Religion and Law in Medieval Christian and Muslim Societies

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JEWS AND MUSLIMS UNDER THE FOURTH LATERAN COUNCIL

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

Edited by
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SARACENS AND CHURCH COUNCILS, FROM NABLUS (1120) TO VIEENNE (1313–14)

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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,’ 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.’ 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 2012’ from the Spanish Ministry of Economy and Competitiveness [Project ID: FFI2012–36509-C1–1-P (MINECO/FEDER)]. I am thankful to Cándida Ferrer 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.


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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. Freidenreich has noted that legal sources referring to Muslims before


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. 867–89) speaks of Saracens in terms of a military force whose onslaught at times justified certain forms of violence deployed in self-defense. Conciliarpapal 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. 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.'

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. 705) 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 Styliste, 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.'


5 For a comprehensive consideration of papal language on holy war against Saracens, see John Gilchrist, 'The Paciﬁcity and War against the "Saracens"', The International History Review, 10 (1988), 174–96.

6 Tolan, Saracens, p. 77.

7 François Nau, 'Traduction des lettres XII et XIII de Jacques d'Édesse (Exégèse bibliq.)', Revue de l'Orient Christian, 10 ([n.p.], 1905), pp. 197–208 and 385–82. 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 Bessarion (βησαρίον, possibly a rendering of ‘vizier’), allegedly a Christian convert to Islam. References to Islamic thought or belief in such texts are earlier to appear and more theoretically 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. 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. 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 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 [censuratur] 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 [ectesticulabitur]; 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

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because the Church, as opposed to individual Christian states, had no reason to enter into relations with infidel states.\footnote{James Muldoon, \textit{Popes, Lawyers, and Infidels} (Philadelphia: University of Pennsylvania Press, 1979), p. 5.}

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:

\[\ldots\] W[h]o 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 \textit{[gentilitate]} or Judaism or indeed from any heresy whatsoever.\footnote{\text{[\ldots]} [Qui vero praesumpterit fidem aliam componere vel profecerel vel docere vel tradere alium symbool volensbus converti ad agiptionem veritatis ex gentilitate vel haeretiqua aut ex qualibet haeresi. Text in \textit{Conciliorum Oecumenicorum Decreta} (COD), ed. by Giuseppe Alberigo and others, 2nd edn (Bologna: Istituto per le Scienze Religiose, 1977), reproduced with translation in \textit{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. 150.}

Constantinople IV only mentions 'pagan invasion' \textit{(paganorum incursus)} in passing in its decrees.\footnote{\text{Decrees}, I, p. 180. See also Freudenreich, \textit{Muslims in Canon Law}, 650–1000, p. 86.} 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.'\footnote{\text{[\ldots]} It is remarkable that the attitude of the popes towards their enemies was in the main consistent over the whole of this period. The attitude of the popes towards the Saracens was similar to that which they exhibited towards the Jews, in that they regarded both as infidels, and as enemies of Christ and His Church. Text in \textit{Conciliorum Oecumenicorum Decreta} (COD), ed. by Giuseppe Alberigo and others, 2nd edn (Bologna: Istituto per le Scienze Religiose, 1977), reproduced with translation in \textit{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. 135.}

Given that Lateran I and II took place immediately after Nablus (1130) 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.\footnote{\text{[\ldots]} 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.\footnote{\text{[\ldots]} 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.\footnote{\text{[\ldots]} Just as those early councils responded to Judaism in Christian soci-}}}

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.'\footnote{\text{\[\ldots\]} [\ldots] 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 necessary to attack Christians. There are even some who for gain act as captains or pilots in galleys or Saracen pirate vessels.\footnote{On the unique legislation in Hungary, see Nora Berend, \textit{"{U}The Villainous Deeds of the Ishmaelites": Muslim Rites in Christian Hungary}, in \textit{Rites Infidelismos: Miradas interconfesionales sobre las pr"acticas religiosas en la edad media}, ed. by José Martínez Góspex and John V. Tolán (Madrid: Casa de Velázquez, 2013), pp. 247–60 (pp. 253–55); and Nora Berend, \textit{At the Gates of Christendom: Jews, Muslims and Pagan}s in Medieval Hungary, c. 1000–c. 1200} (Cambridge: Cambridge University Press, 2001), p. 212.}


