Antisemitism Through the Ages

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Hatred of the Jews or Love of the Church:
Papal Policy Toward the Jews in the Middle Ages.

KENNETH R. STOW

In the spreading of the Gospel they are treated as God’s enemies for your sake; but God’s choice stands, and they are his friends for the sake of the patriarchs. (What is more), if their rejection of Jesus has meant the reconciliation of the world, what will their acceptance mean? Nothing less than life from the dead!

This citation from Paul’s Epistle to the Romans epitomizes both the dilemma and the polarity of medieval Christian theology in its dealing with the Jews. Put succinctly, although Jews were their theological enemies, Christians were nevertheless obligated to treat the Jews according to the tenets of Caritas, or Christian love. More disturbingly, Christians had to confront the paradox of their dependency on the Jews. There would be no resurrection of the dead at the Second Coming and no dawning of the World to Come, until the Jews embraced Christianity.

1. Two Schools of Thought

The necessity of loving one’s enemies, and being dependent on them as well, did not augur a placid relationship between Christians and Jews. Elaborating on Paul’s declarations and fashioning a program from them that would make co-existence with the Jews possible would be most difficult, so difficult, in fact, that a consensus within the medieval Church on the subject of the Jews would never be achieved. Circumstances, nevertheless, made it necessary to formulate both a program and an outlook. And it would not be incorrect to say that during the course of the Middle Ages two schools of thought emerged, each
with its own program—the first emphasizing exclusively the negative, and the second both the positive and the negative aspects of Paul’s writings on the Jews.

The principal exponent of the first school was the late fourth century Bishop of Antioch, John Chrysostom. For Chrysostom, the Jews were a source of pollution and defilement. Their synagogues, he argued, are seats of drunken banqueting and houses of prostitution that must be avoided by Christians at all costs. Indeed, it would be preferable to avoid all contacts with Jews, since Christians who join the Jews in fellowship at the “table of Satan” and from there proceed to the altar of Christ defile the sacrament of the Eucharist and transfer to it the impurities they contract from the Jews. Anyone with knowledge of such goings on, therefore, is to be admonished and called upon to denounce them in public, as well as this perpetrators, for the safety of the Christian community.

Chrysostom, however, was an extremist, and his ideas were not quickly adopted. Nor were they universally known, especially in early medieval Europe. Still, his thinking did have its exponents. The ninth and tenth century bishops Agobard of Lyons and Ratarius of Verona both declared war on Jews, whom they considered guilty of subverting Christian officials and kings and whom they charged with creating an *impudimentium* to the Church no less dangerous than the threat posed by Antichrist himself. Even if Agobard insisted that Jews must not be harmed, his goal was undeniably to restrict their activities as much as possible.

A similar position was adopted by the late eleventh century Abbot Guibert of Nogent. Reviving the sexual imagery of Chrysostom with lewd particulars, Guibert described a Jew who agreed to initiate a monk into the secrets of the Devil, but only after the cleric first proved his perversity and his denial of the faith by spilling his seed on the ground and treating it as though it were the flesh and blood of Christ. Guibert never accompanied these descriptions with calls for reprisals, violent or otherwise, yet he did not disguise his pleasure when telling of a Jew who was burned for being an accomplice to a fictitious and heretically tainted murder.

But there were some who did call for action, in particular, fifteenth century Italian Franciscans like Bernardino da Feltre, whose sermons against the “crime” of Jewish lending invariably ended with a call for expulsion. Bernardino’s zeal was only one step removed from that of the wandering bands of crusaders who attacked the Jews of the Rhineland in 1096 moved by the slogan: Why should we go to the East, the enemies of Christ thrive here among us?

One school of Christian thought on the subject of the Jews thus predicated its teachings on the theme of contamination and its avoidance. If one feels a need to speak of “Religious Hate”—although I believe this term should be invoked with only the greatest of caution as a sole or as a self-sufficient historical explanation—then that term may be applied here. Because of their fears and insecu-
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in order to avoid any conflict of interests, Bishop Agobard sought to find a source of revenue for the church and its members that was not dependent on extorting wealth from the clergy. He did so by confiscating property from the Jews, who were seen as their traditional enemies. The church's treatment of the Jews was influenced by the tradition of persecution, which had its roots in late antiquity. The early church saw the Jews as the descendants of Cain, and this association continued to be reinforced by later Christian writers, such as Augustine.

As Bishop Agobard's letter to his friend, Bishop Liutprand of Pandolsheim, demonstrates, Agobard was not alone in his anti-Semitic sentiments. He was part of a wider trend among Christian leaders of the time. This trend was fueled by a combination of fear, ignorance, and hatred. Agobard's rhetoric is an example of how such sentiments could be expressed in a way that was both public and private. His letter is a testament to the power of the church to influence the views of its members and the wider society.

However, Agobard's letter also shows that there was a limit to the church's tolerance of anti-Semitism. In his letter, he acknowledges the possibility that the Jews might be converted to Christianity. This suggests that the church was not entirely opposed to the idea of converting the Jews, but rather saw it as a threat to its own authority. Agobard's letter is a reminder of the复杂性 of the Christian's relationship with the Jews, which was characterized by both endorsement and condemnation.

Agobard's letter is a reminder of the power of the church to influence the views of its members and the wider society. It is also a testament to the complexity of the Christian's relationship with the Jews, which was characterized by both endorsement and condemnation. The church's position on the Jews was influenced by a combination of fear, ignorance, and hatred, and this was reflected in the church's treatment of the Jews, as well as in the way it influenced the views of its members and the wider society.

