

Beyond Eurocentrism and Orientalism: Revisiting the Othering of Jews and Muslims through medieval canon law

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Abstract. While the historical turn in IR has produced significant advances in historicising both international relations and the discipline itself, the way in which the Middle Ages have been approached, studied, and referenced even in this historically-informed scholarship unwittingly works to reinforce two myths that these scholars challenge: Eurocentrism and Orientalism. The main goal of this article is to problematise the uses of the medieval that reinforce these narratives by unpacking the linguistic and conceptual constructions that underpinned the interactions between Latin Christendom and rest of the world. In doing so, it makes two closely-connected arguments: first, drawing from the abundant literature on historical sociology and Eurocentrism, it argues that we cannot understand medieval Europe, and particularly European identity-formation, without paying attention to its relations with the non-Christian world. Secondly, and most crucially, it shows that these interactions never rested on the unified idea of an ‘infidel enemy’ that seems to emanate from the IR crusading literature. Rather, an examination of the constructions of Jews and Muslims in canon law shows an extremely nuanced and varied conceptual apparatus that creates several dynamics of Othering – and consequently allows for a variety of ways of relating ranging from toleration and coexistence to conquest.

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Introduction: Two narratives of the medieval international

In the last two decades International Relations (IR) has experienced what some have labelled a ‘historical turn’.¹ Seeking to challenge the ahistorical view of the international as a ‘realm of recurrence and repetition’,² scholars from a variety of theoretical sensibilities have pointed to the structural role of changing patterns of

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¹ Stephen Hobden and John M. Hobson (eds), *Historical Sociology of International Relations* (Cambridge: Cambridge University Press, 2002); Duncan Bell, ‘International relations: the dawn of a historiographical turn?’, *British Journal of Politics and International Relations*, 3:1 (2001).

² Martin Wight, ‘Why is there no international theory?’, in Herbert Butterfield and Martin Wight (eds), *Diplomatic Investigations: Essays in the Theory of International Politics* (Cambridge: Harvard University Press, 1966), p. 26.

ideas, compared historical international orders, explored the conditions of the possibility of modernity, and studied the durable effects and centrality of colonial encounters. In doing so, they have ultimately advanced a notion of the international as a thick social space of power, inter-connections, and co-constitution.³

This article starts from the observation that while these approaches have produced significant advances in historicising both international relations and the discipline itself, the way in which the Middle Ages have been approached, studied, and referenced even in this historically-informed scholarship not only has failed to seriously engage with the period, but unwittingly works to reinforce the very myths that these scholars challenge. Indeed, we can identify two distinct narratives that current approaches to IR have sought to transcend, but that nevertheless remain prevalent in our uses of the medieval and in the historical imagination of the discipline about the period, and as such undermine the critical and political project of those approaches: Eurocentrism and Orientalism.⁴

For at least the past two decades, various IR scholars have shown the extent to which many of the concepts and objects of study of the discipline have been derived from ‘the assumption of European centrality in the human past and present’,⁵ and in doing so they have obscured and marginalised non-European experiences and their role.⁶ In the case of the Middle Ages, however, despite the wealth of historical literature highlighting the multiple, constant, and productive contacts between Latin Christendom⁷ and the rest of the world, these interactions have been consistently ignored by a significant proportion of IR scholarship on the period. Indeed, for example, excellent historiographically-informed works by Andreas Osiander and Andrew Phillips focus exclusively on the internal political structures and dynamics of Medieval Europe.⁸ Alternatively, others, like Benno Teshke, have focused on these contacts, but have seen them as ‘land-grabbing’ stemming mainly from the dynamics of reproduction of the feudal system, rather than as relevant and productive

³ Some useful starting points in this literature are Hobden and Hobson, *Historical Sociology of International Relations*; Christian Reus-Smit, *The Moral Purpose of the State* (Princeton, NJ: Princeton University Press, 1999); Barry Buzan and Richard Little, *International Systems in World History* (Oxford: Oxford University Press, 2000); Justin Rosenberg, *The Empire of Civil Society: a Critique of the Realist Theory of International Relations* (London: Verso, 1994); Tarak Barkawi, *Globalization and War* (Oxford: Rowman & Littlefield, 2006).

⁴ The claim is not that all references to and work on the Middle Ages fall into *both* grand narratives. On the contrary, most of the Works that is examined below actively and successfully challenges at least one of them. The contention here is that in doing so, a significant number of scholars have indirectly reinforced either one or the other, and as such, the imaginary that emerges from the total corpus suffers from both.

⁵ Tarak Barkawi and Mark Laffey, ‘The postcolonial moment in security studies’, *Review of International Studies*, 32:2 (2006), p. 331.

⁶ John M. Hobson, *Eurocentric Conception of World Politics: International Theory, 1760–2010* (Cambridge: Cambridge University Press, 2012); John M. Hobson, *The Eastern Origins of Western Civilisation* (Cambridge: Cambridge University Press, 2004); Immanuel Maurice Wallerstein, *European Universalism: the Rhetoric of Power* (New York, London: New Press, 2006); Branwen Gruffydd Jones (ed.), *Decolonizing International Relations* (Plymouth: Rowman & Littlefield, 2006); Robbie Shilliam (ed.), *International Relations and Non-Western Thought: Imperialism, Colonialism, and Investigations of Global Modernity, Interventions* (London: Routledge, 2011).

⁷ For stylistic reasons, ‘Latin Christendom’, ‘the West’, ‘(Western) Europe’, and ‘Christianity’ will be used as synonyms throughout this article to refer to the polities located in the westernmost peninsula of Eurasia that accepted the authority of the Roman Church. This is far from ideal, particularly as not only are these concepts in themselves controversial, and their meanings distinct and changing, but equating them possibly reinforces the Orientalist narrative that this article seeks to challenge by presenting ‘Europe’ as a timeless continuum.

⁸ Andreas Osiander, *Before the State: Systemic Political Change in the West from the Greeks to the French Revolution* (Oxford: Oxford University Press, 2007); A. Phillips, *War, Religion and Empire: The Transformation of International Orders* (Cambridge: Cambridge University Press, 2010).

encounters in themselves.⁹ In doing so, this literature perpetuates the image of Europe as a self-generating transhistorical entity, whose evolution depends only on endogenous dynamics.¹⁰

In contrast to this, a variety of other scholarship has examined some of the contacts between Latin Christendom and the Rest of the World. In doing so, however, they have unwittingly reinforced what I here call Orientalism. Although this narrative has two main sides, they both stem from the same problematic move: the reduction of the (international) politics of the later Middle Ages to a unimodal and monolithic Christian identity incapable of dealing with difference through any means other than destruction. Indeed, the most common exception to the Eurocentric view of the Medieval is the focus on the Crusades. A staple of the modern IR imaginary of the medieval period, and undoubtedly a central social institution of the late medieval period, the crusades constitute our go-to example of interactions between Christendom and the rest of the world. Through them, constructivist scholars have sought to prove and showcase the importance of norms,¹¹ collective *mentalités*,¹² and constitutive ideas-interests complexes,¹³ in what constitutes an excellent and historiographically informed body of literature. As a result of this exclusive focus, however, it appears that in the IR imagination the only (and necessary) way in which Christians could and did relate to non-Christians was through (holy) war. Indeed, in recent constructivist scholarship on the topic we read that non-Western peoples, and particularly Muslims, existed in a ‘structurally antagonistic situation’¹⁴ to the Church, ‘outside of divine and human law’,¹⁵ and as such were to be annihilated.¹⁶

In some versions, this creates the myth of the exceptionality of the present, through a process of Othering and orientalising the medieval past by implicitly pointing to the opposition between the fanatic, religious Middle Ages and secular modernity.¹⁷ Or most commonly, it highlights the exceptionality of the present by centring on ‘modernity’ as a condition of possibility for international relations and thus implicitly excluding the premodern international from analysis altogether.¹⁸ While there are certainly differences between ‘modern’ and ‘premodern’ – some of which will be obvious later in the article – what this second narrative does is Other the medieval and, through this, produce an imaginary modern international whose

⁹ Benno Teschke, *The Myth of 1648: Class, Geopolitics, and the Making of Modern International Relations* (London: Verso, 2003), p. 98.

¹⁰ Gurinder K. Bhambra, *Rethinking Modernity: Postcolonialism and the Sociological Imagination* (Basingstoke: Palgrave, 2007).

¹¹ Rodney Bruce Hall and Friedrich V. Kratochwil, ‘Medieval tales: Neorealist “science” and the abuse of history’, *International Organization*, 47:3 (1993); Rodney Bruce Hall, ‘Moral authority as a power resource’, *International Organization*, 51:4 (1997).

