The Formation of a Persecuting Society

Authority and Deviance in Western Europe 950–1250

Second Edition

R. I. Moore
The Formation of a Persecuting Society
The Formation of a Persecuting Society

Authority and Deviance in Western Europe 950–1250

Second Edition

R. I. Moore
| CONTENTS |
|-----------------|---|
| Preface to the Second Edition | vi |
| Preface to the First Edition | xi |
| Introduction | 1 |
| 1 Persecution | 6 |
| Heretics | 11 |
| Jews | 26 |
| Lepers | 42 |
| The Common Enemy | 57 |
| 2 Classification | 62 |
| 3 Purity and Danger | 94 |
| 4 Power and Reason | 117 |
| 5 A Persecuting Society | 144 |
| Bibliographical Excursus: Debating the Persecuting Society | 172 |
| Bibliography | 197 |
| Index | 213 |
Most books are written to answer a question. This book was intended rather to ask one. By the middle of the 1980s I had come to think that the persecution in the twelfth and thirteenth centuries of those whom the Church designated ‘heretics’ could not be satisfactorily explained either by reference to their beliefs and behaviour, or as a necessary response to any real danger that they presented to the Church itself or to society at large. I had also been increasingly impressed by similarities between the ways in which these ‘heretics’ were treated and the treatment accorded to some other minority groups in Europe at the same time, including Jews, lepers and gay people. This made me wonder whether the explanation was to be sought not among the victims, but among the persecutors, and connected in some way with changes which were taking place in the world in which they lived. So I began to think of western Europe in the twelfth and thirteenth centuries as a persecuting society. It also seemed to me, however, that Europe had not exhibited the habit of persecution to anything like the same degree before the eleventh century, but that it continued to do so thereafter for the rest of its history, at least until the middle of the twentieth century.

This is what I tried to explain in the first edition of this book, published in 1987. It was intended to establish the legitimacy of a question, and to bring the issues which that question raised to the attention of historians working on related topics, rather than to propose an answer, except in the most general terms. Indeed it could not have done so, for I had myself at that time only the haziest inkling
of what such an answer might be, and had given very little thought beyond what was expressed in the book to what might be implied by the label ‘persecuting society,’ applied either to Europe or any other. In short, like most serious historical writing, *The Formation of a Persecuting Society* reported work and thought in progress. What historians write is always incomplete and provisional, but this was less complete, and more provisional, than most.

The response was astonishingly generous. The idea of the ‘persecuting society’ has been widely – many may think, too widely – accepted. Many scholars working on other aspects of medieval history, and indeed well beyond medieval history, have taken the trouble to consider how it helps, or fails, to make sense of their own concerns; many more have discussed its wider implications. Since 1987 the people whose histories form part of this argument have moved from positions more or less marginal to the interests of most historians to somewhere very near the centre of the stage. Jews and gay men especially, as well as the heretics with whom I started, have been the subjects of a great deal of fine work. To my regret, since I thought and still think them insufficiently studied, lepers have received less attention, though some of it is very important. If the idea of the persecuting society itself has perhaps been examined less closely than would warrant it fit for use, scrutiny of many of its aspects and implications has been acute and learned.

What is offered now is not so much a second edition in the usual sense as a second layer of reflection and discussion. It naturally takes account, as far as it can, of new research on the many subjects touched on, and of critical discussion. I have learned a great deal, though doubtless less than I ought, from both, and have tried to acknowledge it in the pages that follow. But I have found my original intention to revise and correct the work of 1987 in the light of what has been said since impossible to accomplish. The wise saying that ‘if you change one thing you change everything’ applies almost as much to historical writing as to history itself. What I wrote in 1987 is inextricably the product of what I knew, and how I thought, at that time; trying to rewrite it with hindsight was like stirring up the mud at the bottom of a pond. To start from what I know now and how I now think would be to write another and quite different book, though not necessarily with very different conclusions. In a sense I have already done so, for though *The First European Revolution* (2001) offers a much broader account of the changes that took place
between the eleventh and thirteenth centuries, its principal thesis arises from, and develops, the argument of *The Formation of a Persecuting Society*.