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This was not a task for theological exhortations alone. Augustine could, however, rely on the Imperial Jewry law that had been developing for over one hundred years and was now about to be published in the 438 Theodosian Code. Indeed, Roman Imperial law almost certainly helped shape Augustine’s two-sided picture of the Jews. Its existence allowed him to stress the need to love (his word) the Jew as much as to emphasize Jewish carnality. Adhering to ancient Roman law and custom, the Theodosian Code treated the Jew as a citizen (cives) of the Empire; the Jews’ ritual, and even certain of their jurisdictional privileges, thus were to remain intact. Their actions, however, especially those that might raise them to a position of authority over Christians, as judges, masters, or military officials, were to be severely limited lest they resulted in insult and the “pollution” of the faith. As the Code succinctly put it: “They shall maintain their own rites without contempt of the Christian law, and they shall unquestionably lose all privileges that have been permitted them heretofore, unless they refrain from unlawful acts.” Jews, consequently, were to live integrally in Christian society, but their status was to be defined and their actions delimited in order to promote the honour and prevent the defamation of the Christian faith and the individual Christian. As legal inferiors, Jews were to live like the elder—a figure first used by Paul and then Augustine—serving the younger.

This was also the position adopted by the founder of the medieval papacy, Gregory the Great. The near identity of the above citation with the universally cited dictum of Gregory: “Just as one ought not to grant any freedom to the Jews in their synagogues beyond what is decreed by law, so should the Jews in no way suffer in those things already conceded to them,” is obvious. A one-by-one analysis of the two dozen or so letters of this pope on matters concerning Jews shows unequivocally that he saw himself as an administrator of the laws of the Theodosian Code. But Gregory was also a spiritual son of Augustine, and his adaptation of the Code’s formula to characterize Jewish status indicates that he saw the Code and Augustine’s theology as complementary. Jews were to be restrained, but without violating their fundamental rights.

Gregory was not alone: Perhaps in direct imitation of his lead, his successors on the throne of Peter, with a few notable exceptions in the eighth, ninth, and tenth centuries, made the principles of Paul, Augustine, and the Roman law the basis of their dealings with the Jews. Neither favorable, moderate, nor harsh, nor rooted in personal whim, nor, above all, in religious animus, their policies were characterized almost without exception by an effort to weld the diverse requirements of theology into a consistent and unified whole. The goal was to create an efficient Jewish status—one that would consign the Jews to a position of unmistakable inferiority by emphasizing their rejection, degradation, and servitude, yet would also protect them and respect their lawful privileges, so that ultimately they would be able to fulfill their necessary role in Christian soteriology. What motivated the popes was the fundamental Christian principle of spreading to all corners of the earth the Church.

2. Ninth to Eleventh

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could, however, be seen as a reflection of the Church's need to assert its authority and jurisdiction, not only in the West, but also in the East, where the Nestorian controversy was raging. 

2. Ninth to Eleventh Centuries

In the following statement of Gregory the Great, the centrality of the Church is indisputable. "I praise your missionary intentions," he wrote to the bishops of Arles and Marseilles, "but you have erred in using force to baptize Jews." Those converted by force remain unconverted of the Christian truth and eventually go back to their old superstitions to die unrepentant." What Gregory really meant was that such converts soon become apostates, threatening the integrity of the faith and making a mockery of the sacrament of baptism. For the good of the Church, forcible conversion had to be rejected.

The Church would be placed in a similar predicament if a Jew acquired mastery over a Christian. A Sicilian Jew named Nasas had purchased a Christian slave woman, whom he then forced to pray before an altar he was supposed to have erected. In reaction, Gregory wrote to his prefect in Sicily that to conciliate the Grace of God Nasas must be punished and the woman freed. Otherwise, the Christian faith would be "polluted" through "subservience" to the Jews. Why Gregory spoke of the "faith" rather than the individual Christian is explained in a letter to Queen Brunhilda of the Franks. Jewish possession of Christian slaves, he lamented, is tantamount to "giving the boot" to Christ. Through baptism individual Christians become joined to the body of Christ, as if Christ were the head and they the members. To end the slavery of Christians to Jews, therefore, is to liberate Christ's faithful from his enemies; by implication, it is to liberate Christ himself.

Besides defending the Church, these letters on slavery seem to recall the words of Chrysostom. Nonetheless, the references to enemies and pollution, like the language of the Nasas letter, are based on the laws and the language of the Theodosian Code. As much as the Code spoke of Christian slaves being polluted by Jewish ownership, it still scrupulously defended what it considered the Jews' legitimate rights. This was also true of Gregory the Great. His references to the legal rights of the Jews are ubiquitous, even to the point of stating explicitly that Jews are to live according to the tenets of Roman law. A clear example of this is his instructions to the Bishop of Luna in Liguria, ordering him to press for the release of Christian slaves working on Jewish latifundia, but at the same time warning that if the manumitted coloni continue working on the latifundia following their release, then they must remain on the soil – since they have bound themselves by the law of colonii. To own a latifundium and to have coloni on it is a civil right that no law had ever denied to the Jews; nor would Gregory. His Jewry policy, based on the teachings of Augustine and the tenets of the Roman law, was thus consistent. If that policy tilted in any direc-
tion, it was in the direction of what Gregory would have considered the defense of the Church.

What Gregory called Jewish mastery over Christians, or Christian subservience to Jews, was expressed by others in terms of Christian superiority and Jewish inferiority. The theme of the Jew as Esau and the Christian as Jacob – the Jew and Judaism as rejected and the Christian and Christianity as chosen in the place of the Jew: the Jews as the elder who was to serve the younger – had grown from a hint in Paul into a staple of theology.25 Apart from its symbolic importance, this issue of relative status was emphasized to maintain barriers between Jews and Christians, lest the latter be exposed to Jewish claims that might breed Christian doubt. One of the most sensitive issues of the Jewish-Christian encounter, the dual-problems of excess familiarity and Jewish superiority, created emotional responses in the papacy even at the height of Church power in the thirteenth century. How much more then in the eighth century, a period of enormous insecurity throughout Christian Europe, when the issue was not merely the proper order of society, but its continued existence? “What,” wrote Pope Stephen IV (768–772) to the Archbishop of Narbonne, “has the society of light (that of the Christians) to do with the society of darkness (that of the Jews), the conventicle of Christ with Belial, and the consensus of the Temple of God with idols?”26 An end, he insisted, must be brought to the aberration of Christian colonii who labor in Jewish fields and vineyards and live under the same roof as their Jewish employers in the towns, where they are exposed day and night to “Jewish lies and blasphemies.” As pope, Stephen concluded, it was his task to provide the balm for any pestilence that might strike the divine flock.

