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Why Minorities Were Neither Tolerated nor Discriminated Against in the Middle Ages

Klaus van Eickels
University of Bamberg

ABSTRACT

Discrimination and tolerance are asymmetrical concepts in present day usage. Tolerance has a positive meaning and denotes the attitude of a majority that accepts deviant forms of reasoning or behaviour practiced by a minority. On the other hand, discrimination has a negative meaning and denotes their sanctioning by legal or social disadvantages. Unlike today, medieval societies did not see tolerance and neutrality as legitimate options. Minorities were integrated by assigning them a subordinate place in society. They could only be granted the freedom to lead their own way of life if they were ready to accept the existing order by visible submission. Tolerance and discrimination therefore can dangerous concepts for an analysis of medieval social practice, since pre-modern societies considered discrimination the prerequisite, not the opposite of granting tolerance.


Discrimination and tolerance are asymmetrical concepts in present-day usage. Tolerance means accepting forms of behaviour and thought of which the speaker does not approve. However, it implies that such lenience can be justified (e.g. by the pragmatic reason of maintaining social peace in the situation in question). The term ‘tolerance’ therefore qualifies as laudable a behaviour or attitude which, under other circumstances or from a different point of view, could also be called indifferent or negligent. A judge who condemns criminals to prison sentences for committing an intolerable offence therefore would not be called “intolerant” or “discriminating” (at least not as long as the speaker shares the judge’s assessment of the facts and the crime upon which his sentence is founded).

Similarly, discrimination in present-day political discourse labels as unjustified the exclusion of an individual or a group of individuals from economic and cultural resources, from participation in social networks or from social advancement. No historian would doubt that discrimination in the genuine sense of the word is necessary; despite new methodological approaches, the discri-
men veri ac falsi remains the first and essential step of any critical source-analysis. The adjective “indiscriminate” still has preserved the original Latin meaning. We can safely assume that a person disapproves of the behaviour in question when he speaks of “indiscriminate violence”, “indiscriminate choice of sex partners” or an “indiscriminate use of reliable and unreliable sources”. The noun “discrimination”, however, and the corresponding verb “to discriminate” (tellingly almost exclusively used with the preposition “against” today) can no longer be used in a positive sense in everyday language. If the reasons for discrimination are well-founded, the word seems out of place. Ivy League universities do not discriminate against less than excellent applicants when they choose to admit only students with the best marks.

Tolerance in the modern sense therefore implies that an individual or an authority abstain from sanctioning a violation of accepted social norms – either because the transgression in question could only be repressed at unreasonable social costs (e.g. the excessive consumption of legal drugs) or because the decision in question is considered so irrelevant for the well-being of society, that it can be left to the individual (e.g. religious beliefs and forms of worship since the Age of Enlightenment). Only in the latter case, non-discrimination is the logical consequence: drug addicts can and must be discriminated against (e.g. when it comes to issuing driving-licenses or protecting the health of others); other criteria (e.g. gender, race, religion, sexual orientation), however, are no longer deemed acceptable reasons for treating people differently, because they are thought of as socially irrelevant (or rather as socially relevant in a way and to a degree that is unjustified and that therefore ought to be changed). Which forms of thought or behaviour are considered tolerable, however, is clearly culturally constructed and therefore subject to historical change.

