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ENCROACHMENTS ON ECCLESIASTICAL AUTHORITY: TAXATION, CLERICAL IMMUNITY, AND THE JEWS

THE LITTLE FRENCH VILLAGE of Thérines, population 155, is located in the *département* of the Oise, the *arrondissement* of Beauvais, and the *canton* of Songeons. Its *code postal* is 60380. Despite its diminutive size, the village has a mayor (in the year 2000, it was M. Roland Vasseur), and his *mairie* has an official municipal telephone and fax machine. By the characteristic and exacting French bureaucratic standards that are the administrative legacy of the nation's history, Thérines has all it needs for its communal identity. What it does not have, however, is a history. Numerous Web sites exist for the French communes, designed largely for potential tourists and also for history buffs. The sites typically list a selection of published histories of the villages and cities they survey. There is no such history referenced for Thérines, and the Web site's invitation to browsers to help redress the lack has so far gone unanswered.

Unfortunately, the village's most illustrious son, a churchman named Jacques who flourished in the early fourteenth century, was effectively decapitated by early modern humanists, who misread the subscription, *Jacobus de Therinis*, on one of his Latin treatises as *Jacobus de Thermae*, a common enough kind of error.¹ Jacques was thereby transmogrified into Jacopo, an otherwise unattested scion of a prestigious Sicilian family with roots in Palermo and the nearby port of Termini (Latin, *Thermae*).² Not until the great early twentieth-century medievalist Noël Valois corrected the reading was Jacques recovered for France, although the good news has been slow in reaching his childhood home of Thérines.

The relocation of Jacques makes some aspects of his career far more commonplace than if a Sicilian lineage had been confirmed. No more the adventurous youth from the port of Termini determined on seeking his fortune in the alien north and abandoning forever the sea, the sunshine, and the fig trees of his homeland, Jacques emerges instead as a deeply rooted individual, geographically circumscribed all his life. Born in the second half of the thirteenth century, he spent most of his career in Paris and the territory bounded by the modern limits of the *département* of the Oise, which borders the Paris region, with only a few more distant trips, necessitated by the business of the church to whose service he gave his life.

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If his family and neighbors were typical of the region's minor nobility from which monastic communities were very largely recruited, they attached themselves intimately to a small number of local ecclesiastical institutions.³ To this extent, the episcopal city of Beauvais, from which Thérines is twenty or so miles distant, was a magnet for young men from aspiring village families.⁴ The Cistercian monastery of Chaalis (*Karoli Locus*), founded in 1136, was one among several prestigious and attractive centers of monastic life in the region, too, and an unsurprising place as Jacques's choice for entering upon a clerical career. In turn, he became an example. It was at the monastery of Chaalis that another Thérines native, Jean, a bachelor in theology, served as a monk toward the end of Jacques's life; like Jacques he studied and entered upon a teaching career at Paris.⁵ That such a tiny village produced similar careers in the same narrow geographical orbit in so brief an interval matches nicely the pattern in families and among neighbors observable elsewhere in northern France.⁶

Either with a privately hired tutor or under the care of the local parish priest or schoolmaster, Jacques learned the rudiments of reading and writing Latin. With his intellectual gifts, he was an obvious candidate to encourage toward further study, probably in the cathedral school of Beauvais with its fine library.⁷ After professing as a monk in the Cistercian house of Chaalis, he spent considerable time at the Cistercian College of Saint-Bernard in Paris in order to complete his higher education and be accorded the title master (*magister*).⁸ The college was the center of Cistercian learning in France and Christendom. The monks sent there and the scholars at other colleges of the university experienced a bubbling cauldron of rigorous learning, distracting activity, bitter rivalries, and intellectual arrogance. The experience had the potential to seduce many into a permanent desire for the academic life. It turned many others off to the posturing. And it provoked ambivalent feelings, comprising both repulsion and attraction, among still others. Among those at the university who heard bishops and papal legates denounce the excessive cleverness and intellectual daring of its leading scholars, not everyone responded negatively.⁹

No firm date can be given as to when Jacques came into this remarkable environment, where he was as likely to observe the king in procession to Notre Dame as he was to see a company of miserable beggars on the cathedral porch. He was in the city by 1293, the date of the death of Jean de Weerde, one of his likely teachers, and probably by 1290, for he seems to have been there at about the time of reports of a famous miracle that occurred that year on the Place Saint-Jean-en-Grève.¹⁰ The erstwhile student had risen already to a professorship in the Faculty of Theology at the University of Paris when we first encounter him by name in an institutional record dated 1305–1306.¹¹ He subscribes as “Jacobus, monachus de

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Caroliloco Ordinis Cisterciensis” and is one of several “regent masters” or professors who subscribe.

