

**Religion and Law in Medieval Christian
and Muslim Societies**

10

Series Editor
John TOLAN

Editorial Board:

Camilla ADANG, Tel Aviv University
Nora BEREND, Cambridge University
Nicolas DE LANGE, Cambridge University
Maribel FIERRO, Consejo Superior de Investigaciones Científicas
Christian MÜLLER, Institut de Recherches et d'Histoire des Textes,
Centre National de la Recherche Scientifique
Kenneth PENNINGTON, Catholic University of America

**JEWS AND MUSLIMS UNDER THE
FOURTH LATERAN COUNCIL**

**Papers Commemorating the Octocentenary
of the Fourth Lateran Council (1215)**

Edited by
Marie-Thérèse Champagne
and Irvén M. Resnick

BREPOLS

SARACENS AND CHURCH COUNCILS, FROM NABLUS (1120) TO VIENNE (1313–14)

Ryan Szpiech

University of Michigan

Introduction

Because the Fourth Lateran council in 1215 (hereafter ‘Lateran IV’) concerned itself not only with legislating aspects of the Christian social body from within, but also with the delineation and defense of the Christian body vis-à-vis the outside world, it has logically come to be seen as a key moment of Christian engagement with non-Christians. Canon three, which deals with Christian heretics, and canons sixty-seven to seventy, which deal with Jews, ‘furnished’, in Geraldine Heng’s words, ‘an ideological guide of general principles for containment and control’,¹ and the legislation crafted in reaction to Jews and Christian heretics was easily extended to apply to other marginal groups as well. As Robert Moore states, ‘Lateran IV laid down a machinery of persecution...which was to prove adaptable to a much wider variety of victims than the heretics for whom it was designed’.² Nevertheless, although it is logical to assume that Muslims figured among that ‘wider variety’, relatively little work has been done to consider the particular place of Muslims (rather than as part of a group of Jews, lepers, and other minorities) in its canons or to compare those canons with other Latin decrees concerning Muslims both before and after the thirteenth century. It is the goal of this paper to undertake such a consideration, highlighting the limited treatment given to Muslim creedal matters (discussed not as belief but as ‘law’) in pronouncements at Lateran IV and at earlier ecumenical councils.

¹ This research is part of the research project entitled, ‘Fuentes medievales y modernas para el estudio de las relaciones transculturales en el Mediterráneo: redacción y transmisión’ [‘Medieval and Modern Sources for the Study of Transcultural Relations in the Mediterranean: Writing and Transmission’], supported by the ‘Proyecto excelencia I+D convocatoria 2015’ from the Spanish Ministry of Economy and Competitiveness [Project ID#: FFI2015-63659-C2-1-P (MINECO/FEDER)]. I am thankful to Cándida Ferrero Hernández and Linda Jones as principal investigators in charge of organizing the grant. Geraldine Heng, *Empire of Magic: Medieval Romance and the Politics of Cultural Fantasy* (New York: Columbia University Press, 2003), p. 88.

² Robert I. Moore, *The Formation of a Persecuting Society: Authority and Deviance in Western Europe 950–1250*, 2nd edn (Oxford: Blackwell, 2007), p. 10. Similarly, David Nirenberg argues that Lateran IV was a starting point for a wave of later legislation, leading to ‘an explosion of new rules and legislation stipulating how Muslims and Jews (and sometimes Christians) could attire themselves.’ David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996), p. 133.

While Lateran IV discusses Jews in both theological and social terms, addressing Jewish belief as well as the place of Jews in Christian society, it includes no parallel discussion of Muslim belief, practice, or 'law'. Instead, it confines itself only to statements about the place of Muslims in Christian society and the issues arising from Christian military engagement with Muslims in the Crusades. This lack of attention to Muslim beliefs at the ecumenical councils up to and including Lateran IV — a fact in part due to a lack of Muslim presence in most Western Christian lands outside of Iberia and southern Italy — changed over the course of the thirteenth century, as Christian polemical literature against Islam slowly percolated into normative ecclesiastical rhetoric and legislation, and the Christian-Muslim contact brought about by the Crusades began to necessitate more sophisticated legislation on Muslims by the Church. In the case of policy about Muslim belief, Lateran IV does not represent a significant departure from earlier positions of canon law, and maintained a traditional focus on questions of social interaction between Christians and non-Christians. Over the course of the thirteenth century, however, a notable expansion in the treatment of Muslims is evident in Christian conciliar language, and the councils of Lyons (I = 1245, II = 1274) and Vienne (1311–12), in contrast with Lateran IV, reflect this expanded focus not only on social boundaries but also Islamic belief. This shift came about as the arguments of Christian polemical writing circulating since the twelfth century slowly began to penetrate into the realm of official policy, in part as a result of an increasing interest by the church in both military crusade and also religious debate and mission.

'Saracens' before Lateran IV

Before looking at what was decreed at Lateran IV about Muslims — who are never referred to as 'Muslims' but instead, as in most medieval Latin sources, as 'Saracens' (*Saraceni*) or 'pagans' (*pagani*) — it is necessary to consider what place they had in Christian canonical and papal rhetoric before 1215. Such material has been surveyed previously by David Freidenreich, Benjamin Kedar, and John Tolan, among others, and this summary necessarily follows their previous scholarship.³ Freidenreich has noted that legal sources referring to Muslims before

3 See David Freidenreich, 'Muslims in Canon Law, 650–1000', in *Christian-Muslim Relations: A Bibliographical History. Volume 1 (600–900)*, ed. by David Thomas and Barbara Roggema, with Juan Pedro Monferrer Sala and others (Leiden: Brill, 2009), pp. 83–98; David Freidenreich, 'Muslims in Western Canon Law, 1000–1500', in *Christian-Muslim Relations: A Bibliographical History. Volume 3 (1050–1200)*, ed. by David Thomas and Alex Mallett, with Juan Pedro Monferrer Sala, and others (Leiden: Brill, 2011), pp. 41–68; Benjamin Z. Kedar, *Crusade and Mission: European Approaches toward the Muslims* (Princeton: Princeton University Press, 1984); John V. Tolan, *Saracens: Islam in the Medieval European Imagination* (New York: Columbia, 2002); Sandra Brand-Pierach, 'Ungläubige im Kirchenrecht: Die

the eleventh century tend to view them either as 'bearers of power' or as social 'others' whose daily contact with Christians must be limited and controlled. Thus the earliest references to Islam in ecclesiastical sources display no knowledge of Islamic belief or practice and view Islam exclusively as a military threat. Early councils such as the Council of Trullo in 692 (held to be an ecumenical council in the Orthodox tradition but not in the Roman) include oblique references to Saracens as a military threat, naming them as 'barbarian' invaders. Pope Nicholas I (r. 858–67) speaks of Saracens in terms of a military force whose onslaught at times justified certain forms of violence deployed in self-defense.⁴ Conciliar and papal language follows the more general trend of theological writing, which characterized Islamic invasions in apocalyptic terms as justifying holy war but said nothing about Islamic belief itself.⁵ As Tolan remarks, 'In their descriptions of the fresh waves of Muslim raids into Europe during the ninth century, Christian chroniclers continue to portray Muslims as scourges of God for their sins, as formidable military opponents, but *not* as religious adversaries.'⁶

This focus in early Western writing, both theological and legal, contrasts with some Eastern Christian sources. At a time when Western churchmen seem to know and care little about the nature of Islamic theology or belief, some Eastern writers elaborated on the generic characterization of Muslims as 'pagans' common in polemical literature and argued that Islamic beliefs and texts had to be investigated in order to be rejected. The Syrian Orthodox Bishop Jacob of Edessa (d. 708) is a good example of this broader focus. While he was, on the one hand, a bishop who wrote canonical legislation dealing with social questions of Muslim-Christian relations, he also was a prolific theologian and polemicist who repeatedly discussed niceties of Islamic theology. In a letter to John the Stylite, for example, he shows this particular interest in Islamic doctrine:

The Muslims, too, although they do not know nor wish to say that this true Messiah, who came and is acknowledged by the Christians, is God and the son of God, they nevertheless confirm that he is the true Messiah [...] on this they have no dispute with us.⁷

kanonistische Behandlung der Nichtchristen als symbolische Manifestation politischen Machtwillens' (Unpublished doctoral dissertation, Universität Konstanz, 2004). Also relevant but more focused on polemical and theological literature is Norman Daniel, *Islam and the West: The Making of an Image*, revised edn (Oxford: Oneworld, 1993); and Philippe Sénac, *L'Occident médiéval face à l'Islam: l'image de l'autre*, rev. 2nd edn (Paris: Flammarion, 2000).

4 Freidenreich, 'Muslims in Canon Law, 650–1000', pp. 86–88.

5 For a comprehensive consideration of papal language on holy war against Saracens, see John Gilchrist, 'The Papacy and War against the "Saracens"', *The International History Review*, 10 (1988), 174–97.

6 Tolan, *Saracens*, p. 77.

7 François Nau, 'Traduction des lettres XII et XIII de Jacques d'Édesse (Exégèse biblique)', *Revue de l'Orient Chrétien*, 10 ([n.p.], 1905), pp. 197–208 and 258–82. On Jacob and this letter, see also Sidney H.