It does not, however, do so directly. After twenty years I hope that I have refined the argument, and extended the knowledge on which that argument rests. I have thought more about the implications of labelling Europe a persecuting society, and those who did the persecuting have in their other capacities been increasingly at the centre of my historical interests. The Introduction and Chapters 1–4 are the text of 1987, unchanged except to correct typographical and a few factual errors and to regularise the references. Chapter 5 is new. It is intended to complete the argument by offering an answer to the question raised, though not clearly posed, by the first edition: what do we mean by calling Europe in the twelfth and thirteenth centuries a persecuting society, and what are the implications of doing so? The most important new element comes not from Europe itself but from the comparison hinted at but not developed in 1987, between western, or Latin, Europe and the other advanced societies of the pre-modern world, which seem to me not to be appropriately characterised in the same way. This chapter also takes up some of the issues which have been raised by the work of others since 1987, but by no means all of them, so I have added a Bibliographical Excursus, reviewing some of the ways in which the argument has been affected by the research and discussion of the last twenty years. The subtitle has been changed from *Power and Deviance in Western Europe, 950–1250* not only to distinguish this new version of the book from the old but as a reminder that while power is a fact authority is a construct, and one to whose construction that of deviance is nearly allied.

In the interests of clarity as to what we are arguing about, three common misconceptions about this thesis should be disposed of at once. First, it did not, and does not, maintain that ‘the Church’ was the sole, or even the principal agent of persecution; second, it does not pretend to offer a complete or balanced account of medieval society and culture; and third, it does not assume, or suggest, that persecution was somehow more characteristic of the middle ages than it has been of subsequent periods of European history. These misapprehensions are dealt with in more detail at the appropriate points below; meanwhile new readers may be interested to notice how far they have arisen from what I actually wrote. The last point,
however, may require some immediate explanation. I contended in the 1987 Preface that at some time around 1100 ‘western Europe became a persecuting society,’ and that it had remained one, mentioning the scale of persecution described in the records of ‘the witch hunts of the sixteenth and seventeenth centuries, the totalitarian regimes of the twentieth century, and numberless others’ to illustrate the point – bearing in mind, of course, that for recent centuries the term ‘Europe’ must be expanded to include societies in other parts of the world which derived their modern history and institutions largely from European colonisation, and latterly from industrialisation. I remarked that in this respect the Enlightenment assumption of ‘progress,’ that persecution is a feature of barbarous societies which civilization leaves behind, could not have survived far into the twentieth century. Nevertheless, a new reader today may detect a certain complacency underlying those comments of 1987. Although much of the world was still in thrall to persecuting regimes, in the decades since the end of World War II the advanced nations, led and inspired by the wealthiest and mightiest among them, had firmly espoused human rights and the rule of law. Arbitrary arrest, imprisonment without charge or trial, torture, invasion of privacy by the state, might still be widely practised, but they were unhesitatingly and unequivocally rejected, both on moral and on prudential grounds, wherever the future seemed to lie. It was possible to write – I, at any rate, was not wise enough not to write – as though their eventual disappearance was assured, at least in the more developed parts of the world.

The Formation of a Persecuting Society was still in proof when Angeliki Laiou, at Harvard, stimulated what has been the most fruitful and widest ranging of my reconsiderations, the comparison between Latin Europe and other complex civilizations, by pointing out that I was mistaken in asserting that religious persecution was ‘familiar in Byzantium throughout its history.’ Since then this book has brought me numerous invitations to give lectures and papers, attend seminars and conferences, address meetings and visit campuses. I have been the beneficiary of the most generous hospitality, and the most stimulating and enjoyable company. I have been granted the enormous pleasure and privilege of getting to know many of the brightest and liveliest of a younger generation of scholars. To everybody who has arranged these occasions, and participated in them, my gratitude is beyond measure. Many of them have become friends
whose continuing influence is reflected in everything I write. I cannot list them all here, but they know who they are, and I know where they live. In preparing this new version of *Formation* however, I have incurred some specific debts. Scott Ashley’s advice greatly influenced the form it has taken. Carole Rawcliffe gave invaluable advice on leprosy, and allowed me to see a substantial part of her major forthcoming book. Mark Greengrass, Ralph Hexter and Mark Pegg responded promptly and generously to pleas for advice and assistance. Tessa Harvey has been a constant support, and she and Angela Cohen have worked heroically to prevent my dilatoriness from delaying publication. A. E. Redgate, as always, has laboured to make me withhold hostages from fortune and say what I mean. All the errors and infelicities are my own.