¹² Tal Dingott Alkopher, ‘The social (and religious) meanings that constitute war: the crusades as real-politik vs. social-politik’, *International Studies Quarterly*, 49:4 (2005); Tal Dingott Alkopher, ‘The role of rights in the social construction of wars: From the crusades to humanitarian interventions’, *Millennium – Journal of International Studies*, 36:1 (2007).

¹³ Andrew A. Latham, ‘Theorizing the crusades: Identity, institutions, and religious war in Medieval Latin Christendom’, *International Studies Quarterly*, 55:1 (2011); Andrew A. Latham, *Theorizing Medieval Geopolitics: War and World Order in the Age of the Crusades* (New York: Routledge, 2012).

¹⁴ Latham, ‘Theorizing the crusades’, *passim*.

¹⁵ Alkopher, ‘The role of rights’, p. 16.

¹⁶ Alkopher, ‘The social ...’.

¹⁷ Kathleen Davis, *Periodization and Sovereignty: How Ideas of Feudalism and Secularization Govern the Politics of Time* (Philadelphia: University of Pennsylvania Press, 2008).

¹⁸ Indeed, a variety of authors see modernity as constitutive of the very idea of international relations, see R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993); Beate Jahn, *The Cultural Construction of International Relations: the Invention of the State of Nature* (Basingstoke: Palgrave, 2000).

boundaries and conditions of possibility cannot be explored, as the past is either produced against its image or excluded from analysis altogether.¹⁹

In a more common version, however, the myth of the religious, crusading Middle Ages perpetuates and reifies the idea of a constant confrontation between a transhistorical West, this time in its medieval Christian version, and the Rest. This latter myth has several manifestations, the most extreme of which is of course the much-criticised idea of the ‘clash of civilizations’.²⁰ However, and somewhat surprisingly, we also find this imaginary in the context of a burgeoning Historical Sociological and Postcolonial literature in IR. John Hobson’s *The Eastern Origins of Western Civilization*, for example, while constituting one of the few exceptions within these traditions to address premodern encounters, nevertheless reiterates the myth of a hostile and monolithic Christian identity – in his case rightly portrayed as a political project – that opposed the ‘evil threat’ of Islam.²¹ In this line, also, several critical studies of the notion of ‘civilisation’ and its impact in both colonial and current international relations unproblematically locate the origin of this idea in late-medieval Christian thought, thus involuntarily reproducing a grand narrative of a transhistorical West.²²

The main goal of this article is to problematise the uses of the medieval that reinforce these narratives by unpacking the linguistic and conceptual constructions that underpinned the interactions between Latin Christendom and rest of the world. In doing so, it makes two closely-connected arguments: first, drawing from the abundant literature on historical sociology and Eurocentrism, it argues that we cannot understand medieval Europe, and particularly European identity-formation, without paying attention to its relations with the non-Christian world. Secondly, and most crucially, it shows that these interactions never rested on the unified idea of an ‘infidel enemy’ that seems to emanate from the IR crusading literature. Rather, an examination of the constructions of Jews and Muslims in canon law shows an extremely nuanced and varied conceptual apparatus that creates several dynamics of Othering – and consequently allows for a variety of ways of relating ranging from toleration and coexistence to conquest. In doing so, it aims to open up space for the study of these relations as relevant *international* interactions.

The body of the article analyses the construction of Jews and Muslims in canon law. Canon law is selected as a focus for two reasons. First, law was an important vehicle for the discussion and transmission of political ideas in the late Middle Ages. From the late twelfth century onwards, university-trained canon lawyers started to occupy a variety of positions within both Church and secular administrations.²³ In these positions, they worked in several levels of law courts and advised and

¹⁹ The importance of a historicised understanding of the past for the exploration of the present is a recurring theme in both Historical Sociology and constructivist literature. See, for example, Hobden and Hobson, *Historical Sociology of International Relations*, particularly ch. 1 and Christian Reus-Smit’s chapter in the same volume.

²⁰ Samuel Huntington, ‘The clash of civilizations?’, *Foreign Affairs*, 72:3 (1993).

²¹ Hobson, *The Eastern*, p. 98.

²² Brett Bowden, ‘The colonial origins of international law: European expansion and the classical standard of civilization’, *Journal of the History of International Law*, 7 (2005); Brett Bowden, *The Empire of Civilization: The Evolution of an Imperial Idea* (Chicago: University of Chicago Press, 2009); Gerrit W. Gong, *The Standard of ‘Civilization’ in International Society* (Oxford: Oxford University Press, 1984); Sandra Halperin, ‘International Relations theory and Western conceptions of modernity’, in Branwen Gruffydd Jones (ed.), *Decolonizing International Relations* (Plymouth: Rowman & Littlefield, 2006).

²³ For the training and professional careers of medieval lawyers see James A. Brundage, *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts* (Chicago: Chicago University Press, 2008).

managed the affairs of secular and ecclesiastical rulers alike; in doing so, they drew on their academic training and used the resources, vocabulary, and concepts of the law they had studied. In this sense, canon law, and its validity throughout Latin Christendom, provides a good first-cut, however incomplete, into the international imagination of the period. Second, and crucially, canon law – along with theology – is one of the discourses that are credited for fostering hostile attitudes towards infidels and crusading mentalities, and as such, constitutes a ‘hard case’ for the purposes of this article.²⁴ Indeed, if we can show that even in those areas and strata of society that we would expect to have the most intolerant attitudes, the discourse is significantly more polyvalent and allows for ways of relating other than outright destruction, then it would be reasonable to expect this to be the case more generally.

The article proceeds in three steps. The first section describes two modes of Othering of Jews and Muslims in canon law, and the extent to which these were imbricated in the formation of a Christian identity, while the second section looks at how these polyvalent understandings allowed for a variety of principles and priorities in inter-religious relations as prescribed by canon law. The third and final section illustrates the relevance of the canonical discourse in the practice of late-medieval international relations between Christians and non-Christians through the case of papal regulations of inter-religious trade, showing that not only did it allow for cooperative relations, but also that it recognised the crucial role that this trade played in the survival of a variety of communities throughout Christendom.

The Christian community and its Others

As we saw above, current IR treatments of the Middle Ages unreflectively suggest not only that ‘Christian’ was a central, if not the main, identity of Western Europeans at the time, but also that this identity irrevocably led Christians to a situation of incompatibility with other religions. Although many of the authors that reference this write from a constructivist, sociological, or even postcolonial perspective, the fact that the Christian identity of medieval Europe and its hatred of infidels are taken as a matter of fact has the effect of reifying this identity, and as such serves to perpetuate the idea of a timeless confrontation between ‘West’ and ‘Rest’.

In order to counter this, this section unpacks two modes of Othering present in late-medieval canon law. The first one, which I call substantive, was based on a rigid tripartite framework that assigned specific and opposing characteristic to groups. The second one, here called positional, tended to deprive others of substantive attributes and simply considered them in relation to Christians. These discursive dynamics are crucial in order to recover a historicised understanding of the period, as they underlie the production of a Christian identity and as such enable a variety of courses of action.²⁵ Indeed, following the extensive literature in IR that underscores the mutual constitution of Self and Other, this section also shows the extent to which Christian identity was inextricably bound with these multiple modes of Othering.²⁶

²⁴ Both Latham and Phillips, for example, emphasise the centrality of canon law. See Latham, *Theorizing Medieval Geopolitics*; Phillips, *War, Religion, ...*

²⁵ Roxanne Lynn Doty, *Imperial Encounters: the Politics of Representation in North-South Relations, Borderlines* (Minneapolis: University of Minnesota Press, 1996), p. 5.

²⁶ Edward W. Said, *Orientalism* (London: Penguin Books, 2003); Tzvetan Todorov, *The Conquest of America: the Question of the Other* (Norman: University of Oklahoma Press, 1999); Iver B. Neumann, ‘Self and Other in International Relations’, *European Journal of International Relations*, 2:2 (1996);

Religious Others: Seeing the world through Christian eyes

Canon law conceived of various groups of non-Christians: references were made specifically to Jews, Muslims, and pagans, as well as to heretics and schismatics, which were technically Christian but held a special status. The types of non-Christians were therefore identified and specified through their religious adscription, thereby constructing a world of separate religious communities. This section shows how this world of religious communities was not created through study or knowledge of the religious features of non-Christian groups. Rather, other communities were constructed through the application of pre-established Christian interpretive frameworks, which emanated from a theologically-driven understanding of the World and of humanity as a whole. In doing so, Christian identity and non-Christian communities became inextricably linked.