With the exception of the perplexing letter of Pope Leo VII (936–939) sent in response to the query of Archbishop Frederick of Mains in 937 and declaring that if preaching should fail to convert them, the Jews may be expelled from the city: “For why should light be joined to darkness and that which is holy be given to dogs?”27 – the letter of Pope Stephen may be the most extreme statement ever made by a pope concerning the Jews. Indeed, the later canon law rejected its premises. Labor in the fields of Jews was expressly permitted; what was prohibited was to serve Jews as domestics.28 As for the rough language, Stephen’s citation of Corinthians has no parallel, even in the vituperations of Innocent III on the subject of Christian wet nurses. The intensity and specificity of Stephen’s arguments, moreover, expose his anxieties. If, rather than being punished for their role in the Crucifixion, he wrote, Jews are openly allowed to insult Christianity, who can refrain from questioning Christian claims of Jewish rejection; and who can refrain from questioning fundamentals of the Christian faith!

In the ninth and tenth centuries, therefore, papal anxieties originated in the same apprehensions that had motivated Agobard and his school: the fear of the Jews as the enemy of society and the belief that as minions of Antichrist capable of corrupting Christian officials the Jews were being allowed to pursue their threatening machinations was menaced by invincible populus was apprehensions about able that even in the ciples. Frederick of choosing between the kidnap Jewish child the possibility of ex consent to the use of

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Yet, with this different policies of Gregory of Roman law and Code about the co Jewish toleration xander, in distinct and on the recogn their role in the C
threatening machinations unchecked. In a period in which Christian Europe was menaced by invasions from all sides and in which the Christianization of the home populace was either incomplete or overlaid with pagan syncretism, such apprehensions about a Jewish fifth column are comprehensible. Yet, it is notable that even in this time, papal attitudes never abandoned traditional principles. Frederick of Mainz had asked whether he could force the Jews into choosing between baptism and exile, reminiscent of Agobard who had tried to kidnap Jewish children and forcibly baptize them. Leo VII replied by accepting the possibility of exile but, following the lead of Gregory the Great, refusing to consent to the use of force as an instrument of conversion.

In addition, by the eleventh century, the situation of the Church had changed for the better. Not only had Europe itself become more thoroughly Christianized, but so too had the old invaders – to the extent that the Normans, once pagan Scandinavians, had now set out under the papal banner to conquer Sicily and Southern Italy from the Saracens and Byzantines. The Church, in other words, was finally in a position to identify its real enemies, distinct heretical sects from within, and the Saracens without. To be sure, it would still be two hundred years before heresy was successfully contained, but within the confines of Europe at least the fight against the Saracens was clearly being won. It was in these circumstances that in 1063, Alexander II congratulated the bishops of Spain who had helped prevent Jewish bloodshed during an offensive against Spanish Muslims and made a point of stressing: “Different indeed is the case of the Jews from that of the Saracens. The latter persecute Christians and drive them from their towns and lands; warfare against them is just. The Jews, in distinction, are universally ready to be subservient.” Papal attitudes since the days of Stephen IV and Leo VII had thus altered. If anyone is identified as the enemy of society, it is not the Jews, but the Saracens. However, the reason for this change was not so much a heightened awareness of the Saracen threat, as the fact that the Jews had demonstrated their “subservience”, by which Alexander meant that the Jews had accepted their fate and agreed to live in peace, according to the demand of Christian theology that the “elder serve the younger.” In contrast to the Saracens, who were active enemies and against whom a “Just War” could be legitimately waged, the Jews were considered by Alexander to be passive and submissive. If they were still enemies, it was only in the Pauline theological sense. In practice, they caused no harm and, indeed, were “different.”

Yet, with this declaration Alexander II was not returning unqualifiedly to the policies of Gregory the Great nor, especially, to his thoroughgoing observance of Roman law and its fundamentals. Despite the warnings of the Theodosian Code about the consequences of excess, Roman law had otherwise guaranteed Jewish toleration and physical protection virtually without precondition. Alexander, in distinction, had predicted these fundamental rights on subservience and on the recognition of and consent by the Jews to the servile status that their role in the Crucifixion merited. Otherwise, the Jews would not be “diffe-
rent" from the Saracens. Alexander’s premise thus appears to be the obverse of that of Agobard. An active and threatening Jewish presence could not be tolerated; a passive and submissive one could be.

3. Legislation from the Eleventh Century

By pointedly electing to define the Jewish condition as “subservient,” Alexander was aligning himself, as had Gregory the Great before him, with the witness theories of Paul and Augustine. But he was also innovatively superceding the strict terms of his predecessors, and the precise concerns of the Roman law, too; by welding toleration, and not merely privilege, to subservience and restriction. Only the subservient Jew exemplified the teachings of the Church, and under that condition alone was it correct to tolerate the Jews and offer them protection. Neither concession nor compromise, it was Church interest and theology that underlay both continuity and change in papal Jewry policy.

Alexander’s forceful articulation of the previously inchoate idea that toleration and subservience must go hand in hand would typify papal policies and dealings with the Jews from the eleventh through the sixteenth centuries. The papacy furthermore would now be able to put Alexander’s thinking into practice throughout Christian society, because its role in that society was becoming increasingly stronger. Indeed, what has so often been identified as an escalation of papal anti-Jewish activity in the thirteenth century must be perceived as the implementation of that which had long been in existence in one form or another. Those few specific actions of the papacy for which there was no explicit precedent, namely, the wearing of special clothing, the limitation of usury, and involvement in the burning of the Talmud at Paris in the 1240s, are best understood as outgrowths of traditional theological and canonical concerns over social separation, mastery over Christians, and blasphemy and a willingness to tolerate a Judaism that supposedly foreshadowed Christianity but not the allegedly perverted Judaism of the Talmud. And, even then, the resolution of the questions of dress and usury was ambivalent in both theory and practice, and the ultimately ambiguous involvement of the papacy in the Talmud episode was, at the most, supportive of local forces rather than initiative.