Not all such considerations were so conciliatory. Negative associations with Islamic belief even came to be an insult in Eastern disputes over Iconoclasm. The iconoclast Council of Hieria, held near Constantinople in 754 (whose participants fancied it as an ecumenical council but whose status as such was not accepted either by Orthodox or Roman traditions) condemned the Syrian monk John of Damascus (d. 749) for his defense of icons. Although John would later be canonized in the Orthodox tradition and revered as a doctor in the West, the pseudo-council condemned him as *sarrakēnophrōn* ('Saracen-minded'), an insult that would be repeated during the Iconoclast controversy to refer to Leo III and his advisor Beser (βησῆρ, possibly a rendering of 'vizier'), allegedly a Christian convert to Islam.⁸ References to Islamic thought or belief in such texts are earlier to appear and more theologically inclined than in most Western Latin sources.

Latin theological sources generally followed the pattern inherited from late antiquity in labeling non-Jewish unbelievers as either heretics or pagans. At different points from the eighth century onward, Muslims were named in both ways; such usage was not mutually exclusive and varied according to period and source. While the treatment of Muslims as 'pagans' is typical in Western Christian engagement with Islam before the twelfth century, parallel and contemporaneous characterizations of Islam as heretical is also common, eventually becoming more prominent in literary and theological writing after 1100.⁹ While one of the earliest expressions of the notion of the Saracen as heretical was given in the early eleventh century theological writing of the French monk Ademar of Chabannes (d. 1034), and was oft repeated in popular *chansons de geste* and polemical writing of the twelfth century, references to Muslim 'heresy' in conciliar language appear only in the thirteenth century.¹⁰ Muslims were generally ignored in church councils before the late twelfth century and references to Saracens at Lateran III and IV employ social or military, not theological, terms.

Such social terms are evident even in the earliest Latin conciliar source to deal with Muslims, which comes out of an Eastern context as part of the canons

Griffith, *The Church in the Shadow of the Mosque: Christians and Muslims in the World of Islam* (Princeton: Princeton University Press, 2008), p. 31.

⁸ Text in *Sacrorum conciliorum nova et amplissima collectio*, ed. by Joannes Dominicus Mansi, 53 vols (Paris: H. Welter, 1901–27; repr. Florence, 1759–98, with other volumes), XIII (1902), p. 356. See Daniel J. Sahas, *John of Damascus on Islam: the 'Heresy of the Ishmaelites'* (Leiden: Brill, 1972), pp. 9–10.

⁹ Tolan, *Saracens*, pp. 136–37.

¹⁰ On one example of the language in non-conciliar sources, see Michael Frassetto, 'The Image of the Saracen as Heretic in the Sermons of Ademar of Chabannes', in *Western Views of Islam in Medieval and Early Modern Europe*, ed. by David R. Blanks and Michael Frassetto (London: Palgrave Macmillan, 1999), pp. 83–96. On the image in belletristic literature, see Sharon Kinoshita and Siobhain Bly Calkin, 'Saracens as Idolaters in European Vernacular Literatures', in *Christian-Muslim Relations: A Bibliographical History. Volume 4 (1200–1350)*, ed. by David Thomas and Alex Mallett, with Juan Pedro Monferrer Sala, and others (Leiden: Brill, 2012), pp. 29–44.

of the provincial Council of Nablus (1102). This legislation was promulgated in the Latin Kingdom of Jerusalem, newly formed in 1099 in the wake of the First Crusade. Of the twenty-five canons, only five speak of Muslims (canons twelve to sixteen), and none speak of Saracen 'infidelity' or 'heresy', or otherwise make reference to Muslim belief or ritual. Rather, the telegraphic pronouncements, based in part on the language of Byzantine legislation, attempt to limit unwanted social interaction, in particular sexual intercourse.

When it shall be proved that [a Christian man] knowingly slept with a Saracen woman, he shall have his penis cut off [*ementuletur*] and she shall have her nose cut off [...] A man who presses by force [i.e. rapes] a female Saracen he owns should be castrated [*extesticulabitur*]; she should be seized on behalf of the fisc [...] A man who imposes by force upon another man's female Saracen should suffer an adulterer's punishment [i.e. castration and expulsion] [...] When a Christian woman unites [sexually], of her own will, with a Saracen man, both are to be punished like adulterers [...] But if she will have been raped by him, she will of course not be considered at fault, but the Saracen will be castrated [*eunuchizabitur*]. If a Saracen man or woman dresses in a Frankish manner, they shall be seized on behalf of the fisc.¹¹

No mention is made of belief or law, nor is there any accusation of infidelity, 'paganism', or heresy. This exclusively practical focus on maintaining social boundaries is representative of subsequent conciliar language and is a fitting example of the limited engagement of the Church in the West with Muslims in legal and conciliar sources before the thirteenth century.

Although Nablus was a provincial council, it was a harbinger of the nature of later pronouncements on Muslims at ecumenical councils, both in terms of the small percentage of canons actually dedicated to Muslims (only twenty percent) and in the exclusively social focus of those canons. Before the middle of the twelfth century, there existed no coherent policy of canon law to address Christian contact with Islam. As James Muldoon notes,

From the point of view of the canonists, there was no reason to develop a theory of relations between Christians and those infidels who lived outside of Christian Europe

¹¹ 'Siquis consenciente sibi Sarracena concubuisse probatus fuerit, ementuletur, illa vero naso curtetur [...] Siquis Sarracenam suam vi oppresserit, ipsa quidem infiscabitur, ipse vero extesticulabitur [...] Siquis Sarracenam alterius vi sibi supposuerit, mechii sententiam subibit [...] Si Christiana Sarraceno sponte commisceatur, ambo mechantium sententia iudicentur [...] Si vero vi ab eo oppressa fuerit, ipsa quidem culpa non tenebitur, sed Sarracenus eunuchizabitur. Si Sarracenus aut Sarracena francigeno more se induant, infiscentur'. Text in Benjamin Kedar, 'On the Origins of the Earliest Laws of Frankish Jerusalem: The Canons of the Council of Nablus, 1120', *Speculum*, 74.2 (April 1999), 310–35, with a critical edition at pp. 331–34. Canons twelve to sixteen are found on pp. 333–34 and a partial translation is given on pp. 314 and 319.

because the Church, as opposed to individual Christian states, had no reason to enter into relations with infidel states.¹²

This was especially true before the Crusades, the first of which began in 1096.

Thus, of the six councils accepted as ecumenical in the Western Church that took place from the rise of Islam up through the twelfth century (Constantinople III in 680–81, Nicaea II in 787, Constantinople IV in 869–70, Lateran I in 1123, Lateran II in 1139, and Lateran III in 1179), only the last of these even mentions ‘Saracens’ explicitly. The canons of Constantinople III in more general terms mention Jews but not Muslims as such, condemning those:

[...] [W]ho dare to compose another faith, or to support or to teach or to hand on another creed to those who wish to turn to knowledge of the truth, whether from Hellenism [*gentilitate*] or Judaism or indeed from any heresy whatsoever.¹³

Constantinople IV only mentions ‘pagan invasion’ (*paganorum incursu*) in passing in its decrees.¹⁴ As John Gilchrist observes, papal rhetoric about war with Muslims was strikingly consistent between the ninth and thirteenth centuries, and merely fit Saracens into an older language of just war against infidelity. ‘The popes throughout these four centuries envisaged only one kind of warfare, that between God and his enemies, between Christians and pagans.’¹⁵ Given that Lateran I and II took place immediately after Nablus (1120) and in the early years of the Kingdom of Jerusalem, the lack of mention of Muslims or Islam is notable in contrast, although Jews are also not mentioned at either council.¹⁶ With the exception of Hungary, which was first to craft a policy for responding both to Christian-Muslim relations and to questions of Islamic belief and ritual, canonists of the church failed to articulate a coherent canonical

12 James Muldoon, *Popes, Lawyers, and Infidels* (Philadelphia: University of Pennsylvania Press, 1979), p. 5.

13 ‘[...] [Q]ui vero praesumpserint fidem alteram componere vel proferre vel docere vel tradere aliud symbolum volentibus converti ad agnitionem veritatis ex gentilitate vel Iudaismo aut ex qualibet haeresi’. Text in *Conciliorum Oecumenicorum Decreta [COD]*, ed. by Giuseppe Alberigo and others, 3rd edn (Bologna: Istituto per le Scienze Religiose, 1973), reproduced with translation in *Decrees of the Ecumenical Councils [Decrees]*, ed. by Norman P. Tanner, 2 vols (London: Sheed & Ward; Washington D.C.: Georgetown University Press, 1990) I, p. 130.

14 *Decrees*, I, p. 180. See also Freidenreich, ‘Muslims in Canon Law, 650–1000’, p. 86.