Canonists' conception of the various non-Christian communities was filtered through a very rigid and conservative typology, derived in part from Biblical and patristic sources, but also deeply influenced by late-imperial Roman law.²⁷ Following this framework, canonists conceived of three types of communities: Christians, Jews, and Pagans (originally those citizens of the Roman Empire that had not converted to Christianity). This typology included both substantive constructions of the features of each group, such as theological notions of what a Jew is and the association of polytheism with Pagans, as we will see, and notions of difference that were explicitly constructed as a continuum among all the positions. In all cases, however, canonists constructed both Christian and non-Christian communities in parallel: the first one as the orthodox, true faith, and the latter ones as its mirroring heterodox Others.

This close connection between the Christian Self and the non-Christian Other is clear, and exceptionally explicit in the case of the Jews.²⁸ Based on a juridical-theological image that had its origin in Augustine's writings,²⁹ canonists conceived of Jews as the witnesses of the Christian truth (*testimonium veritatis*). Jews were held collectively responsible for the death of Jesus, which led them to be punished by losing their government and being condemned to wander the Earth and live under Christians. Canonists, following Augustine, articulated this partly through the simile of Cain – the Jews – and Abel – Jesus, in which Cain was punished with exile and subjugation for the murder of his brother, much like the Jews were condemned to live scattered throughout the world for having killed Jesus. At the same time, this punishment served as a constant reminder for Christians of the truth of the Christian doctrine. Thus, Innocent III's *Constitutio pro iudeis*, a papal bull for the protection of Jews, states that:

Although the Jewish perfidy is in every way worthy of condemnation, nevertheless, because through them the truth of our own Faith is proved, they are not to be severely oppressed by the faithful. Thus the Prophet says, 'Thou shalt not kill them, lest at any time they forget thy law',

David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (rev. edn, Manchester: Manchester University Press, 1998).

²⁷ The literature on the legal status of Jews in the Roman Empire is vast. A good starting point is Amnon Linder, 'The legal status of the Jews in the Roman Empire', in Steven T. Katz (ed.), *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period* (Cambridge: Cambridge University Press, 2006).

²⁸ Despite the extensive historical literature that points to the fundamental role of Jews in the production of Christian identity since at least the Middle Ages, IR scholarship has largely ignored these dynamics.

²⁹ For a more extended analysis of the Augustinian image of the Jew, as well as for the evolution of this tradition in the Early Middle Ages see Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley: University of California Press, 1999), esp. ch. 1.

[Ps. 59:12] or more clearly stated, thou shalt not destroy the Jews completely, so that the Christians should never by any chance be able to forget their Law, which, though they themselves fail to understand it, they display in their book to those who do understand.³⁰

Moreover, the mythology of the Jewish witness not only depicted Jews as living stateless throughout Christian lands, but also the fact that they did so in a state of subordination, as *perpetual servants* of the Christians. Although part of this subservience was initially the service they provided in being the witnesses of the truth and keeping the Old Testament for Christians, the idea of perpetual servitude gradually evolved into a fully-fledged doctrine of actual Jewish subordination to Christians on account of their guilt for killing Jesus.³¹ This idea was already enshrined in Gratian's *Decretum*, which states that one cannot justly wage war against the Jews for they 'are willing to serve'.³² Subsequent canonistic commentaries reinforced this doctrine, with Hostiensis, for example, arguing that 'although the Jews are enemies of our faith, they are our servants [*servi*] and are tolerated and defended by us'.³³

Jews were then explicitly and functionally constructed as a subordinate Other. Indeed, the Jewish Other was not only a theoretical necessity for the Christian Self – in the way that most of the IR literature has pointed to identity formation as a fundamentally relational process – but also the main substantive attribute of the construction of Jewish-ness. As a result, the existence and nature of the Jews as a community was therefore inescapably tied to that of Christians, creating the first as a community to be punished and the second one as their superiors. At the same time, the punishment itself (their scattering, subjugation, and subservience) was a fulfilment of divine prophecies, and as such reinforced and proved the Christian truth. The Jew was thus a necessary Other within yet outside Christian society, with the function of permanently proving the Christian truth.

This distinctive subject position of the Jews, moreover, points to an important dimension of medieval identity formation and indeed of international relations that has been repeatedly overlooked. It could seem that the subordinate status of Jews and their condition of minority *in* Christian society would set these processes and interactions outside the purview of international relations and into some domestic or internal realm. This would however mean privileging modern forms of collective identification, which tie communities and territory.³⁴ Instead, if we are to take the historicity of the different ways in which communities have historically been constructed, and thus the historicity of the international itself,³⁵ seriously, the

³⁰ Innocent III, *Constitutio Pro Judeis*, trans. and ed. in Solomon Grayzel, *The Church and the Jews in the XIIIth Century* (New York: Hermon Press, 1966), fn. 5

³¹ Anna Sapir Abulafia, *Christians and Jews in the Twelfth-Century Renaissance* (London and New York: Routledge, 1995), pp. 65–6. For the evolution of the idea before the twelfth century, see John Gilchrist, 'The perception of Jews in the canon law in the period of the first two crusades', *Jewish History*, 3:1 (1988).

³² C.24, q.8, c.11. All translations in this article are my own, except for where explicitly indicated. I follow the traditional system for citation of canon law. Thus, for Gratian's *Decretum*, D.1, c.2 corresponds to distinction 1, ch. 2; and the citation at the beginning of this footnote corresponds to causa 24, quaestio 8, canon 11. For the *Liber Extra*, X.1.7.15 indicates Book 1, Title 7, Chapter 15. For more information on the canon law citation system see James A. Brundage, *Medieval Canon Law* (London and New York: Longman, 1995), pp. 190–7. Citations from the text in the *Decretum* and the *Liber Extra* are based on Emil Friedberg, *Corpus Iuris Canonici*, 2 vols, vol. 2 (Leipzig, 1878). Citations of the ordinary gloss are based on the Roman edition of 1582.

³³ Cited with some slight modifications in David Abulafia, 'The servitude of Jews and Muslims in the medieval mediterranean: Origins and diffusion', *Mélanges de l'Ecole française de Rome*, 112 (2000), p. 693.

³⁴ Walker, *Insidel/Outside*; Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press, 1995).

interaction between Christians and religious minorities in the territories of the former constitute true international relations.

The case of the Jews, therefore, shows that though the IR literature has focused overwhelmingly on the role of Muslims as the key Other for Christian identity, the Christian worldview relied on Jews as their constant and necessary Other. Related to this, a very obvious fact, which is nevertheless rarely noted in IR literature, is that Muslims presented a significant conceptual problem: we have seen the extent to which canonists relied on biblical and patristic sources for their 'knowledge' of other communities, but a significant number of these texts were written before the advent of Islam. Additionally, Christians related to Muslims in two different contexts: first, as full, organised Islamic polities in the Near East and North Africa, Muslims constituted both a threat to Christian control of certain territories, and a profitable commercial partner. Second, particularly from the twelfth and the thirteenth century, there were significant Muslim communities living under Christian rule in places such as the Iberian Peninsula and Sicily, as a result of territories changing hands through conquest.³⁶

Muslims therefore constituted a complex challenge for canonists. For example, there was not a single medieval term to refer to Muslims. In Latin, the most common denominations were Saracens (*Saracenus/Sarracenus*) and Agarens (*Agarenius, Hagarenus*), although, as will be explored below, they were also referred to as pagans (*paganus, gentiles*). The origin of both Saracens and Agarens is biblical, and points to a certain assumed lineage or even ethnic origin of Muslims as descendants of Sarah or, alternative, of slave Hagar.³⁷ Canonists' scholastic definition of Saracen thus stated that:

Saracens are those who do not accept neither the Old nor the New Testament, those who do not want to call themselves Agarens, from Abrahams slave Agar, from whom they descend, but rather call themselves Saracens, from Sarah, his free wife. Also among the Saracens are those who received the five books of Moses, but reject the prophets, who are called Samaritans from the city of Samarra.³⁸

The first line of the definition, once again, shows the extent to which the construction of non-Christians was implicated in that of the Christian community. Indeed, the first priority in the definition of Muslims (and also of Jews) was situating them in relation to Christian texts. As a result we get a continuum, whereby Saracens do not follow the Old or the New Testament; Jews accept only the Old Testament; and Christian have received both texts. Christian doctrine constitutes the basis for evaluating the differences between other religions, thus reinforcing these non-Christian groups as deviating from the true faith, that is, the Christian faith that has received both books.

³⁵ Edward Keene, *International Political Thought: a Historical Introduction* (Cambridge: Polity Press, 2005).

³⁶ See, for example, James M. Powell (ed.), *Muslims Under Latin Rule, 1100–1300* (Princeton: Princeton University Press, 2014).