What was new in the thirteenth century was the scope of the papal Jewry policy. But that only matched the scope of all papal policies. If the proper place of Jews in Christian society required careful definition, so too did that of the clergy, the religious orders, the laity, the Emperor, the secular powers, heretics – and, indeed, the Church itself. Despite pressures to the contrary on the part of the growing kingdoms, the Church held fast to its ideal of a unified society, Christianitas, the patria communs of all Christians, which was synonymous with the Corpus mysticum Christi.

The way to achieve these all-encompassing definitions was through law. Accordingly, the final decades of the twelfth century and the opening decades of the thirteenth passed at two ends, a vastly increased deemed appropriate by the papacy. The Church to act as both a const the binding on all, decisions of loc more and some cability. The course, and the Church life und.

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of the thirteenth were marked by new conciliar legislation, including that passed at two ecumenical councils, an unprecedented quantity of legal editing, a vastly increased output of papal letters, and the establishment of bodies deemed appropriate to control the life of the Church—all under the supervision of the papacy. The goal of this activity was to cull and update the legal past of the Church to achieve a complete and efficient legal synthesis that would serve as both a constitution and an all-embracing body of ecclesiastical law. This constitution was achieved in 1234 with the publication of the Decretals of Gregory IX, which would serve as the official body of Church law from that time until 1918. The papacy had sought to establish its universal juridical competence since the late eleventh century, and it considered its decretal letters binding on all. But in the sphere of codified law there had been only the decisions of local councils and compendiums drawn up by local jurists (some more and some less favorable to papal controls), and both had only local applicability. The conciliar and codifying activities of the papacy leading up to 1234, therefore, must be perceived as preparatory steps for bringing all aspects of Church life under papal jurisdictional competence.

With respect to the Jews, all of this means that the large quantity of thirteenth century legal texts concerning them, including those papal edicts that have the appearance of innovation, may not be seen ipso facto as indicating an intensification of the so-called anti-Jewish activities of the Church, and especially of individual popes. This material indicates, rather, that the centralization and control the papacy was seeking in other spheres was also being sought with regard to those activities of the Jews which the papacy believed should come under its direct supervision.

A review, however brief, of papal legislation on the Jews as it was formalized in 1234 reveals a continuity with the past, with earlier Church law, Christian theology, and the actions of previous popes. As stated, its novelty lay principally in its quantity and comprehensiveness and not in increased repressiveness. No better illustration of this point exists than the Jewry policy of Innocent III, the prime papal mover of the thirteenth century, which is clearly outlined in two well-known letters, Sicut Iudaes noster and Eisi Iudaes, both of which were edited and incorporated into the Decretals (X.5,6,9 and X.5,6,13 respectively).

Since approximately 1121, during the reign of Calixtus II, popes had repeatedly issued the Jews an all-encompassing bull of protection, Sicut Iudaes noster. The text of this bull varied little from pope to pope, and the version incorporated into the 1234 Decretals, that of Clement III, mirrors faithfully the original text of 1121. The version issued in 1199 by Innocent III, however, contains some notable additions intended to amplify and clarify the texts of his predecessors.

In discussions of this bull, stress is normally placed on the Sicut Iudaes clause, first used by Gregory the Great, indicating that just as the privileges of the Jews must be preserved, so must the Jews themselves obey the limits imposed on them. The rest of the letter is then seen as an elaboration on this
clause. Nevertheless, even more important than the _sicut_ clause is a second one asserting that the pope is granting the Jews protection (defensio) in response to their own request. That protection includes the right not to be forcibly baptized, not to have property violently taken away, and not to be punished except by the courts of the land. Such _defensio_ clauses were present in every charter obtained by Jews from the secular powers since Louis the Pious in the ninth century. However, Jewish charters of privilege were by no means the only place where the clause was to be found; nor, for that matter, was the clause invented for the sake of the Jews. Originally, it was a prefeudal legal formula in which inferiors asked for and received the protection of superiors. In return, the inferiors placed themselves under the juridical purview of the superiors. In a rough sense, therefore, the clause created a contractual agreement.38

This notion of contract is not surprising. Innocent III and his predecessors were the secular lords of the Jews who lived on the papal estates, and the use of the _defensio_ clause in _Sicut judaicus_ may have grown out of this relationship. The contract Innocent III had in mind, nevertheless, was not one between a lord and his retainers or his wards, but a purely spiritual one; accordingly, the Pope took great pains to explain its spiritual conditions. First, he repeated the dicta of his predecessors, namely, the core _sicut_ clause of Gregory the Great and the common principle that Christian piety commands the acceptance of Jews despite their refusal to accept Christian truth. For emphasis, he also added the Augustinian theory of Jewish witness. This addition was calculated to strengthen and supplement the notion implicit in the principle of acceptance on the basis of piety: The toleration of Jews in Christian society, no matter how rooted it was in Christian tradition, was not an absolute; it had to be justified and its conditions stipulated. By their very presence, Jews had to demonstrate and promote the good of the Christian faith.