15 Gilchrist, ‘The Papacy and War against the “Saracens”’, 196.

16 Solomon Grayzel, ‘Jews and the Ecumenical Councils’, *Seventy-Fifth Anniversary Volume of the Jewish Quarterly Review*, ed. by Abraham Aaron Neuman and Solomon Zeitlin (1967), pp. 287–311 (pp. 291 and 293). Muldoon notes (p. 5), in *Popes, Lawyers, and Infidels*, that ‘the absence of a canonistic treatment of the crusades is significant because Christian-Moslem relations formed the great bulk of Christian relations with non-Christians during the Middle Ages’.

doctrine about Muslim faith or practice before the last half of the thirteenth century.¹⁷

Even at Lateran III, called by Pope Alexander III (d. 1181) in 1179, the focus of the canons is not on Muslim belief or disbelief but instead on the threat of Muslim military power or on the practical social dangers presented by Christian and Muslim interaction. In canon twenty-four of Lateran III, the council condemned those Christians who

[...] provide the Saracens with arms and wood for helmets, and become their equals or even their superiors in wickedness and supply them with arms and necessaries to attack Christians. There are even some who for gain act as captains or pilots in galleys or Saracen pirate vessels.¹⁸

In canon twenty-six, Muslims are, along with Jews, restricted from fraternizing with Christians: ‘Jews and Saracens are not to be allowed to have Christian servants in their houses, either under pretense of nourishing their children or for service or any other reason. Let those be excommunicated who presume to live with them.’¹⁹ The decree hinges on a general concern for limiting cases in which minorities held power over Christians, a concern evident in later provincial councils as well, such as the Council of Montpellier in 1195.²⁰

In this restricted sense, conciliar pronouncements on Muslims at Lateran III resemble the similar focus on the drawing of social boundaries evident in early medieval provincial councils dealing with Jews, such as Elvira (305) in Spain — which produced one of the first written legal documents of canon law — and various minor French councils in Mâcon and Orleans in the sixth and seventh centuries.²¹ Just as those early councils responded to Judaism in Christian soci-

17 On the unique legislation in Hungary, see Nora Berend, ‘“The Villainous Deeds of the Ishmaelites”: Muslim Rites in Christian Hungary’, in *Ritus Infidelium: Miradas interconfesionales sobre las prácticas religiosas en la edad media*, ed. by José Martínez Gásquez and John V. Tolan (Madrid: Casa de Velázquez, 2013), pp. 247–60 (pp. 251–52); and Nora Berend, *At the Gates of Christendom: Jews, Muslims and Pagans in Medieval Hungary, c. 1000–c. 1300* (Cambridge: Cambridge University Press, 2001), p. 212.

18 ‘Sarracenis arma ferrum et lignamina galearum deferant et pares eis aut etiam superiores in malitia fiant dum ad impugnandos christianos arma eis et necessaria subministrant. Sunt etiam qui pro sua cupiditate in galeis et piraticis Sarracenorum navibus regimen et curam gubernationis exercent’. *Decrees*, I, p. 223.

19 ‘Iudaei sive Sarraceni nec sub alendorum puerorum obtentu nec pro servitio nec alia qualibet causa christiana mancipia in domibus suis permittantur habere. Excommunicentur autem qui cum eis praesumpserint habitare’. *Decrees*, I, pp. 223–24.

20 The council of Montpellier stated that Jews and Saracens were prohibited from owning Christian slaves or employing Christian domestic servants. See Jeremy Cohen, *Living Letters of the Law* (Berkeley: University of California Press, 1999), p. 162.

21 For a study of the characterization of Jews at these early councils, see F.J.E. Boddens Hosang, *Establishing Boundaries: Christian-Jewish Relations in Early Council Texts and the Writings of Church Fathers* (Leiden: Brill, 2010), pp. 34–74, 153–62.

ety first in purely practical, social terms and did not view them through a theological lens — even while contemporary Christian writers produced theological polemic against them — so the earliest councils to discuss Muslims began with practical matters, leaving condemnations of Muslim belief to theologians. Although Lateran III goes beyond earlier councils in mentioning Muslims in passing rather than overlooking them entirely, still no reference is made to Muslim faith or practice, and Muslims are not even named as ‘pagans’ or ‘heretics’. As Brian Catlos observes, ‘until well into the thirteenth century Church legislators showed remarkably little regard for subject Muslims [...] [These] drew the attention of early Church councils and legists only in matters involving social and sexual boundary-marking’.²²

The exclusive focus at Lateran III on ‘social and sexual boundary-marking’ when discussing Muslims becomes more evident when compared to the language dealing with Jews in the same canon. The first pronouncement, speaking of Jews and Saracens together, is followed by two more, directed only at Jews. The first of those last two involves the validity of Jewish testimony against Christians in legal cases:

We declare that the evidence of Christians is to be accepted against Jews in every case, since Jews employ their own witnesses against Christians, and that those who prefer Jews to Christians in this matter are to lie under anathema, since Jews ought to be subject to Christians.²³

The question of non-Christian witnesses was an evolving issue and Lateran III’s statement follows earlier words already issued by Alexander III.²⁴ The last decree, however, turns to a question of religious conversion:

If any by the inspiration of God are converted to the Christian faith, they are in no way to be excluded from their possessions, since the condition of converts ought to be better than before their conversion. If this is not done, we enjoin on the princes and rulers of these places, under penalty of excommunication, the duty to restore fully to these converts the share of their inheritance and goods.²⁵

²² Brian Catlos, *Muslims of Medieval Latin Christendom, c. 1050–1614* (Cambridge: Cambridge University Press, 2014), p. 370.

²³ ‘Testimonium quoque christianorum adversus Iudaeos in omnibus causis cum illi adversus christianos testibus suis utantur recipiendum esse censemus et anathemate decernimus feriendos quicumque Iudaeos christianis voluerint in hac parte praefere cum eos subiaccere christianis oporteat.’ Walter Paker, *Medieval Canon Law and the Jews* (Ebelsbach: Rolf Gremer, 1988), p. 176.

²⁴ For Alexander’s earlier decrees about Jews, see Simonsohn, *Documents*, pp. 50–62; and Solomon Grayzel, ‘Pope Alexander III and the Jews’, in *Salo Wittmayer Baron Jubilee Volume*, ed. by Saul Lieberman (Jerusalem: American Academy for Jewish Research, 1974), pp. 555–72.

²⁵ ‘Si qui praeterea deo inspirante ad fidem se converterint christianam a possessionibus suis nullatenus excludantur cum melioris conditionis conversos ad fidem esse oporteat quam antequam fidem acceperunt habebantur. Si autem secus factum fuerit principibus vel potestatibus eorumdem locorum sub poena

While most of the pronouncements in canon twenty-six that deal with Jews take up practical matters, the last deals with issues of belief, albeit in a social context: the economic effects of Jewish conversion. Secular authorities cannot allow converts to end up economically worse off than they were before conversion. Unlike the language used to discuss Saracens, whose conversion is not mentioned or even imagined, the language used to discuss Jews in this last decree mixes social and theological questions, showing that conversion to Judaism in Christian society was prominent enough as a social issue to merit legislating. Jewish belief and its connection with Christian identity is a theme at Lateran III while Muslim ‘law’ goes unmentioned.

That Muslims are mentioned at all during Lateran III is in part a result of the gradual conflation of Jews and Muslims that began to take place in twelfth-century ecclesiastical rhetoric. In the reception and adaptation of late-antique categories to post-crusade realities, the inveterate category of ‘Jews and pagans’, evident from the fourth century and recurring in some form for centuries after, was modified into the new category of ‘Jews and Saracens’ (*de iudaeis et saracenis*), sometimes also including ‘and their slaves’ (*et eorum servis*).²⁶ This late twelfth-century legal conflation, first evident in the *Breviarium Extravagantium* of Bernard of Pavia (c. 1188–92), was subsequently incorporated into decretals of the late twelfth and early thirteenth centuries, including the *Quinque antiquae compilationes*, which gathered legal material written after Gratian finished his *Decretum* around 1140 and before the *Liber extra* of Gregory IX, completed by Ramon de Penyafort in 1234; it was also incorporated into the *Liber* itself.²⁷

excommunicationis iniungimus ut portionem hereditatis et bonorum suorum ex integro eis faciant exhiberi.’ *Decrees*, I, p. 224.

²⁶ On the legal expressions referring to ‘Jews and Pagans’ or ‘Jews and Heretics’, see Amnon Linder, ‘The Legal Status of Jews in the Roman Empire’, in *The Cambridge History of Judaism. Volume 4: The Late Roman-Rabbinic Period*, ed. by William David Davies, Louis Finkelstein, and Steven T. Katz (Cambridge: Cambridge University Press, 2006), pp. 128–73 (pp. 150–51). On the emergence of legal discussions ‘de Iudaeis et Sarracenis’, see Freidenreich, ‘Muslims in Western Canon Law, 1000–1500’, pp. 41–43; Peter Herde, ‘Christians and Saracens at the Time of the Crusades. Some Comments of Contemporary Canonists’, *Studia Gratiana*, 12 (1967), 361–76, repr. in *Studien zur Papst- und Reichsgeschichte, zur Geschichte des Mittelmeerraumes und zum kanonischen Recht im Mittelalter* (Stuttgart: Anton Hiersemann, 2002), pp. 55–68; Henri Gilles, ‘Législation et doctrine canoniques sur les Sarrasins’, *Islam et chrétiens du Midi (XII^e-XIV^e s.)*, Cahiers de Fanjeaux, 18 (Toulouse: Édouard Privat, 1983), pp. 195–213 (pp. 195–200); Benjamin Z. Kedar, ‘De iudeis et sarracenis. On the Categorization of Muslims in Medieval Canon Law’, in *Studia in honorem eminentissimi cardinalis Alphonsi M. Stickler*, ed. by Rosalio Iosephus Castillo Lara (Rome: Libreria Ateneo Salesiano, 1992), pp. 207–13; repr. in his *Franks in the Levant, 11th to 14th Centuries* (Aldershot: Ashgate, 1993), essay XIII; Julia Costa Lopez, ‘Beyond Eurocentrism and Orientalism: Revisiting the Othering of Jews and Muslims through Medieval Canon Law’, *Review of International Studies*, 42 (2016), 450–70; and Stefan K. Stantchev, ‘Apply to Muslims What Was Said of the Jews’: Popes and Canonists between a Taxonomy of Otherness and Infidelitas’, *Law and History Review*, 32 (2014), 65–96.