The record is a fairly typical, flowery request to the king of France imploring him to give aid to an acquaintance of the masters, a physician, one Raoul de Vémars, with respect to a benefice in the royal gift.¹² Jacques’s knowledge of Raoul depended in part simply on the latter’s long association with the university’s theological faculty. Raoul had been a scholar in theology (*scolaris in theologia*), the request to the king explained, for approximately fourteen years and had developed a reputation as an eloquent preacher. He was of mature years and a man of great “probity,” his backers also informed the king. But Vémars is another one of those small villages slightly north of Paris and very near Chaalis. It is at least possible that Jacques’s inclusion on the list of Raoul’s patrons reflects an acquaintance that predated their university years. Raoul, like Jacques, was an intensely local man. The benefice at issue was near *Taverniacum*, modern Taverny, hardly (with a little exaggeration) a stone’s throw from Vémars and Chaalis.¹³

Despite the conventionally flattering tone taken with the king in their request to him to help Raoul de Vémars (“Let your most high majesty flourish in the Lord that he may magnify your prosperity and increase your days”), Jacques, like many Cistercian monks, had strong reason to be suspicious of this particular king, Philip IV the Fair (1285–1314). The difficulties went back at least to 1294–1297 when England and France were at war over their rulers’ authority and power in the duchy of Aquitaine, the region in southwestern France that Edward I, the English king (1272–1307), held as a fief from Philip IV.¹⁴ Both sides in the war, of course, argued the justness of their cause. Both kings expected their subjects to contribute financially to the war effort. And both taxed the clergy to this end. Neither, however, received the prior papal permission formally required, at least since the Fourth Lateran Council (1215), to do so. The Cistercian Order, which was technically an exempt order, not even obligated to contribute funds to crusader princes, was nonetheless targeted along with other clergy and exempt orders, in part no doubt because of its tradition of giving voluntary or gracious grants to crusader princes despite the exemption.¹⁵

In fact, the granting of gracious aids in the decades before the war with England had already laid bare to its abbots some of the financial problems of the Cistercian Order.¹⁶ Many abbeys, not least the nunneries, found it impossible to pay the portions levied on them by the abbot fathers (from Cîteaux and her first four daughter houses, La Ferté, Pontigny, Clairvaux, and Morimond) in conjunction with the order’s annual collective meetings, the General Chapters. Many houses’ incapacity or reluctance to contribute perhaps also pointed to a broader financial crisis, as older orders,

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like theirs, suffered a relative loss of popularity with donors. It was the mendicant friars, Franciscans and Dominicans, who attracted more and more largesse in the course of the thirteenth century.

The principal abbots of the Cistercian Order in France met at Philip IV's command at Dijon in Burgundy in late 1294 or early 1295 and agreed, perhaps in a mood of "war fever," to contribute to the expenses of the war with England, but they carefully worded their response in an effort to limit the grant if a truce were to be reached between the two kingdoms.¹⁷ They insisted that their own people would make the collections and then transfer the tax to the secular authorities.¹⁸ Even so, there was grassroots opposition to the capitulation, for the king's agents in the southeastern district of Beaucaire were obliged to seize some of the order's goods for failure to pay up in a timely manner in June 1295.¹⁹ Opposition to the king really mounted, however, after Pope Boniface VIII (1294–1303) reacted vigorously to Philip's policy and to Edward's as well and issued the bull *Clericis laicos* (February 1296), forbidding clergy to pay such levies to princes and threatening those churchmen who did so anyway with the spiritual censure of excommunication.²⁰ As a result of this declaration the Cistercians gained an excuse for resistance, and as a further consequence, as Jeffrey Denton remarks, "impressive evidence of the determination of the Cistercians to defend traditional clerical rights in the face of the king's policies" emerges from the surviving documents.²¹

The situation continued to deteriorate, with the enraged French king prohibiting the export of precious metals to Rome.²² Given the papacy's extraordinary dependence on the contribution of the church in Gaul to its financial well-being, the pope was under pressure to compromise. He nevertheless continued to take a hard-line stance in defense of the freedom of the church, at least until ambassadors led by Philip's closest adviser, Pierre Flote, reached Boniface and threatened to offer support to those Italian cardinals hostile to him and his family, and to victims of his wrath who wanted to appeal to a general council against his authority. Then and only then did Boniface agree to relent.²³ The bull *Clericis laicos* was now creatively reinterpreted at the papal curia as a very general statement of the customary principles governing the relations between the church and secular princes.²⁴ In the new reading the bull was not understood as censuring any particular king, let alone Philip IV. Boniface also explained, in the bull *Etsi de statu* (July 1297), that however appropriate it was for princes to obtain papal permission before taxing the church, there were times, times of "dangerous emergency," when they could not wait for permission while also fulfilling their God-given duty to defend their realms. It was up to them, the wielders of the temporal sword, to determine when circumstances constituted urgent necessity and required access to ecclesiastical revenues, "notwithstanding any kind of privilege or ex-

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emption obtained from the apostolic see.” So much for matters of principle and the Cistercian Order’s perhaps hesitant and belated but ultimately vigorous resistance to Philip’s demands.