R. I. Moore

*Newcastle upon Tyne, June 2006*
PREFACE TO THE FIRST EDITION

For me this book is a record of new friendships made and old ones refreshed as successive versions of its argument were read at Gregynog, Swansea, Edinburgh (where the honour of appearing as an Antiquary lecturer brought an additional and piquant stimulus), Oxford, Leeds and Birmingham. I owe an enormous debt of pleasure and gratitude to the gentle efficiency and boundless hospitality of those who organized these meetings and the acute and generous criticism of those who came to them.

Since the argument is now presented in a form intended to be accessible to those who are not already familiar with the period of European history in which it originates a few words of caution are in order, not to disarm criticism but to invite it. It will be obvious that the discussion which follows is not founded on an original investigation of most of the subjects upon which it touches, or even on a comprehensive review of scholarship. The variety of the subject matter would have made either task not only prolonged but repetitive, since the hypothesis presented is so general that most of its parts are already familiar. Such novelty as it may possess lies not in the parts but in the connections proposed between them; the interests of accuracy and efficiency alike, therefore, suggest that the connections should be exposed to scrutiny in the clearest and briefest form possible. For the same reason this book neither pretends nor attempts to offer in any sense a complete or even a fair account of the nature and achievements of European society and institutions in one of the most vigorous and creative periods of their history. There are many
such accounts, some of the best of them in the works of the historians whose comments on persecution I have singled out for dispute; my aim is to qualify, not to supersede, their characterizations of the period as a whole.

The wider obligations accumulated in the course of devising and exploring a thesis as general as this one are too numerous to record, but at least I can thank Michael Bentley, Richard Hodges, Simone C. Macdougall (Simone C. Mesmin) and Constant Mews for their help and advice, and Robert Bartlett for his generosity in making not only the conclusions but the text of his *Trial by Fire and Water* available to me before its publication. If my debt to the learning and friendship of Bernard Hamilton is but churlishly repaid in the use I have made of his writings here the fault lies in part with the clarity and cogency which make them representative of some of the best traditions of medieval scholarship. None of these, of course, is responsible for my errors and opinions, any more than are the scholars whose work and influence are acknowledged in the text: I am very conscious that among them some of those to whom I owe most will care least for the use to which I have put their work.

R. I. Moore
December 1986
INTRODUCTION

It is very odd that these three crimes, witchcraft, heresy and that against nature, of which the first might easily be proved not to exist; the second to be susceptible of an infinite number of distinctions, interpretations and limitations; the third to be often obscure and uncertain – it is very odd, I say, that these three crimes should amongst us be punished with fire. (Montesquieu, De l’esprit des lois, xxi. 6)

Some years ago I asked in an examination paper for school-leavers, ‘Why were heretics persecuted in the thirteenth century?’ The question was very popular and the answer, with great confidence and near unanimity, ‘because there were so many of them’. The existence of people whose religious convictions differed from those approved by the church was in itself the cause of persecution. The diffusion of their teachings and the appearance of their organization in the Rhineland, the Low Countries, the Languedoc and the cities of Lombardy and Tuscany during the eleventh and twelfth centuries was a sufficient explanation of the formulation of laws to prohibit the expression of their beliefs, and the creation of institutions to identify them and secure their retraction on pain of the loss of liberty, of property and, in the last resort, of life. I have no doubt that if I had asked the reasons for the rapidly increasing severity of action to segregate lepers at this time I should have received precisely the same answer – ‘because there were so many of them’ – or that the persecution of Jews which was also being greatly intensified would have been accounted for by the increase not of their numbers but of their wealth and economic influence.