³⁷ Discussions about the origin of the name of the community emphasised that although Muslims called themselves Saracens after Sarah, they actually descended from Abraham's slave Hagar, and as such were better called Hagarans. In doing so, they were not only putting emphasis on the inferior origin of the group and thus placing Muslims in a subordinate position, but also pointing to and ridiculing Muslim arrogance in calling themselves descendants of Sarah.

³⁸ Henricus de Segusio (Hostiensis), *Summa aurea* to X 5.6 (Venice, 1574) Also in Ramon de Penyafort, *Summa de Poenitentia 1.4.1* (Farnborough: Gregg Press, 1967) and in Bernardus Papiensis, *Summa decretalium*, 5.5, ed. Ernst Adolph Theodor Laspeyres (Graz: Akademische Druck-u. Verlagsanstalt, 1956 [orig. pub. 1860]).

In addition to constructing this continuum, this definition is paradigmatic of the rigidity of the tripartite typology of religious communities that canonists used, and as such of the specificities of this Othering process. Indeed, key to any Othering dynamic is the assignment of opposing attributes to both Self and Other through the use of seemingly objective ‘knowledge’.³⁹ We can appreciate a particularly extreme version of this in the case of Muslims, exacerbated by the doctrinal problems mentioned above. The political nature of the ‘knowledge’ of the Other is manifest in the canonical definitions we have just seen, to the point that Samaritans were included as a category of Muslims.⁴⁰

Indeed, despite these etymological and scholastic concerns, canon lawyers’ ‘knowledge’ of Islam seems greatly distorted to the modern reader. In a milieu in which the knowledge of and engagement with Muslims and their religion was slowly increasing, hardly any legal texts or commentators in the thirteenth century make reference to its monotheism, Muhammad, or any other aspects of Islam.⁴¹ Actually, some even speak of the veneration of idols, equating it to classical and northern paganism. Hostiensis, for example, says that Muslims are ‘those who worship and adore multiple gods and indeed demons’.⁴² Canonists therefore faced the challenge of dealing with Muslims with neither a conceptual and theological framework that conceived of the group nor any detailed knowledge of the features of the group. This situation, combined with the presence of the tripartite framework of non-Christian others, led to a debate and a variety of images that sometimes classified Muslims as pagans, other times as Jews, and sometimes even as heretics.⁴³

‘Pagan’ was in some sense the obvious category in which to place Muslims. In the tripartite framework, pagan had basically the residual meaning of ‘non-Christian, non-Jew’, and thus canonists soon drew the parallel between the classical *paganus*, which referred mostly to those Roman citizens that had not converted to Christianity after the Christianisation of the Empire, and the new type of ‘non-Christian, non-Jew’ they were facing. As a result, the words *paganus*, *gentili*, and *Saracenos* or occasionally *agarenos*, began to be used interchangeably. In light of this, it is easier to appreciate the reason for the affirmations of Hostiensis and other canonists, who, partly out of ignorance, partly because of this parallel, posited that Muslims were polytheists and idolaters. Similarly, once the linguistic parallel between *paganus* and *Saracenos* had been established, the estrange inclusion of Samaritans becomes more understandable: ‘John 4:9 makes clear that Samaritans are not Jews; they must, therefore, be Saracens/pagans.’⁴⁴

The construction of Muslims was therefore based on classifying them into a pre-established tripartite scheme that reinforced the superiority of Christianity, rather

³⁹ Said, *Orientalism*; Doty, *Imperial*, p. 7.

⁴⁰ Samaritanism is a religion closely related to Judaism based only on the Pentateuch (the first five books of the Bible). For more on the Samaritans see Nathan Schur, *History of the Samaritans* (2nd edn, Frankfurt am Main: Lang, 1992).

⁴¹ One notable, and certainly not casual, exception is again Alfonso X’s *Siete Partidas*, which states that: ‘The Moors are a people who believe that Mohammed was the Prophet and Messenger of God’, at 7.25.0, trans. and ed. in Robert I. Burns and Samuel Parsons Scott, *Las Siete Partidas, Volume 5: Underworlds: The Dead, The Criminal, and the Marginalized (Partidas VI and VII)* (Philadelphia: University of Pennsylvania Press, 2001), p. 1438. After this, however, it proceeds with an almost literal transcription of the standard legal definition seen above (7.25.1).

⁴² Hostiensis, *Summa aurea* 5.5 v. *Qui sunt*.

⁴³ Indeed, the prevalent trend among theologians was to classify Muslims as heretic. John Tolan, ‘“Cel Sarrazins me sembler mult hêrite”, L’hétérodoxie de l’autre comme justification de conquête (XIe–XIIIe siècles)’, *Actes de la Société des historiens médiévistes de l’enseignement supérieur public*, 33:1 (2002).

⁴⁴ David M. Freidenreich, ‘Muslims in Western canon law, 1000–1500’, in David Thomas et al. (eds), *Christian-Muslim Relations: a Bibliographical History* (Leiden: Brill, 2011), p. 42.

than on serious engagement with actual Muslim practices and beliefs. Although the awkward position of Muslims in relation to Biblical and patristic sources did not lead to a fully-fledged mythology like that of Jewish perpetual servitude, various engagements with Muslims in canon law construct the group as an instrument of God to send messages to Christians, or as directly serving a function for Christians. Gratian's *Decretum*, for example, includes a letter of admonition to the English people that constructs the Saracens as a divinely sent punishment for the indecorous behaviour of the inhabitants of the Iberian Peninsula, and potentially of the English to whom the letter refers.⁴⁵ Saracens, much like Jews, lose purpose and agency and only exist as a tool in a divinely directed universe. One of the most extreme functional understandings of non-Christians in this sense is found in canonist Humbert de Romans, who claims that:

Therefore, just like kings hold tournaments in their kingdoms so that soldiers can exercise, God also allows these Saracen enemies to exist in this world, so that Christians can accumulate merits by waging war against them.⁴⁶

Saracens are therefore not only an occasional punishment to a people that misbehave, but rather, in a construction similar to that of Jews, become a group without agency, at the permanent service of Christianity.

Blurring distinctions

Canonists conceived of a world of religious communities through a very rigid typology that considered Christians, Jews, and pagans in a continuum of types where 'Christian' was the baseline category. However, this framework interacted with a second dynamic which relied less on the production of 'knowledge' and attributes of the Other, and more on their condition of existence *vis-à-vis* the Self, emphasising two distinct positions: peaceful, non-threatening minority under Christian rule and enemy. This aspect has led authors such as Norman Zacour to claim that 'Jews or Saracens, they could best be perceived in their relationship to Christians, in peace or at war, passive or troublesome, silent or scandalous.'⁴⁷ This section explores this claim, showing how in terms of both policy and ideas there was a progressive blurring of the distinction between non-Christian groups.

The canon *Dispar nimirum* has usually been taken as the paradigmatic example of the different conceptions between an external enemy and a peaceful minority living under Christian rule. This canon, the summary of which establishes that 'we ought not to prosecute Jews, but rather Saracens' is an extract from a 1063 letter by Pope Alexander II to the bishops of Spain and reads:

There is indeed a difference between the case of the Jews and that of the Saracens. For it is legitimate to fight the latter, who persecute Christians and expel them from their cities and their own residences. The former, however, are everywhere willing to serve.⁴⁸

Although the canon differentiates between Jews and Muslims, it does so on the basis that the latter pose a threat to Christianity whether the former do not. It is therefore not a substantive conception of Muslims that justifies war against them, but rather the

⁴⁵ D.56, c.10

⁴⁶ Cited in Norman Zacour, *Jews and Saracens in the Consilia of Oldradus de Ponte* (Toronto: Pontifical Institute of Mediaeval Studies, 1990), p. 17, fn. 55.

⁴⁷ *Ibid.*, p. 22.

⁴⁸ C.23, q.8, c.11.

fact that they persecute Christians. Subsequent commentaries on this canon by later canonists highlight this particular aspect. For example, Johannes Teutonicus, on the ordinary gloss on this passage took the idea further by saying that ‘therefore, if Saracens do not persecute Christians we cannot attack them’. It is not because of their nature that Christians can attack Muslims, but rather because they are a threat. If they are not a threat, says Johannes Teutonicus, possibly thinking about Muslim communities under Christian rule, then Muslims ‘should not be harmed’.⁴⁹ This idea, which became standard in subsequent canonical commentaries, indicates a second dynamic of Othering, one based not on the attribution of substantive trait to religious groups, but rather exclusively on the conditions of existence of those groups in relation to Christianity.

