Please Don't Wish Me a Merry Christmas

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Chapter 3

The Christian Middle Ages

The Early Middle Ages

Pope Gelasius I, pontiff from 492 to 496, drew upon Augustine to articulate a theory of church-empire (or, more loosely, church-state) relations that was ambiguous enough to be used both by popes and by emperors for at least six centuries. In particular, Gelasius wrote the following letter to the emperor:

There are indeed, most august Emperor, two powers by which this world is chiefly ruled: the sacred authority of the Popes and the royal power. Of these the priestly power is much more important, because it has to render account for the kings of men themselves at the Divine tribunal. For you know, our very clement son, that although you have the chief place in dignity over the human race, yet you must submit yourself faithfully to those who have charge of Divine things, and look to them for the means of your salvation. [But] in matters pertaining to the administration of public discipline, the bishops of the Church [know] that the Empire has been conferred on you by Divine instrumentality. ...  

Thus, Gelasius contributed to the development of the doctrine of separation of church and state by clearly delineating two distinct powers—the sacred and the royal. Each power governed within its respective sphere of action: the sacred power of the Church ruled over the spirituality of the universal body of Christianity, while the royal power of the emperor ruled over the lay affairs of the kingdom. Ecclesiastics should obey the emperor’s laws related to material and temporal matters, and the emperor should obey the Church’s decisions regarding religious issues such as the sacraments.
Subsequent emperors anxiously seized upon Gelasius’s acknowledgment of a rightful sphere of royal or lay power together with his assertion that the emperor’s power was conferred “by Divine instrumentality.”³ From the royal standpoint, Gelasius here supplied support for, if not Caesaropapism, at least a balanced dualism—power divided equally.⁴ To Gelasius, however, the derivation of the emperor’s power from God signified that the emperor was within the universal body of the Roman Catholic Church, not that the emperor shared power equally with the pope. Within the rigid hierarchy of the Christian universal body, only ecclesiastics were qualified to teach and decree about divine and religious matters, and only the pope stood supreme.⁵

Gelasius was, of course, thoroughly familiar with and followed the New Testament condemnation of Judaism, as demonstrated by his occasionally vituperative antisemitic statements.⁶ According to the Christian antisemitic dogma revering the spiritual and reviling the carnal, the significance of the emperor’s royal power in the temporal and material world naturally paled in comparison to the pope’s power over eternal salvation in Heaven. Hence, Gelasius followed New Testament doctrine when he insisted that the Church’s power was “much more important”⁷ than the emperor’s power. In sum, Gelasius articulated an unbalanced dualism in which the pope and the emperor shared power, but the pope exercised more (or more important) power than the emperor.⁸

In the next century, Emperor Justinian I largely accepted Gelasius’s political theory—except for the hierocratic conclusion. In a decree issued in 535, Justinian wrote:

The greatest gifts given by God to men from his heavenly clemency are priesthood and empire (sacerdotium et imperium). The former serves divine things, the latter rules human affairs and has care of them. Both proceed from one and the same source and provide for human life. Therefore nothing shall so preoccupy emperors as the moral wellbeing of priests, since priests pray constantly to God for the emperors themselves.⁹

Thus, Justinian endorsed the Christian dogma that all humans are within the single and universal body of Christ, and he condoned Gelasius’s proposition that both the pope and the emperor derive their power from God—all of society, then, supposedly belongs to a natural and hierarchical body (or organism). But Justinian turned Gelasius’s hierarchical ordering upside down: according to Justinian, the emperor, not the pope, is supreme.¹⁰ The emperor—literally considered as “divinity on earth”¹¹—condescends to ensure the suitability of the clergy because they act on his behalf by praying to God. The remainder of this decree underscored the scope of Justinian’s
asserted power over Church affairs: it continued by discussing the ordination of clergy and the upkeep of churches.12

While Justinian often is cited for his strong expression of Caesaropapism, his famous Code, "one of the most formative agencies of Europe,"13 did not overlook the Jews. Indeed, as the emperor and professed leader of all Christianity, Justinian codified antisemitism. In the words of Rosemary Ruether, the Code held that Jews were "to present to Christian society the living proof of the social results of divine reprobation, both to testify to the truth of Christianity, and ultimately to convince the Jews themselves of this truth."14 Thus, for example, the Code prohibited Jews from testifying in court against Christians.15

Gregory I, the pope from 590 to 604, looms as one of the most significant medieval figures in the development of the Church and in the treatment of the Jews. Gregory (or Gregory the Great) entertained hierocratic notions, but as an astute political realist, he realized that the emperor’s strength in Constantinople and the Eastern Empire was insurmountable. Therefore, Gregory sought to expand the Church’s power to the West by, for example, sending missions to England and Gaul.16 In the East, Gregory deferred to the Caesaropapist view of the emperor, while in the West, he propagated the hierocratic notion that royal power ultimately served the Church. Gregory addressed the emperor as the “Lord Emperor” yet called the Western kings his “dearest sons.”17 Gregory’s strategy proved successful: he dramatically increased the influence of the papacy and thus enabled the Church to emerge as a leading governmental institution of the Middle Ages.18

Meanwhile, with regard to Judaism, Gregory followed New Testament dogma, and his views became the basis for the medieval “Constitution for the Jews,” which guided papal treatment of Jews throughout the Middle Ages.19 To Gregory, Judaism “would ‘pollute’ Christian faith and ‘deceive with sacrilegious seduction’ simple Christian peasants.”20 Jews existed to be converted to Christianity even though they currently were unwilling or unable to see the truth of Jesus as Christ.21 Nonetheless, Gregory insisted that Jews be allowed to practice their own religion and not be directly forced to convert: “Just as license ought not to be presumed for the Jews to do anything in their synagogues beyond what is permitted by law, so in those points conceded to them, they ought to suffer nothing prejudicial.”22

Despite this seeming toleration, in reality Gregory condoned resorting to any means necessary, short of physically coercing baptism, in order to induce Jewish conversion. For example, Gregory approved of bribing Jews to convert and forcing them to attend conversion sermons.23 Moreover, Gregory explicitly attributed his limited toleration of Jews to respect for
Christian, not Judaic, tenets. He wrote that forced baptism had "no profitable effect" because true Christian faith cannot be directly coerced. Gregory continued:

For, when any one is brought to the font of baptism, not by the sweetness of preaching but by compulsion, he returns to his former superstition, and dies the worse from having been born again.