As is often the case when their answers in examinations seem unusually absurd or simplistic, the candidates were reflecting, with a frankness which years of scholarly discipline has generally overcome in their betters, an assumption that was, and is, very widely held among those who taught their teachers and wrote their text
books. That it was in some way natural or appropriate, or at any rate inevitable, that the medieval church should seek to suppress religious dissent by force, has come to be accepted as a matter of course. Thus, in a work which long held the field as the most authoritative introductory survey of its period in English, Z. N. Brooke wrote of the legislation enacted by the Third Lateran Council in 1179: ‘Finally, a strong decree against the Cathari, Patarines and other heretics shows how much the growth of heresy, especially in the South of France, was *at last* beginning to disturb the rulers of the church’ (my emphasis).¹

Those two words – ‘at last’ – distance their author quite distinctly from the clear assumption which the great liberal historians of the nineteenth and early twentieth centuries – men like Lea, Bury and Coulton – had inherited from the enlightenment, that persecution was one of the leading characteristics of medieval society, perhaps the outstanding symptom of its superstition and barbarousness. Many of their preconceptions, of course, were derived from the hatred of the Roman Catholic Church and its institutions, and the mythology about them, which grew out of the Reformation and its aftermath. In the nineteenth century such emotions were refuelled by the revolution and the long and bitter struggles between legitimacy and liberty, church and state, in which the writing and teaching of history itself, in its apprentice days, were deeply involved. It is, no doubt, very largely the consciousness of the sectarian and ideological passions underlying the clear and vigorous comments of their predecessors on the subject of religious persecution which has led more recent historians to make less of it. Those passions, inevitably, had their counterpart in a Catholic reaction in historical writing, at best mildly apologetic, at worst openly propagandist, which has occasionally achieved academic reputation and more often (through the likes of Chesterton and Belloc) popular notoriety. But what has led most medievalists to express themselves more cautiously on persecution is not any inclination to condone it but the honourable and proper struggle to which serious historians of all religious persuasions and none are condemned, to achieve a sympathetic comprehension of a distant civilization and its institutions. They have sedulously striven, with Spinoza, not to ridicule men’s actions, or bewail them, or despise them, but to understand.

¹ *Europe 911–1198*, p. 457.
Yet if sympathy is a necessary condition of understanding, it is not a sufficient one. In recent generations the attempt to come to terms with the persecuting mentality by associating it with the religious convictions which, it is universally acknowledged, characterized and inspired the noblest minds and the highest achievements of medieval civilization, has stifled curiosity and, it will be argued here, prevented us from giving due consideration to some of the profoundest changes in the history of Western society. Sir Richard Southern, for example, probably the finest English medievalist of his generation, comes as near to accounting for persecution in this passage as anywhere in his work. Once more, the emphases are mine:

those who bore authority in the church were agents with very limited powers of initiative. They were not free agents. Doubtless they were responsible for some terrible acts of violence and cruelty, among which the Albigensian crusade holds a particular horror. But on the whole the holders of ecclesiastical authority were less prone to violence, even against unbelievers, than the people whom they ruled.²

From there it is a short and logical step to the argument of Bernard Hamilton’s recent and excellent appraisal of the medieval inquisition, that it ‘substituted the rule of law for mob violence in the persecution of heresy’.³

These two judgements epitomize the view against which the argument of this book is directed. The reason for taking issue with them is not a moral or political one. We do not follow Lord Acton – the limits of whose liberalism are sharply exposed in this context by his justification of the persecution of the Cathars as ‘not against error or non-conformity simply, but against criminal error erected into a system’⁴ – in thinking it our business to hold up the sins of our ancestors to the reprobation of their more enlightened descendants. The objection is that the judgements rest on unexpressed and fundamental assumptions about the nature of European society which are historically unfounded, and therefore foster a mistaken understanding of the nature of persecution itself. In particular, Southern’s words imply what Hamilton says explicitly, that ‘the attitude of the clergy

² Western Society and the Church, p. 19.
³ The Medieval Inquisition, p. 57.
was shaped by the society in which they lived, which regarded the persecution of heretics as normal'. This is to suppose, first that holders of ecclesiastical – and presumably secular – authority merely reflected sentiment in the society around them, and did not form or direct it, and secondly, that violence and persecution – which are, in any case, by no means the same thing – were simply endemic in the medieval world, a ‘norm’ which historians must take for granted.