²⁷ See the essay by Anna Abulafia in this volume.

This category marked a departure from the letter Pope Alexander II sent to Iberian bishops in 1063 insisting on a difference between the two that hinged, unsurprisingly, on the Muslim military threat: 'Different surely is the case of Jews and Saracens. For one fights justly against these [the Saracens] who persecute Christians and force them from their own cities and territories; but those [the Jews] are everywhere prepared to serve'.²⁸ Although this pronouncement was included among the relatively few pronouncements on Muslims found in Gratian's *Decretum* (1140), and in the works of Ivo of Chartres,²⁹ the seven chapters *de iudaeis et sarracenis et eorum servis* that were incorporated into the 'five old compilations' (*Quinque antiquae compilationes*) included most of the canons from Lateran III and IV about Muslims and Jews, including, from the former, the prohibition on Christians serving in Jewish homes.³⁰ Similarly, one chapter deals with marriage between Christians and non-Christians and another mentions cities captured by Muslims, among various scattered references.³¹ On the whole, texts of canon law — and this is even more the case in the texts of the ecumenical councils, which were shorter and more limited in the purview of their pronouncements than papal decretals — dealt only with practical issues arising from Muslims' presence in Christian land. As Kedar explains,

[T]he canonists of the twelfth and thirteenth century did not attempt to come to grips with the nature of Islam and contented themselves with subsuming it under a preexisting category, paganism. The definition that prevailed...totally ignored the content of the Muslims' creed.³²

28 'Dispar nimirum est Iudeorum et Sarracenorum causa. In illos enim, qui Christianos persecuntur, et ex urbis et propriis sedibus pellunt, iuste pugnatur; hii ubique servire parati sunt'. See Shlomo Simonsohn, *The Apostolic See and the Jews. Documents: 492-1404*, Studies and Texts, 94 (Toronto: Pontifical Institute of Mediaeval Studies, 1988), no. 37, p. 35. On the *Dispar*, see Kenneth Stow, *The '1007 Anonymous' and Papal Sovereignty: Jewish Perceptions of the Papacy and Papal Policy in the High Middle Ages*, *Hebrew Union College Annual*, 4 (Cincinnati: Hebrew Union College Press, 1984), pp. 12-20.

29 The letter is incorporated into Gratianus, *Decretum Magistri Gratiani*, C.23.q.8.c.11. See *Corpus Iuris Canonici*, ed. by Emil Freidberg and Aemil Richter, 2 vols (Leipzig: Bernard Tauchnitz, 1879-81), I, col. 955. As Freidenreich, 'Muslims in Western Canon Law, 1000-1500', p. 41, n. 2, notes, the *Decretum* 'contains a sub-section devoted to Jews but devotes no systematic attention to Muslims; indeed, references to "Saracens" in this sizeable collection are few and far between'. On the incorporation into Ivo of Chartres, see Kedar, *De Iudeis et Sarracenis*, p. 209, n. 8.

30 *Quinque compilationes antiquae*, ed. by Emil A. Friedberg (Leipzig: Bernard Tauchnitz, 1882), Comp. 1, Lib V, Tit. V., p. 55; Rebecca Rist, *Popes and Jews: 1095-1291* (New York: Oxford University Press, 2016), pp. 181-82.

31 Rist, *Popes and Jews*, p. 182; *Quinque*, Comp. 2, Lib. V, Tit. IV, p. 98, and Comp 5, Lib II, Tit. XIII, p. 164.

32 Kedar, *De Iudaeis et Sarracenis*, p. 212. As Kedar notes, the 'definition' came from Bernard of Pavia's *Summa Decretalium*, and was repeated in Penyafort's *Summa de paenitentia* (c. 1224-26) and also Henry of Susa's *Summa Aurea* (c. 1253): 'Those who accept neither the Old nor the New Testament are called Saracens, who did not want to be called Hagarenes after Hagar the handmaiden of Abraham, whence was their origin, but rather who called themselves Saracens after Sarah, his freewoman and wife' ('Sarraceni

Muslims and Lateran IV

Lateran IV (1215) came about as part of the reform efforts of Pope Innocent III (d. 1216).³³ In his sermon convening the council, Innocent III made clear that renewing a fifth crusade to retake Jerusalem was one of the council's two principal motives. It was convened 'for the reformation of the universal church, and especially for the liberation of the Holy Land. It is chiefly and principally for these two undertakings that I have convened this sacred council'.³⁴ This call to crusade was Innocent's second, following his call to the Fourth Crusade at the start of his papacy in 1198, which ended in the taking of Constantinople in 1204. Because Innocent died less than a year after Lateran IV ended, he did not live to see its effects or to witness the beginning of the Fifth Crusade, which was intended to begin in 1216, but was delayed until 1217. Despite his death, the call to military

vero dicuntur qui nec vetus nec novum recipiunt testamentum, qui non se ab Agar Abrahae ancilla, de qua eorum fuit origo, Agarenes vocari voluerunt, sed potius a Sarra, eiusdem uxore et libera, se Sarracenos appellaverunt'. What little is said about Muslim belief derives from a confusion of Muslims with Karaites: 'There are nevertheless among the Saracens those called Samaritans after the city of Samaria, who have received the five books of Moses but have rejected the prophets' ('Sunt tamen inter Sarracenos quidam, qui quinque Moysis libros receperunt, sed prophetas respuerunt, qui Samaritani a Samaria civitate dicuntur'). See also David M. Freidenreich, 'Sharing Meals with Non-Christians in Canon Law Commentaries, circa 1160-1260: A Case Study in Legal Development', *Medieval Encounters*, 14 (2007), 41-77 (p. 58 n. 34).

33 For an overview of the council, see Michele Maccarrone, 'Il IV Concilio Lateranense', *Divinitas*, 5 (1961), 270-98; Antonio García y García, 'The Fourth Lateran Council and the Canonists', in *The History of Medieval Canon Law in the Classical Period, 1140-1234: From Gratian to the Decretals of Pope Gregory IX*, ed. by Wilfried Hartmann and Kenneth Pennington (Washington D.C.: The Catholic University of America Press, 2008), pp. 367-78; Antonio García y García, *Iglesia, sociedad y derecho*, 4 vols (Salamanca: Universidad Pontificia de Salamanca, 1985-2000), II; Antonio García y García, *Historia del Concilio IV Lateranense de 1215* (Salamanca: Centro de Estudios Orientales y Ecueménicos 'Juan XXIII', 2005). For an overview of Lateran IV in the context of other Lateran councils, see Anne J. Duggan, 'Conciliar Law 1123-1215: The Legislation of the Four Lateran Councils', in *The History of Medieval Canon Law in the Classical Period* (Washington, DC: Catholic University of America Press, 2008), pp. 318-66. The discussion of Marion Gibbs and Jane Lang, *Bishops and Reform, 1215-1272, with Special Reference to the Lateran Council of 1215* (Oxford: Oxford University Press, 1934), is still relevant.

34 'Propter reformationem universalis Ecclesiae, ad liberationem potissimum Terrae Sanctae: propter quae duo principaliter et praecipue hoc sacrum concilium convocavi'. *Patrologiae Cursus Completus: Series Latina*, ed. by Jacques-Paul Migne, 221 vols (Paris: Garnier Freres, 1855), CCXVII, col. 674. Translation in Pope Innocent III, *Between God and Man: Six Sermons on the Priestly Office*, trans. by Corinne J. Vause and Frank C. Gardiner (Washington DC: Catholic University of America Press, 2004), p. 56. Similarly, Innocent wrote in a letter of the period that the council was 'to eradicate vices and to plant virtues, to correct faults and to reform morals, to remove heresies ad to strengthen faith, to settle discords and to establish peace, to get rid of oppression and to foster liberty, to induce princes and Christian people to come to the aid and succour of the holy land, which depends on clerks and laymen' ('ad exstirpanda vitia et plantandas virtutes, corrigendos excessus, et reformandos mores, eliminandas haereses, et roborandam fidem, sopiendas discordias, et stabiliendam pacem, comprimendas oppressiones, et libertatem fovendam, inducendos principes et populos Christianos ad succursum et subsidium terrae sanctae tam a clericis quam a laicis impendendum').

action against Muslims bookends his papacy at its beginning and ending and serves as one of its defining legacies.³⁵