Although the term tolerance (tolerantia) existed in medieval discourse, it did not bear the same meaning as today. Moreover, its use remained limited to specific contexts. Drawing on 2 Cor. 1,6 and numerous passages in the church fathers, medieval theologians used the word tolerantia in the classical stoic sense of bearing physical or psychological burdens (i.e. as a synonym of patientia), particularly when referring to the “the virtuous capacity of Christian individuals to endure with calm the many suffering of earthly existence”\(^1\). Canonists further developed the concept in the 13th century in order to define certain cases in which ecclesiastic and secular authorities had the option (and even the obligation) to refrain from eliminating a lesser evil in order to prevent a greater one. In his Summa de iure canonici, Raymond of Peñafort declared that apart from “true and absolute permission” the church can also grant a permissio comparativa which does not excuse from sin and therefore should rather be called tolerantia\(^2\). The use of the concept, however, remained largely restricted to two domains: on the one hand, liturgical practices of Jews, Muslims and “heathens” who lived in peace with the Christians were to be tolerated because forced conversion in disregard of the individual’s free will was considered a major evil. On the other hand, prostitution was to be tolerated in order to protect honourable women from sexual assault and in order to prevent unmarried men from turning to sodomitical acts for lack of opportunities to obtain relief from their sinful desires “according to nature”\(^3\).

Tolerance in the modern sense of the word was not an option in the medieval worldview. The idea of “accepting a multiplicity of ways of life” and even a diversity of “beliefs or doctrines” was perfectly acceptable, but only as long as those ways of life, beliefs or doctrines neither claimed to be the only way to salvation nor explicitly contradicted the teachings of the Roman church. Describing the Middle Ages as a “persecuting society” depicts “only part of the terrain”, since forms of religious diversity at an intellectual as well as practical level subsisted throughout medieval Europe, because “persecution did not halt dissent”. The “decided trend”, however, was “the enforcement of orthodox faith against a range of medieval dissenters”\(^4\).
Like Jews and Christians in the Muslim world, Jews in the medieval Latin West were not tolerated out of religious indifference, but assigned a place within a theologically defined worldview. They were to be kept in "appropriate subjection" in order to prove until the end of time that Christianity was the true religion and that Judaism, although the older, had to serve Christianity, the younger, because the Jews had failed to recognise that Jesus was the son of God and their saviour. Christian rulers safely could and even had to refrain from using their power to convert Jews forcibly, because their existence did not disturb the Christian order of the world, but rather re-enforced it.\(^5\)

Where other religious groups whose beliefs differed from that of the ruler existed, their status was seen as similar to the status of "appropriate subjection" assigned to the Jews. After the establishment of Latin rule in Cyprus during the Third Crusade, the Greek population was allowed to continue its own rites and beliefs, many of which were considered heretical in the West. The Greek bishoprics in the Crusader states were not destroyed, but subjected to the authority of the Latin bishops. In Cyprus, the number of the Greek bishops was reduced to the number of the newly erected Latin bishoprics, and they were forced to reside in villages in the countryside as suffragans of their Latin counterparts only a few decades after the arrival of the crusaders under Richard the Lionheart.\(^6\) The Greek Christians of Cyprus were granted autonomy, but not tolerance in the modern sense of the word: their integration into the Latin church of Cyprus was preceded by a violent reaffirmation and suppression of Greek religious independence, when 13 monks of the Kantariotissa monastery maintained in a public controversy with a Dominican preacher that the use of hosts made from unleavened bread (\textit{azymes})\(^7\), as practised by the Latin church, but rejected by the Byzantines, was heretical. Unwilling to bow to Western supremacy even when incarcerated and tortured, they finally suffered martyrdom by being burned at the stake for this outrageous behaviour.\(^8\)

Even Muslims, who in the eyes of many chroniclers also counted as Christian heretics, could be integrated into the order of a Christian realm, if they accepted Christian rule and did not cause scandal (i.e. behaved in such a way that tolerating their existence would confuse the Christian majority and might destabilize the Christians’ firm conviction of being on the right way). When Emperor Frederick II gave the city of Lucera to Muslims deported from Sicily, he justified this action by pointing out to the pope that the Saracens there, although living according to their laws, were held in "perfect subjection". Although often quoted as evidence for Frederick’s unheard of tolerance (and sympathy) for Muslim culture, the establishment of a Saracen colony in Lucera did not stem from a particular tolerant attitude. It rather shows a religious conviction which could be called traditional and conventional in the early 13th century: the Emperor did not adopt the stance of the preachers of the Fifth Crusade who wanted maximum success at all costs; he rather saw fighting the Muslims as a rational political enterprise, brutally and even cruelly punishing the rebellious Saracens of Sicily, but giving those who decided to live on as his loyal subjects a second chance in a place where they were under his secure control and at his service.\(^9\)