79 \text{\[\ldots\]} "Judeae et Saraceni nec sub aliorum suorum obestis nec pro servitio nec alia quilibet causa christianam mancipia in domibus suis permettantur labori. Excommunicent autem qui cum eis praesumpterint habitatris. \textit{Decrees}, I, pp. 223–24.}

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

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 Carlisle 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 legislatures only in matters involving social and sexual boundary-marking'.

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 be under anathema, since Jews ought to be subject to Christians.\(^\text{2\text{a}}\)

The question of non-Christian witnesses was an evolving issue and Lateran III's statement follows earlier words already issued by Alexander III.\(^\text{3a}\) 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.\(^\text{3b}\)

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 conversion of Jews and Muslims that began to take place in twelfth-century ecclesiastical rhetoric. In the reception and adoption of late-antique categories to post-crusade realities, the invertebrate 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 Judaeis et Saracenis), sometimes also including 'and their slaves' (et corum servos).\(^\text{4a}\) This late-twelfth-century legal conflation, first evident in the Breviarium Extravagantum of Bernard of Pavia (c. 1188–92), was subsequently incorporated into decretals of the late twelfth and early thirteenth centuries, including the Quinque antiquae compilations, which gathered legal material written after Gratian finished his Decretum around 1140 and before the Liber extra of Gregory IX, completed by Ramon de Penafort in 1314; it was also incorporated into the Liber itself.\(^\text{5a}\)

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26 'Si qui praeterea deo inspirata ad fidem se convertent christianam a suspectibus suis nulliusnam excludantur cum melioribus conditionibus conversus ad fidem esse oportet quam antequam fidem accepissent habeantur. Si autem secum factum fuerit principiibus vel potestatibus corundem locorum sub poena excommunicationis injungimus ut postermiseris et bonorum suorum ex integro eis faciatis exhiberi'. Davies, L. P. 124.
28 See the essay by Anna Abafla in this volume.
This category marked a departure from the letter Pope Alexander II sent to Iberian bishops in 1061 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.' 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,28 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.29 Similarly, one chapter deals with marriage between Christians and non-Christians and another mentions cities captured by Muslims, among various scattered references.30 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 decreals — dealt only with practical issues arising from Muslims' presence in Christian land. As Keidan explains,31

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

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29 The letter is incorporated into Gratianus, *Decretum Magistri Gratiani*, C.13, q.R. n. 4. See Corpus Juris Canonicus, ed. by Emil Friedberg and Aimil Richter, 2 vols. (Leipzig: Bernard Tauchnitz, 1879–84), I, col. 915. As Friedreich, *Muslims in Western Canon Law, 1000–1500*, p. 44, n. 2, notes, the *Disput* 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 Keidan, *De Iudaeis et Sarracenis*, p. 209, n. 8.


32 Keidan, *De Iudaeis et Sarracenis*, p. 411. As Keidan notes, the definition came from Bernard of Pavia's *Summa Decretalium*, and was repeated in *Peter's Summa de pace et pace* (c. 1157) and also Henry of Sussi's *Summa Aerea* (c. 1555): "Those who accept neither the Old nor the New Testament are called Saracens, who did not want to be called Magi here after Hagar the handmaid of Abraham, whence was their origin, but rather who called themselves Saracens after Sarah, his Freeman and wife." (Saraceni 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.' 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