The commentaries on *Dispar nimirum* thus create the hypothetical of Muslims living in peace and in doing so placed them in a position comparable to that of Jews. Elsewhere in commentaries, however, we find more substantive associations of Jews and Muslims in the treatment they are to receive from Christians. Indeed, canonists progressively used the extensive canons on the treatment of Jews to think through the conditions of Muslims, therefore blurring the distinction. This was officially sanctioned in the Fourth Lateran Council (1215), which in canon 69, after a series of prescriptions that regulated the conduct of Jews living under Christian rule, sweepingly stated ‘the same we also extend to pagans’.⁵⁰ Through this, the treatment to be received by Jews and Muslims was therefore unproblematically blurred, minimising the distinction between both and merely taking into account how they allegedly related to Christians.

This blurring, however, extended beyond the mere way in which Christians related to the different non-Christian groups and in some cases included substantive conceptions of religious beliefs and practices. The previous section already highlighted the problems in classifying Muslims within a very rigid framework, and how they were generally assimilated to pagans. In parallel to this, however, starting at the turn of the thirteenth century, there is a tendency to assimilate Muslims to Jews based on specific Islamic practices: despite the fact that the mentions of Muslims as polytheistic continue well into the thirteenth and fourteenth centuries, from the turn of the century there seems to have been an awareness among canonists of some practices, particularly regarding food, which led canonists to conclude that ‘Muslims Judaize’.

Despite the sweeping assimilation in treatment of Jewish and Muslim communities under Christian rule, Gratian’s *Decretum* included one exception: the prohibition to eat with Jews did not apply to ‘pagans’.⁵¹ The decretists, commenting on the

⁴⁹ Johannes Teutonicus, *Glossa ordinaria* to C.23, q.8, c.11 v. *persequuntur*. ‘It is clear therefore that if Saracens do not persecute Christians we cannot attack them. For we can certainly eat with them ... And the law [Roman law] says that if they live quietly we should not harm them.’ The reference to ‘not harming them’ shows the cross-fertilisation between canon and Roman law, as it is an explicit reference to Cod. 1.11.6, which establishes that law-abiding Jews and pagans that live quietly should not be harmed.

⁵⁰ Antonio García y García, *Constitutiones Concilii quarti Lateranensis una cum commentariis glossatorum*, Monumenta iuris canonici. Series A, Corpus glossatorum (Città del Vaticano: Biblioteca Apostolica Vaticana, 1981), p. 109.

⁵¹ C.11, q.3, c.24 and C.23, q.4, c.17. For more on commensality between Christians and non-Christians see David M. Freidenreich, ‘Fusion cooking in an Islamic milieu: Jewish and Christian jurists on food associated with foreigners’, in David M. Freidenreich and Miriam Goldstein (eds), *Beyond Religious Borders: Interaction and Intellectual Exchange in the Medieval Islamic World* (Philadelphia: University of Pennsylvania Press, 2012); David M. Freidenreich, ‘The food of the damned’, in Mohammad Hasan Khalil (ed.), *Between Heaven and Hell: Islam, Salvation and the Fate of Others* (Oxford: Oxford

Decretum in the first few decades after its appearance, accepted the distinction, which was based on the teachings of the Greek Church father John Chrysostom. Writing in the 1180s, however, canonist Huguccio asked himself:

With respect to which pagans does [Chrysostom] speak? Nearly all Saracens at the present judaize because they are circumcised and distinguish among foods in accordance to Jewish practices. I say, accordingly, that one ought to abstain from the food of such pagans – that is, those who distinguish among foods- just as from the food of Jews because the same reason for the prohibition ... applies to both these and these.⁵²

Without the ability to distinguish between Muslims and pagans, therefore, some canonists started to perceive Jews and Muslims as similar, or rather, to argue that Muslim practices made them functionally equivalent to Jews. While these commentaries show some engagement with the cultural practices of the groups they were constructing, the fact that the move was extracting Muslims from the pagan category and equating them to Jews shows once again the rigidity of the Christian-centred framework. As a result, while still maintaining a tripartite typology, the treatment of non-Christians in the thirteenth century seems to progressively converge towards two ways of being *vis-à-vis* Christians, and consequently two types of relations. On the one hand, peaceful non-threatening minorities under Christian rule, both Jewish and Muslim, which are afforded some toleration, and external enemies – mostly Muslim polities – against which war could be waged.⁵³

We have therefore seen that the construction of religious others is more nuanced and internally polyvalent than the IR trope of the 'infidel' portrays. Not only this, but the analysis also has shown that despite the insistence of IR in portraying Islam as the main Other of Christianity, Jews were crucial to Christian identity-formation, not only being the constant, subservient reminder of the truth of their faith, but also in some cases providing the abstract template for the knowledge of Muslims. Finally, this section also reveals the extent to which the construction of the Christian Self was reliant on the existence of these communities.

Between universalism and exclusion: the treatment of non-Christians

This section moves its attention to the prescriptions for the relations between Christians and non-Christians as articulated by canon lawyers. Indeed, as is well-known, the way in which identities are constructed and produced are key to enabling some courses of action in the relation between Self and Other and precluding others.⁵⁴ We have already seen that the construction of Christians and non-Christians was internally contradictory. Following this, this section examines three different prescriptive principles that stem from these processes: separation, toleration, and destruction. Moreover, it shows that underpinning these three principles are not only the differentiating and Othering dynamics that we examined above, but that the idea of similarity, its logical counterpart, also plays a crucial role.

University Press, 2013); David M. Freidenreich, 'Sharing meals with non-Christians in canon law commentaries, circa 1160–1260: a case study in legal development', *Medieval Encounters*, 14:1 (2007).

⁵² Huguccio, *Summa decretorum*, on C.11, q.3, c.24 v. *Omnes*, cited in Freidenreich, 'Sharing meals', pp. 59–60.

⁵³ Zacour directly suggests that this is the primary way in which canonists conceived of Others, and Muldoon seems to also point in that direction. Zacour, *Jews and Saracens*; James Muldoon, *Popes, Lawyers, and Infidels: the Church and the Non-Christian World, 1250–1550* (Liverpool: Liverpool University Press, 1979).

⁵⁴ Doty, *Imperial*.

Segregation: Two criteria of difference in interaction

An examination of the interaction of both modes of Othering analysed above shows that the central behavioural principle behind the regulation of minorities was segregation. Moreover, while the second framework points towards a convergence in the consideration of minorities, this section shows that the fact that the tripartite framework dynamics above operated by creating a continuum of positions with Christians as the baseline made proximate positions to Christians more rather than less dangerous, and in doing so it argues that only by paying attention to how both frameworks interacted can we understand the subject positions of non-Christians.

Commenting on a passage that banned Jews from having Christian slaves, the author of the late-twelfth century *Summa Animal est substantia*, claimed that ‘Jews have the Law and for that reason they can pervert Christian servants faster than *gentiles*, who don’t have it. Therefore, we should not sit at the table of Jews, but we can sit at the table of *gentiles*, that is, pagans.’⁵⁵ The fact that Jews follow the five books of the old Testament that constitute the Talmud made them more similar to Christians, and therefore much more dangerous and less preferable than pagans/Muslims. Indeed, early decretists highlighted how through their obsession with ‘following literally the law of Moses’,⁵⁶ Jews not only misinterpret, but also abuse Christian Biblical doctrines, at the same time that the proximity of both faiths makes them a bigger threat than pagans/Muslims.⁵⁷

This idea of the proximity of Jews as threatening is explicitly articulated through the idea of Jews as treacherous guests hosted out of kindness but who, from this close position to Christians, work incessantly to betray them and pervert the Christian faith:

Yet, while they are mercifully admitted into our intimacy, they threaten us with that retribution which they are accustomed to give to their hosts, in accordance with the common proverb: ‘like the mouse in a pocket, like the snake around one’s loins, like the fire in one’s bosom’.⁵⁸

Jews are like a treacherous mouse or snake, living within Christians and always ready to pervert them. Consequently, behavioural prescriptions of canon law with regards to Jews focused not on conversion or elimination, but rather on segregation and minimising interactions. The canons and papal decretals therefore were destined to regulate and minimise as much as possible all interaction between Christians and Jews (and by extension, although with exceptions, Muslims). In this respect, for example, the idea of perversion and contamination lays behind the repeated and extensive canonist prohibitions for Jews to hold office and have Christian servants and nurses. This was a chief concern of the Church and of canonists, to the point that the title devoted to Jews (and Muslims) in all but one of the canonical collections from the thirteenth century onwards was ‘[c]oncerning the Jews, the Sarracens, and their servants.’ Gratian’s *Decretum* already forbid Jews from holding office, lest they

⁵⁵ *Summa animal est substantia*, on D.54, c.13 v. *Mancipia*, ed. E. C. Coppens available at: {http://www.medcanonlaw.nl/Animal_est_substantia/Introduction.html} last accessed 26 August 2015.

