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Inventing Modernity in Medieval European Thought ca. 1100–ca. 1550

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Edited by
Bettina Koch and Cary J. Nederman

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European Thought, ca. 1100–ca. 1550

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Studies in Medieval and Early Modern Culture LI

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Kalamazoo

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**Library of Congress Cataloging-in-Publication Data
are available from the Library of Congress.**

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ISBN: 9781580443494

eISBN: 9781580443500

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Preface

THE INSPIRATION FOR THIS VOLUME is to be found in the life and career of Thomas M. Izbicki. Tom has touched every one of the authors whose work is found herein, whether as peers, collaborators, or mentors. The appreciation by Jerry Christianson that appears in the final section of the book conveys more than adequately Tom's professional contributions as a scholar who embodies the rare combined talents of on-the-ground rigor and visionary insight. Each of the chapters contained in this volume reflect one or another dimension of his extraordinary capacity to synthesize vast amounts of literature—primary and secondary—into a cohesive account of the transformations that occurred in Western thought between the so-called “medieval” and “modern” periods. We suspect that Tom's greatest academic joys emerged from working with colleagues (attested to by the bibliography with which this book ends), drawing together intellectual communities in various ways, and (unbelievably!) preparing indices for books. Of course, Tom also has gathered a large group of friends who deeply appreciate him and who value his love and support (as well as his distinctive laugh and subtle sense of humor). Although he may have formally retired from his appointment at Rutgers University, he appears to be working harder and more productively than ever.

No collection of essays can be completed successfully by the sheer will of its editors. Therefore, we wish to thank the contributors whose scholarship is represented in this volume. Each and every one met deadlines (early!) and cooperated unselfishly in the publication process—a testament, we think, to their respect and true affection for Tom. The staff of MIP was supportive and professional from beginning to end; in this regard, we wish to thank Theresa Whitaker and Ilse Schweitzer, as well as Simon Forde at Arc Humanities Press. Ben Peterson of Texas A&M University made Herculean editorial contributions well beyond expectations (as well as enduring the not-always-pleasant to-and-fro between the editors). The late Dennis Wm Moran of the University of Notre Dame

took a keen interest in the project, suggested many names to approach about contributing, and would have loved to add his own appreciation for Tom. Alas, Dennis passed away only weeks before we completed the final version of the manuscript. And, most importantly, we thank you, Tom, for all you have done for us and for so many others.

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March 2018

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Introduction

Inventing Modernity

Bettina Koch and Cary J. Nederman

A VISITOR FROM A DISTANT LAND AND CULTURE traveling through Europe will most likely eventually find herself in the historic center of a medieval city or town. The center's most impressive building is almost assuredly the city's main church or cathedral, which dominates its urban architecture. The cathedral or church may still serve its initial religious purpose, though it might have been secularized to be used as a café or community center. The visitor might be interested in its contribution to art or architectural history. But she may also wonder whether the cathedral is still part of a living culture or whether the building is nothing but a relic of a way of life that has long ceased to exist. The artifact, then, would be little more than an assemblage of stones that had meaning in the past but not in the present and that is simply too large to be placed in a museum.

Thus, our visitor instantaneously, if unwittingly, encounters the imposing remnants and continuing (in)significance of a religious value system impressed upon this society. In broader terms, she is confronted with the dilemma of what constitutes European or Western modernity and the degree to which the premodern past is still present in the societies of today. Indeed, the current discourse related to the reemergence of religious fundamentalism may return meaning to these buildings dating to the so-called Middle Ages, or may add new layers of significance not previously evident.

Here, it may be useful to invoke the German philosopher and intellectual historian Hans Blumenberg, according to whom we need to "free ourselves of the assumption of a stable canon of 'great questions' that throughout history occupy humans' thirst for knowledge with constant urgency and, thus, motivate the aspiration for world- and self-interpretation." Blumenberg suggests instead that a surplus of questions is a problem of a threshold of epochs (*Epochenschwellen*).¹ There is indeed a certain set of questions that we raise presently, and have raised for the last several decades, that may rise to the standard of such a "surplus." Whether the

current experience of change eventually turns into a new epoch is something future generations will have to judge. For the moment, however, it seems safe to say that we are confronted with a transformation in narratives that compelled Jürgen Habermas, for instance, to remark that “the split within the West” caused by the political revitalization of religion(s) “is rather perceived as if Europe were isolating itself from the rest of the world. Seen in terms of world history, Max Weber’s ‘Occidental Rationalism’ now appears to be the actual deviation.” For Habermas, this takes the form of a “secular awareness that one is living in a post-secular society.”²