Let, therefore, your Fraternity [of Christians] stir up such men by frequent preaching, to the end that through the sweetness of their teacher they may desire the more to change their old life. For so our purpose is rightly accomplished, and the mind of the convert returns not again to his former vomit.

Within Christianity, the contrast between the Western hierocratic and the Eastern Caesaropapist tendencies contributed to an eventual schism between the Roman Catholic and Eastern Orthodox churches in 1054. Ultimately, though, a theological dispute culminated in this schism between East and West. The papacy had amended the Nicene Creed (which itself was a modification of the original Nicean Creed) by adding the filioque clause, which proclaimed that the Holy Spirit "proceeds not only 'from the Father' but also 'from the Son' (filioque)." The addition of the filioque offended the Eastern Church for two reasons. First, the papacy had instituted the change unilaterally. Second, the clause transformed the conception of the Holy Trinity. The papacy's commitment to the filioque underscored the increasing "Western emphasis on incarnation as the central reality of the universe." Whereas Eastern Christianity inclined to the mystical—suggesting that Jesus restores humanity to its full communion with God—Western Christianity inclined to the juridical—suggesting that Jesus triumphed over original sin and atone for human guilt. The focus of Western Christianity on God incarnate, then, legitimated and perhaps motivated the Church's efforts to seek greater temporal power in order to promote the Augustinian City of God on earth.

The schism between East and West and the Western emphasis on the incarnation and temporal power precipitated the Investiture Struggle, which strained Western Christianity for close to seventy-five years. During the ninth and tenth centuries, feudal authorities (lay lords) had begun appointing clerics to their positions and conferring the symbols of their religious or spiritual dignity (a ring and a staff). Such a lay investiture of ecclesiastical office often included the grant of a large fief but required that the cleric, in return, pay homage and swear fealty to the lay lord. As Ernest Henderson writes: "A bishop at that time was not only a dignitary of the church, but also a prince of the realm, whose duty it was
to send his contingents to the king's army, and to act as councillor at his court."34

The Investiture Struggle emerged because of a sustained papal challenge to this system of lay investiture. As popes and emperors vied for political dominance, the papacy sought in particular to increase the power of the Church primarily by freeing it from imperial and lay control.35 The most dramatic and climactic events of the Struggle arose during a confrontation between Pope Gregory VII (pontiff from 1073 to 1085) and King Henry IV of Germany (the Holy Roman Emperor).36 Gregory envisioned and attempted to implement the principles of an extreme hierocracy.37 In developing his hierocratic themes, Gregory clearly drew upon the Christian ideology of dogmatic antisemitism, expressly condemning Jews pursuant to Christian doctrine. For example, he claimed that Jews worship Satan and therefore should be banned from holding public offices:

We are compelled out of duty to warn Your Affection, that you ought not permit Jews in your land to be lords over Christians, or to wield any power over them any longer. For what is it to set Christians beneath Jews, and to make the former subject to the judgment of the latter, except to oppress the Church and to exalt the Synagogue of Satan, and, while you desire to please the enemies of Christ, to contemn Christ himself?38

Then, to facilitate his justification of a hierocracy, Gregory degraded kings and princes by symbolically placing them in the position of the Jews. For example, Gregory wrote:

Who does not know that kings and princes are sprung from those who unmindful of God, urged on, in fact, by the devil, the prince of the world, and by pride, plunder, treachery, murders and by almost every crime, have striven with blind cupidity and intolerable presumption to dominate over their equals, that is to say, over men? [Therefore who] can doubt that the priests and Christ are to be accounted fathers and judges of kings and princes and all the faithful?39

Gregory thus returned to the fundamental dualism opposing Christian spirituality and Jewish carnality. Royalty springs from the temporal and material world of Jewish carnality and hence deserves condemnation. Kings and princes must bow before the Christian spirituality of the Church.

Supported by this ideological foundation, Gregory resolutely insisted that the papacy controlled royal authorities. Early in his reign, Gregory summarized his hierocratic principles as follows:
Following these principles, Gregory initiated his conflict with King Henry IV by prohibiting lay investiture in February 1075. Gregory decreed:

Inasmuch as we have learned that, contrary to the establishments of the holy fathers, the investiture with churches is, in many places, performed by lay persons; and that from this cause many disturbances arise in the church by which the Christian religion is trodden under foot; we decree that no one of the clergy shall receive the investiture with a bishopric or abbey or church from the hand of an emperor or king or of any lay person, male or female. But if he shall presume to do so he shall clearly know that such investiture is bereft of apostolic authority, and that he himself shall lie under excommunication until fitting satisfaction shall have been rendered.

Because lay-invested clerics provided substantial support to the empire, Gregory’s actions sharply threatened Henry’s power. Unsurprisingly, then, Henry initially disregarded Gregory’s directives. When Henry appointed an archbishop to the see in Milan, Gregory responded contentiously in a letter dated December 1075, which insisted that Henry “look more respectfully upon the master of the church—that is, St. Peter, the chief of the apostles [and hence also the pope, as St. Peter’s successor].” Almost immediately, Henry retorted by summoning a council that included most of the German bishops. The bishops accused Gregory of committing
perjury and fornication and of usurping the papacy; they concluded by denying Gregory’s authority as pope.44

Gregory swiftly and boldly moved to crush Henry politically. In perhaps the most famous of medieval papal decrees, Gregory excommunicated Henry and claimed to deprive him of all royal authority:

I believe that it is and has been thy [God’s] will, that the Christian people especially committed to thee should render obedience to me thy especially constituted representative. To me is given by thy grace the power of binding and loosing in Heaven and upon earth.