At the time Boniface issued *Clericis laicos*, he made an angry pointed allusion to the possible role of universities in Philip the Fair’s formulation of his taxation policy: “Universities, too, which may have been to blame in these matters, we subject,” the pope declaimed, “to ecclesiastical interdict.” The entire faculty and student body of the University of Paris, one of the universities to which he was referring, was clerical; so an interdict, a ban on ecclesiastical services, was no empty threat. Nor was Boniface misguided in assuming a role for university masters, for it was traditional for rulers, and in particular the French crown, to seek advice and support from the learned masters at the University of Paris.²⁵ The university could speak “corporately” in a single voice. But the formal corporate status of the university notwithstanding, there was a cacophony of voices and had been for decades within the institution. The residents of the Cistercian College of Saint-Bernard, like Jacques de Thérines, were pulled among several loyalties—to the university itself, to the crown, and to the pope. This pattern and the torment it provoked would soon repeat themselves, despite the evident reconciliation of pope and king in 1297.²⁶

For Pope Boniface VIII was deeply afflicted by his humiliation. Partly to recoup his prestige but more immediately to respond to an exceptional manifestation of popular devotion in Rome at Christmas in 1299, he designated the year 1300 a jubilee year.²⁷ It was an unprecedented declaration. Pilgrims who visited the prescribed holy sites in Rome were to receive extraordinary spiritual indulgences. The year-long outpouring of devotion reflected in the hundreds of thousands of pilgrims who made the trip delighted the pope, as it delighted innumerable municipal officials, merchants, innkeepers, and entrepreneurs of the Eternal City, and it was great fun for local clergy to have an opportunity to meet and count the myriad of foreign pilgrims who flocked to the woefully underpopulated city.²⁸ A pope whose reputation had so recently suffered appeared to have recovered both his popular support and his dignity.

The recovery, however, was short-lived, and once more the Cistercians’ situation in France was closely tied to the pope’s difficulties. Again, the story, told as a clash of church and state, is a dramatic one.²⁹ Reports reached the crown in 1301 that a southern French bishop, Bernard Saisset of Pamiers, had maligned the king. Philip was like an owl, he said, handsome, fair, “Bel,” but he just stared. Someday he would be deprived of his realm. He was a useless “bastard” who did not deserve his throne, a particularly unseemly though utterly baseless slur on a “holy lineage” descended from Louis IX, whom Boniface VIII canonized in 1297.³⁰ Philip, according to the recklessly outspoken southern bishop, was also

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more like an immaterial wraith than a human being or even a brute animal. Saisset did not desist from impugning the French (“northerners”) in general; he even expressed his willingness to make common cause with the rebellious count of Foix, if he had a chance, against the French king.

When the prelate’s probably drunken words were repeated to Philip, he quite unsurprisingly regarded them as a treasonous affront to the royal dignity. He was capable, on rare occasions, of forgiving insults. A preacher once recalled with admiration his refusal to punish a provincial noblewoman who said the usually taciturn monarch was a born dummy (*mutum*).³¹ But he considered Bernard Saisset’s words particularly dangerous, because they came from a bishop whose loyalty he needed in Pamiers. The city was in the heartland of a region in which many of the inhabitants resented northern French domination, a legacy of the early thirteenth-century conquest of the south in the Crusade against the so-called Cathar or Albigensian heretics and the subsequent transfer of territorial authority to northerners working for the French crown.

The Inquisition’s establishment in 1234, a critical development in this story, came five years after the treaty of capitulation that ended the twenty-year Crusade. The inquisitors’ efforts were quite effective in inducing natives to repudiate the kinds of behavior and suppress their public adherence to opinions that churchmen deemed heretical and imagined as constituting a separate church.³² But their success came at a cost, namely, deep resentment over the interference of the inquisitorial commissions in local life and over the imposition of penalties like penitential pilgrimages, imprisonment, confiscation of property, and relaxation of “contumacious heretics” to the secular arm for execution.³³ This undermined loyalty to the crown. Despite occasionally manifesting a certain sympathy with southerners’ complaints about the inquisitors, the king always returned to supporting the heretic hunters.³⁴ How serious a threat the dismay in Languedoc was to political peace may be doubted, but Philip was certainly primed to regard utterances like those attributed to the bishop of Pamiers as incendiary.

The arrest and judicial process against the bishop, put in train with more ardor than soberness of thought, violated canon law in some of its particulars (the bishop, for instance, was at first put in a secular prison), and also, as Pope Boniface VIII was not slow in pointing out, they challenged the freedom of the church.³⁵ Under different circumstances, pacific and diplomatic parties might have mollified the king’s anger and the pope’s displeasure. But in the event, both men, despite one or two early conciliatory gestures on the king’s part and later ones on the pope’s, stood their ground. In the bull *Ausculta fili* (“Listen, son”) of December 1301, Boniface reprimanded Philip.³⁶ The tone was sharp and offended those at

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the French court, who circulated an even harsher paraphrase of it with the intention of eliciting sympathy from influential groups.