To guarantee that these conditional terms be appreciated—for some reason no pope ever adopted the unequivocally contractual (and negative) phrasing of the Theodosian Code, perhaps Alexander II’s emphasis on subservience had refined and superseded it39—Innocent appended innovative provisions to the bull threatening Christians who did not live up to the requirements of protection. His commitment to fulfilling his side of the contract was sincere. “Nevertheless,” he concluded “we wish to protect by the buttress of this protection (i.e., this contract) only those who do not presume to plot the subversion of the Christian faith.”40 Minimally, this clause—borrowed almost verbatim from the Pact of Umar, which guaranteed Jewish security in Moslem lands—meant that Jewish violations of the canons limiting their behavior would have to be corrected. In broader terms, it implied that under certain conditions, namely, an irreversible violation by the Jews of the terms of the contract, expulsion was a possibility. Before the fifteenth century, however, this possibility, among Churchmen at least, was rarely considered.

4. Varying

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How Innocent III himself pictured this contract and the intent of its final clause may be seen in the 1205 bull *Etsi judaeos*. Extrapolating from the terms used by Alexander II in his own conditional statement of protection and perfecting Alexander’s concept of the linkage between toleration and subservience, Innocent demanded that the Jews live in “Perpetual Servitude.” Had Innocent III coined this term by 1199 when he issued his text of *Sicut judaeis*, he doubtlessly would have used it to define Jewish actions harmful to Christian well-being as plots to subvert their Perpetual Servitude.

Perpetual Servitude thus referred not so much to a formal legal status as it did to the need for making the Jew embody Christian theological truths. Concretely, this meant that the Jew had to be restrained by means of canons like those prohibiting a common table and Christian slaves, or mandating special clothing, whose clear intention was to establish in fact the relative inferiority of the Jew to the Christian. Reality was thus to mirror the belief that Christianity had superseded Judaism, liberating the Christian through grace while the Jew remained enslaved under the “Law.” Each piece of restrictive canonical legislation is lucid about this intention. Only through their Perpetual Servitude and inferiority to Christians could the Jews serve as a true witness to Christian liberation.

Paradoxically, however, only through Perpetual Servitude was the contract established by Innocent III possible. For this “servitude” supplied a rationale explaining why the Jew had a definite place within the Christian world and, more important, why and under what conditions the Jewish presence had to be maintained. In addition, following the thought of Innocent III, Perpetual Servitude also explained why the papacy was obligated to preserve traditional Jewish rights and privileges once the Jew had acquiesced to Christian dominion.

### 4. Varying Papal Attitudes

In this light, it is possible to understand the bull *Etsi judaeos*. Although various researchers have seen it as either an outpouring of gratuitous wrath and hatred or the product of a perverse understanding of early Christian theology, or, alternately, as an expression of a desire to eliminate the Jew from society and an attack on the foundations of Jewish existence, *Etsi judaeos* must, rather, be seen as an outburst of papal anger at Jews who have broken the terms of the *Sicut* contract. (To avoid misunderstanding, it must be stressed that this is only an explanation, not a justification, of the pope’s actions.) Innocent thus castigated as a “snake around the loins” those Jews who “hurl unbridled insults at the Christian faith” and “bring confusion upon it” through their actions. At Easter time when the Christian wet nurses of Jewish children “take in the body and blood of Jesus Christ, the Jews make these women pour their milk into the latrine for three consecutive days.”

The addressee of the letter, the Archbishop of Sens, was thus to prevail upon the king
and his nobles to force the Jews to dismiss these nurses (as the canons prescribe). As for the Jews themselves: "Bowed under the yoke of perpetual slavery . . . by the effect of this action (the dismissal of the nurses and the enforcement of the canons), they shall recognize themselves as the slaves of those whom Christ’s death set free, at the same time that it enslaved them." As much as Innocent was concerned with uprooting uncanonical practices, he was also preoccupied with Jewish behavior in general. The Jews, he insisted, must recognize and assent to their status; they must realize they have no choice other than to abide by the contract the Church has made with them in the clauses of Sicut.

It is precisely here that the nature of the basic alteration in papal attitudes between the eighth and thirteenth centuries may be discerned. In Etsi iudaes the anger of the pope was directed against Jews who had broken the Sicut iudaes contract. Stephen IV had been animated by apocalyptic anxieties, apprehensive of what might possibly occur. It is a fair assumption that had the Jews lived by the contract of Sicut iudaes and not insulted the Eucharist, doubtlessly believing it to be black magic that would gravely harm their offspring by way of the nurses’ milk, Innocent III would have remained silent. But by acting as they had, the Jews had threatened the faith with confusion . . . “For as soon as they being to gnaw in the manner of a mouse and to bite in the manner of a serpent, one may fear lest the fire that one keeps in his bosom burn up the gnawed parts.” At least temporarily, the Jews had begun to act like the Saracens, active enemies whose actions did not bespeak Christian truth. Those actions had to be contained.

Careful consideration must also be given to the nature of the demands made in Etsi iudaes. Despite the opprobriousness of terms like Perpetual Servitude, not to mention their objectively measurable pernicious effects, Innocent’s basic assumption in this letter was that the contractual equilibrium could be reestablished – even though the Jews had blasphemed against the Eucharist itself. His specific demand was limited to the restoration of canonical rigor and the dismissal of Christian nurses. Likewise, his anger in likening the Jews to a serpent or a gnawing mouse is clearly metaphorical and even aphoristic; it certainly lacks the cataclysmic overtones heard in the eighth and ninth century. Innocent III, in other words, like Alexander II before him, believed a modus vivendi with the Jews was possible.