Wherefore, relying upon this commission, and for the honor and defense of thy Church ... I deprive King Henry ... who has rebelled against thy Church with unheard-of audacity, of the government over the whole kingdom of Germany and Italy, and I release all Christian men from the allegiance which they have sworn or may swear to him, and I forbid anyone to serve him as king.

And since he has refused to obey as a Christian should ... I bind him in the bonds of anathema in thy stead and I bind him thus as commissioned by thee....45

Henry, remaining steadfast, responded in kind. By letter, Henry addressed Gregory as “not pope but false monk”46 and called for him to relinquish the papacy: “Descend, descend, to be damned throughout the ages.”47 Despite this adamant initial response, Henry soon realized that he lacked the political support in Germany to withstand the papal excommunication. A coalition of nobles and bishops (some of whom had previously condemned Gregory) issued Henry an ultimatum: he must either be released from excommunication within a year or be deposed from his throne. Faced with likely downfall, Henry humiliatedly submitted to Gregory. For three consecutive days during the winter of 1077, Henry stood outside in the snow of a castle courtyard, barefooted in penitence and supplicated for absolution, while Gregory waited and contemplated inside.48

In the end, Gregory released Henry from his excommunication, an absolution that, however reasonable, proved politically ruinous for Gregory. Many of Henry’s former supporters rallied to his support, and many of those who continued to oppose Henry nonetheless felt betrayed by Gregory. Henry’s adversaries soon elected a rival king and thus thrust Germany into civil war. After three years of indecision, Gregory finally decided to support the rival king, and therefore once again excommunicated and deposed Henry. This second excommunication and deposition, however, proved politically ineffective. When Henry won the civil war, he resolved to destroy Gregory, who eventually died in exile in 1085.49
Despite Henry's personal victory over Gregory, the Investiture Struggle effectively ended in political compromise: "royal theocracy had been defeated without papal theocracy becoming established." This compromise, though, proved sufficient to facilitate a dramatic increase in papal power. The Church gained practical independence from royal authority, and the hierocratic theory holding spiritual power above temporal power was largely accepted. Thus emancipated and empowered, the Church exercised unparalleled control over spiritual affairs, and as the boundary between spiritual and temporal affairs often and inevitably blurred, the Church increased its temporal power as well. Indeed, the development of the Church "as an independent, corporate, political and legal entity, under the papacy" suggests that it might be considered the first "modern Western state."

The Church used its newfound power to relentlessly pursue the City of God on earth. And significantly for subsequent legal development, the Church viewed law as one of the most potent tools for building Western Christendom. The laity were subject to the hierarchical power of the Church, which extended its juridical reach over matters such as matrimony, wills, slander, fornication, and neglect of Church festivals. The already extensive yet disordered canon law was compiled and organized in the mid-twelfth century by Gratian (in his Decretum) and then in the thirteenth century by Raymond of Penaforte (first in his Summa de Poenitentia et Matrimonio and then in his papally commissioned Decretales). In fact, the Church pioneered the concept of a legal system: "a distinct, integrated body of law, consciously systematized" by trained professionals. Harold Berman elaborates:

[T]he church took on most of the distinctive characteristics of the modern state. It claimed to be an independent, hierarchical, public authority. Its head, the pope, had the right to legislate, and in fact Pope Gregory's successors issued a steady stream of new laws, sometimes by their own authority, sometimes with the aid of church councils summoned by them. The church also executed its laws through an administrative hierarchy, through which the pope ruled as a modern sovereign rules through his or her representatives. Further, the church interpreted its laws, and applied them, through a judicial hierarchy culminating in the papal curia in Rome. Thus the church exercised the legislative, administrative, and judicial powers of a modern state. In addition, it adhered to a rational system of jurisprudence, the canon law. It imposed taxes on its subjects in the form of tithes and other levies. Through baptismal and death certificates it kept what was in effect a kind of civil register. Baptism conferred a kind of citizenship, which was further maintained by the requirement—formalized in 1215—that every Christian con-
fess his or her sins and take Holy Communion at least once a year at Easter.
One could be deprived of citizenship, in effect, by excommunication.
Occasionally, the church even raised armies.\textsuperscript{59}

Despite the ascent of the Church, royal (and imperial) power remained vibrant: the reality of a roughly balanced dualism of power crystallized after the Investiture Struggle. The premodern idea of the political community remained grounded in the symbolic imagery of the organism, like the body of Christ. Individuals were considered to be mere subjects, not citizens empowered to participate in political affairs. As subjects, individuals fit within a rigidly hierarchical body politic that seemed natural and thus beyond the will or control of the ordinary person (or subject).\textsuperscript{60} Yet, at this point, the shape of the modern secular state began to come into focus as emperors and kings stood at least somewhat distinct from the Church. For instance, secular legal systems emerged, though they were modeled on the preeminent canon law system. In fact, secular law was based on a foundation of Christian spirituality: the assumption was that Christians would ensure that secular law would conform to Christian purposes. All law, then—not just canon law—was "seen as a way of fulfilling the mission of Western Christendom to begin to achieve the kingdom of God on earth."\textsuperscript{61}

The development of constitutional principles was one aspect of these burgeoning legal systems. Within the Church itself, the bureaucratic "division of functions"\textsuperscript{62} required the formation and articulation of some constitution-like limits and checks upon the exercise of power.\textsuperscript{63} Furthermore, because of the roughly balanced dualism of power, the emerging secular states and the Church remained "always jealous of each other's authority."\textsuperscript{64} Thus, individuals typically lived under multiple and competing legal systems, the canon system plus one or more secular systems. The struggle to devise workable boundaries between the various competing systems spawned the formation of constitutional standards.\textsuperscript{65}