Whether one agrees with or disputes Habermas’s observation about a “post secular” society or age, his suggestion hints that the perception of secularity qualifies as one of the key features, if not *the* key feature, of European Modernity, even though, more recently, sociologists of religion seem to have abandoned the explanatory value of a theory of secularization. Scholars like José Casanova see this turn as a change of perception rather than a change in reality.³ Yet, such a change of perception has not affected other disciplines in a similar way. Among philosophers, it is still common to associate Modernity with secularity and an unwavering commitment to reason. As Blumenberg notes, “[n]ot so much the totalitarian claim of modern reason but rather the totalitarian obligation towards it could be described as secularity.”⁴ This notion is echoed in Charles Taylor’s *A Secular Age*.⁵

It is not, however, philosophy alone that emphasizes secularity, together with (scientific) reason, as the key characteristics of European or Western Modernity. A similar point, made to very different effect, centrally grounds the post-colonial critique of Western or European cultural, political, and economic hegemony and hegemonic discourse. With reference to the Arab Middle East today—with the exception of the early Muslim community under the Prophet Muhammad—Gudrun Krämer notes that “religion and state have never been fused in ‘Islamic’ societies and that the link between religion and politics was not fundamentally different from that found in contemporary ‘Christian’ Europe.” Yet, simultaneously in post-colonial discourses “secularization is widely portrayed as the centerpiece of a modernizing project imposed from outside and/or above, by colonial and post-colonial authoritarian regimes, one that jeopardizes the identity of Muslims to the benefit of the enemies.”⁶ The assumptions that to be modern means to be secular, and that whoever is not secular is not fully modern, contribute to this perception.⁷ To some degree, the so-called Thomas Theorem (“If men define situations as real, they are real in their consequences”) seems predominant in discourse.⁸

Yet, the emphasis on the *secular*, whether conceived as secularization, secularism, or secularity, is not without justification. As José Casanova suggests, it needs to be emphasized that the secular, as secularization, initially emerged as a purely theological concept in Latin Christendom “that has no equivalent in other religious traditions or even in Eastern Christianity.” Thus, these categories might be completely inappropriate if applied to contexts outside the domains of Latin Christianity, whether it is South Asia or the Arab world.⁹ In this sense, the visitor to our fictional medieval town may perceive the cathedral not simply as a symbol of a (past) belief system, but also as a symbol of its power to overcome itself. If one accepts secularity as a key characteristic of European Modernity, how is one to read the “return” of fundamentalist or extremist religious movements? Are these movements, whether they are some version of evangelical Christianity, fundamentalist Islam, or the South Asian Hindutva movement,¹⁰ signs of the end of the modern European era, as Habermas’s notion of postsecularism implies, or do they simply require that the secularity narrative needs to be reconsidered? It is evident that the emergence of fundamentalisms is dependent on the modern condition, however defined.¹¹ At the same time, they are interpreted as signs of the decline, if not the disintegration, of European Modernity.

Olivier Roy offers an intriguing alternative reading. First, he suggests that the “expulsion of religion from the public space [...] automatically places it in the hands of radicals and the self-taught.”¹² His position goes hand in hand with more recent arguments favoring greater inclusion of religion in the public sphere.¹³ Second, Roy argues that

[s]ecularization has not eradicated religion. As a result of our separation of religion from our cultural environment, it appears on the other hand as pure religion. In fact, secularization has worked: what we are witnessing today is the militant reformulation of religion in the secular space that has given religion its autonomy and therefore the conditions for its expansion. Secularization and globalization have forced religions to break away from culture, to think of themselves as autonomous and to reconstruct themselves in a space that is no longer territorial and is no longer subject to politics.¹⁴

Furthermore, he advocates the need to draw a clear distinction between “new” religions and “traditional” religions. For traditional religions, reason and belief are not contradictory, but rather “faith and knowledge mutually reinforce each other.” The deculturation of new religions,

by contrast, “destroys this dialectic[al] relation: the sacred texts must be able to speak outside any cultural context.”¹⁵ In the eyes of the infidel, this dichotomy leads to the perception of the born again believer as “incongruous, even fanatical.” By contrast, for the born again, “the lukewarm, the cool or those who have not been born again belong to the secular—or even pagan—world.”¹⁶