The first of these propositions, relating as it does to the relationship between authority and society, and raising the question whether religious unity was in fact necessary – as is often asserted – to the cohesiveness of medieval society, is an extremely complex one, and will be addressed in the third and fourth chapters. The second is almost self-evidently false. Religious persecution had, of course, been familiar in the Roman Empire, and remained so in the Byzantine world throughout its history. But in the West, far from being ‘normal’ in medieval society, it faded away with the Roman Empire, and did not reappear until the eleventh century; even then, as the first chapter will remind us in detail, it became regular and established only gradually during the next hundred years or so. Of course it might be argued, and is almost universally assumed, that this is because there were no heretics in the medieval West before that time, and that if there had been they would have been persecuted. As we shall see in chapter 2, neither of those propositions is so obvious, or so simple, as it sounds. But even if they were true it would remain the case that the eleventh and twelfth centuries saw what has turned out to be a permanent change in Western society. Persecution became habitual. That is to say not simply that individuals were subject to violence, but that deliberate and socially sanctioned violence began to be directed, through established governmental, judicial and social institutions, against groups of people defined by general characteristics such as race, religion or way of life; and that membership of such groups in itself came to be regarded as justifying these attacks.

The victims of persecution were not only heretics, but lepers, Jews, sodomites, and various other groups whose number was added to from time to time in later centuries. There is no need to list them here. Historians have been assiduous in chronicling and analysing the appalling records of the inquisition of the later middle ages, the

5 *The Medieval Inquisition*, p. 33.
witch hunters of the sixteenth and seventeenth centuries, the totalitarian regimes of the twentieth, and numberless others. But though tremendous labour, often of immense distinction, has been devoted to particular persecutions, relatively little attention has been paid to persecution as such, as a general phenomenon, and none at all, as far as I know, to its origin in these centuries. One of the reasons, no doubt, is that for so many of its greatest historians, who grew up before the First World War and died before the Second, liberty and progress went hand in hand. If societies progress away from persecution its approach does not require explanation: persecution is a feature of barbarous societies which civilization leaves behind. That confidence could hardly survive far into the twentieth century. But its replacement by the correspondingly pessimistic conviction that persecution is a normal component of the human condition is the result of the same historical error, the familiar one of failing to identify change by taking too short a view. Whether we choose to see the epoch since 1100 as one of progress or decline, to step back a little further is to see that around that time Europe became a persecuting society. Even if had not remained one, the reasons for such a change would be worth exploring.
CHAPTER 1

PERSECUTION

The Community of the Faithful

All the faithful of both sexes shall after they have reached the age of discretion faithfully confess all their sins at least once a year to their own priest, and perform to the best of their ability the penance imposed, receiving reverently, at least at Easter, the sacrament of the Eucharist, unless perchance at the advice of their own priest they may for a good reason abstain for a time from its reception; otherwise they shall be cut off from the Church during life, and deprived of Christian burial in death.\(^1\)

In this famous decree the prelates assembled at the Fourth Lateran Council in November 1215 promulgated a working definition (after baptism) of the Christian community, and stated the essential conditions of membership for all Western Europeans for the next three centuries. It took its place, inconspicuously enough, among a comprehensive battery of canons designed to reorganize and reinvigorate the clergy, whose teaching and discipline were traditionally a preoccupation of councils like this, and to lay down a complete pattern of faith and worship in what has been described as ‘the first attempt by a council inspired by the papacy to legislate for the Christian life as lived by layfolk’.\(^2\) Although, as with all medieval legislation, there

---

\(^1\) Peters, *Heresy and Authority*, p. 177. For the full text see Mansi, 22, cols 979–1058.

was an immeasurable chasm between enactment and implementation, the Lateran decrees provided a programme whose infinitely slow, piecemeal and haphazard influence gradually reshaped the institutional and spiritual framework of European society.

