine which assets had to be applied, the nuns who intervened in this lawsuit had passed away without having received any money from it.

Many years later, the nuns did receive something. We know this from clear, but indirect documents. We have a deliberation of the deputies of Catalonia from the year 1434 where it is explained that their predecessors had bought a group of buildings that had been owned by Julià Garrius, treasurer of King Joan and among those properties was the Synagoga Poca of the Jews of Barcelona. It also explains that the preceding deputies transferred it the so-called Francesc Bonanat. In 1434, in virtue of King Ferdinand’s sentence (of 1413!), Francesc Bonanat found his property, the former synagogue, sold to to meet the taxes of the preaching nuns. So, acknowledging that it is unfair for the buyer not to have the property nor the the price of sale, the deputies paid 6,000 sous to Francesc Bonanat.⁴⁸

Regarding the Posa, nearby the house of Mitjavila that King Joan I gave to the new Jewish Aljama of Barcelona, we got a notarial document where it states that the preaching nuns sold it to Marc Safont, the famous master builder at that time in Barcelona for 300 sous. The letter of sale is dated 8th June 1442. Unfortunately, when they have to produce the deed to sell the Posa, the nuns only say that they own it by “certis titulis atque causis”⁴⁹

One cannot rule out that the burial ground of Montjuic also was granted to the nuns in exchange for their debts as it was in the case of the Posa and the Synagoga Poca. Up until today, as I said, no further mention of this matter has been found.

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