The situation quickly worsened.³⁷ Nobles, churchmen, and townsmen were called together in assemblies often regarded by historians, a little anachronistically, as the first summoning of the Estates General of France.³⁸ The king's men explained the situation to them and asked the nobles and townsmen to send letters of protest to the cardinals; they permitted the clergy to write the pope directly. All were subsequently requested to adhere to a list of charges against the pope, whose final enumeration was extremely vicious. On 23 June 1303, for example, the adhesion of the University of Paris referred to Boniface VIII's "diverse, enormous and horrible and detestable crimes, certain of which manifestly stink of heresy."³⁹ Boniface prepared to depose the king but was kidnapped from his residence at Anagni by French agents on 7 September 1303 and humiliated before he could issue a bull of deposition.⁴⁰ Though he was rescued soon after, he did not live long. Steadily after Boniface's death on 11 October 1303 in Rome, to which the pontiff had returned from Anagni, the king brought the situation under his own control.⁴¹ The new pope, Benedict XI, elected on 22 October 1303—a mere eleven days after his predecessor's death—tried to reach an agreement with Philip's ambassadors without conceding too much, particularly with regard to the dignity of his predecessor on the papal throne and the culpability of those who carried out the kidnapping.⁴² But Benedict himself had scarcely more than eight months to live.⁴³ On 7 July 1304 began a papal interregnum that lasted almost a year until the election, on 5 June 1305, of a southern Frenchman as Pope Clement V, a man with whom the French king worked more comfortably. Clement eventually absolved the kidnappers, who had acted, he accepted, with commendable if perhaps excessive zeal for the love of Holy Church, but he managed to forestall the posthumous deposition of Boniface VIII that the French crown craved.⁴⁴

In 1301 and 1302 and even into early 1303 many French churchmen were more than willing to believe that Boniface had overstepped his authority and transgressed good sense by reprimanding the French king and by his evident unwillingness to avoid a scandal in the church that would inevitably hurt them.⁴⁵ They remembered his humiliating turnabout in the struggle over clerical taxation a few years before, which at the time undermined their own opposition to Philip, and they probably expected that after some posturing he would abandon his position again. Cistercians in France do not seem to have differed much from others in this regard early in the crisis.⁴⁶ As the propaganda war heated up, however, the king's polemicists dredged up the canard that Boniface had engineered the (illicit) resignation of his predecessor, Celestine V, in 1294 and kept this angelic pope under lock and key until he withered away two years

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later through the harsh imprisonment.⁴⁷ Other allegations—that Boniface endorsed sodomy and that he denied the soul’s immortality—joined this slur.⁴⁸ In response to the king’s angry refusal to allow his bishops to attend a council that the pope called for 1302 to deal with the dispute, many churchmen began to have misgivings about their own positions. Some, but by no means the bulk of the French hierarchy, made known their intent to defy the king and went to the council, which met in Rome at the end of October 1302.⁴⁹ One of these was the abbot of Cîteaux, the titular head of the entire Cistercian Order.⁵⁰ Philip threatened to seize all the goods of these men that his agents could get their hands on.⁵¹

Cistercians, indeed, were prominent among those who now began actively to resist.⁵² Not all Cistercians stood firm or even believed in the rightness of the pope’s position. The royal treasurer, the Cistercian abbot of Jouy, continued loyally in his post during Philip’s struggle with Boniface.⁵³ And Cistercians at the University of Paris, like Jacques de Thérines, were again divided by their mixed loyalties. The corporate voice of the university, to recall an earlier observation, was raised unequivocally in the king’s favor. Did the Cistercian scholars and masters share this point of view? Given the weight of evidence on the University of Paris indicating conflicts of opinion as to the extent of papal authority, it is possible to doubt it.⁵⁴ Historians of these events, however, originally opposed to the opinions of Catholic apologists but now more or less as a mere conventional reflex, constantly remind readers that only a minority of churchmen and of Cistercians publicly defied the king, and that their deeds should not be taken as an indication of a major failure of the French crown to command the church’s loyalty in the realm. Unfortunately, even the greatest of these historians fails to take into account the fear that potential resisters felt.⁵⁵ That any churchmen at all chose openly to refuse to adhere to the crown’s indictment of Boniface is perhaps more remarkable than that the majority were unwilling to make an open stand. Undoubtedly some were hoping against hope even deep into the crisis that a compromise would render open resistance unnecessary. The line between rationality and self-deceit or even cowardice is fine.

The fact is that many Cistercian houses did refuse to adhere in 1303, and many monks (though how many is unknown) retreated into exile rather than endure the situation.⁵⁶ Jean de Pontoise, the defiant abbot of Cîteaux, was virtually put under house arrest, as Tilmann Schmidt’s research shows, for his outspoken opposition to the king’s violation of ecclesiastical privilege, the freedom of the church.⁵⁷ After Boniface died and the first signs of the church’s capitulation began to manifest themselves, Abbot Jean resigned, succeeded by the Cistercian abbot of Jouy, the royal treasurer, and he died soon after.⁵⁸ The fiercely royalist scholar Pierre Dupuy, who in the mid-seventeenth century collected and edited the doc-

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uments relating to the disputes between Boniface VIII and Philip IV, threw doubt on the cause of the abbot's resignation, in a backhanded sort of way, almost certainly to belittle the extent and longevity of the opposition to Philip.⁵⁹ But Jean's integrity rings truer than Dupuy's doubt. He was long remembered for his stalwart opposition to the king, even as one standing nearly alone—refusing to assent to the royal measures and openly scornful and contemptuous both of the king and of those prelates who supported the crown.⁶⁰ This heroic figure attracted many Cistercians and inspired not a few to resist the crown.