In sum, the seeds for the doctrine of separation of church and state were the birth of Christianity and the corresponding condemnation of Judaism. Those seeds were planted in the soil of the Roman establishment of Christianity, took root in the papal–imperial political disputes of the early Middle Ages, and finally sprouted in the Investiture Struggle. As Brian Tierney writes: "[T]he overt issue of church and state that arose during the investiture contest was related to the still more fundamental problem of defining the right relationship between spiritual office and material property."\textsuperscript{66} Equally important, the fundamental Christian dualism opposing
spirituality to materiality (as well as temporality and carnality) arose from the early Christian efforts to differentiate and condemn Judaism. Thus, predictably, Gregory VII relied explicitly upon the Christian ideology of anti-semitism to support his condemnation of the temporal powers of kings and princes. Moreover, just as the early Christians effectively increased their political power by denouncing Jews, the Church of the Investiture Struggle successfully enhanced its power by denigrating the (implicitly Jewish) carnality of the temporal and material world. Even as the inchoate secular state emerged to share power with the ascendant Church, the state inherited the degraded position of Jews within the universal body of Christianity. Thus, most Christians supposedly found spiritual fulfillment in the Church but nonetheless needed protection from the potential dangers and depravities inherent in the temporal and material world—the world of the Jews and the state.

THE LATER MIDDLE AGES

Christian Power and the Persecution of Jews

Perhaps more so than any other political action, a successful declaration of war manifests supreme authority and control. Hence, soon after the Investiture Struggle, the papacy displayed its enormous strength by launching the Crusades, wars to establish the Christian City of God throughout this world. In 1095, a papal proclamation initiated the first Crusade, and the next year, bands of Christian warriors set forth. The professed purpose of the first Crusade was to recapture Jerusalem and the Holy Sepulcher from the Saracens, while the avowed goal of the second Crusade (launched in 1146) was to defend the recently captured Holy Lands against potential Saracen attack. Despite these nominal objectives, however, both of these Crusades—especially the first—rapidly degenerated into a war against all heretics and infidels, particularly Jews.

Throughout the Crusades, the papacy claimed to continue its earlier policy of not forcing Jewish conversion. Nonetheless, as the Crusaders crossed Europe, they slaughtered Jews in one pogrom after another. Often, Crusaders formed ill-disciplined armies, little more than Christian mobs, bent on avenging the death of Jesus. These armies were unconcerned with the niceties of Christian doctrine, such as the notion that true faith cannot be coerced. Thus, the mobs repeatedly forced Jews to choose: “baptism or death.” During the first Crusade, the Christian armies declared:
Look you! We set out on a long road in order to reach the Burial Place, and to revenge ourselves on the Ishmaelites, and behold! here are Jews, dwelling in our midst, men whose fathers killed Him, all guiltless, and crucified Him. Let us, therefore, take our revenge first on them, and extirpate them from among the nations, so that the name of Israel will no longer be mentioned; else they must become the same as we are, and profess our faith.\(^71\)

During this first Crusade, in particular, all of the antisemitism institutionalized within Christianity spewed forth in venomous denunciations and massacres of Jews. One Christian reported that “throughout the cities through which [the Crusaders] were passing, they wiped out completely, as enemies internal to the Church, the execrable Jewish remnants, or forced them to the refuge of baptism—but many of these later reverted, like dogs to their vomit.”\(^72\) During the first six months of 1096 alone, between one-quarter and one-third of the Jews in Germany and northern France were murdered.\(^73\) In tragic desperation, some Jews chose suicide, as illustrated in this Christian report:

At Worms too, the Jews, flying from the persecuting Christians, hastened to the Bishop. Since he promised them rescue only on the condition that they be baptized, they begged a truce for consultation. They entered into the Bishop’s chamber at that same hour, and while our people waited outside for what answer they were going to make, they, persuaded by the devil and by their own callousness, killed themselves!\(^74\)

One of the leading European Jewish communities of that time was located in Mainz, in the Rhineland of Germany. The Mainz Jews felt unusually secure, so that when reports of crusading violence reached them, they nonetheless remained confident of their own safety. Shortly afterward, however, Count Emicho of Leiningen led a crusading army to the town, thus prompting Jewish efforts to initiate negotiations.\(^75\) Albert of Aix, a Christian, described Emicho’s reaction:

Emicho and the rest of his band held a council and, after sunrise, attacked the Jews in the courtyard with arrows and lances. When the bolts and doors had been forced and the Jews had been overcome, they killed seven hundred of them, who in vain resisted the attack and assault of so many thousands. They slaughtered the women also and with the point of their swords pierced young children of whatever age and sex. The Jews, seeing that their Christian enemies were attacking them and their children and were sparing no age, fell upon one another—brothers, children, wives, mothers and sisters—and slaughtered one another. Horrible to say, mothers cut the throats of nursing children with knives and stabbed others, preferring to perish thus by their own hands rather than be killed by the weapons of the [Christians].\(^76\)
Emicho's massacre of the Mainz Jews included the horrifying tragedy of Rachel (of Mainz) and her four children, as recorded in the Hebrew chronicles of the first Crusade:

[Rachel of Mainz] said to her companions: “I have four children. On them as well have no mercy, lest these [Christians] come and seize them alive and they remain in their pseudo-faith. With them as well you must sanctify the Name of the holy God.” One of her companions came and took the knife to slaughter her son. When the mother of the children saw the knife, she shouted loudly and bitterly and smote her face and breast and said: “Where is your steadfast love, O Lord?” Then the woman said to her companions in her bitterness: “Do not slaughter Isaac before his brother Aaron, so that he not see the death of his brother and take flight.” The women took the lad and slaughtered him—he was small and exceedingly comely. The mother spread her sleeve to receive the blood; she received the blood in her sleeves instead of in the [Temple] vessel for blood. The lad Aaron, when he saw that his brother had been slaughtered, cried out: “Mother, do not slaughter me!” He went and hid under a bureau. She still had two daughters, Bella and Matrona, comely and beautiful young women the daughters of R. Judah her husband. The girls took the knife and sharpened it, so that it not be defective. They stretched forth their necks and she sacrificed them to the Lord God of Hosts, who commanded us not to renounce pure awe of him and to remain faithful to him, as it is written: “You must be wholehearted with the Lord your God.” When the saintly one completed sacrificing her three children before the Creator, then she raised her voice and called to her son: “Aaron, Aaron, where are you? I shall not have mercy nor pity on you as well.” She pulled him by the leg from under the bureau where he was hidden and she sacrificed him before the sublime and exalted God. She placed them under her two sleeves, two on each side, near her heart. They convulsed near her, until the enemy seized the chamber and found her sitting and mourning them. They said to her: “Show us the moneys which you have in your sleeves.” When they saw the children and saw that they were slaughtered, they smote her and killed her along with them.77