It comes as no surprise that this focus on crusading against Muslims did not translate into an awareness of or interest in Islamic beliefs or practices. Most of Innocent's statements about Islam in his letters and writing treat it as a military threat, not a system of faith or ritual. One exception can be found in a letter calling Christians to crusade, sent in 1213 around the time he announced the upcoming Lateran IV meeting:

The Christian people possessed nearly all the provinces of the Saracens up until shortly after the time of blessed Gregory [d. 604]. Then a certain son of perdition, Muhammad the pseudo-prophet, arose, and through worldly allurements and carnal delights, seduced many from the truth. His perfidy has persisted even up to the present time, but we have confidence in the Lord who now has given us a sign of his favor, that the end of this beast approaches.³⁶

Although virtually nothing about this characterization reflects any awareness of Muslim belief or practice, the simple notions that Islam is a prophetic religion and that Muhammad is a prophet (albeit a false one in Innocent's estimation) implies a theological perspective that is different from the military focus of most all earlier papal rhetoric about Muslims. However, despite this and a handful of similar remarks in letters, Innocent's treatment of Islam was mostly in keeping with previous centuries of papal statements on Islam as nothing more than Christendom's military enemy.³⁷

Even though Innocent mentions Saracens on occasion in his letters, he almost never takes the opportunity to discuss his notion of their beliefs nor does he dwell on them as examples of heresy or infidelity. However, in the famous bull, *Etsi Iudaeos* (1205), in which Innocent famously speaks of the 'perpetual servitude' (*perpetuae servituti*) of the Jews, he also mentions Muslims (in passing) in order

35 Luchaire has described Lateran IV as a 'crowning' of Innocent's work: 'le concile de Latran a été l'aboutissement logique des travaux d'Innocent III, la sanction et le couronnement de toutes ses entreprises'. See Achille Luchaire, *Innocent III: Le concile de Latran et la réforme de L'église* (Paris: Hachette and Co., 1908), p. vi. On the role of crusading in Innocent's thought, see Michèle Maccarrone, *Studi su Innocenzo III*, Studi e documenti di storia ecclesiastica, n.s., 17 (Padua: Antenore, 1972), especially the chapters on 'La crociata e la sua predicazione nel programma e nell'azione di Innocenzo III', pp. 86–99, and 'La nuova, grande crociata innoccenziana et il IV concilio lateranense', pp. 100–112.

36 'Et quidem omnes pene Saracenorum provincias usque post tempora beati Gregorii Christiani populi possederunt; sed ex tunc quidam perditionis filius, Machometus pseudopropheta, surrexit, qui per saeculares illecebras et voluptates carnales multos a veritate seduxit; cujus perfidia etsi usque ad haec tempora invaluerit, confidimus tamen in Domino, qui jam fecit nobiscum signum in bonum, quod finis huius bestiae appropinquat'. *PL*, CCXVI, col. 818; translation in John C. Moore, *Pope Innocent III (1160/61–1216): To Root Up and to Plant* (Leiden: Brill, 2003), p. 210.

37 See Gilchrist, 'The Papacy and War against the "Saracens"', pp. 193–95.

to add support to his argument by casting Muslims as being in agreement with Christians about Jews: 'Moreover, because of their perfidy, even the Saracens, who persecute the Catholic faith and do not believe in the Christ whom the Jews crucified, cannot tolerate the Jews'.³⁸ Nevertheless, while Innocent was perpetually interested in 'liberating' both Christians (who were in captivity) and Christian lands (which were under Muslim rule), he saw the primary theological threat to Christian orthodoxy as the internal threat of heresy, and understood Islam and its 'pseudo-prophecy' as an external military threat.³⁹

That Innocent saw Saracens as external invaders rather than proximate infidels is evident in his distinction between them and Christian heretics. As he expressed in a letter to Philip II of France (10 March 1208) urging him to take up arms against the Cathars, 'But strive to abolish there the heretical perfidy by fighting with a strong hand and an outstretched arm against its followers, more fearlessly than against the Saracens since they [the heretics] are worse than them [the Saracens]'.⁴⁰ Although, as Rist shows, this comparison between heretics and Muslims follows a long line of polemical writers dating back at least a century, this is the first comparison of this sort in papal writing and it suggests that Innocent did not see the threat of Islam primarily as theological, as he did that of the heretics.⁴¹ This perspective influenced the agenda he brought to Lateran IV; putting its statements about Islam in this context helps explain the terse treatment it gives to Muslims, especially the lack of any reference to Muslim religiosity.

There is no doubt that at Lateran IV, Innocent regarded heresy as a much more pressing concern than Judaism or Islam. While heretics were only mentioned in the last canon (twenty-seven) at Lateran III, they take a place of prominence in the canons of Lateran IV, defining the theme of the extensive third canon. Jews and Saracens, by contrast, remain near the end of the canons in both councils, and

38 'Etiam, propter eorum perfidiam Saraceni, qui fidem Catholicam persequantur, nec credunt in crucifixum ab illis, sustinere non possunt'. Simonsohn, *Documents*, pp. 86–88 (p. 86). This represents a very early example of an argument that would be more common in polemical writing later in the thirteenth century. See Ryan Szpiech, 'Rhetorical Muslims: Islam as Witness in Western Christian Anti-Jewish Polemic', *Al-Qantara*, 34 (2013), 153–85; and Ryan Szpiech, 'Testes sunt ipsi, testis et erroris ipsius magister: El musulmán como testigo en la polémica cristiana medieval', *Medievalia*, 19/2 (2016): 135–56.

39 On Innocent's ideas about Islam, see Giulio Cipollone, 'Innocenzo III e i Saraceni: Atteggiamenti differenziati (1198–1199)', *Acta Historica et Archaeologica Mediaevalia*, 9 (1988), 167–87; and Giulio Cipollone, 'Innocent III and the Saracens: Between Rejection and Collaboration', in *Pope Innocent III and His World*, ed. by John Moore (London: Routledge, 2016), pp. 361–76.

40 'Haereticam tamen studeas perfidiam abolere sectatores ipsius eo quam Saracenos securius, quo peiores sunt illis, in manu forti et extento brachio impugnando'. 'Si tua regalis', in *Die Register Innocenz' III, XIII: Pontificatsjahr 1210/1211*, ed. by Andrea Sommerlechner and others (Vienna: Österreichischen Akademie der Wissenschaften, 2015), pp. 36–38 (p. 37); also in *PL*, CCXV, cols 1358–59 (col. 1359). On these letters, also see Rist, *The Papacy and Crusading in Europe*, p. 56.

41 Rist, *The Papacy and Crusading in Europe*, p. 56. See also Mark Pegg, *A Most Holy War: The Albigensian Crusade and the Battle for Christendom* (New York: Oxford University Press, 2009), p. 7.

receive relatively little attention. As in the decrees of Lateran III and in other previous canonical language, the primary concern is contact between Christians and those of other faiths, and relatively little thought is given to the beliefs of those other faiths themselves. In general, the only religious 'threat' addressed by Lateran IV is that presented by heretics, while Jews and Muslims constituted a social issue, mostly economic in the case of the former and mostly military in the case of the latter.

Canons sixty-seven to seventy deal with Jews, imposing limits on Jewish usury (sixty-seven), imposing distinguishing clothing to keep Christians from mingling with non-Christians (sixty-eight), prohibiting Jews from holding public offices in Christian lands (sixty-nine), and preventing converted Jews from continuing old religious practices after conversion (seventy). In these four canons, which together take up less space than the single section on heretics, Muslims are only mentioned four times, thrice in canon sixty-eight and once as an afterthought in canon sixty-nine. This final passing reference in canon sixty-nine, which grew from earlier provincial councils in Montpellier (1195) and Avignon (1209), prohibits that 'a blasphemer' (*blasfemus*) should 'exercise power over Christians' (*in christianos vim potestatis exercent*).⁴² This is condemned, 'prohibiting lest Jews be appointed to public office' (*inhibentes ne Iudaei officii publicis praeferantur*).⁴³ Any Jew who is thus appointed is cut off from commerce with Christians until he gives any of his benefit or profit to poor Christians and forfeits his post. The canon ends by briefly stating, 'We extend the same thing to pagans' (*hoc idem extendimus ad paganos*).⁴⁴ 'Saracens' are not discussed as such and the canon merely extends the ruling made for Jews to Muslims without any discussion of their particular religious identity.

The three places in canon sixty-eight where Saracens are mentioned all concern the famous question of the need for different dress to distinguish Christians from non-Christians. The discussion of such dress is as a foundational moment in the evolution of the Christian policy of imposing a 'Jewish badge'.

A difference of dress distinguishes Jews or Saracens from Christians in some provinces, but in others a certain confusion has developed so that they are indistinguishable. Whence it sometimes happens that by mistake Christians join with Jewish or Saracen women, and Jews or Saracens with Christian women. In order that the offence of such a damnable mixing may not spread further, under the excuse of a mistake of this kind, we decree that such persons of either sex, in every Christian province and at all times, are to be distinguished in public from other people by the character of their dress.⁴⁵

42 Pakter, *Medieval Canon Law*, pp. 236–37.

43 *Decrees*, I, p. 266.

44 *Decrees*, I, p. 267.