Thus it seems a little jarring to find Jacques de Thérines, a Cistercian at the University of Paris, a few months after Abbot Jean's death using conventional flatteries to ask Philip the Fair for a favor for an old friend. Perhaps it would be a little less jarring if the date of the letter the professor subscribed to were 1306, as is possible.⁶¹ A year or two would go a long way toward softening animosities, even if the Chaalis monk went briefly into voluntary exile from the University of Paris in 1303. But time and again as we pursue Jacques's story we will see that he, like Abbot Jean of Cîteaux before him, was anything but a timid man or one whose loyalty to the see of Saint Peter was less than absolute.

In any case, what follows almost immediately after this first appearance of Jacques's name in a university document is a torrent of his academic writing and publications, one of the earliest of which is a quodlibetal question on the expulsion of Jews from Christian principalities, potentially a very dangerous subject in the France of the time.⁶² Quodlibets, as they have come down to us, are the summaries of disputed questions (varying from what look like attempted but highly abbreviated transcripts or talking notes to fully revised literary renditions) that professors discussed before learned audiences of the University of Paris. These disputes or debates regularly occurred during Advent/Christmas and Lent, and as the word implies (*quodlibet* means "whatever"), any question—serious or not—could be set for debate or even broached from the floor. The quodlibets of an extraordinary number of both famous and obscure professors have survived because they were collected and circulated. The genre flourished from the 1230s to the 1320s, and it constituted very popular reading in the academy.⁶³ For example, an astounding 137 manuscripts survive of Thomas Aquinas's carefully edited quodlibetal questions.⁶⁴

It was always informative and sometimes great fun to hear or read quodlibets. The subjects could be risqué. (It does not take an overheated modern cultural sensitivity to regard them sometimes as tasteless.) Who was better in bed, black women or white women?⁶⁵ How, one is tempted to ask, could professorial celibates who had never seen an African woman even claim to know? The answer is that they extrapolated from ancient and earlier medieval texts on women, physiognomy, biology, and ethnic

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customs.⁶⁶ The quodlibets, to a modern psychological sensibility, also at times seem to reveal some of the feelings of inadequacy and uncertainty in the university professoriat. Why would professional pacifists who rarely, if ever, risked their lives in battle agree to dispute in public about who were more courageous in war, black men or white men?⁶⁷ How could theologians who admitted, as a dogmatic article of the faith, the thoroughly transformative power of baptism argue that the sacrament was insufficient for Jews?⁶⁸ Even if the preferred answers were obvious in the cultural context—white knights were bolder than black; of course Jews could become Christians through baptism—simply to raise the issues and hear or read the strong counterarguments might provoke at least mild, if not disabling, cognitive dissonance.

Jacques de Thérines's quodlibets typically if not unrelievedly address graver rather than lighter issues, as is the case with the collections of many other professors who used the debating forum and the genre to think aloud and on parchment about still unsettled questions of philosophy, temporal authority, the economy, theology, and canon law.⁶⁹ But Palémon Glorieux, the learned editor of Jacques's quodlibets and a great admirer of the giants of medieval scholasticism, like Thomas Aquinas, Duns Scotus, and William of Ockham, was hard on the *érudit* from Thérines, whose "conscientious and reasonable" thought, he felt, did not rise to the "transcendent" quality of theirs.⁷⁰ This judgment seems misplaced, however, if only because the basis of comparison is unfair. For Jacques's surviving contributions to specifically theological and philosophical genres, unlike his controversial works, take up less than a single volume in its modern printing, trivial in quantity compared, say, to Aquinas's academic and related writings, which fill approximately fifty tomes in one modern edition.⁷¹ Such voluminous levels of production and survival are fairly common among the most famous scholastic theologians and philosophers and include of course their great *summæ* as well as their quodlibetal questions.

Transcendent or not, Jacques's oeuvre addressed difficult issues in intelligent ways.⁷² The twenty-two questions discussed in his first quodlibetal collection and the nineteen in the second focus mostly on highly rarefied issues of theology and philosophy. The following list hardly exhausts the matters he takes on: existence, essence, potentiality, the scientific status of theology, the beatific vision, the hypostatic union, the passion, angelic intelligence, nature, motion, infinity and eternity, and the varieties of reason and rationality. "Does the enlightenment [*lumen*] of faith differ from the enlightenment of prophecy *secundum speciem*?" is a typical sort of phrasing.⁷³ But occasionally, droll or gritty questions occupy a place in the collection. If a monk had the gift of foreknowledge from God and knew he was damned, was there any reason for him to remain a monk? The Cistercian offers six good reasons for the affirmative, including that it was

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good to serve God without hope of reward.⁷⁴ If a woman married a man, thereby saving him from capital punishment (presumably in a rape case, since marriage after the fact quashed the charge at law), was the marriage/pardon licit if the man, unbeknownst to everyone at the time, was already married and his first wife petitioned the judge for her husband? A firm no: saving one's soul (exiting from an adulterous relationship with the second "wife" and ceding the pardon) trumps saving one's body.⁷⁵

The best guide to the place of Jacques's views in the philosophical and theological world of which he was a part is his editor, Glorieux, who divides the master's oeuvre into five categories: metaphysics, cosmology, theodicy, psychology, and morality.⁷⁶ Like all such categorizations of the jumbles of questions in quodlibetal collections, this one is somewhat arbitrary, and it is difficult to fit all of Jacques's answers into the assigned boxes. In particular Glorieux's categories of morality and psychology function rather as catchalls.