With the papal declaration of a second Crusade in 1146, Church leaders once again provoked Christian hostility against Jews.78 One telling episode, in particular, revealed the range and depth of Christian antisemitism. The pope appointed St. Bernard, the abbot of Clairvaux, to be the official preacher of the second Crusade. Ralph, one of the monks in Bernard's monastery, promptly began preaching vengeance against Jews for killing Christ: “Avenge the Crucified upon his enemies who live among you. Afterwards you shall journey to battle against the Muslims.”79 Partly due to Ralph, then, the horrors of the first Crusade began to recur as anti-Jewish violence quickly erupted.80 At this point, Bernard stepped forward to rebuke Ralph and to discourage the Crusaders from killing Jews; in fact,
Bernard managed to save many Jewish lives. The reasons for Bernard’s actions, however, are striking. First, since Ralph was from Bernard’s own monastery, Ralph was subject to Bernard’s control within the Church hierarchy. By leaving the monastery to preach, Ralph had violated ecclesiastical protocol and therefore had implicitly challenged and embarrassed Bernard. Second, Bernard opposed killing Jews only so that they could continue suffering in the Diaspora as witnesses to Christian spirituality unless they willingly converted. For Bernard, then, Jews were not protected because of religious toleration or simple human sympathy, but rather because, according to the New Testament, Jews had to play a crucial role in the Christian drama of eternal salvation.

While the Crusades were the most deadly of the papal-initiated persecutions of the Jews, popes continued to oppress Jews in additional ways. In particular, popes relied upon the sophisticated canon law system to enforce the theologically inferior status of Jews. For example, Pope Innocent III, one of the most powerful of all popes, reiterated and codified standard Christian antisemitic dogma. Innocent, who was pontiff from 1198 to 1216, expressly condemned “the carnal Jews” as “demons” who “seek only what sense perceives, who delight in the corporeal senses alone.” The Jew “lies” by denying that Jesus was the Messiah, and hence God “condemned the Synagogue because of her disbelief.” Furthermore, Innocent, continuing previous policy, maintained (at least as an official position) that Jews should not be killed or forced to convert:

Thus the Jews, against whom the blood of Jesus Christ calls out, although they ought not to be killed, lest the people forget the Divine Law, yet as wanderers ought they to remain upon the earth, until their countenance be filled with shame and they seek the name of Jesus Christ, the Lord. That is why blasphemers of the Christian name ought not to be aided by Christian princes to oppress the servants of the Lord [that is, Christians, especially Crusaders], but ought rather to be forced into the servitude of which they made themselves deserving when they raised their sacrilegious hands against Him Who had come to confer true liberty upon them, thus calling down His blood upon themselves and upon their children.

Consequently, Innocent convoked an ecumenical council in 1215 that issued several decrees reinforcing the subjugation of Jews. One decree, for instance, was intended to increase Jewish visibility and hence vulnerability: to alert unsuspecting Christians of a Jewish presence, Jews were required to wear an identifying conical hat or yellow patch. Subsequent papal decrees further contributed to the separation of Jews from the Christian social body.
by forcing them to live in ghettos, yet Jews were also impressed with the universalism of Christianity by being forced to attend conversion sermons.\textsuperscript{88}

The status of Jews in the late Middle Ages reveals how the proper alignment of social forces can channel intense power into forms of cultural oppression. Christianity, at its birth, had articulated (for political expediency) a discourse of condemnation and oppression in the antisemitic doctrine of the New Testament. Then, over the millennium after Constantine, the protection of emperors and kings enabled the established Church to grow as a bureaucratic institution, thus facilitating the spread of Christianity throughout Western society. By the time of the Investiture Struggle, Christianity had become a definitive component of European culture and social organization. Finally, as the Church attained maturity, it was able to emancipate itself from the shelter and control of royal and imperial power. During the late Middle Ages, the Church thus stood at the apex of its power. Christian domination of European culture and social structure allowed the Church to control and to effectively define Jews. One of the decrees of Innocent III exemplifies the totality of Christian power by effectively forcing Jews to observe Christian holidays:

[D]uring the last three days before Easter and especially on Good Friday, [the Jews] shall not go forth in public at all, for the reason that some of them on these very days, as we hear, do not blush to go forth better dressed and are not afraid to mock the Christians who maintain the memory of the most holy Passion by wearing signs of mourning.\textsuperscript{89}

Still more egregiously, though, the papacy attempted to ensure "the purity of Jewish doctrine",\textsuperscript{90} several popes, starting with Gregory IX in 1239, condemned the Jewish Talmud and ordered copies seized and burned because it did not harmonize with the Christian conception of Judaism.\textsuperscript{91} Christians, in other words, not only condemned Judaism but also demanded that Jews "conform to the image Christians had made of them and practice what Christians told them was their religion."\textsuperscript{92} In sum, the systemic social and legal persecutions of Jews confirmed that they were less than human—that is, less than Christian—and this social degradation of Jews bolstered Christian faith by reinforcing the truth of the Christian world view.