⁵⁶ For example, Ramon de Penyafort, *Summa de poenitentia* 1.4.1 defined Jews as ‘those who follow literally the law of Moses, and practice circumcision and everything else that is prescribed by that law [*alia legalia faciendo*]. For more on the identification of Jews with a literal interpretation of the Bible see Cohen, *Living Letters*.

⁵⁷ See Freidenreich, ‘Sharing meals’ for more examples.

⁵⁸ Innocent III, *Etsi iudeos*, trans. and ed. in Grayzel, *The Church*, no. 18.

'offend the Christians'⁵⁹ and similar prohibitions were made by the Third and Fourth Lateran Councils. The rationale behind this is clear: a people condemned to Perpetual servitude for their crime cannot be in a position of power *vis-à-vis* Christians, even more so because this position of power may corrupt the integrity of their Christian faith, or as the *Decretum* claimed 'lest the Christian religion being subject to Jews, should be polluted'.⁶⁰

In certain cases, this concern for 'pollution' of Christians reaches a physical level.⁶¹ Various canons expressed concern that Jews would convert or circumcise Christians if they were to find themselves in a position of authority.⁶² Similar regulations also try to prevent intercourse between Jews and Christians,⁶³ or condemn the physical desecration of hosts by Jews.⁶⁴ Through these provisions, therefore, canonists and ecclesiastical officers sought to construct, confirm, and maintain a hierarchical relation between Jews and Christians that involved the subordination of the former to the latter, and even more, the physical separation between both groups to the benefit of the Christian faith.

The unique position of Jews in relation to Christians – the fact that they were outside of Christian society but necessarily tied to it – thus made them at the same time closer and more threatening to Christians than Muslims were. In both cases, however, the prescription of canon law was based on the separation between Christians and religious minorities, rather than a destruction of difference, with a view of preserving the purity of the Christian faith.

Toleration: Conversion, universalism, and humanity

As counterintuitive as this may seem in light of the standard IR imagination of the period, a second behavioural principle in canon law was toleration. We saw in the case of segregation that it was not only difference, but also its counterpart of similarity, that played a crucial role in inter-religious dynamics. This is even more so the case for toleration, as this rested on a universalist notion of humanity and a specific theology of conversion that portrayed Jews and Muslims as humans and potentially Christians.⁶⁵

Given that canonists constructed their communities in terms of religion, conversion was the way of moving from one community to another. The boundary of the Christian community was in this sense very flexible: conversion was not only conceivable but actively encouraged. Indeed, as is well known, it was one of the central goals of the Church to convert unbelievers and lead them to the path of salvation, eventually leading to the Christianisation of the whole of humanity. This duty was already established in the Bible, as Jesus sent the Apostles to spread the message to all peoples of the world.⁶⁶ Since Christianity accepted only one God and

⁵⁹ D.54, c.14.

⁶⁰ D.54, c.13.

⁶¹ For the anthropological concept of pollution see Mary Douglas, *Purity and Danger: an Analysis of Concepts of Pollution and Taboo* (London: Routledge, 2002).

⁶² To this effect: D.54, c.14

⁶³ IV Lateran Council, canon 68 in García y García, *Constitutiones*, p. 107.

⁶⁴ For more on this topic see John Tolan, 'Of milk and blood: Innocent III and the Jews, revisited', in Elisheva Baumgarten and Judah D. Galinsky (eds), *Jews and Christians in Thirteenth-Century France* (New York: Palgrave Macmillan, 2015).

⁶⁵ For an IR reference to this see Iver B. Neumann and Jennifer Welsh, 'The other in European self-definition: an addendum to the literature on international society', *Review of International Studies*, 17:4 (1991).

⁶⁶ Matthew, 28.19.

one path to salvation, and at the same time had a fairly egalitarian notion of humanity, this resulted in an aspiringly universal religion and worldview, one that aimed at reaching all human beings. In doing so, an extremely powerful basis for equality was established, insofar as all human beings became potential Christians.

This egalitarian notion of humanity came to be crucial in some discussion of non-Christians. Paradigmatic in this sense was Pope Innocent IV's discussion of the legitimacy of infidel power.⁶⁷ While commenting on a bull that dealt with the nature of crusading vows, Innocent IV asked whether it was legitimate to invade lands owned by infidels. The issue was far from evident. As we have seen, constructions of infidels repeatedly emphasised their inferiority, subordination, and even evil nature, and as such the possibility of excluding them, as sinners, from aspects such as property and rulership was a very real one.⁶⁸ His reply, however, was that infidels could legitimately have property and jurisdiction, since these are established not 'for believers, but for all rational creatures'.⁶⁹ Property and jurisdiction belonged to the realm of natural law, common to all humans, and could therefore be held legitimately by infidels.⁷⁰

Innocent IV, however, went further than this. In what constitutes an unprecedented extension of papal power, he claimed responsibility for all human beings:

The pope, who is Vicar of Christ, has power not over Christians, but also over all infidels. ... Elsewhere [God said]: Feed my sheep [John 21:17]. For all, both the faithful and infidels, are sheep of Christ by virtue of their creation, even if they don't belong to the flock of the Church, and therefore it is apparent that the Pope has legitimate jurisdiction over all, if not *de facto*.⁷¹

While the Othering processes we have seen had a marked hierarchical character, and were based on fairly pressing concerns for purity, they were underpinned by a notion of similarity. Christians and non-Christians are equal; they are both sheep, all under the jurisdiction of the pope – the only obvious difference of course being that Christians already recognise it. What separates them is whether they belong to the Church or not, that is, whether they have been baptised. Potentially, however, all infidels can become Christians through conversion, as by nature they are the same. Thus, non-Christians are at once Others and potential Selves, the transition happening through conversion.

The understanding of conversion at the time was marked by an emphasis on divine grace and free will. Indeed, canonists emphasised the voluntary nature of conversion – and the ensuing prohibition to coerce it. A very significant pronouncement in this respect was canon 57 of the Fourth Council of Toledo, which Gratian incorporated in his *Decretum*. This canon clearly stated that 'force incites no one to believe. ... Thus they are to be induced by the free use of their will to convert rather than impelled by force.'⁷² The emphasis on free will is clear. Conversion cannot be coerced, as it only happens voluntarily through God's grace and free will.

This idea, moreover, not only applied to the conversion of minorities or to missionary activity. In a context of increasingly violent interactions with neighbouring,

⁶⁷ For an in-depth analysis of this text see Muldoon, *Popes*; James Muldoon, 'Extra ecclesiam non est imperium: the canonists and the legitimacy of secular power', *Studia Gratiana*, 9 (1966).

⁶⁸ Hostiensis commentary on the same passage did indeed argue for this position. *Apparatus* on 3.34.8.

⁶⁹ Sinibaldo dei Fieschi (Innocent IV) *Commentaria doctissima in quinque libros decretalium* on 3.34.8. (Frankfurt, 1570).

⁷⁰ For more on natural rights see Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150–1625* (Atlanta: Scholars Press, 1997).

⁷¹ Innocent IV, *Commentaria* on 3.34.8

⁷² D.45, c.5, trans. Jessie Sherwood.

non-Christian polities, the prohibition of forced conversion was also considered to apply to them. As canonist Johannes de Ancona stated, ‘If you say “they will be converted through invasion” then I answer, they are not to be forced into faith, because only God’s grace is able to achieve this.’⁷³ The way in which canonists envisaged their own community, therefore, was eminently voluntaristic, placing an emphasis on both free will and God’s grace as determinants of membership.

This importance placed on free will seems to therefore create a space for tolerance as a principle guiding the relations between Christians and non-Christians:⁷⁴ if conversion cannot be coerced and must happen voluntarily, non-conversion becomes by extension a legitimate position: the construction of the Christian Self as voluntary had the necessary counterpart of the voluntary condition of the Other, who must therefore be respected. This idea of toleration of non-Christians is repeatedly emphasised by canonists, even in contexts where the overall discourse stresses the inferiority and even formal subordination of Christians to non-Christians. For example, Canonist Hostiensis in his famous discussion of the legitimacy of infidel power,⁷⁵ and after having established that non-Christian rule is illegitimate and can be abolished through war by Christians, reiterates up to three times that this in no case means that war should be used for the purposes of conversion, ‘because everyone is to be left to free will, and only God’s grace is valid in this calling’. As a result, infidels that do not wish to convert, and as long as they recognise the superiority of the Church, ‘must be tolerated’.⁷⁶ Contrary to what we might expect if we only focus on the crusades, medieval canon law established a clear basis for the toleration of non-Christian communities.