What Glorieux classifies as moral questions do deal with terms that evoke moral sentiments and actions (virtues and vices), but Jacques's approach was not to query whether such-and-such a virtue was possible or to establish why it was necessary, which is how some modern moral philosophers might engage the philosophical problematic of virtue (or vice). Rather Jacques was usually content to argue the origin of virtue (whether in the intellect or in the will), to discuss the relationship of specific virtues to others, and to assess the relative importance of the virtues. In other words, his interests were broadly and typically taxonomic. How did a particular virtue, like prudence or justice, stand in relation to other virtues?⁷⁷ Was happiness an act of the intellect or of the will; were the moral virtues situated in the will or in the "sensitive appetite"?⁷⁸ Occasionally, however, Jacques dealt with practical questions, such as whether a person known to be in mortal sin should be permitted to receive the body of Christ in communion.⁷⁹ In this case, the master made a distinction as to whether the sin was manifest or known simply to the priest, and he marshaled texts in support of denying the sacrament to the manifest mortal sinner, while offering four arguments in favor of administering it to the sinner whose sin remains unknown to the community at large. While there is obvious moral content in the discussion, Glorieux apparently did not feel that it fitted well with the other quodlibetal questions he identified as moral, and so he left it unclassified.

The rubric of psychology that Glorieux employs, following medieval usage, is not what present-day people, in the long wake of Freudianism, would recognize as appropriate. Medieval psychology treated the soul and the intellect and how they achieved knowledge and translated knowledge, through the will, into action. Scholastic psychologists were as fascinated with rational creatures (human beings) as with superrational or intuitive

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ones (angels). In most cases, the quodlibetal questions Glorieux considers as falling into the category of psychology conform to medieval sensibilities. It seems particularly arbitrary, therefore, for Glorieux to regard quodlibetal question 1.14, that on the expulsion of Jews, as an exercise in scholastic psychology.⁸⁰

Indeed, though one of the shorter of Jacques's quodlibetal questions, 1.14 is the most politically charged of them all. One can almost see the distinguished master before his Christmas holiday audience in 1306, the date of the debate, ready to put his views on the line in the fraught atmosphere of Paris that winter. The atmosphere was fraught for good reason.

On 21 June 1306 secret policy discussions between Philip IV and his closest advisers culminated in a decision (also kept secret) to arrest and expel all the Jews from the kingdom of France.⁸¹ Orchestrating arrangements extremely subtly over the next month (with word of their plans not leaking out at all), the crown achieved a stunning surprise attack, the rounding up, seizure, and formal arrest of approximately one hundred thousand human beings—men, women, and children—in a single day (*in una die*), Friday, 22 July 1306, in a kingdom of about ten million people distributed, within its medieval borders, over nearly two hundred thousand square miles.⁸²

The Jews, whose neighborhoods were easy to identify and isolate because of the availability of information from tax documents that had accumulated in local royal bureaus over the years, were kept in the few formal jails and in communal buildings until such time as thorough searches were made of their homes for account books (records of their outstanding loans, now payable to the crown) and for their cash and goods.⁸³ This phase of the undertaking came to an end at different times over the next several months, depending in part on how many men could be put to the work of confiscation (*captio*). It also depended perhaps on whether local crown agents thought it was useful to keep Jews in captivity longer to induce some of them to convert. (A few did convert.) Negotiations between the crown and those barons who had direct lordship over Jews in France occasioned still other delays. All Jews were being expelled, both the crown's and the barons', but it was difficult to coordinate efforts.

The overall result was that expulsion dates differed markedly around the kingdom.⁸⁴ Some Jews were on the road, allowed only a little traveling money and the clothes on their backs, already in August, others only in September. The last Jews to leave the kingdom did so in October. But at whatever date they were expelled, they left under the same condition, "on pain of death." Also, many suffered indignities and even death from "exhaustion and suffering" as they traveled into exile. No evidence survives that either sick people or women in advanced pregnancy were allowed to postpone their journeys. Some border princes refused to let them settle

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in their lands—in a sense, they reexpelled them. Others, persuaded by the financial contributions of native Jews, let the refugees settle, but word must rapidly have disseminated in France that the Christian inhabitants of these lands often reacted hostilely to the newcomers, precipitating new expulsions.