véro dicentur qui nec vetut nec novum recipiunt testamentum, qui non se ab Agar Abrahami arcilla, de qua eorum fuit origo, Agararum vocavi voluntatem, sed potin sara, et iudaeorum et israelae, et sarracenorum appellaverunt. What little is said about Muslim belief derives from a confusion of Muslims with Saracens: '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 comites inter Saracenos quidam, qui sicut Moyssae libros sequuntur, sed prophetas reprobant, qui Samaritanis a Samaria civitate dicuntur'). See also David M. Freedenreich, 'Sharing Meals with Non-Christians in Canon Law Commentaries, circa 1160–1250: A Case Study in Legal Development,' *Medieval Encounters*, 14 (2007), 41–77 (p. 58 n. 34).


action against Muslims bookends his papacy at its beginning and ending and serves as one of its defining legacies.\textsuperscript{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 incoming Lateran IV meeting:

The Christian people possessed nearly all the provinces of the Saracens up until shortly after the time of blessed Gregory [i.e., 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 as a sign of his favor, that the end of this beast approaches.\textsuperscript{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.\textsuperscript{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, \textit{Etsi ludatos} (1205), in which Innocent famously speaks of the 'perpetual servitude' (\textit{perpetua servitutis}) of the Jews, he also mentions Muslims (in passing) in order 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.'\textsuperscript{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.\textsuperscript{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].'\textsuperscript{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.\textsuperscript{41} This perspective influenced the agenda he brought to Lateran IV; putting his statements about Islam in this context helps explain the tense 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


\textsuperscript{37} See Gilchrist, 'The Papacy and War against the "Saracens"', pp. 191–95.


\textsuperscript{40} Haereticam tamum studii perfidiam abhorece sectatores ipsum eum quam Saracensos secutatos, quos poeors sunt illius, in manu fori et extremae brachio impungandum. 'Sic rati regali,' in \textit{Die Register Innocenzi III. XIII. Pontificijdesir 1191–1212}, ed. by Andrea Sommesser and others (Vienna: Österreichische Akademie der Wissenschaften, 1915), pp. 36–37 (p. 37); also in PL, CCCXV, col. 1156–59 (col. 1158). On these letters, also see Rist, \textit{The Papacy and Crusading in Europe}, p. 56. See also Mark Pegg, \textit{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, twice in canon sixty-nine 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 ‘blasphemer’ (blasphemus) should ‘exercise power over Christians’ (in christianos vim potestatis exercet). This is condemned, ‘prohibiting lest Jews be appointed to public office’ (inhibentes ne Iudaei officiis publicis praefarrantur). 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). ‘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 a dress to distinguish Christians from non-Christians. The discussion of such dress is as foundational a 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 offensive of such a damnable mixing may not spread further, under the excuse of a mistake of this kind, we deere 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.

42 Pakocz, Medieval Canon Law, pp. 156–57.
43 Decrees, I, p. 266.
44 Decrees, I, p. 267.
45 ‘In nonnullis provinciis a christianis Iudaeeos seu Saracenos habitus distinguere convenerat, sed in quibusdam sic quaedam inolvetur, ut nulla differentia discernatur. 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. 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. 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. 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 Muhammad, 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:

errore christiani ladeos seu Saracenos seu Iudaeeos seu Saraceni christianorum mulieribus commincenar. Ne exigu tam damnatissime commissioneis excessus per velamuntum erroris huicmodi excussiis ulterius possint habere diffugiunm, statutas us tales ursusque sexus in omni Christianorum provincia et omni tempore quaslibus habitus publice ab aliis populis distinguantur.' Decrees, I, p. 266.
48 Nonnulli ex ipsis talibus diebus, sicet acceptum, omnium non erubescunt incedere ac christianis [...] illudere non formidant. Iliud autem distincissime inibimus, ne in contemptu Redemptoris prosilire aliquatenus praevarantur.' 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 (Lyons 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 fellowship 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.” This is the first mention of actual religious practice by Muslims 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.51 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 liberandum terram sanctam de manibus impiorum), a phrase repeated at Lyon I (ad liberandum aem ipsum Dei 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 willyingly 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 afore with zeal of faith and devotion.52