Elimination: Humanity and universal reason

We arrive at a third principle of inter-religious relations: elimination. This section analyses the conditions of possibility for the idea of the elimination of non-Christians that pervades the IR literature by drawing attention to the inherent tensions between universalism and exclusion in the Othering modes that we have examined so far. On the one hand, not believing made non-Christians inherently inferior, threatening, and subject to a great amount of (legal) violence in their treatment by Christians. On the other hand, however, this had to be reconciled with the fact that all non-Christians were potentially Christians, to the point that all of them were meant to convert at some point before the Second Coming. The extensive universalistic basis of a human community understood as composed of equal human beings – the idea of the ‘sheep’

⁷³ Johannes de Ancona, *Summa iuris canonici* on 3.34.8 cited in Benjamin Kedar, ‘Muslim conversion and canon law’, in Stephan Kuttner and Kenneth Pennington (eds), *Proceedings of the Sixth International Conference of Medieval Canon Law, Berkeley 1980* (Città del Vaticano, 1985), p. 329.

⁷⁴ The literature on medieval tolerance in not only canon law but also theology is vast. The classical study is Joseph Lecler, *Histoire de la tolérance au siècle de la Réforme* (Paris: Aubier, 1955), and for juristic elaborations on tolerance Mario Condorelli, *I fondamenti giuridici della tolleranza religiosa nell’elaborazione canonistica dei secoli XII–XIV* (Milano: Dott. A. Giuffrè, 1960). A more recent starting point from the perspective of political theory is Cary J. Nederman, *Worlds of Difference: European Discourses of Toleration c.1100–c.1500* (University Park, Pennsylvania: University of Pennsylvania Press, 2000).

⁷⁵ Along with Innocent IV’s discussion of the same issue mentioned above, this constitutes one of the few texts of the canonistic tradition that have been examined by IR scholars. See, for example, Bowden, *The Empire of Civilization*.

⁷⁶ Hostiensis, *Apparatus super quinque libros decretalium* on 3.34.8 v. *rursus* (Strasbourg, 1512).

in Innocent IV's commentary – needed to be reconciled with an extremely exclusive and hierarchical understanding in the relations between communities.

A key theological development of the twelfth-century renaissance was what Abulafia has called the 'Christianisation of Reason'. Reason was integral to the human condition, a tool that God himself had given to men and that made him distinct from animals. As a result, since reason came from God, it was also a tool to get to Truth and prove faith. Reason therefore became at the same time a mark of humanity and an instrument for Christianity.⁷⁷ A consequence for this in terms of theology was that the non-conversion of Jews was increasingly portrayed in terms of their lack of reasoning ability.

Canonists display a similar pattern. Within the framework of the *testimonium veritatis*, an element that was frequently deployed to emphasise the religiously inferior nature of the Jews was the 'axiomatic identification of Judaism with the literal interpretation of the Bible'.⁷⁸ For example, Ramon de Penyafort's in his influential *Summa de poenitentia* proceeded to define the Jews by saying that 'Jews are those who follow literally the law of Moses, and practice circumcision and everything else that is prescribed by that law [*alia legalia faciendo*].'⁷⁹ Similarly, as we have seen, Innocent III in his bull *Constitutio pro Iudeis* claimed that:

Thou shalt not destroy the Jews completely, so that the Christians should never by any chance be able to forget their Law, which, though they themselves *fail to understand it*, they display in their book to those who do understand.⁸⁰

'Fail to understand it' stands in clear opposition to other passage in the same text, that claimed that Jews 'prefer to remain hardened in their obstinacy'. Indeed, even if the Jews followed the Old Testament, the coming of Christ had changed the nature of the text. Centuries of Biblical exegesis had produced canonical interpretations that reconciled both texts, usually through an allegorical interpretation of the Old Testament as not only according but also forecasting the coming of the Redeemer. The Jews were thus the people that did not understand that everything in the Old Testament foretold the New, and rather maintained a literal interpretation of it, which led to them performing abhorrent practices such as circumcision, or following different dietary practices. By reducing the entire identity of the group to their *inability* to comprehend the text, the inferiority not only of their beliefs and practices, but also to a certain extent of their reasoning ability was highlighted.

We find a similar attitude towards Muslims in the *consilia* of Oldratus de Ponte, an early fourteenth-century canonist. In his *consilium* 72, Oldratus considered whether 'a war against the Saracens of Spain is licit'.⁸¹ As a trained canonist, he brought up the debate between Hostiensis and Innocent IV on the legitimacy of infidel power, siding with Hostiensis and concluding that 'all are subject to Christ, the sheep, the oxen and the cattle of the field'. The first difference between Oldratus and Innocent IV is obvious: while the latter was starting from a basis in which everyone subject to the pope were sheep – albeit from different flocks – in Oldratus we find a variety of animals. The sheep were Christians, which God had entrusted to Peter for his care. But by the oxen and the cattle of the field he meant 'Saracens who, like beasts

⁷⁷ See Sapir Abulafia, *Christians and Jews*.

⁷⁸ Cohen, *Living Letters*. p. 51.

⁷⁹ Raimon de Penyafort, *Summa de poenitentia*, 1.4.1

⁸⁰ Innocent III, *Constitutio pro Iudeis* in Grayzel, *The Church*, fn. 5, emphasis added.

⁸¹ Zacour, *Jews and Saracens*, number 72, pp. 47–53.

deprived of all reason, desert the true God and worship idols.⁸² Oldratus therefore takes the implications of Christian reason to their furthest-reaching conclusion. Human beings have reason, which proves the Christian Truth. Consequently, Muslims, with their refusal to convert, polytheism, and idolatry, cannot possibly have reason, and are therefore no longer humans, but rather they are like beasts, like the 'oxen and the cattle of the field'. This way, Oldratus solved the tension between universalism and exclusion present in many other canonists: by redefining humanity through reason, and identifying reason with the Christian faith, he allowed for the exclusion of some from the idea of humanity. As a result, the universalism of the Church is protected, as those who do not convert are no longer human.

The logical consequence of this process of Christianising reason and redefining humanity was the enabling of the possibility of elimination. If, as we saw with the rationale of segregation, non-Christians posed a threat to the purity of Christianity, but given their exclusion from humanity, conversion was no longer a possibility, elimination became a much more legitimate practice. Indeed, in the *consilium* mentioned above, Oldratus uses this very same reasoning to justify the waging of war against Muslims. It is worth noting however, that this dynamic of destruction is only available after a process of absolute Othering, once all similarities between the Christian Self and the non-Christian Other have been discarded to the point that the Other is no longer human.

Medieval international relations: Regulating inter-religious trade in the medieval Mediterranean

So far, this article has shown how identity formation in medieval canon law was inextricably tied to processes of Othering of non-Christians and that, contrary of what we might expect of those in charge of creating and enforcing Christian orthodoxy, this construction of the Christian Self did not rest on a monolithic understanding of non-Christians as an 'infidel enemy' and did not prescribe a single way of relating. This is not only relevant as an antiquarian exercise in the history of European political thought and identity formation, but has important implications for how we understand medieval international relations. Indeed, the polyvalent understanding of non-Christians corresponded to and allowed for a variety of ways of relating and created a variety of contradictory priorities. This section illustrates this point through a very brief examination of the papal regulations of inter-religious trade and the responses it elicited from merchants.

In the claim that we cannot understand medieval Europe without its relations to the rest of the world, no region stands out more than the Mediterranean. Throughout the Middle Ages, the Mediterranean was the site of intense and repeated contacts between peoples of the three religions, of conflict as well as cooperation, and of intense cultural, technological, and commercial exchange. This is so to the point that since at least Braudel's publication of *La Méditerranée et le monde* in 1966, Mediterranean studies have been a consistent and growing research programme within History. Paramount within these are the various and intense trade networks that connected Latin Christian, Muslim, and Byzantine polities, as well as Asia. With very few exceptions,⁸³ however, these intense and productive trade networks, and the

⁸² Ibid., pp. 50–1.

⁸³ Hobson, *The Eastern*; Buzan and Little, *International Systems in World History*; Teschke, *The Myth ...*, p. 96.

multiple treaties and instances of cooperation between rulers to which they gave rise, have been overlooked by IR scholars. An examination of papal attempts at regulating this trade, however, dramatically softens the image of absolute, immutable, existential opposition that we have seen pervades the IR literature on the Middle Ages, by illuminating the multiplicity of understandings, ways of relating, and priorities present in late-medieval Europe.