45 'In nonnullis provinciis a christianis Iudaeos seu Saracenos habitus distinguit diversitas, sed in quibusdam sic quaedam inolevit confusio, ut nulla differentia discernantur. Unde contingit interdum, quod per

A mandate at the synod of Paris in 1208 requiring Jews to wear a distinguishing badge may be the first ruling of its kind; however, Lateran IV was the earliest known source detailing this policy for Muslims in Latin Christendom.⁴⁶ Legislation that imposed differentiating dress on non-Muslims was a longstanding practice in the Islamic world, but there is no definitive evidence that the Christian policy derived from this tradition.⁴⁷ In addition to the imposition of such dress, Jews and Muslims are ordered not to appear in public on days of lamentation or on Easter because:

Some of them on such days, as we have heard, do not blush to parade in very ornate dress and are not afraid to mock Christians. What we most strictly forbid, however, is that they dare in any way to break out in derision of the Redeemer.⁴⁸

The infidelity implied by a proscribed 'derision of the Redeemer' must be understood as applicable only to Jews, because it is assumed that Muslims, who revere Jesus as a prophet second only to Muḥammad, would not mock *him*, even if they did mock Christian worship. As in the other canons, the sole concern of canon sixty-eight is maintaining social order. Although the focus of this canon involves Christian belief and worship, it involves non-Christians principally on account of their behavior. Nothing is said here about what Jews and Muslims actually believe.

The extensive discussion of a renewed crusade in canon seventy-one similarly makes no reference to Muslim belief and instead characterizes Islam in traditional terms as a military threat. The prohibitions from Lateran III against trade and commerce with pirates and foreign Muslims is repeated without any substantial change:

errorem christiani Iudaeorum seu Saracenorum et Iudaei seu Saraceni christianorum mulieribus commisceantur. Ne igitur tam damnatae commixtionis excessus per velamentum erroris huiusmodi excusationis ulterius possint habere diffugium, statuimus ut tales utriusque sexus in omni christianorum provincia et omni tempore qualitate habitus publice ab aliis populis distinguantur'. *Decrees*, I, p. 266.

46 James Powell, 'The Papacy and the Muslim Frontier', in *Muslims under Latin Rule*, ed. by James Powell (Princeton: Princeton University Press, 1990), pp. 175–204 (p. 191), points to the 'influence of the French bishops as a source for such a decree at the Fourth Lateran Council'.

47 For a history of distinguishing dress in the Islamic world, see Mark R. Cohen, *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton: Princeton University Press, 1994), pp. 61–64, 110–15; Bat Ye'or, *Islam and Dhimmitude: Where Civilizations Collide*, trans. by Miriam Kochan and David Littman (Madison/Teaneck: Fairleigh Dickenson University Press, 2002), pp. 91–96; and the extensive treatment in Ḥabīb Zayāt, 'Simāt al-naṣārā wa-l-yahūd fī al-islām: al-ṣalīb, wa-l-zunnār, wa-l-'amāma wa-l-ghiyār; shurūṭ al-'umariyā, *al-Machriq*, 43 (1949), 161–252 [in Arabic]. For an overview of the effects of the legislation, see Kenneth Stow, 'The Church and the Jews', *The New Cambridge Medieval History, V: c. 1190–1300*, ed. by David Abulafia (Cambridge: Cambridge University Press, 1999), pp. 204–19 (p. 208).

48 'Nonnulli ex ipsis talibus diebus, sicut accepimus, ornati non erubescunt incedere ac christianis [...] illudere non formidant. Illud autem districtissime inhubemus, ne in contumeliam Redemptoris prosilire aliquatenus praesumant'. *Decrees*, I, p. 266.

We excommunicate and anathematize, moreover, those false and impious Christians who, in opposition to Christ and the Christian people, convey arms to the Saracens and iron or timber for their galleys. We decree that those who sell them galleys or ships, and those who act as pilots in pirate Saracen ships, or give them any advice or help by way of machines or anything else, to the detriment of the Holy Land, are to be punished with deprivation of their possessions and are to become the slaves of those [who] capture them.⁴⁹

The repetition of this prohibition from Lateran III in terms more or less unchanged, like the similarity of focus on sexual boundaries to the rhetoric of the council of Nablus nearly a century before, makes clear that in its pronouncements on Muslims or Jews, Lateran IV did not mark a significant departure — the imposition of distinguishing dress being a notable exception — from earlier conciliar rhetoric, whether provincial or ecumenical.

From Lateran IV to Vienne

The traditionalism of Lateran IV in its language concerning Islam as such stands out when compared to the three ecumenical councils that took place over the subsequent century (Lyon I in 1245, Lyon II in 1274, and Vienne in 1311–12), which all include explicit references to Muslim belief or rites. The canons of Lyon I reflect an intense rivalry between Pope Innocent IV and Holy Roman Emperor Frederick II. Apart from repeating the prohibition issued at Lateran III and IV against selling ships or offering services to Muslim sailors (but not the mandate of distinctive clothing), the council issued new statements reflecting a changing position on Islam.⁵⁰ Included in the council's scathing deposition of Frederick in which the Emperor's alleged crimes and faults are detailed, there is the accusation, seemingly *obiter dictum*, that 'He is joined in odious friendship with the Saracens [...] he embraces their rites [...] and what is more loathsome [...] he allowed the name of Mahomet to be publicly proclaimed day and night in the Lord's temple.'⁵¹ This is the first mention of actual religious *practice by Muslims*

49 'Excommunicamus praeterea et anathematizamus illos falsos et impios christianos, qui contra ipsum Christum et populum christianum Saracenis arma, ferrum et lignamina deferunt galearum; eos etiam qui galeas eis vendunt vel naves, quique in piraticis Saracenorum navibus curam gubernationis exercent vel in machinis aut quibuslibet aliis aliquod eis impendunt consilium vel auxilium in dispendium Terrae sanctae, ipsarum rerum suarum privatione mulctari, et capientium servos fore censemus'. *Decrees*, I, p. 270.
50 Canon five in *Decrees*, I, p. 300.

51 'Coniunctus amicitia detestabili Sarracenis [...] ipsorumque ritus amplectitur [...] et quod execrabilius est [...] Machometi nomen in templo Domini diebus et noctibus publice proclamari permisit'. *Decrees*, I, p. 282. For an analysis of this question, see John Phillip Lomax, 'Frederick II, His Saracens, and the Papacy', in *Medieval Christian Perceptions of Islam: A Book of Essays*, ed. by John V. Tolan (New York: Routledge, 1996), pp. 175–98.

at any of the ecumenical councils. The description of Christian-Muslim contact not only in sexual terms but also in religious ones marks a shift from the rhetoric of Lateran IV thirty years earlier.

The second council of Lyon, twenty-nine years later, while relatively modest in its goals and accomplishments by comparison with Lateran IV and Lyon I, similarly employs vestiges of a theological language to discuss Islam. In terms of policy, nothing new appears. Lyon II repeats virtually unchanged the prohibition from Lyon I and earlier councils against selling Saracens iron, arms, or wood for their ships and against working on Saracen ships as captains or shipmates.⁵² Similarly, the call to support the crusade in the Holy Land remains constant. However, while Lateran IV aspires only 'to liberate the Holy Land from infidel hands' (*ad liberandam terram sanctam de manibus impiorum*), a phrase repeated at Lyon I (*ad liberand[am] ipsam Deo propitio de impiorum manibus*), Lyon II elaborates, justifying crusade with a lament over Muslim *infidelity*.

This very land [...] has been boldly attacked and occupied over a long period by the impious enemies of the Christian name, the blasphemous and faithless Saracens [...] They slaughter savagely the Christian people there to the greater offence of the creator, to the outrage and sorrow of all who profess the Catholic faith. 'Where is the God of the Christians?' is the Saracens' constant reproach [...] our help will come from those afire with zeal of faith and devotion.⁵³

Although the call to crusade had not changed, the terms had become more theologically inflected.

This theological turn is in keeping with the tone and terminology of polemical literature of the period, which produced a flurry of anti-Muslim and anti-Jewish polemical literature. A large share of the Latin polemical writing against Islam in the thirteenth century was written by Dominicans, who were mobilized after Lateran IV to counter the heretical movement in southern France, and who subsequently turned to polemical engagement with Jews and Muslims in the Iberian Peninsula and elsewhere.⁵⁴ Unlike the polemical writing of the twelfth

52 *Decrees*, I, p. 311.

53 'Ipsa terra [...] per nefandissimos hostes nominis christiani blasphemos et perfidos Sarracenos, audacia secuta, occupata diutius [...] Trucidatur in ea inhumaniter populus christianus et ad maiorem contumeliam creatoris et iniuriam et dolorem omnium qui fide catholica profitentur. Ubi sit Deus christianorum? Improperant multis opprobriis, chisticolas insultantes [...] illorum interveniente auxilio quos ad hoc zelus fidei et devotionis accendet'. *Decrees*, I, p. 309.