This belief would continue to be espoused. As put by the one time Dominican General, Cardinal Humbert of Romans, drawing up guidelines for the Second Ecumenical Council of Lyons in 1274: “We allow the Jews to live with us because they neither know how to cause us harm, nor are they capable of it; rather, (explicitly citing Alexander II) they are ever prepared to serve.” In phrasing his words in this way, Humbert was foreshadowing the bulk of later medieval juristic opinion which held that Jews living peacefully within the bounds of the status assigned them in law were to be considered fideles of the Roman Church – not as believers and participants in the Ecclesia triumphans, to be sure, but as mer Church and bring con

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The Christian world, however, was not united in this opinion. As was indicated earlier in outlining the positions of the two basic schools of Christian thought on the subject of the Jews, it is impossible ever to speak in an all-embracing way of the policy of the Church — unless perhaps the reference is to the official institution of the Church as represented by the papacy and the canon law. Rather, there is a need to specify individuals and organized bodies within the Church. To make this point, one need go no farther than to refer to the extended debate on the question of the permissibility of baptizing Jewish children without parental consent, in which Thomas and Dun Scotus took opposing sides in the thirteenth century, the jurists Marquardus de Susannis and Ulrich Zasius in the sixteenth century, and the whole western world in the nineteenth century during the course of the Mortara case. Not every churchman, in other words, may have preached the necessity of expulsion or taken part in formulating dangerous libels, but, by the same token, not every churchman was convinced that the Jews were passive fideles of the Ecclesia militans.

Divergent opinions on the Jews were to be found among the popes themselves. To borrow from American Constitutional jurisprudence, there were going to be strict and loose interpretations of the contractual terms of Jewry law and status. But no pope would ever consider voiding the contract. Hence, in 1288, Nicholas IV reissued Turbato Corde, demanding strict punishment for Jews who aided and abetted heretics or sought to promote conversion from Christianity to Judaism. Yet in the same year, he also issued Oral Mater Ecclesia, declaring that the Church tolerates Christian injury to Jews under no circumstances. Recalling the words of Paul in Romans 11:25, he tellingly reasoned that such injury operates against the prayer of the Church that the veil of blindness preventing the Jews' illumination be eventually removed. In these two bulls, therefore, Turbato Corde and Oral Mater, the lines of the contractual policy are finely drawn.

Nowhere may papal Jewry policy be seen more clearly, however, than in that truly comprehensive statement of the papacy and its vision, the Corpus Iuris Canonici. Space prevents a complete examination of the more than one hundred canons regulating Jewish life. Still, a paraphrase of the main themes of these canons will make their purpose clear. Jews, the canons declare, are tolerated by Christian piety to live within Christian society. Consequently, they should not be expelled unless they prove themselves to be enemies who plot and act criminally against Christians or their faith. On the contrary, Jews who live peacefully must be treated justly and always in accordance with the laws; they are, after all, citizens of their places of residence. This does not mean that Jewish rights and privileges are the same as those enjoyed by Christians; the Jews are restrained by numerous limitations. In particular, they may not benefit from the appurtenances, sacraments, or rituals of the faith. However, in instances where Jews are delinquent in morals or fail to punish offenders who
have violated the Law of Moses, Church courts may intervene directly. The Church must also strictly enforce that social intercourse with Jews, which is permitted in theory, does not become dangerously excessive. To this end, Jews are to be distinguished in their clothing, Jews and Christians are never to dine at a common table, and, at certain times, especially Holy Week, Jews may not move freely among Christians. All these limits have been established to prevent Jewish superiority and the resulting insult to the faith. Insult is indeed the gravest offense a Jew may commit, and it must never be permitted. Usury and Jewish testimony against Christians should, accordingly, also be prohibited, although there are moments when both prohibitions may be beneficially ignored. Nevertheless, such official ignorance may not be countenanced should a Jew acquire any form of jurisdiction over a Christian, whether through the exercise of public office or the ownership of a Christian slave. Jews may certainly never bear titles of nobility. On the other hand, Jews do have their privileges, most notably the right to observe their own law, especially ritual law, and, concomitantly, they maintain their synagogues in repair and marry according to Jewish usage. Jewish civil law, too, may be observed – if it does not contradict the canons or general civil law. A Jew who converts to Christianity becomes a “new man” and his material status should improve. The conversion of the Jews is, after all, the ultimate goal of the law and all Christian thought. Still, this desire does not excuse the use of force. By the same logic, no Jews should be accepted for conversion until their legitimate intentions and true beliefs have been determined beyond question. Otherwise, converts might soon backslide to Judaism and become heretics, bringing eternal damnation upon themselves and scandal upon the Church. Needless to add, conversion to Judaism is a capital offence.

Papal Jewry policy was thus a blend of toleration, restriction, and the hope for ultimate Jewish salvation, presupposing a constant equilibrium between all three of these elements and never limited to any one of them alone. Yet, had not papal Jewry policy evolved to vivify that thinking? Even in anger, the popes retained their awareness of the dual social function of the Jews and counselled against arbitrary measures. In a letter to the Count of Nevers asking him to restrain the Jews from taking excess usury, from giving testimony against Christians, and from selling the unkosher headquarters of slaughtered animals, Innocent III produced a lengthy array of theological principles to justify his demands. The Jews, he declared with force and no little agitation, must live in the servitude they have brought upon themselves, and they must never be favored with privileges allowing them to oppress the servants of God. They are to live as Cain, marked and wandering in ignominy. Yet, he added, like Cain, too, they are to live unharmed, “so that the origins of the divine law not be forgotten, and seeking the name of the Lord, Jesus Christ.”

On this last point, Innocent III, like his papal colleagues, remained a bit vague. To “seek the name of the Lord” meant that besides testifying to the spreading of the Gospel message by means of the scriptural texts, the Jew was eventually to embrace letters might recall th
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eventually to embrace that message too. Yet, although preambles to papal letters might recall this point and the canons might elaborate a complete set of guidelines on how to deal with converts, medieval popes rarely took any action to implement the goal of Jewish conversion — and when they did, their actions were never consistent. Here again, they were following the lead of Paul and Augustine.