Scarcely two months after the last Jews left the realm of France on royal orders from Paris, Jacques de Thérines, in the same city and in the shadow of the king's palace, chose to address the question of the appropriateness of expelling Jews. Given the regular dates for quodlibetal performances, this was his earliest opportunity to do so.⁸⁵ He could and did treat the matter as a hypothetical question, but depending on what he said and wrote in resolving the question, his answer would be regarded as either an endorsement or a denunciation of the particular policies of Philip the Fair.⁸⁶ There is no doubt that it would have been regarded as a denunciation, and, as Valois pointed out long ago, it took courage for the professor to say what he said.⁸⁷

Jacques framed the question in this way: “Should Jews expelled from one region be expelled from another” (*Vtrum Iudei expulsi de una regione debeant expelli de alia*). Jews had been expelled from England in 1290.⁸⁸ Nearly all, about two thousand, took up residence in France, from which, along with all native French Jews, they had just been expelled in the late summer and autumn of 1306. And many of these exiles suffered expulsion from lands where they subsequently tried to settle. Jacques assumed for the sake of argument that the cause of the initial expulsion was just, since the Jews' activity as “usurers” was a manifest sin.⁸⁹ The question, then, that he addressed was whether the Jewish habit of usurious activity created a legitimate presumption against them: would they not reengage in illicit moneylending in—and, therefore, transgress the laws of—any other region (*sic nec in alia*) in which they resettled? Should they be expelled even in the absence of proof of their guilt?⁹⁰ Implicit, here, is the more fundamental question as to whether presently law-abiding people, despite a long history of breaking the law, should be subjected to arbitrary power. Jacques did not question whether the power exercised was legitimate, only whether it conformed to the higher precepts that he affirmed and defended.

The contrary view, indeed, which he associated with the Fathers of the church and which modern historians typically associate with one in particular, Saint Augustine, was that Jews should be permitted to live among Christians.⁹¹ This is the view he then emphatically and repeatedly endorsed, and he offered six reasons for doing so, of which the first was that the Jews' very presence in Christendom helped confirm the validity of the Christian faith. The Jews preserved the Old Testament and constantly attested to its antiquity and integrity. Christians argued from the Old to the truth of the New. Christians who were weak in the faith could take

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heart from the Old Testament prophecies, their authenticity being guaranteed by the Jews, who also saw these texts as pointing to a messiah. While Jews balked, as Jacques acknowledged, at regarding Jesus as the promised messiah, Christians, properly instructed, would see the truth of the Catholic position and be strengthened in their faith.⁹²

Second, said Jacques, the very sight of Jews reminded Christians of Jesus's passion, for contemporary Jews were his betrayers' descendants. Christians ought not to take the presence of Jews in their communities as license to kill them for failing to repudiate the actions of their forebears. "Slay them not, lest my people forget" (Ps. 58 [59].11). Quite the contrary, Christians should pray for them to be brought to the true faith, as Jesus himself prayed for his tormentors: "Father, forgive them; for they know not what they do" (Luke 23.34).⁹³

Jacques was not a modern liberal, born out of due time. He was defending the church's traditional teaching, whatever his personal feelings about Jews. Perhaps he was moved by their arrest and brutal expulsion, and this sympathy occasioned his decision to discuss the question of exile. Some fine historians have certainly thought so.⁹⁴ But it is equally possible that he was wholly indifferent to their fate, and what really galled him was the king's indifference to traditional ecclesiastical teaching. In the long history of Philip the Fair's disputes with the church, after all, it was the king's alleged violation of norms of behavior established by the church that was his enemies' chief charge against him.

At any rate, Jacques went on to say, in offering his third reason not to expel Jews, faith actually grew stronger when it was in danger, in this case from the continuing presence of nonbelievers. Faith that survived in such circumstances was sometimes even further fortified with miracles. Here Jacques made reference to a relatively recent event (1290), the first fully documented accusation of host desecration, in which a Parisian Jew was alleged to have secured the sacrament from a poor Christian woman and tried to destroy it—unsuccessfully. Boiling it did not work, and when he stabbed it, it bled. In the end the Jew was discovered and the miracles revealed. The Jew's execution followed, as did, possibly, the conversion of some members of his family to Christianity.⁹⁵ Many Christians, Jacques implied, found their faith strengthened by these miracles. Moreover, the church, in the person of Pope Boniface VIII, recognized the validity of the miracles by allowing a chapel to be erected and consecrated on the spot where they occurred, the Place Saint-Jean-en-Grève in Paris.⁹⁶ In 1299 King Philip the Fair himself ceded to the religious serving the new sanctuary a house that was adjacent to this "Chapel of Miracles," as it was known.⁹⁷ If there were no Jews, there would have been no miracles (*exemplum de eukaristia in sancto Johanne in Graunia*), and no strengthening of the faith among skeptics.⁹⁸