Yet, except for the “new” aspect of deculturation, no serious student of medieval or (early) modern history, not to mention philosophers, theologians, or political theorists who focus on those historical epochs, would regard such waves of “fanaticism” as surprising—let alone shocking—“news.” In the past as in the present, the dissonant voices of fundamentalist or “born again” movements reflect a very small number of believers, who seek, occasionally forcefully, to reclaim the public sphere. Too often today, headline hunting media attention blows their significance out of proportion. Ironically, while contemporary discourses emphasize the decline or even disintegration of what is usually termed Western or European Modernity, the conditions for the emergence—indeed, invention—of what is commonly understood as Modernity remain understudied and, consequently, far from fully understood. The present volume constitutes a contribution to the project of remedying this relative ignorance about the origins of European Modernity. Despite the current trend toward trans- and inter-cultural research (which is in general terms laudatory), the express goal here is to bring into clear focus the intellectual and institutional transitions in Europe that crystallized in the modern era. To the extent that Modernity represents a palpable shift in perspective (“perception”) that has direct implications for current times, it becomes especially imperative to investigate the specific contexts out of which it arose.

Of course, there exist disagreements surrounding problems of periodization. Over the last few decades, scholars engaged in studying the “medieval/modern divide”—some of whose research is represented in this volume¹⁷—have pushed questions about the roots of Modernity further backward in time. These developments challenge precisely the canonicity to which Blumenberg alluded, whether a single historical event (e.g., 1492, the “discovery” of the “Americas”¹⁸) or a particular author (Machiavelli or Hobbes are often the first choices). This habit might be useful pedagogically, but not necessarily epistemologically. The point of view broadly advocated in the chapters contained in this collection directly rejects such neat historical platitudes. The contributing authors also together acknowledge that the “invention” of European Modernity was a long and multi-disciplinary intellectual process. As a glance at the

table of contents reveals, the volume concentrates on the period from ca.1100 to ca.1550. This chronological choice is not arbitrary. Rather, placing the *terminus a quo* at roughly 1100 takes into consideration factors that are commonly regarded as typical of medieval Latin Christianity at its peak: developing monasticism, ecclesiastical reform, literary and philosophical revival—and, of course, the First Crusade, which was just under way. Our point is that if we may begin to ask questions (in Blumenberg's sense) concerning certain emergent features of Modernity identifiable already during the High and Later Western Middle Ages, then we have extended the "threshold of epochs" that ultimately yielded the full-scale invention of Modernity.

The second aim of the present volume suggested above is the refutation of the view that narrow disciplinarity (and especially theological transformations) was the driving force behind the shift toward the modern mindset. This is certainly a prime implication of the current emphasis on (post)secularism and Latin Christendom. As the chapters contained here testify, the invention of Modernity was a project that involved interaction between the fields of metaphysics, theology, ecclesiology, canon and civil law, and political philosophy, among other disciplines. Taken together, the many intellectual transformations (and concomitant institutional changes) that occurred from the twelfth century to the fifteenth were the product of micro-level developments that came together in a multiplicity of ways. The contributions to this volume are intended to mirror the multidisciplinary character of emergent Modernity. They are authored by scholars representing diverse disciplines: historians to be sure, but also philosophers, theologians, and political theorists, all engaged in a cooperative effort to identify and attempt to propose answers to the myriad questions arising from the transition(s) to the modern world.

Yet, as many of the chapters contained in this volume attest, the transition(s) to the modern world by no means reflect a linear process that, once put into motion, followed through in a logical and straightforward manner. Rather, that an idea developed centuries ago gets picked up and transformed or adjusted for contemporary needs most likely happens by chance than intentionally. This reality only complicates the difficulties of conceptualizing the "true" meaning and content of European Modernity. In a number of instances, there is still no common knowledge, if any awareness at all, that certain ideas attributed to the modern age are far from being "modern" in origin, at least in terms of their original "inventors." While present discussions of Western Modernity, as indicated above, focus almost exclusively on the secularization theorem, a focus that is partly

stimulated by post-colonial discourses and particularly a critique of what is perceived as Western, this volume takes a broader view that concentrates on four main themes. These themes (“Heresy and Reform,” “Transforming Ideas and Traditions,” “Cusa and Philosophy,” and “The Great Schism and the Conciliar Option”) taken together aim to reveal some of the complexities associated with emergent Modernity. This picture cuts against the grain of the predominant Renaissance narrative that emphasizes the return to or rebirth of ancient Greece and Rome as the main stimulus in the process of “overcoming” the previous age. Thus, to uncover the invention of Modernity, looking back to previously overlooked impacts is as relevant as looking forward. One name that reappears rather frequently throughout the volume is Nicholas Cusanus (aka Cusa). The emphasis on Cusanus is not only a result of his central place in Thomas M. Izbicki’s scholarship; it is also reflected in Blumenberg’s narrative that associates Cusanus with a “systematic relation of the metaphysical triangle of human, god, and world” that implies “the critical self-destruction of the Middle Ages.”¹⁹