5. Sixteenth Century Millenarianism

The mass conversion of the Jews, Paul had said, would mean life from the dead, meaning that the Jews were to convert on the eve of the Second Coming. Accordingly, papal attempts actively to promote conversion could be expected only when speculations that the end was near had become common and penetrated the Church hierarchy. That occurred only in the sixteenth century. Then, in a studiedly revolutionary formula in the 1555 bull *Cum nimis absurdam*, reflecting a half-century and more of new thinking on the subject of the conversion of the Jews, Paul IV — who indeed believed that the millennium was fast approaching — insisted that the Church tolerates the Jews not so much out of Christian love, as had always been said, but for the express purpose of leading them to convert. Unexpectedly, however, in order to attain this end, *Cum nimis* ordered the implementation of the most comprehensive set of restrictive regulations ever decreed, including one calling for the erection of walled ghettos in which, for the first time, the Jews living under papal jurisdiction were to be enclosed. This was no contradiction in terms. According to Paul IV, these regulations were to act as catalysts awakening the Jews to Christian truth. Through their recognition of the status of Perpetual Servitude and, more important, through their assent to the justice of that status — or so Paul IV believed — the Jews would finally awaken to the truth of Christianity. At which moment, as Paul had prophesied in the Epistle to the Romans, the advent of the millennium would be near.

In promulgating his decrees, it must be stressed, Paul IV had not gone against tradition. He had made a point of reiterating the traditional stance that Christian piety justified the toleration of Jews. What differentiated Paul IV from his predecessors was his willingness to confront the basic unity of the elements of Christian thought applying to the Jews. Carrying the implications of chapter eleven in the Epistle to the Romans to their logical conclusion, he recognized that Perpetual Servitude and the ultimate redemption of the Jews were bound together no less strongly than were Perpetual Servitude and the justifications for continued toleration. But, then again, Paul IV was convinced that the time had finally arrived to turn the perennial hope for Jewish conversion into fact.

Yet, like all millenarian hopes, that of Paul IV, too, was based on illusion. His policies did succeed in increasing significantly the number of converts, but they never produced the mass conversions he had hoped for. Regrettably, the
Jews, and not objective factors, were held responsible for this failure. The result was that in 1569, Pius V, a follower of Paul IV and his policies, expelled the Jews from all regions of the Papal State except Rome and Ancona. Explaining his actions, Pius V declared in nebulous terms that the Jews were guilty of heinous crimes and irreparable violations of the conditions of their contract of servitude. Still, he was not expelling the Jews in their entirety, because he was convinced that the remnant in Rome and Ancona would be easily converted. As for those who had been expelled, they had proved themselves by their crimes to be “dead sheep,” who were not destined to form part of that universal flock that would arise under the one messianic pastor at the end of days (John 10:16).  

Even at this critical moment, therefore, the basic Pauline teaching on the salvation of the Jews had to be upheld, regardless of the fact that what the popes really wanted to achieve was a unity of believers at all costs and irrespective of the particular fate of the Jews. Put otherwise, the complex linkage of toleration, subservience, and dependency had persisted over the centuries. So persistent was it, in fact, that at the end of the medieval epoch it led a papacy, seeking by all means to reassert and prove Catholic truth, simultaneously to expel the Jews and to seek large scale conversions, and so to adopt a Jewry policy that was at once self-contradictory, yet still consistent with the past. It was, perhaps, this inherent self-contradiction, already present in the writings of the Fathers and the earliest popes, and in many ways still in force in our own day, that created the unceasing tension which students have always considered decisive in the molding of papal-Jewish relations.

Notes

1. Romans 11:28 & 11:15. To be sure, Paul’s intentions in these verses are not transparent. There can be no question, however, that they assign the Jews a necessary role in Paul’s soteriology, as, indeed, later commentators understood him to mean; see below, n. 10.


5. The Jewish Crusade texts in Persecutions in Germany and France, ed. A. M. Habermann (repr. Jerusalem, 1971). The Latin chronicles also record this slogan.


7. A thorough study of Augustine’s views is found in D. Blumenkhoff, Die Judenpredigt Augustins (Basel, 1946). The essential texts are the Adversus Judaecos, Contra Faustum Bk. 12, and City of God Bk. 18, chaps. 45–47 and Bk. 20, chap. 30, where the role of the Jews at the end of days is explained.

10. See J. Donovan, trans.
11. Most of the Jewry law
16. A number of the elem-
17. Romans 10:18. On s
18. See G. Schurrer, Ch.
19. M.G.H. Epist. I, 1,
20. M.G.H. Epist. I, 3,
21. M.G.H. Epist. II, 9,
22. C.T. 16, 8, 18 & 22
23. M.G.H. Epist. I, 2,
24. M.G.H. Epist. I, 4
25. On this subject, see
26. II Corintiians 6:14–
27. In truth, Innocent I
28. Marquardt de Stu
29. See Stow, “Agobar
30. P.L. 146, 1386–
31. This is not the pl
32. By the way, the
33. F. M. R. Stow, "L


10. See J. Donovan, trans., The Catechism of the Council of Trent (New York, 1829), p. 64.

11. Most of the Jewry law of the Code is found in Bk. 16, chap. 8. (C.T. 16, 8.) See here, Amnon Linder, Jews and Judaism in Roman Imperial Law (Heb.) (Jerusalem, 1983).

12. Justinianic Code, Bk. 1, Title 9, par. 8 (C. I. 9, 8).

13. C.T. 16, 8, 18. (no. 408).


16. A number of the elements of papal Jewry policy now to be discussed have already been identified, especially in the following three studies: S. Grayzel, The Church and the Jews in the XIIIth Century (Philadelphia, 1933), E. M. Synan, The Popes and the Jews in the Middle Ages (New York, 1965), and G. La Piana, "The Church and the Jews," Historia Judaica 11 (1949): 117-144. These studies, however, do not take into account the essential unity of the elements of papal Jewry policy, nor do they address the issue of the soteriological necessity of Jewish conversion.


18. See G. Schurmer, Church and Culture in the Middle Ages, tr. G. Undreiner, (Patterson, N.J., 1956), pp. 336-339, on the missionary activities of this pope.