\textit{The Emerging Secular State}

A philosophical development significant for the emerging secular state occurred early in the thirteenth century: Aristotle's writings became available to Christian philosophers and theologians.\textsuperscript{93} To some, Aristotle's
pagan philosophy dangerously threatened basic Christian tenets; yet to others, Aristotle offered potentially revolutionary insights. The radical differences between the Aristotelian and Christian concepts of the state epitomized the gulf between the two worlds of thought. In Christian theology, the emerging state was symbolically grounded on the dualism opposing Christian spirituality to Jewish carnality. In its squalid Augustinian status, the state or civil society arose as punishment for original sin, and even in the best Christian light, the state still inherited the degraded position of Judaism within the universal body of Christ.

Aristotle’s concept of the state, however, contrasted dramatically with this bleak Christian view. To Aristotle, the good of the state or political community and the good of the individual are inseparable. The telos or natural end of human life is eudaimonia or happiness, and one achieves happiness by living a life in accordance with virtue. Most important, according to Aristotle, “man is by nature a political animal”; hence, one cannot live virtuously unless one lives and acts prudently and sagaciously within a political community. Aristotle wrote that in “the best regime, [the citizen] is one who is capable of and intentionally chooses being ruled and ruling with a view to the life in accordance with virtue.” Furthermore, the government, regardless of its form or type, should pursue the satisfaction of the common good, not private interests. The political community, in short, enables individuals to be citizens and to live virtuously. Contrary to Christian dogma, participation in a political community is neither punishment nor degradation, but rather the highest good. Walter Ullmann elaborates:

The contrast between the [Christian and Aristotelian] points of view, as far as they related to government, can be expressed thus: the [Christian] governmental system, the descending, derived its substance from a principle, from a norm laid down by an a-natural organ, aiming at unity and uniformity; the [Aristotelian], ascending, started from the multiformity of natural manifestations and took them as the basis of its thesis. The one system related to the other world (life in this world was merely preparatory); the other system related to this world alone which was its goal.

Within this context, St. Thomas Aquinas, who lived from 1225 to 1274, stands as the “great synthesizer.” He struggled to reconcile Christian faith with Aristotelian reason: according to Thomas, for example, humans can use reason to learn certain truths about God, but other truths concerning God are accessible only by faith. Because he was the preeminent Christian Aristotelian of the Middle Ages, many of Thomas’s ideas have had lasting importance in Western political thought, especially for the
doctrine of separation of church and state. Thomas accepted many elements of Aristotle's concept of the state. For instance, Thomas wrote that "it is natural for man . . . to be a social and political animal, to live in a group." Furthermore, the king should attempt to promote a virtuous life for his people. Thomas even wrote that "the state is a perfect community" that pursues the "common good."

Largely because of these Aristotelian elements in his political thought, Thomas contributed heavily to the development of the concept of a secular state. Most important, Thomas introduced into Christendom the idea of the political. An individual no longer was merely a subject under a government descending from above; instead, one might be a citizen who participated in government. Thomas helped open a "conceptual gulf" between church and state because he "showed the conceptual existence of a human body politic, the State." An individual might be a "good citizen" in a State without necessarily being a "good man." This distinction, between being a good citizen and a good man, suggested that various human activities could be understood as occurring in discrete realms or spheres of action, and within these discrete spheres, different normative values might apply. Different values or standards might apply, for instance, in politics, economics, and morality. Thus, political science emerged as the study or practical science of the realm of politics or good government.

Nevertheless, if Thomas proved anything through his consummate efforts at synthesis, he proved that Christianity and Aristotelianism cannot be harmonized: they are incompatible. And ultimately, Thomas remained a Christian. Thomas's resolute commitment to Christianity manifested itself in (among other ways) his rote expression of standard Christian antisemitic dogma. According to Thomas, Jewish history merely prepared for the coming of Jesus, and hence the New Testament perfects or fulfills the imperfect Old Testament. Thomas condemned the Jews for their carnality, yet consistent with Christian dogma, he maintained that they could not be forced to convert (though they certainly could be persecuted severely). Jews, Thomas wrote, blasphemed against Jesus and the Holy Ghost "when [the Jews] ascribed to the prince of devils those works which Christ did by the power of His own Divine Nature and by the operation of the Holy Ghost." And of course, Jews should be condemned and subjugated because they refused to accept Jesus as the Messiah and ultimately committed deicide:

Among the Jews some were elders, and others of lesser degree. . . . The elders, who were called rulers, knew, as did also the devils, that He [Jesus] was the Christ promised in the Law: for they saw all the signs in Him which
the prophets said would come to pass: but they did not know the mystery of His Godhead. Consequently the Apostle says: If they had known it, they would never have crucified the Lord of glory. It must, however, be understood that their ignorance did not excuse them from crime, because it was, as it were, affected ignorance. For they saw manifest signs of His Godhead; yet they perverted them out of hatred and envy of Christ; neither would they believe His words, whereby He avowed that He was the Son of God.\textsuperscript{116}

Eventually then, as a faithful Christian and regardless of his Aristotelian bent, Thomas unsurprisingly subordinated the state to the Church. In so doing, he expressly referred to the fulfillment of the Old Testament in the New Testament:

[S]ince in the old law earthly goods were promised to the religious people . . . the priests of the old law . . . were also subject to the kings. But in the new law there is a higher priesthood by which men are guided to heavenly goods. Consequently, in the law of Christ, kings must be subject to priests.\textsuperscript{117}

Thus, while Thomas never degraded the state as harshly as, for example, Augustine had done, he nonetheless insisted that temporal and material affairs always must remain ancillary to eternal salvation.\textsuperscript{118}

For this reason, according to Thomas, a king’s government should be modeled on God’s rule over the universe.\textsuperscript{119} Thomas’s differentiation of four types of law reflected this emphasis on God’s dominion. To Thomas, eternal law manifests “the very Idea of the government of things in God the Ruler of the universe.”\textsuperscript{120} Natural law consists of a small number of principles that manifest “a participation in us of the eternal law.”\textsuperscript{121} Divine law consists of the revealed or positive law of the Christian Bible.\textsuperscript{122} Finally, human law is the humanly created positive law that implements the general principles of the natural law.\textsuperscript{123} Thomas believed that states could enact human (or positive) law—which he then called “civil law”—but such law always remains clearly inferior or subordinate to eternal, divine, and natural law. A purported human law that is inconsistent with divine or natural law is, according to Thomas, “no longer a law but a perversion of law.”\textsuperscript{124} Hence, contrary to the Augustinian mandate to humbly obey even unjust civil authorities, Thomas insisted that citizens should disobey unjust human laws—those positive laws that either contravene divine law or were enacted contrary to the common good.\textsuperscript{125} In short, the state, when creating human law, should act consistently with Christian tenets.