Among the reasons for undertaking this work, one of the most pressing was the defence of the Catholic faith against its perceived enemies. The last three canons required Jews to distinguish themselves from Christians in their dress, and prohibited them from holding public office, and those who converted to Christianity from continuing to observe any of their former rituals, to prevent them from avoiding the penalties of infidelity by means of false conversion.

Even more strikingly – and in this a departure from tradition – the Lateran decrees opened with a declaration of faith. It was clearly and precisely formulated in a manner calculated to repudiate the tenets of the Cathar heresy which in the last two generations had been establishing itself rapidly, particularly in the Languedoc, Provence and Lombardy. This creed was followed by the third and longest canon, which anathematized ‘every heresy that raises itself against the holy, orthodox and Catholic faith’, and prescribed detailed measures to extirpate them. Heretics were to be excommunicated and handed over to the secular power for punishment, and their property confiscated. Those suspected of heresy were also to be excommunicated, and given a year in which to clear themselves. If they failed, the same punishment would follow. Holders of secular office ‘ought publicly to take an oath that they will strive in good faith and to the best of their ability to exterminate in the territories subject to their jurisdiction all heretics pointed out by the Church’; if any should neglect to do so his men would be free to withdraw their allegiance and the Pope to bestow the territory in question on good Catholics ‘who on the extermination of the heretics may possess it without hindrance and preserve it in the purity of the faith.’ Catholics undertaking military action in this cause would have the same indulgences and privileges as crusaders.

The stigma of heresy was extended to those who sheltered or defended its adherents, and to magistrates who failed to act against them. If they had not cleared themselves after a year they were to be deprived of office and of the power of voting, giving evidence or suing in court, making a will or receiving an inheritance, and would be boycotted in their business or profession. Any who continued to
associate with them would expose themselves to excommunication in turn, and clerics were forbidden on pain of deprivation to ‘give the sacraments of the church to such pestilential people . . . to give them Christian burial, or to receive their alms and offerings’.

To enforce these regulations

every archbishop or bishop should . . . twice or at least once a year make the rounds of his diocese in which report has it that heretics dwell, and there compel three or more men of good character or if it should be deemed advisable the entire neighbourhood, to swear that if anyone know of the presence there of heretics or others holding secret assemblies, or differing from the common way of the faithful in law and morals they will make them known to the bishop.

Any lack of zeal on the bishop’s part would render him liable to deposition, ‘and let another who can and will confound heretical depravity be substituted’.

It is important not to exaggerate the novelty, the effectiveness, or the ecclesiastical character of these measures. The Lateran canon was closely modelled on the bull *ad abolendam* issued at Verona in 1184 by Pope Lucius III jointly with the Emperor Frederick Barbarossa. This was the first truly European-wide measure against heretics, but it was derived from a variety of precedents and procedures of the previous century or so, including the first secular legislation against heresy, chapter 21 of the Assize of Clarendon (1166) in which Henry II had forbidden help or succour of any kind to be given to those whom he had recently condemned as heretics at Oxford. When in 1194 Alphonso II of Aragon ordered convicted heretics to be expelled from his kingdom, and in 1197 his successor Pedro II decreed that they should be burned, they were the latest to display a tradition of ferocity on the part of secular rulers towards those accused of heresy. This tradition went back to the burnings at Orléans in 1022 under the auspices of Robert I of France and at Milan in 1028 on the insistence of the magnates of the city, and to the hangings ordered at Goslar in 1052 by the Emperor Henry III, although it had been frequently and courageously resisted by churchmen. It was reinforced by Innocent III’s decree *vergentis in senium* (1199) which declared heretics liable to the same procedures and penalties that Roman law

---

laid down for treason, and opened the way for the launching of the Albigensian crusade against the County of Toulouse in 1208 and the incorporation into secular law of increasingly severe and wide-ranging measures against heretics. In 1226 Louis VIII barred heretics from public office and declared their lands confiscated. During the same decade Frederick II’s *Liber Augustalis* laid down draconian measures for the Empire, and in 1233 Jaime I of Aragon gave the provisions of Lateran IV the force of law in his kingdom.