Since the formation of Modernity is not the outcome of a linear process, as we have suggested, the chapters in this volume are grouped thematically rather than chronologically. The first part on “Heresy and Reform” explores three manifestations of transformative discourse. First, Louis B. Pascoe and Christopher M. Bellitto discuss Pierre d’Ailly’s insistence on the need for internal reform of the institutionalized church as a means of personal reform. While d’Ailly remains in a theological discourse that, at a first glance, seems to imply a discontent about developments in the institutional Catholic Church, his interplay between institutional and personal reform reveals a departure from the Catholic anthropology of human imperfection caused by original sin. In d’Ailly’s theology one may observe a transition from a theology that emphasizes human imperfection toward a theology that renders human self-perfection possible and sees humans increasingly in the context of *imago Dei*. While d’Ailly’s theology is certainly not secular in the sense of a rejection of the religious, it emphasizes the study of salvational history that is in the world, in the *saeculum*. Rejecting the ahistoricity of theology applies a strategy for renewal and reform similar to, for instance, that of twentieth-century liberation theologian Ignacio Ellacuría.²⁰

The stress on historicity and the explicit use of history as a means to critique the status quo also yields a new method to undermine and question papal authority. As Thomas Turley notes in his chapter, “In the early thirteenth century, a new generation of canon lawyers—the Decretalists—began to alter the interpretation of the *status ecclesiae*, ascribing broad discretionary powers to the pope that allowed them to circumvent the

normal rights and privileges of prelates and others in cases of necessity.” “Secular champions” challenged their reading by explicitly turning to the Scriptures, blended in their argument with history. While the turn to history as a means of antipapal polemics is well known in the works of Marsilius of Padua, Turley traces earlier examples of this technique back to John of Paris and John of Pouilly, among others. Despite heresy charges like those leveled against John of Pouilly, the technique of emphasizing the secularity of historicity resulted in an erosion of authority through a multiplicity of interpretations that jeopardized papal claims to nearly absolute power.

Taking on the theme of heresy, Thomas A. Fudge explores the tensions in the perception of the Bohemian priest Jan Hus, who “went to the stake as a condemned heretic” at Constance. As Fudge shows, the conviction of Hus has a prehistory that goes back as far as the Council of Tours of 1163. In Lateran IV’s (1215) perspective on heresy, the earlier *caritas* approach is replaced by *potestas* that relates heresy to treason as a crime against the church *and* against the community. Thus, Hus was not only charged as a sinner, but also as a criminal. Consequently, “extra-ecclesiastical authorities are seconded into the prosecution of the offensive activity.” By invoking Dante, Fudge identifies common themes in Dante and Hus: “Patriotism, devotion to their culture, lonely deaths far from home, and the experience of exile.” While Hus illustrates the merging of ecclesiastical and political crime that secularized sinful actions, Fudge also traces the perception of Hus until the nineteenth century, echoing Dante’s themes of patriotism and (national) culture. As exemplified by Hus’s legacy, Fudge’s contribution demonstrates the emergence of nationalist thinking in the context of the secularization of heresy as a deed against the church *and* against the state.

In Part 2, “Transforming Ideas and Traditions,” illuminates the impact of the Roman tradition on republican thought that later became a marker of the modern rather than of the medieval period, the transformation of ideas from the twelfth to the fifteenth century, as well as the temporal abolition of medieval republican thought in the Reformation age. Thus, the section shows how the invention of Modernity can be seen as a dialectical “development” that first abolishes more progressive ideas to allow for their more forceful reemergence centuries later. For this purpose, Cary J. Nederman traces the origins of medieval “republican” theory in the writings of Ptolemy of Lucca and Marsilius of Padua to the grossly overlooked impact of “the role played by classical Latinate culture and Roman civilization in the development of political thought during the Middle Ages.” Focusing first on Ptolemy, who “praised republican institutions as ‘more suitable for producing a certain civility,’” Nederman shows that his reasons for limited terms for officials

and emphasis on the rule of law, as well as the idea that the republic “must struggle to gain and retain earthly security and welfare,” rest on Valerius Maximus, Sallust, and Cicero rather than on Aristotle. In a similar vein, Nederman traces how Roman, and especially Ciceronian, concepts and practices impacted the Paduan’s discourse about justice. Marsilius concludes that “society itself is impossible without the acknowledgment of [the] obligation arising from the Ciceronian principle of justice.” Following partially along the lines of Turley’s argument, Nederman also shows that it was primarily Roman “political doctrines and languages” that helped Marsilius to attain “his overarching purpose of challenging and undermining the papal agenda.”