That tolerance was not an option becomes even more obvious in the Church’s dealing with the adepts of radical poverty in the 12th and 13th centuries. Those who felt that they were legitimized by their radical fulfilment of Christ’s commandment, and therefore contested the authority of the ordained clergy and its sacraments as means of salvation, were declared heretics and considered a major threat for the Church to be repressed by all means. Those, however, who accepted the authority of the pope and meekly asked for his approval of their way of life (as Saint Francis of Assisi) were soon promoted to holiness, even though their radical asceticism remained suspect.\(^10\)

Similarly, heresy and holiness were the only alternatives for women who transgressed the gender boundaries. Hildegund of Schönau returned from the Holy Land disguised as a male youth after having lost her father and entered a monastery of Cistercian monks in order to escape the vicis-
tudes of the street-life of an orphan girl in male clothing. Although many monks felt seduced by his/her charms, she lived a perfectly chaste life according to the rules and her true sex was only discovered after her death. Although never formally beatified, a Vita testifies to her life as exemplary\textsuperscript{11}. Joan of Arc was considered an instrument of God when she took on male armour and succeeded in relieving Orléans in the name of Charles VII. Later, however, when captured by the English, her refusal to wear women's clothes was considered essential evidence of heresy in the trial that finally led to her burning at the stake in 1431\textsuperscript{12}.

The perception of same-sex love and attraction was equally determined by a binary taxonomy that left no place for neutral tolerance. The history of men loving men in the Middle Ages has been considerably obscured by the fact that 20th-century historians failed to recognize that homosexual acts and affective bonding between men were governed by independent discourses which hardly ever overlapped, just as today social drinking is discussed in terms of taste and lifestyle, whereas heavy drinking is subjected to the medical discourse of drug abuse and addiction: the general disapproval of people who “drink too much” does not in any way interfere with the social practice of “drinking a glass together”, which is in fact not tolerated as a mild form of drug abuse, but appreciated as an important ritual of social bonding in modern Western societies. Those who indulge in immoderate drinking as well as those who refuse to participate in social drinking at all equally risk discrimination by exclusion from important social networks.

In a similar way, medieval society considered close affective bonding and the physical expression of love between men an important means of stabilizing social bonds, while it strongly disapproved of any sexual desire between men. At the end of a conflict, medieval kings and princes kissed and embraced each other, ate together from the same dish and even shared a bed in order to show that peace, mutual trust and friendship had been restored between them\textsuperscript{13}. An emotionally charged language of love and friendship was used in feudal relationships in order to veil the inequality between lord and vassal: as long as both partners were on good terms with each other, a vassal could expect that his lord would address him as friend and beseech him for assistance out of love rather than humiliate him by requesting due service\textsuperscript{14}. So common was it to express politico-legal dependency in terms of personal love that the concepts of ‘feudo-vassalic’ faith could serve as an immediate model not only for the relationship between the lady and her knight in courtly love, but also for the ideal relationship of spouses, who like lord and vassal were required to love each other despite the obvious imbalance of power which defined their relationship\textsuperscript{15}. Until today the Church of England has preserved the memory of the vassal’s promise to be a loving servant of his lord in the words traditionally spoken by the bride at the moment of marriage: “I take you to be my husband, to have and to hold from this day forward; for better, for worse, for richer, for poorer, in sickness and in health, to love, cherish, and obey till death us do part, according to God’s holy law; and this is my solemn vow.” Before she gives this promise, however, she has received the bridegroom’s pledge that he will always “love and cherish” her, and she knows that he will react to her promise by putting the ring on her finger saying: “With this ring I thee wed, with my body I thee worship, and with all my worldly goods I thee endow”, the word worship meaning here “to treat her as worthy”, just the feudal lord was bound to preserve the honour of his vassal.