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.53 Unlike the polemical writing of the twelfth

49 'Excommunicamus praeterea et anathematizamus illos falsos et impios christianos, qui contra ipsum Christum et populum christianum Saracenam arma, terram et lignamina defensione galeatorum exsequies quisque qui galeas ei vendidit vel naves, quam in presenti Saracenorum maribus curam gubernationis exercet vel in machinis aut quibuslibet aliis aliudque ei impendere consilium vel auxilium in dispersum Terrae sanctae, ipsarum rerum suarum proprietate multae, et capitium servos servos censemus. Decrees, L. p. 270.
50 Canon five in Decrees, L. p. 300.
52 Decrees, L. p. 312.
53 'Ipsa terra [...] per nefandissimos hostes nominis christiani blasphemos et perfidos Saracenos, audacia seors, occupata dignitatem [...] Trucidatur in ea inhumaniter populus christianus et ad maiorem contumeliam creatae et iniuriae et dolorem omnium qui fide catholica profitterunt. Ut iste Deae cristianorum? Improperans multis oppressis, Christi solas insultationes [...] illum interventus ecclesiae quos ad hoc zelus fidei et devotionis accendens.' Decrees, L. p. 509.
century, which had no discernable impact on subsequent ecumenical councils, the arguments of thirteenth-century writers seem to have influenced conciliar rhetoric directly. Humbert of Romans, the Master General of the Dominican Order (1254–1265), 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 stentorian 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. 19:12–15]. And since these bestial men are touching the mouth of the Holy Trinity by blaspheming it, and by cursing in their Qur'an all who believe that it [the Trinity] is in God, are they not deserving of death?

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. Like Humbert, the Catalan Dominican Ramon Martí (1250–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 Se[ct]a Mahomet in the late 1250s and his anti-Jewish Capistrum Iudaeorum in 1267. At the time of Lyon II, he was busy at work on his Paquin sedes adversus mauros et iudeos, 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.” Marti’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 Marti 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.’

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. 1241–1320), 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]. 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 to be heretics. He also spent numerous years in Baghdad, where he learned Arabic.

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 the Holy Land in 1145. Moreover, his polemical writing and his commission of a translation of the Qur’an had no discernable influence on Lateran III.


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. 45–50.


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 Saracen 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.'

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 destitute conduct of the enemy.' 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 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 saintliness 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' (mesquita) and 'prayer leader' (zabazala) from the Arabic šābi al-salāh. Although zabazala, which means imām, seems to be confused with mu'āshibin, the caller

65 'Cedunt quidem in officium divini nominis et opprobrium fidei christianae, quod in quibusdam mundi paucis principibus christianis subjicit [...] ascendentur eorum. Zabazala vulgariter musapar, in templo seu mosquita sua, ad quae idem Saracenae conveniunt ut ibidem adorem perfidum Machometum, diebus singulis certis horas in loco aliqua eminenti eiusdem Machometi nomen, christianus et Saracenis nudantium, ulla voce invocare et extollere, ac ibidem verba quaedam in illius honore publice profanandi, ad locum inapser, ubi olim quidam sepultus esset Saracenus, quern ut sanctum Saracenii aliis venerantur et colere, magna Saracencorum erudendum partim et etiam aliarum comitibus publice multitudine, ex quiuis nostrae fidei non modicum detractum, et grave in cordibus fideliis scandalum generatur.' Decrees, I, p. 380.


67 Decrees, I, p. 381. See above, n. 32.

68 Decrees, I, p. 382. 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 (2020), 64–95 (especially p. 76–75).
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 Marti 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

— 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.’\(^74\)

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\(^72\) ‘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*, 135. 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), 41–90.

\(^73\) Moore, *Formation of a Privatizing Society*, p. 10.