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Why else should Jews be allowed to remain? Jacques provided three more reasons. Their dispersal in many regions throughout the Christian world was a constant reproach to them for their infidelity. It testified to their failure to overcome Christ even though they, “vile enemies of his cross” (*inimici cruces eius uiles*), crucified him. “Their continuous desolation and dispersion,” he insisted, “contributes to Christ’s glory and honor and to their multiple confusion.”⁹⁹ Or, again, the saints and the Fathers, inflamed and inspired by the Holy Spirit (*Spiritu Sancto inflammati et inspirati*), would not have permitted Jews to live among Christians if it was detrimental to the faith to do so, and the ancient Fathers ought to be imitated by us (*sunt a nobis imitandi*). “Trust in the Lord with all thine heart; and lean not unto thine own understanding” (Prov. 3.5).¹⁰⁰ Finally, how else could Jews be converted to the Catholic faith? The responsibility to convert the Jews, Jacques asserted, was laid as a divine burden on the Christian people, a position he supported by reference to prophetic passages from the Bible and with particular citations to papal letters incorporated into the canon law.¹⁰¹

With this Jacques brought his six arguments against expulsion to a close, and to judge by the form of his quodlibetal questions in general, the entire discussion should end at this point. Scribal practice can help explain a remarkable anomaly in this case, namely, the fact that a short coda was added to the discussion. Presumably, when Jacques gave his talking notes to his scribe for the transcription of his quodlibetal questions into a collection a few years later, he also gave him an additional note jotted down soon after the debate—a note that preserved his answer to a (completely unexpected?) question from the floor following his formal presentation.¹⁰² From the tenor and vocabulary of this answer, one can infer that the question was deliberately provocative.

One can also infer that the question went something like this: But what if the numbers and concentration of Jews become so great that they constitute a danger to the Christian “kingdom”? Should they be expelled then? The word kingdom (*regnum*), used in what I have called the coda, was new to the discussion. Jacques’s preferred usage was “region” (*regio*), a general word that could be marshaled as record evidence, when the quodlibets were circulated, that his discussion was hypothetical or abstract. It is relevant in this regard that he also never used the word “king” (*rex*) in the formal discussion, except in a quotation from the Bible about the messiah-king. Power *is exercised* against the Jews, always in the passive voice; Jacques never accused a king directly of exercising the power to expel. The scholastic convention of abstraction actually cast its protective cloak over the Cistercian master’s speech. Now, however, the matter of the kingdom was raised openly.

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Jacques's response is arresting. How could he say no? From Philip II Augustus's time in the late twelfth century the charge was being made that the Jews were increasing in such numbers—in Paris, in particular—that they constituted an implicit threat to the Christian people.¹⁰³ He therefore conceded that a dangerous confederation of large numbers of Jews might appropriately be expelled from a (the)—indeed, any—kingdom (*de aliquo regno*), but only temporarily (*ad tempus*), as it were, and as a way to break up the confederation.¹⁰⁴ This kind of expulsion one might call instrumental in that it reenacted the dispersion of the Jews, which was the punishment that God, in medieval Christian understanding, justly meant them to suffer. According to Jacques, however, no such expulsion should be undertaken except after long hard thought (*maturo consilio mediante*), and, most important, no such expulsion should be permanent, a point, he insisted, that his six reasons established firmly.¹⁰⁵ Were eyebrows raised in the audience? Contemporary commentators, after all, make plain that everyone knew what the king intended: the Jews were “never again to return.”¹⁰⁶ This was dangerous business.

If word got back to the king that a learned professor, a Cistercian at the University of Paris, spoke “publicly” in a way that could be regarded as open criticism of his expulsion of the Jews, we have no evidence that he did anything about it. Perhaps Philip IV regarded the act as another absurd if irritating eruption from a member of the order, but one that, given the crown's already successful *accomplishment* of the expulsion, was of minimal significance. Or perhaps he knew perfectly well that quodlibets were largely intellectual games that he believed he could afford to ignore. It is possible, too, that Jacques de Thérines took the chance he did precisely because the likelihood of retribution after the fact of the expulsion was low; the Cistercians could hardly be further marginalized than they already were.

And yet there is a coda to the story, not just to the text of the quodlibetal question. In 1306 Philip IV's heir, Louis, like all the other barons of the realm who had direct lordship over Jews, expelled his Jews from the county of Champagne, which he held in vassalage of his father and as an inheritance since 1305 from his mother. But at his mother's death, he also ascended the throne of Navarre, and in Navarre “King” Louis, though a mere seventeen-year-old, was no one's vassal. “Should Jews expelled from one region be expelled from another?”—this was the original question Jacques de Thérines raised. Jewish refugees from the kingdom of France were flooding into the kingdom of Navarre. What did Louis—the son of the man who had made them refugees—do? He permitted them to settle and to get on with their lives.¹⁰⁷ Jacques's quodlibetal discussion may have been occasioned by his self-perceived need to justify the young king's ac-

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tions and even, by giving him a respectable argument drawn from the tradition of the “Fathers,” to shield him from paternal wrath.

There is a coda to the coda. No expulsion of Jews, not even a justifiable one, Jacques de Thérines insisted at Christmas 1306, should be anything more than temporary (*ad tempus*). In 1315, a few months after Louis of Navarre succeeded Philip the Fair as king of France, he annulled his father’s expulsion order and readmitted Jews to the realm. He offered several reasons for doing so in the decree he issued.¹⁰⁸ One will sound familiar, because it was the overriding, emphatic, and often repeated one for Jacques de Thérines as well: the Fathers of the church commanded it.¹⁰⁹