On the other hand, same-sex genital lust, and especially the imitation of marital intercourse by two men, was considered a sin to be punished severely (in the worst case by burning at the stake). However, sodomites were hard to detect in a society in which men kissing and embracing each other, holding hands in public, declaring their love and affection for each other and even sharing a bed was common practice, situated not on the “borders of the illicit” (as Stephen Jaeger assumed)\textsuperscript{16}, but at the very centre of social norms. The theological and legal discourse became more defined as the abstract concept of “sodomy” emerged in the church reform and in scholastic
philosophy from the 11th to the 13th century. Yet, the number of cases in which sodomites were actually put on trial remained minimal and the social practice of male bonding remained entirely unaffected by the new way of conceptualizing illicit male-male desire. Men loving men were in no way discriminated against. Men desiring men sexually, but otherwise behaving in a socially acceptable way, were rarely persecuted, because the crime of sodomy was depicted as being so horrible that people preferred to look away when they witnessed it in their own everyday environment. Yet, are we entitled to call this state of affairs “tolerance”?

Even the paragon of medieval tolerance, the Norman kingdom of Sicily, has recently been revisited. The image of a “kingdom in the sun”, where Normans, Greeks and Arabs peacefully coexisted for two generations in a multicultural society, obviously calls for revision. The Norman kings themselves, eager to impress Muslim, Byzantine and Western envoys to their court alike, created the image themselves by integrating elements of art and architecture from all three cultures into their representations of power. The frequently cited trilingual inscriptions, however, are few in number and belong to the very first years of Norman domination in Sicily. The “Saracens of the palace” seem to have practiced Muslim rites in private, but the sources attesting this are few in number and the narrative intention behind the hints is not always clear. Of course, we can call it tolerance that the Norman kings continued to employ Arab scribes for their fiscal administration. Yet, we do have to take into account that those officials had to convert to Christianity at least outwardly and that they were totally dependent on the king. In any case, the king’s motivation to keep them can be explained without assuming an infatuation with Arab-Muslim culture, since a fiscal administration with documents in Arabic could not easily be controlled by the barons (and therefore the decision to keep them was a very rational choice).

On the contrary, a new look at late medieval Spain has shown that the history of minorities cannot adequately be written by compiling evidence of intolerance and discrimination. Until the end of the Middle Ages, Christians, Jews and Muslims lived together in the cities of Aragon. Cataclysmic outbreaks of violence were separated by long periods of comparatively stable interaction. Even in times of peace, however, the coexistence of Christians, Jews and Muslims was based on violence rather than tolerance: violence was in part ritualized, i.e. highly visible, but limited and predictable (as the throwing of stones against the walls of Jewish houses by young Christians before Easter). Everyday violence was less defined and therefore more dangerous: economic interaction between the groups implied borrowing and lending and disputes about loans often resulted in aggression against individuals of the other group. All three groups carefully monitored the sexual boundaries, which separated them, but transgressions occurred and were often punished by spontaneous castration or murder of the perpetrator.