Thomas added that the best form of government—the one most likely to pursue the common good—is a monarchy, but a monarchy in which the king is assisted by an aristocracy.\textsuperscript{126} Thomas expressly tied this conclusion
to his criticism of the Jews. He drew examples from the Old Testament to
demonstrate that the power granted to a king is so great that a pure
monarchy usually degenerates into tyranny. Therefore, only the most virtu-
ous person should become king. Thomas continued:

[Perfect virtue is to be found in few. And, what is more, the Jews were
inclined to cruelty and avarice, which vices above all turn men into tyrants.
Hence from the very first the Lord did not set up the kingly authority with
full power, but gave them judges and governors to rule them.127]

Thus, Thomas supported his argument for a somewhat diluted monarchy,
or a mixed form of government, by reasoning that Jewish vice had initially
necessitated this governmental form. Moreover, Thomas noted, God then
inflicted an absolute king on the Jews to punish them.128

Finally, the ultimate goal of a Christian political community is not to
live virtuously in this world (as Aristotle argued), but rather to prepare for
God's grace and to attain eternal heavenly salvation. Thomas wrote:
"[S]ince society must have the same end as the individual man, it is not the
ultimate end of an assembled multitude to live virtuously, but through vir-
tuous living to attain to the possession of God."129 Thomas then reasserted
his hierocratic conclusion: because only the divine government of the
Church could successfully lead individuals to the final goal of salvation,
mere human governments must ultimately submit to papal control.130

In sum, Thomas helped solidify the concept of the secular state. He
raised its status from the depths of Augustinian denigration so that politics
in the temporal world could at least be respectably studied. Nonetheless,
he remained true to his Christian roots. He not only reiterated standard
Christian antisemitic doctrine, he also based much of his political theory on
that dogma. Despite his Aristotelian orientation, then, Thomas subordi-
nated the state to the Church and insisted that the state existed to help
Christians prepare in this world for their blissful eternal salvation.131

While Thomas contributed to the theoretical concept of a state, the sec-
ular state also continued to evolve in the political hurly-burly of medieval
society. Even when the Roman Catholic Church soared to the zenith of
its social dominance, royal and imperial power always remained prominent.
Often, the Church and the state (in the form of a royal or an imperial pres-
ence) jostled and negotiated in their efforts to impose particular structures
or arrangements upon the rest of society. Unsurprisingly, as the Church and
the state maneuvered for power, they each used the local Jews to further
their respective interests. As already discussed, the Church issued numerous
decrees during the thirteenth century to reinforce the Christian definition
and subjugation of Jews. Frequently, the Church sought assistance from the civil authorities as it attempted to enforce these decrees. Sometimes the state would cooperate, and sometimes it would not—usually depending upon the state's perception of its own interests and its own power vis-à-vis the Church. For example, around the twelfth century, emperors, kings, and princes began to consider and treat Jews as property: since Christian dogma effectively condemned Jews to perpetual servitude, they were defined as "serfs of the Royal (or Imperial) chamber." Consequently, royal and imperial authorities gained an increased interest in encouraging the commercial activities of at least some Jews; whenever money was needed, the authorities could generate revenue by legally imposing confiscatory taxes or declaring themselves the heirs of "their" Jews. Hence, when the papal decree that required Jews to wear a conical hat or yellow badge caused some wealthier Jews to flee from Castile in 1219, the king of Castile, fearing a loss of royal income, requested the pope to suspend the decree in Castile. In this instance, the pope submitted to the royal request.

Over time, though, the Church often succeeded in securing state cooperation, typically to the detriment of Jewish communities. During much of the twelfth and thirteenth centuries, for example, the English kings resisted many ecclesiastical demands regarding Jews. In 1253, however, when English Jews were not generating substantial royal revenue, King Henry III issued an edict enforcing many of the antisemitic papal policies, such as the requirements that Jews wear a badge and not eat or buy meat during Lent. Then, in 1290, King Edward I banished Jews from England altogether—supposedly "for the honor of the Crucified," though Edward conveniently commanded that any debts previously owed to Jews should now be paid to the state.

As the thirteenth century turned toward the fourteenth, papal control of European monarchs steadily declined. States frequently complied with papal policies, but more and more often, state officials acted to further their own interests and not due to compulsion. Michael Wilks argues that, at this time, the dream of universal government—whether under an emperor or a pope—gave way to the reality of a multitude of European secular states competing with each other as well as with the Church. In fact, the growing power of secular rulers led to a successful challenge of the papacy early in the 1300s. For more than a century after 1250, the popes had refused to confer the imperial crown on anyone, with the brief exception of Henry VII. Of course, this obstinacy at least appeared to doubly affirm papal political dominance. Popes not only asserted the power to designate an emperor in the first place, but also stood alone at the ostensible apex of
power because no one was so designated. When Louis, duke of Bavaria, was elected king of Germany and emperor in 1314, he exercised imperial power in the face of papal opposition, which led to his excommunication and deposition. But refusing to yield, Louis invaded Italy, captured Rome, and continued to defy the papacy until his death in 1347. An edict, issued in 1338 by Louis and the German electors, declared that the emperor was determined through election and needed no papal confirmation. Despite the democratic tinge of this edict, it paraphrased the New Testament while tracing the emperor's secular power to God: "God has openly given the secular law to the human race through Emperors and kings.... [T]he Lord Jesus Christ Himself [ordered] that what is God's should be rendered to God and what is Caesar's to Caesar." 