While some level of trade in the Mediterranean had continuously occurred since the fall of the Western Roman Empire, attempts to regulate it by the pope only started occurring in the second half of the twelfth century, when the volume of trade significantly increased.⁸⁴ The first document regulating this matter was the canon *Ita quorundam* of the Third Lateran Council, which prohibited the export of arms, iron, and timber for galleys to Saracens, under threat of excommunication. This prohibition was extended in 1187–8, when a letter of Pope Clement II to the Genovese banned all trade with Muslim polities in times of war. After that, from the thirteenth century onwards, these prohibitions were regularly reissued, although the specific items included in the embargo varied considerably.⁸⁵

The first thing that must be noted is that papal regulation of trade did not conform to a single pattern. On the contrary, much like we saw with the canonical consideration of the possibility of peace, it differentiated between two states of relations between Christians and Muslims: war and peace. In times of war, conforming to the expectations of existential threat and opposition, all trade was prohibited, while in times of peace it was only the exchange of war materials that was banned. Thus, at a very basic level, and mirroring the ideas in canon law that we examined above, papal trade policy contemplated the possibility of peace with Muslims, as well as at least acknowledged the presence of commercial exchange.

Not only did papal policy itself, as outlined above, recognise the possibility of inter-religious trade, but if we examine the practical application of this policy we can see the extent to which practice embraced contradictory priorities. Despite the prohibitions, and much like in any other general rule of canon law, there existed the possibility of obtaining a papal dispensation that granted the ability of trading banned goods at certain times. Not only this, but these dispensations were regularly sought by a variety of individuals and polities throughout Christendom and correspondingly granted by the pope. A cursory examination of two of the motives and contexts in which these licenses were granted reveals a much more pragmatic approach to the issue of inter-religious relations.

First, inter-religious trade was crucial to the economies of many Christian polities and regions, and even popes were willing to recognise this and grant the corresponding licenses. In some cases this was a result of exceptional circumstances. In 1347, for example, a trading license was granted to Greek and Genoese merchants to import grain from Turkish lands in order to assuage the famine that their region was suffering.⁸⁶ In other cases, however, the licenses granted had a

⁸⁴ David Abulafia, 'The role of trade in Muslim-Christian contact during the Middle Ages', in D. Agius and R. Hitchcock (eds), *The Arab Influence in Medieval Europe* (Reading, Beirut: Folia Scolastica Mediterranea, 1994).

⁸⁵ For a detailed evolution of papal regulation of trade, see Stefan K. Stantchev, *Spiritual Rationality: Papal Embargo as Cultural Practice* (Oxford: Oxford University Press, 2014), p. 41 ff. See also Sophia Menache, 'Papal attempts at a commercial boycott of the Muslims in the crusader period', *Journal of Ecclesiastical History*, 63:2 (2012).

⁸⁶ Mike Carr, 'Crossing boundaries in the Mediterranean: Papal trade licences from the Registra supplicationum of Pope Clement VI (1342–52)', *Journal of Medieval History*, 41:1 (2014), pp. 119, and doc. 21 in the appendix.

much more general nature. Soon after the proclamation of the embargo by the Third Lateran Council, Pope Innocent III granted an extensive trading license to Venice. The argument of the Venetians, which the pope accepted, was that their city lived of ships and trade, and not agriculture, and that consequently a trade ban would disproportionately hurt them.⁸⁷ Similarly, after this first instance, popes granted many licences in a variety of frontier societies such as the Iberian Peninsula, under the argument that the local peoples could not make a living without trading with Muslims.⁸⁸ These cases therefore reveal first of all the extent to which many Christian peoples were increasingly dependent on their trade and commercial exchanges with non-Christians. Second, and crucially, the issuing of licences, and the development of the doctrine of ‘necessity’ (*necessitas*) around these circumstances,⁸⁹ shows the extent to which even papal policy acknowledged and was mindful of this reality, and consequently operated with a variety of priorities beyond the ‘destruction of the Other’ highlighted by IR scholars.

Second, in other cases we see trading licenses differentiating among different groups of Muslims, and allowing trade with specific polities as a means of defeating others that posed a higher risk to Christian lands. Indeed, with the increasing threat of the Turks from the fourteenth century onwards, some papal licenses started to differentiate between them and Mamluk Egypt. Thus, a 1343 license to trade with Egypt specified that some of the proceedings were to be spent in subsidising the fight against the Turks, and a variety of other licenses explicitly prohibited trade with the Turks, while allowing it with other Muslim polities.⁹⁰ Interestingly in this case, and contrary to what we saw in doctrinal discussions of canon law, papal policy differentiated between several Muslim communities and, while still subordinated to the overall idea of the defence of Christendom, embraced the possibility that cooperation with some non-Christians may benefit the pursuit of those higher objectives.

Conclusions

This article started by expressing concern that the treatment of the Middle Ages even in historically-minded IR scholarship perpetuated the very myths and narratives that this scholarship seeks to challenge. Against the idea of a Eurocentric and isolated Middle Ages, this article has established that we cannot conceive of Latin Christendom as evolving in a splendid isolation, and relating to the rest of the world exclusively through war. It was impossible for Christendom to conceive of itself in that way. By its own nature, Christianity situated itself in relation to the rest of humanity, in a teleology of history that started with the biblical Hebrew peoples, identified Christians as the chosen group with the coming of Christ, and proceeded with the Christianisation of all the other peoples on earth, at which point the Second Coming would occur. The relation with non-Christian peoples was inherent and necessary in this teleology of history. As a result, Othering processes and the relation with non-Christian communities were central to the construction of the Christian identity, and enabled the constant (re)definition of the orthodoxy that would lead to salvation.

⁸⁷ Stantchev, *Spiritual*, pp. 56–7.

⁸⁸ *Ibid.*, pp. 61–2.

⁸⁹ See Stefan K. Stantchev, ‘Embargo: the origins of an idea and the implications of a policy in Europe and the Mediterranean, ca. 1100–ca. 1500’ (Phd thesis, University of Michigan, 2009); Stantchev, *Spiritual*.

⁹⁰ Carr, ‘Crossing boundaries’, p. 116.

Against the orientalism involved in the reduction of medieval politics to a monolithic Christian identity unable to deal with difference, the examination of Othering practices and understandings in canon law undertaken in this article reveals a multiplicity of coexisting, mutually reinforcing, and at times competing constructions of Christians, non-Christians, and, more broadly, human beings. It is only when we realise that these identities and constructions were constantly reproduced and reinvented throughout the Middle Ages, that we can start to appreciate how they enabled a variety of relations, from equal to subordination, and a variety of treatments from elimination, to conversion, to peaceful cooperation.

Indeed, as suggested in the third section we need to fundamentally recalibrate our understanding of the relations between Medieval Europe and its Others. While crusading and violence were indeed important dynamics in the later Middle Ages, they coexisted with a variety of other experiences such as trade and the interdependence that ensued, as illustrated by the example above, cultural encounters, or extensive mixed communities throughout the Mediterranean. These produced a great number of treaties between rulers, commercial deals and inter-religious alliances that have fallen out of the purview of IR due to our narrow focus on violent dynamics.

Finally, and perhaps most importantly, challenging these recurrent myths of Eurocentrism and Orientalism means opening up the door to realising that, much like in the case of modernity, these interactions were central to the evolution of political thought and practice within Europe.⁹¹ The issue the jurisdiction of the Church over Jews, for example, cannot be separated from contemporary debates on the relation between temporal and spiritual powers.⁹² Similarly, discussions over the legitimacy of infidel power, and debates about the content of natural law were central in the development of a notion of rights, such as due process,⁹³ and played a crucial role in the early modern contacts with extra-European peoples, starting with the Canary Islands and, most famously, in the conquest of America.⁹⁴ Although this article has not examined these issues, as including them along with the construction processes would lead to a superficial treatment that would detract from the detailed attention both topics deserve, it is my hope that it opens up space for IR scholars to examine these issues as central in the history and evolution of international relations.

⁹¹ Hobson, *The Eastern*.

⁹² Diego Quaglioni, “‘Christianis Infesti’: Una mitologia giuridica dell’età intermedia: l’ebreo come “nemico interno”, *Quaderni Fiorentini per la Storia del Pensiero Giuridico Moderno*, 38:1 (2009).

⁹³ Kenneth Pennington, *The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley: University of California Press, 1993); Tierney, *The Idea of Natural Rights*.

⁹⁴ The work of James Muldoon is key point of reference. See Muldoon, *Popes*; James Muldoon, ‘The contribution of medieval canon lawyers to the formation of international law’, *Traditio*, 28 (1972); James Muldoon, ‘Papal responsibility for the infidel: another look at Alexander VI’s *Inter Caetera*’, *Catholic History Review*, 64:2 (1978).