Throughout the Middle Ages, neutrality was not considered a legitimate political option. A king, prince or nobleman who wanted to avoid taking sides in a conflict would rather search for excuses that allowed him to remain on good terms with both parties, and it was from this reservoir of “friends of both sides” that mediators were recruited when a peace had to be negotiated. The concept of “neutrality” first occurs in the later 14th century when it is used by those who remained undecided in the schism between Rome and Avignon. Yet, it still carried the stigma of a deficient mode of political behaviour. The refusal to proceed towards discrimination between true and false and the readiness to tolerate the equivocal are not yet readily accepted in a culture based on a binary worldview. In the dialectic world of “sic et non”, discrimination by sharp distinctions is the supreme means of solving problems; tolerance and neutrality, so important in the three-valued logic of early modern politics, did not have their place yet. Only at the very end of the Middle Ages do we witness cities of Flanders explicitly declare their neutrality in conflicts in which they do not want to take part.
Tolerance in the modern sense of the word was not an option in medieval societies. Some medieval rulers have been labelled “tolerant” in 19th- and 20th-century historiography, but a close reading of the sources often shows that the modern image is based on medieval slander. Emperor Frederick II was depicted as a “friend of Muslims and Jews” by his enemies at the papal curia in order to denigrate his reputation as a Christian ruler. Minorities could be assigned a place in the order of society (and even be allowed to live according to the rules of their own laws and religion)\textsuperscript{22}. Yet, this always presupposed their readiness to show that they did not constitute a threat to the majority and visibly accepted the right of the majority in power to set the rules. Autonomy therefore could be granted to minorities only if they accepted some kind of marginalisation. Discrimination was not the opposite of pre-modern tolerance, but its prerequisite.

Notes

2 X. Ochoa, A. Diez (eds.), Raymond of Peñafort: Summa de iure canonico. Universa bibliotheca iuris I.A, Rome 1975, 1.5.4, p. 8 sq.; cf. Bejczy, Tolerantia cit., p. 369 sq.: “Raymond was not the only canonist to understand tolerantia as permissio comparativa. Some canonists aspired to define this permissio even closer, such as Joannes Andreae, who distinguished three types of tolerance: permissio simplex, the mere abstention from punishing evil acts; permissio tollens impedimentum, which, moreover, obliged the Church to restrain other people from proceeding against the evil acts in question; and permissio praestans iuvamen, the case in which the Church was required to foster actively the occurrence of some evil act” [with references to Johannes Teutonicus and other glossators].
5 M. Toch, Die Juden im mittelalterlichen Reich, Enzyklopädie deutscher Geschichte, 44, Munich 2003; C. Magin, „Wie es umb der iuden recht stet‘. Der Status der Juden in spätmittelalterlichen Rechtsbüchern, Göttingen 1999; J. Cohen (ed.), From Witness to Witchcraft. Jews and Judaism in Medieval Christian Thought, Wolfenbütteler Mittelalter-Studien, 11, Wiesbaden 1996. The point that Jews had lost the privilege of primogeniture because of their blindness to the divinity of Christ was transmitted to the Middle Ages by St. Augustine, De civitate Dei, lib. 16, cap. 35: “Only that saying, ‘The elder shall serve the younger,’ (Rom. 9,12) is understood by our writers, almost without exception, to mean that the elder people, the Jews, shall serve the younger people, the Christians.”
7 The Latins used (and still use) unleavened hosts for the Eucharist, which could be preserved and venerated as the corpus Christi even outside mass, whereas the Greeks insisted that leavened bread be used on the altar, since it was considered as “living” and therefore more apt to symbolise the resurrection of Christ. The controversy goes back to late antiquity, when the main purpose of the Greek argument was to establish a clear distinction between Christian and Jewish practice in the Celebration of Passover/Easter. G. Avvakumov, Der Azymenstreit - Konflikte und Polemiken um die Frage des Ritus, in P. Bruns, G. Gresser (eds.), Vom Schisma zu den Kreuzzügen 1054-1204, Paderborn 2005, pp. 10-26; J. Pahlitzsch, Graeci und Suriani im Palästina der Kreuzzäckerzeit. Beiträge und Quellen zur Geschichte des griechisch-orthodoxen Patriarchats von Jerusalem, Berliner Historische Studien, 33; Ordensstudien, 15, Berlin 2001.


W. Stowell, Old-French Titles of Respect in Direct Address, Baltimore 1908.


H. Puff, Sodomy in Reformation Germany and Switzerland, 1400-1600, Chicago 2003.


BIBLIOGRAPHY:


Tolerance and Discrimination: Minorities, Exiles and Migration


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