54 As Jeremy Cohen notes, 'The call for a crusade to recapture Jerusalem from the Saracens constituted one of the *raison d'être* for the Fourth Lateran Council of 1215, and contemporary Christian polemic against Islam simultaneously assumed a much more vehement, hostile, and often irrational character'. Jeremy Cohen, *The Friars and the Jews: the Evolution of Medieval Anti-Judaism* (Ithaca: Cornell University Press, 1982), p. 35.

century, which had no discernable impact on subsequent ecumenical councils, the arguments of thirteenth-century writers seem to have influenced conciliar rhetoric directly.⁵⁵ Humbert of Romans, the Master General of the Dominican Order (1254–1263), who oversaw an expansion of the Dominican commitment to missionary work and preaching to non-Christians, attended both Lyon I and Lyon II. In preparation for the latter, he wrote, at the invitation of Pope Gregory X, a strident defense of holy war against Saracens, the *Opus tripartitum*. The text employs anti-Muslim theological polemic in order to defend papal calls for crusading to the Holy Land.

It is not against him [God] and apostolic doctrine if Saracens are killed by Christians. They have a law that they never hear Christ spoken of, lest by chance they are turned to him and pass into his service. They are like tares unmixed with wheat. Who then would not judge that where there is only tares, it is not to be completely rooted out? [...] These are a fig tree with no hope of bearing fruit. [...] Therefore, if one like this is to be cut down, as the saying goes, it stands to reason that these are also to be eradicated from the world. [...] An animal that touches the mountain shall be stoned [cf. Ex. 19:12–13]. And since these bestial men are touching the mount of the Holy Trinity by blaspheming it, and by cursing in their Qurʾān all who believe that it [the Trinity] is in God, are they not deserving of death?⁵⁶

Humbert's polemical ideas about Muslims, expressed here and throughout his work, were part of an active discussion about missionizing among Dominicans both before and after Lyon II.⁵⁷

55 For example, twelfth-century abbot Peter the Venerable (d. 1156), although he was present at Lateran II in 1139, did not turn to anti-Muslim polemic until after his trip to Iberia in the 1140s. Moreover, his polemical writing and his commission of a translation of the Qurʾān had no discernable influence on Lateran III.

56 'Non est autem contra eum et Apostolicam doctrinam si interficiantur a christianis Saraceni. Isti enim sunt qui legem habent ut nunquam audiant loqui de Christo, ne forte convertantur ad eum et ad eius transeant servitutem [...] Isti etiam sunt zizania inmixta tritico. Quis autem non iudicet, quod ubi est pura zizania non est omnino extirpanda? [...] Iste sunt ficulnea desperata de fructu ferendo [...] Si ergo talis est succidenda, secundum quod dicitur, constat et istos esse succidendos de mundo [...] Bestia quae tetigerit montem lapidabitur. Cum ergo isti bestiales tangant montem sanctae trinitatis blasphemando ipsam, et in Alcorano suo frequenter maledicendo omnes qui credunt eam in Deo, nonne sunt digni morte?' Humbert of Romans, *Opus tripartitum*, in Orthuinus Gratius, *Fasciculus rerum expetendarum et fugiendarum*, ed. by Edward Brown, 2 vols (London: Richard Chiswell, 1690), II, pp. 185–228 (p. 194). See the discussion of Norman Daniel, 'Crusade Propaganda', in *A History of the Crusades VI: The Impact of the Crusades on Europe* (Madison: University of Wisconsin Press, 1989), pp. 39–97 (especially pp. 49–52, 79–83).

57 On Humbert, the councils of Lyon I and II, and missionary interest among the Dominicans, see Robin Vose, *Dominicans, Muslims and Jews in the Medieval Crown of Aragon* (Cambridge: Cambridge University Press, 2009), pp. 43–50.

Like Humbert, the Catalan Dominican Ramon Martí (1230–ca. 1284), who accompanied King James I of Aragon to Lyon II, extended the Dominican polemical attack against heretics to include Muslims and Jews. Martí completed his anti-Islamic polemic *De Sef[c]ta Mahometi* in the late 1250s and his anti-Jewish *Capistrum Iudaeorum* in 1267.⁵⁸ At the time of Lyon II, he was busy at work on his *Pugio fidei adversus mauros et iudaeos*, finished four years later. In the *Capistrum*, Martí likens Muslims to heretics: 'Every Saracen acknowledges belief in the Lord Jesus, even though he denies it in his actions [...] In fact, they [the Muslims] do not seem like anything except Christian heretics.'⁵⁹ Martí's writing, although more linguistically sophisticated and broader in source base than that of most of his fellow friars, was part of a wider polemical discourse circulating among Dominicans in the second half of the thirteenth century. Thomas Aquinas himself had finished his *Summa contra gentiles* just two years before Martí finished his *Capistrum*. Although Aquinas was expected to participate in the council of Lyon, he died en route, and those who attended 'surely had a unique and poignant sense of his absence'.⁶⁰

If Lyon II reflects a more theological, polemical turn in ecclesiastical rhetoric concerning Islam, that rhetoric is amplified and augmented in subsequent decades in Dominican polemical writing. One critically important figure of the early fourteenth century was Florentine friar Riccoldo da Monte di Croce (ca. 1243–1320), who used his first-hand experience in the Muslim world as the foundation for theological polemic. In 1288, Riccoldo set off on a pilgrimage to the east, 'having received the permission of the pope [Nicholas IV] through the mediation of the master of the order [Munio de Zamora]'.⁶¹ Traveling first to Acre and then through the Holy Land, he visited various Eastern Christian communities made up of Nestorians and Jacobites, among others, all of whom he deemed as 'heretics'.⁶² He also spent numerous years in Baghdad, where he learned Arabic,

58 Lola Badia, Joan Santanach, and Albert Soler, *Ramon Llull as a Vernacular Writer: Communicating a New Kind of Knowledge* (London: Tamesis, 2016), p. 231.

59 'Omnis Sarracenus confitetur se credere in Dominum Iesum, et si operibus neget [...] Nihil ergo aliud videntur quam Christiani haeretici.' Ramon Martí, *Capistrum Iudaeorum*, ed. by Adolfo Robles Sierra, 2 vols (Würzburg: Echter; Altenberge: Telos, 1990/1993), I, p. 258 (1.6.12).

60 Christopher Upham, 'The Influence of Aquinas', in *The Oxford Handbook of Aquinas*, ed. by Brian Davies and Eleonore Stump (New York: Oxford University Press, 2012), pp. 511–23 (p. 515).

61 'Suscepta igitur obedientia domini papa mediante magistro ordinis.' See René Kappler, *Ricoldo da Monte Croce: Pègrination en Terre Sainte et au Proche-Orient. Texte latin et traduction. Lettres sur la Chute de Sainte Jean d'Acre. Traduction* (Paris: Honoré Champion, 1997). For an English translation of the text, see Rita George-Tvrtković, *A Christian Pilgrim in Medieval Iraq: Riccoldo da Montecroce's Encounter with Islam* (Turnhout: Brepols, 2012), appendix B.

62 On Riccoldo's stance toward Eastern Christian communities, see Camille Rouxpetel, 'Ricoldo da Monte Croce's Mission toward the Nestorians and the Jacobites (1288–c. 1300): Defining Heresy and Inventing the Relationship with the Other. From Theory to Missionary Experience', *Medieval Encounters*, 21 (2015): 250–68.

and allegedly debated with local Muslims over theological questions. He was in Baghdad in 1291, when he received news of the fall of Acre, the last Christian stronghold in the Latin crusading states. This experience deeply influenced his views on the formidable threat represented by Islam, which he came to characterize as a central issue in the Christian fight against internal heresies. Although he eventually tempered his stance against Eastern churches in his later writing, thus following a broader shift towards a more conciliatory papal rhetoric after Lyon II, his treatment of Islam remained strident and polemical. In his best-known work, *Contra legem Sarracenorum* [Against the Sarracen Law], finished after his return to Florence in 1300, he explicitly characterizes Islam as a recapitulation of ancient Christian heresies, stating, 'You must know that the devil, who sowed all the dregs of ancient heresies here and there in others, vomited the same back up into Muhammad'.⁶³

The intensification of anti-Muslim polemical writing at the end of the thirteenth century and beginning of the fourteenth follows a trend that culminates in the rhetoric of the Council of Vienne (1311–12), which expands upon themes from earlier councils, especially the call for renewed crusade in the wake of the fall of Acre in 1291. As stated in canon five, the Holy Land 'is dishonoured by the vile grasp of the unclean Saracens, faithless enemies of the Christian name [...] the name of Christ is horribly blasphemed by the filthy and detestable conduct of the enemy'.⁶⁴ From the passing reference to 'infidel hands' at Lateran IV, the conciliar rhetoric at Vienne had expanded to describe the 'vile grasp' of the 'faithless enemies'. The Muslim rule of the Holy Land is not only an occupation but also a 'blasphemy'.

This more polemical rhetoric gives way in canon twenty-five to an almost ethnographical account, albeit thoroughly distorted, of a few Muslim beliefs and rites.

It is an insult to the holy name and a disgrace to the Christian faith that in certain parts of the world subject to Christian princes where Saracens live [...] Saracen priests, commonly called Zabazala, in their temples of mosques, in which the Saracens meet to adore the infidel Mahomet, loudly invoke and extol his name each day at certain hours from a high place, in the hearing of both Christians and Saracens, and there make public declarations in his honour. There is a place, moreover, where once was

63 'Et sciendum 5 quod omnium antiquorum hereticorum feces, quas diabolus in aliis sparsim seminaverat, simul in Machometum reuoluit'. Jean-Marie Mérigoux, 'L'ouvrage d'un frère prêcheur florentin en orient à la fin du XIIIe siècle: le "Contra legem Sarracenorum" de Riccoldo da Monte di Croce', *Memorie Domenicane*, n.s. 17 (1986): 1–144 (p. 63).