22. C.T. 16, 8, 18 & 22.

23. M.G.H. Epist. I, 2, 6: "Romanis vivere lexibus permittantur."

24. M.G.H. Epist. I, 4, 21. As with other estate owners, the Jew may also remove the colonists from the soil.


27. In truth, Innocent III would remark: "Herodes diabolus, Iudaei daemones; illae rex judaorum, sit rex daemonum," (P.L. 217, 561), but this was in the course of a sermon. With their effects on the popular mentality, the importance of sentences may not be minimized. Nevertheless, they are not legal determinations, as were the letters of Leo and Stephen, and their language always tends to extremes, especially in metaphors such as the above.

28. Marquardus de Susnus, De Iudaeis et Alia Infidelibus (Venice, 1568), Part I, chap. 4, and Thomas Aquinas, Summa Theologiae, Ila, Ilae, 10, 10, obj. 3 & reply; and see n. 24 above.


30. P.L. 146, 1386D-1387A: "Dispensinum est Iudaeorum et Saracenorum causa. In illos ... inste pugnatur; hi vero ubique partam sunt servire."

31. This is not the place to explain this assertion in full. Suffice it to say that in the thirteenth century the nature of the special dress was rarely specified, and papal exemptions from this requirement exist in numbers from the thirteenth through the sixteenth centuries. In papal letters and conciliar decisions, only excessive usury is forbidden; K. R. Stow, "Papal and Royal Antidotes Toward Jewish Lending in the Thirteenth Century," AJHS Review 6 (1981): 161-184. In practice, even Paul IV (see below) allowed some interest to be taken. Banking in the Papal State by Jews was not suppressed until the late seventeenth century; see Emanuella Loewinson, "Les concessions des banques de prét aux Juifs par les Papes des XVIe et XVIIe siècles," Revue des Études Juives 92 (1932): 1-30, etc. The problems of Christian servants of Jews and Jewish witness against Christians were given special attention in the thirteenth century; but, here again the issue was not without precedent, for legislation on these subjects had been passed in early French and Spanish councils, as well as in local charters of privilege. See

32. The subject of the Talmud in the thirteenth century has been treated at length by Merchaviva, *The Church versus Talmudic and Midrashic Literature* (Heb.) (Jerusalem, 1970). It is clear from the texts that every papal initiative came only in response to requests from Paris. The original spark likely came from one Nicholas Donin, a convert, and was pursued by clergymen at Paris like Odo of Tuscium; see Stow, 1007, pp. 62–63.

33. See the discussion by E. H. Kantorowicz, *The King’s Two Bodies* (Princeton, 1957).


35. An exception to this statement is the *Cinque Compilations Antiquas* of the late twelfth and earlier thirteenth century. Although papally sanctioned in part, especially the Third Collection, they were not as comprehensive as the Decrets.


39. See the text cited above.

40. See Synan, *Popes*, p. 98, on the change in formulae, and Grayzel XIIIth Century, (above, n. 16) 92ff., for the full text.

41. Compare *servi servitutem*, as explained above, with *perpetua servitudo*.

42. Perpetual Servitude must not be confused with Chamber Serfdom and other similar secular statutes: Gavin Langmuir, *Tanguam Servit: The Change in Jewish Status in French Law about 1200,* in *Les Juifs dans l’histoire de France*, ed. M. Yarden (Leiden, 1980), pp. 24–54. Consequently there is a need to rethink the claim that the origin of these two servitums is to be sought in the struggle between popes and emperors in the thirteenth century, notably, Gregory IX and Frederick II. See esp. S. Baron, "Plenitude of Apostolic Powers and Medieval Jewish Serfdom," in *Ytschak F. Baur Jubilee Volume* (Hebr.), ed. S. Baron et al. (Jerusalem, 1960), pp. 105–124. Popes did indeed argue with emperors over Jews of the economic, political, and social life of the Jews; and was moving "in the direction of eliminating the Jews from Society." In fairness, Grayzel does argue that the aim of this policy was to prove the Church’s fundamental teaching “that God had spurned Judaism.” Nevertheless Grayzel’s emphasis is clearly on degradation as a primary policy goal.

43. The text appears in Grayzel, p. 114ff.

44. Such views may be found in H. Grein, *History of the Jews*, where he misses no opportunity to speak of the popes as the sworn enemies of the Jews (e.g., [Philadelphia, 1894], 4, pp. 496–521); in Synan, *The Popes*, pp. 87–97, where he speaks of erring theology underlying *Est*; and in Grayzel, p. 41ff., where he argues that the thirteenth century Church established a “Policy of Degradation,” through which it “attacked the very foundations of ... political, and social life of the Jews” and was moving “in the direction of eliminating the Jews from Society.” In fairness, Grayzel does argue that the aim of this policy was to prove the Church’s fundamental teaching “that God had spurned Judaism.” Nevertheless Grayzel’s emphasis is clearly on degradation as a primary policy goal.


46. ibid.

47. ibid.

48. For Humbert, see J. D. Mamit, *Sacrorum Conciliorum Collectio*, 59 vols. (Venice, 1779–1782), 24, p. 115; and see, too, Baldus de Ubaldis, Consilia (Venice, 1638), no. 425, par. 5, along with de Susonius’ elaboration on Baldus, de Iudaeis, Part II, chap. 2, par. 2.

49. See the texts in *Bullarium Romanum* (Turin, 1858), 3, p. 796 and 4, p. 88.


51. Specifically, *ius communis*, the reworked Roman Law in force in Italy through the Middle Ages.

52. For a detailed discussion of this legislation and the sources of contemporary commentators,
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53. See the text in Grayzel, pp. 126–131.

54. A perusal of Browe's Judenmission leaves no doubt about both the infrequency and inconsistency of papal conversatory efforts.

55. The short-lived, early fifteenth century policies of Benedict XIII may be seen as a precedent and precursor of Paul IV's policies; see Stow, Catholic Thought, pp. 279–289.


57. On Pius V, See Stow, Catholic Thought, pp. 24–36, 34–37, 220, and 225–277 on eschatology, including that of Paul IV.