The importance of these provisions lay not only in the formidable array of legal sanctions which they provided against heresy, but in the legitimacy which they gave to action against it. By the beginning of the thirteenth century it had become plain that legislation which relied on the bishops for its implementation would never be effective, however fiercely expressed: where they had the will they often lacked the means and the support to identify, convict and punish members of their communities. The Albigensian crusade itself was the largest and bloodiest illustration both of local reluctance to pursue heresy with the vigour which the Church required and of the opportunity which was provided to outsiders in consequence. At a more ordinary level, Blanche of Castile gave orders in 1229 for an inquisition in the kingdom of France, to be conducted by royal officials, and Raymond VII of Toulouse was compelled to follow suit in 1233. In the same year Gregory IX bypassed episcopal authority by instructing Dominican friars to act as inquisitors in the Languedoc under the direct authority of a papal legate. He had already ordered Conrad of Marburg to hunt German heretics on similar terms, and was about to do the same for the French kingdom through the person of Robert le Bougre.

While both of these officials exercised their licence with legendary ferocity, it was in Toulouse that the papal inquisition took on its regular, formal and enduring institutional form. As its activities spread through Western Europe they also became wider in scope. The first example was the stroke of singular irony by which at the instance of conservative Jews the inquisition ordered the burning of the works of the great speculative philosopher Moses Maimonides at Paris and Montpellier in 1234. The implications of that act became obvious enough at Paris in 1240 when the Talmud itself was solemnly tried in public debate, convicted and burned. By this time the laws against heretics were being held to apply to lapsed converts from

---

4 Poliakov, *History of Anti-Semitism* 1, pp. 68–70.
persecution

Judaism, and by 1271 the inquisition had added to its duties that of searching for such people and bringing them to judgement.

We need not enter here into the debates on the brutality or otherwise of the inquisition, and on the extent to which the decline of Catharism in the thirteenth century was the result of repression rather than of the waning of its own spiritual vitality. What is essential to the present argument is that Lateran IV laid down a machinery of persecution for Western Christendom, and especially a range of sanctions against those convicted, which was to prove adaptable to a much wider variety of victims than the heretics for whom it was designed. Jews had been the objects of increasing brutality during the previous two or three decades. They had been expelled from the kingdom of France by Philip II in 1182 after a series of forced loans and confiscations. They were permitted to return in 1198, but only to be the subject of a series of treaties between the king and his princes designed to maximize the exploitation of the Jews and their dependence on the arbitrary and fitful protection of their lords. In England, where the massacre of the entire Jewish community of York in 1190 – perhaps one hundred and fifty souls – was the worst single atrocity committed against them in this period, the crown was equally ruthless in exploiting its rights over Jews, whose position was now deteriorating rapidly everywhere in Europe except where the creation of new communities and enterprises required capital and skills which only they could provide.

Jews had not enjoyed the legal rights to hold land or transmit property by inheritance, or the use or protection of the public courts, in many parts of Western Europe, and to that extent their position was already similar to that which Lateran IV laid down for heretics. But the prescription of identifying clothing (a device which the inquisition later applied to the punishment of heresy, and found to be greatly feared) and the prohibition of Jews from public office served to underline their disabilities, and to confirm their place with heretics in the category of those who were subject to repression. At the same time, precisely the same conditions were being laid down with increasing stridency and stringency for another group of outcasts, not mentioned by Lateran IV largely because the job had been done already by its predecessor, the Third Lateran Council of 1179. Lepers were to be segregated from the rest of the community by expulsion or confinement and deprived of legal rights and protection, and of their property and its disposition – logically enough, since confirmation of the diag-