While the rulers of the emerging secular states struggled with the popes for supremacy, the rulers simultaneously attempted to assert control over their own Christian subjects. Quite often, Jews again played an important role in these political developments. In particular, royal and imperial authorities occasionally protected or attempted to protect Jews from frenzied Christian mobs. This protective relationship, which had roots reaching back to the fourth century, surged in importance during the Crusades when Jews desperately turned to civil authorities for protection from the rampaging armies. In response, some state officials were willing to offer refuge, sometimes even issuing charters protecting Jews. Most often, though, these protective charters amounted to no more than "parchment for covering jars," as even well-intentioned state officials were unable to dissuade mobs rapt with religious fervor. In a report on a typical incident from 1096, a Jew quotes a chief municipal officer:

"Listen to me, you Jews! At the beginning I promised you that I would shield and protect you so long as one Jew lives in this world; these promises I gave you, and so I acted, keeping my promise! But from now on, in the face of all these people, I can no longer do anything for your rescue. Consider now what you want to do. You know well that if you do not do thus and so, the city will be devastated; therefore, it is better that I deliver you to their violence than that they come upon me with a siege and level the castle." 

The protective relation between states and Jews continued throughout the later Middle Ages and beyond. For example, during the fourteenth century, Christians accused Jews of causing the bubonic plague by poisoning water supplies. Individual Jews were tortured until they confessed to the crime, and then entire Jewish populations were burned in retribution. In such cir-
cumstances, Jews depended upon governmental officials for protection, which, as during the Crusades, frequently proved inadequate.\textsuperscript{144}

Again, however, state protection of Jews typically arose not from a principled commitment to religious liberty but rather from the pursuit of state interests. Occasionally, civil authorities sought to protect Jews merely to preserve public peace and order. A letter dated 1203, from King John of England to the mayor and barons of London, illustrates this view, as the king insisted upon protection for the Jews even as he compared them to dogs:

\begin{quote}
[A]s you know that the Jews are under our special protection, we are amazed that you permit harm to be done to the Jews residing in the city of London, since this is obviously against the peace of the kingdom and the tranquility of our land. . . . We say this not only for our Jews, but also for our peace, for if we gave our peace to a dog it should be inviolably observed. Therefore, we commit henceforth the Jews residing in the city of London to your care, so that, if anyone attempts to do them harm, you shall defend them, affording them assistance by force.\textsuperscript{145}
\end{quote}

More often, though, governmental officials protected Jews if the officials perceived them to be useful and loyal subjects. Consequently, state protection could swiftly vanish as the governmental perception of its interests shifted.\textsuperscript{146} If a civil official believed that opposition to a Christian mob bent on violence threatened political stability, then the government willingly sacrificed Jewish subjects to placate the mob. Or if a governmental official himself became a fanatical Christian, he would often turn on Jewish subjects and strike a blow for Jesus. At times, such as 1492 in Spain, governmental zealotry even led to the expulsion of all Jews unwilling to convert to Christianity.\textsuperscript{147} Moreover, governmental officials readily exploited Jewish dependence by extorting money in exchange for protection. For example, in 1321, the king of France demanded 150,000 pounds from Jews accused of poisoning water supplies. In short, then, insofar as states created or recognized a legal right (however limited) for Jews to survive and practice their religion, that legal right existed to promote the interests and goals of the state, not the Jews.\textsuperscript{148}

The medieval emergence of the secular state, together with a recognition of the relationship between governmental officials and Jews, illustrates the complex operation of power. The history of the Middle Ages reveals that the symbolism of Christian dogma provided the discursive framework for the emergence of the secular state and its separation from the Church. In particular, the dogmatic Christian dualism opposing Jewish carnality to Christian spirituality facilitated the creation of a secular sphere of action in
at least two ways. First, the Christian dogma posited the existence of a
temporal and carnal realm. Second, Christianity insisted that the only goal
that truly matters is the spiritual attainment of eternal and other-worldly
salvation; at least theoretically, then, the existence of a this-worldly secular
sphere posed no threat to Christian domination. Even when Thomas's
(Christianized) Aristotelianism somewhat enhanced the status of the secu-
lar state, it still remained subordinate to the Church.349

Within this discursive framework, political developments spurred the
evolution of the state as a separate and secular entity. Unsurprisingly, the
emergence of the secular state tended to benefit the two already dominant
social entities or political forces of the Middle Ages—the Church, on the
one hand, and royal and imperial powers, on the other. The Church sought
to optimize its power. Since the Church contributed to the production of
the secular state through the symbolism of its Christian dogma, the
Church necessarily subordinated and often degraded the state. The state,
after all, always remained tainted by its link to Jewish carnality despite
being within the universal Christian body. Moreover, the creation of the
secular state further empowered Christianity by reducing governmental
interference in ecclesiastical affairs while still allowing the Church to occa-
sionally enlist governmental assistance in the pursuit of Christian universal-
ism. Hence, for example, the Church—often assisted by civil authorities,
Christian mobs, or both—was able to intensify its persecution of the theo-
logically condemned Jews.

Despite the insistent Christian denunciation of the material and tempo-
ral world, the state (royal and imperial powers) also benefited from its sep-
oration and secularization. Indeed, Thomistic theory clearly elevated the
state above its degraded Augustinian status, even though Thomas contin-
ued to insist that the state was below the Church. Additionally, the bur-
geoning secularization allowed states to develop institutions independent
of the Church. In particular, the secularization of the state facilitated the
crucial development of legal systems apart from the canon law system; by
the end of the thirteenth century, the idea of a public law of the state was
firmly established.150 And occasionally, the emerging states flexed their
muscles, so to speak, by opposing papal decrees, such as those involving
the treatment of Jews. Of course, state policies, whether regarding Jews or
otherwise, typically reflected state interests. Most often, civil officials
sought merely to enhance their power in relation to their subjects (or citi-
zens) and the Church (by, for example, exploiting the social subjugation
and dependence of the Jews).