64 'Per immundissimos Sarracenos, hostes perfidos nominis christiani, vilissima ipsorum conrectatione polluta [...] ab hostium ipsorum abominanda spurcicia blasphematur ibidem horribiliter nomen Christi'. *Decrees*, I, p. 350.

buried a certain Saracen whom other Saracens venerate as a saint. A great number of Saracens flock there quite openly from far and near. This brings disrepute on our faith and gives great scandal to the faithful.⁶⁵

This passage is important for a number of reasons. First, it is the first extended description of Muslim ritual in any conciliar language, and it shows clearly a new focus not at all evident at Lateran IV a century earlier. The attempt to legislate the Muslim call to prayer in Christian lands was already an issue in papal correspondence as early as Clement IV, who wrote to James I of Aragon in 1266 to complain about his failure to curtail the practice.⁶⁶ Indeed, it seems to recall also the rhetoric of Lyon I against Frederick III that 'he allowed the name of Mahomet to be publicly proclaimed day and night'.⁶⁷ Although the council at Vienne ordered that Princes forbid 'expressly the public invocation of the sacrilegious name of Mahomet' (*expresse ne praefata invocatio seu professio nominis ipsius sacrilegi Machometi publice*), the practice continued to be an issue for Christian rulers into the fifteenth century.⁶⁸ In addition, the reference here to Muslim pilgrimage (in this case the text seems to be describing *ziyāra*, local pilgrimage, rather than *hajj*, the obligatory pilgrimage to Mecca) reflects a new attention to Muslim religious practice. No longer are Saracens merely idol-worshippers or pagans; they revere the sainthood of their holy figures and they worship in ways that are comparable to Christian practices such as pilgrimage to holy sites. The willingness to address concerns over this practice in the conciliar decree evinces an awareness of Muslim religiosity absent from previous conciliar language.

Moreover, within this description there are two Arabic terms: 'mosques' (*mesquitis*) and 'prayer leader' (*zabazala*) from the Arabic *ṣāhib al-ṣalāh*. Although *zabazala*, which means *imām*, seems to be confused with *mu'adhdhin*, the caller

65 'Cedit quidem in offensam divini nominis et opprobrium fidei christianae, quod in quibusdam mundi partibus principibus christianis subiectis [...] sacerdotes eorum, Zabazala vulgariter nuncupati, in templis seu mesquitis suis, ad quae iidem Sarraceni conveniunt ut ibidem adorent perfidum Machometum, diebus singulis certis horis in loco aliquo eminenti eiusdem Machometi nomen, christianis et Sarracenis audientibus, alta voce invocant et extollunt, ac ibidem verba quaedam in illius honorem publice profitentur; ad locum insuper, ubi olim quidam sepultus exstitit Sarracenus, quem ut sanctum Sarraceni alii venerantur et colunt, magna Sarracenorum earundem partium et etiam aliarum confluit publice multitudo, ex quibus nostrae fidei non modicum detrahitur, et grave in cordibus fidelium scandalum generatur'. *Decrees*, I, p. 380.

66 'Sarraceni [...] diebus singulis clamore publico certis horis nomen extollentibus Machometi'. On Clement's letter, see Solomon Grayzel, *The Church and the Jews in the XIIIth Century: V 2, 1254–1314*, ed. by Kenneth Stow (New York: Jewish Theological Seminary of America; Detroit, MI: Wayne State University Press, 1989), p. 93.

67 *Decrees*, I, p. 282. See above, n. 52.

68 *Decrees*, I, p. 380. For an extensive history of the issue, see Olivia Remie Constable, 'Regulating Religious Noise: The Council of Vienne, the Mosque Call and Muslim Pilgrimage in the Late Medieval Mediterranean World', *Medieval Encounters*, 16 (2010), 64–95 (especially p. 74–75).

to prayer, the inclusion in the conciliar text of such terms, both in an approximate transliteration and in translation, shows the clear influence of thirteenth-century Dominican policies encouraging language learning. An increasing awareness not only of non-Christian religious ideas and practices, but also texts and technical vocabulary, is similarly evident in the polemical writing of Ramon Martí and his younger contemporary Ramon Llull.⁶⁹ Llull was, moreover, in attendance at Vienne and succeeded in lobbying for the inclusion of a mandate (in the previous canon twenty-four) to establish teachers of Arabic, Hebrew, and Aramaic in Paris, Oxford, Bologna, Salamanca, and within the Roman curia.⁷⁰ The attention to non-Latin religious terminology reflects the influence of a shifting concept of argumentative authority in polemical literature of the thirteenth and early fourteenth centuries that depended more intensively on the question of textual authenticity. In comparison even with Lyon I and Lyon II, and certainly with Lateran III and Lateran IV, the canons of Vienne evince much more awareness of Islamic belief and practice. The threat that this religiosity presented to Christian leaders came to accompany but not replace the military and social threats represented by Muslims in past conciliar rhetoric. The stark contrast between Lateran IV and Vienne on this question reflects the evolution of polemical argumentation in the thirteenth century and the slow penetration of that new thinking into the official rhetoric of the ecumenical councils.

Conclusion

If Lateran IV is a reflection of changes of the twelfth century showing the conflation of Jews and Saracens as a legal category, the heightened concern with Jewish usury, and the urgency of instituting social barriers to keep Christians from mixing with Jews and Muslims, so Vienne is a similar mirror reflecting the changes of the thirteenth century that began to appear at Lyon I and intensify throughout the century. While Lateran IV is a convenient focal point for historians to discuss the shift towards a more exclusive religious order in the thirteenth century, it is possible to consider it as much of a last step as a first, constituting the definitive institutionalization of a social policy for dealing with non-Christians before the turn at later councils to a more theological perspective influenced by works of religious polemic. As Kenneth Stow explains, both Lateran III and IV 'must thus be understood as actions taken to heighten — by a grant of ecumenical status

69 On Martí's and Llull's philosophy of language, see Ryan Szpiech, *Conversion and Narrative: Reading and Religious Authority in Medieval Polemic* (Philadelphia: University of Pennsylvania Press, 2013), pp. 123–42. On Dominican language study, see Vose, *Dominicans, Muslims and Jews*, pp. 104–15.

70 *Decrees*, I, p. 379. On Llull's influence in Vienne, see Berthold Altaner, 'Raymundus Lullus und der Sprachenkanon (can. 11) des Konzils von Vienne (1312)', *Historisches Jahrbuch*, 53 (1933), 190–219.

— the observance of select, especially troublesome, rulings that had all too often been flouted.⁷¹

The modern historiographical consideration of Lateran IV as a watershed moment in the religious persecution of Muslims and Jews partly misconstrues the banality of its rhetoric and the unoriginal nature of its categorization of infidelity by taking legal restrictions and theological polemic as naturally bound and interchangeable. As James Muldoon has argued, the inward-focused consolidation of canon law between the *Decretum* of Gratian (1140) and the *Liber extra* of Gregory IX (1234) constitutes a period of legal thought that can be distinguished from that beginning with Lyon I and the papacy of Innocent IV, which marked a turn to a more outward-focused development in legal language about non-Christians. That shift, whose effects continued well into the sixteenth-century arguments of Bartolomé de las Casas in defense of Native Americans, included in conciliar canons a new, theological language for discussing Muslims that had yet to appear at Lateran IV.⁷² Pace Moore's assertion that Lateran IV laid down a 'machinery of persecution for Western Christendom' through its more rigid categorization of heretics, lepers, and homosexuals, as well as Jews and Muslims, it is obvious that, at least as far as Muslims were concerned, such persecution was effected first in social and not theological or polemical terms.⁷³ The language used at Lateran IV to discuss Muslim and Jewish religiosity, despite the importance of the new social policies it implemented, seems entirely conventional in comparison with later conciliar and papal decrees. We can take Stow's conclusion about policies of Jewish usury as a more general statement about conciliar language addressing Muslims and Islam: 'Lateran IV culminates; it does not initiate.'⁷⁴

71 Stow, 'The Church and the Jews', p. 207.

72 'The three hundred years from Innocent IV to Bartholomew de Las Casas formed a coherent period in the development of European attitudes toward non-Europeans. This period stands between the era in which the crusades, based on the theory of the just war, dominated European relations with non-Europeans and the era of modern international law, which is concerned with both war and peace among nations'. Muldoon, *Popes, Lawyers, and Infidels*, 153. On the turn in legal focus in the Iberian Peninsula in the late medieval period, see Antonio García y García, 'Jews and Muslims in the Canon Law of the Iberian Peninsula in the Late Medieval and Early Modern Period', *Jewish History*, 3 (1988), 41–50.

73 Moore, *Formation of a Persecuting Society*, p. 10.

74 Kenneth Stow, 'Conversion, Apostasy, and Apprehensiveness: Emicho of Flonheim and the Fear of Jews in the Twelfth Century', *Speculum*, 76 (2001), pp. 911–33 (p. 921 n. 30).