Nancy Struever’s inquiry into Cusanus and Lorenzo Valla on “the centrality of imaginative powers in discovery” shows an alternative humanist tradition that moves away from Ciceronian elegance through advocating Quintilian rhetorical elegance. Thus, she uncovers a story of classic Roman reception that is often overlooked. By emphasizing both intellectuals’ interest in language, Struever points to Valla’s *loquendi libertas*, the freedom of speaking, as “a felt obligation to intrude. Valla proposes and performs an interconnected range of genres with topical reverberations; yet he offers serious critique of a particular historical—but unhistorical, inaccurate—clerical misuse of the language of secular power.” While this is an indirect critique of Cusanus’s “creative reinterpretation,” it also demonstrates Humanism’s “function to enable inquiry to be strenuously, even meticulously revisionist, and, perhaps, to be engaged in generating the possibilities of reform.”

Challenging and undermining the papal agenda remains, certainly, one of the key issues in the Reformation era, particularly in the reception of Marsilius. In her discussion of a 1545 partial German translation of Marsilius’s *Defensor pacis*, Bettina Koch shows how and for what purposes Marsilian ideas were adapted during the Reformation. Here, it is ironic that, in this period, all of Marsilius’s republican leanings were eliminated in preference to the view that he advocated a territorial ruler possessed of almost absolute power over temporal and ecclesiastical affairs. Thus, the move toward modern democratic ideas, numerous of which are visible and foreshadowed in Marsilius’s original work, takes a detour by first abolishing them. While, at a first glance, the sixteenth-century reception of Marsilius appears to be rather a step back from emerging Modernity, in an odd way the use of Marsilius, as well as the historical reality in which it emerges, helps to chart a path toward secularity. By fulfilling Marsilius’s demand of keeping the Church’s activities under political control and eventually placing it under the emerging regional powers’ governance, the religious sphere bows to secular authority.

In Part 3, “Cusa and Philosophy,” Donald F. Duclow stresses the importance of Cusanus’s Constantinople experience. By focusing on one of Cusanus’s lesser studied works, *De venatione sapientiae* (The Hunt for Wisdom), Duclow concentrates on a philosophical-theological theme that Pierre d’Ailly had tackled from a purely theological perspective: the question of self-perfection discussed in the Aristotelian language of potentiality and possibility. Duclow highlights Cusanus’s emphasis on the difference between celestial beings and other beings, the other “creatures—like ourselves—are *not* all that they can become: these ‘are never constant, and perish ... They imitate perpetual things but will never attain them ... They are *temporal*, and are called earthly and perceptible things.’” Duclow’s chapter demonstrates how, though moving increasingly toward a worldly understanding, philosophy remains within the parameters of Christian theology; at the same time, he illustrates Cusanus’s creative use of the sources he hunted down in libraries and archives. One of the core questions Duclow seeks to answer is whether Cusanus ought to be characterized as medieval or (already) modern. Although Cusanus is clearly not modern in the sense of Descartes, Duclow suggests that he might be seen as “modern” in a Gadamerian hermeneutical sense because, as Gadamer notes, “[t]he horizon of the past, out of which all human life lives and which exists in the form of tradition, is always in motion. The surrounding horizon is not set in motion by historical consciousness. But it is in this motion [that it] becomes aware of itself.”²¹ In this fashion, Cusanus remains in the tradition but, at the same time, “he pays little attention to the tensions between the texts he reads and his own perspective on them,” which allows him to read his sources “in a new and idiosyncratic direction.”

Precisely this feature of Cusanus’s thought is illustrated in Constant Mews’s essay. Mews uncovers a less well-known and maybe even hidden reception history that also challenges the Renaissance master narrative defined “in terms of the rediscovery of classical authors” by stressing that “the intellectual renaissance of the fifteenth century was shaped (particularly in northern Europe) by recovery of less well-known authors of the twelfth and thirteenth century, whose writings did not gain authority within a standard scholastic curriculum.” Mews traces some of these influences through Nicholas Cusanus’s library by emphasizing the writings of Peter Abelard and Anselm of Havelberg. Here the primary focus is on Abelard’s *Theologia ‘Scholarium’*, a work that Bernard of Clairvaux condemned because of its allegedly heretical content. Only five manuscripts of Abelard’s work survived. As a transmissional figure, Mews identifies Anselm of Havelberg, “whose fascination with accepting religious diversity” in some

ways resemble Cusanus's position. Both Anselm and Abelard were rediscovered in the fifteenth century. As Mews notes, "[i]n his *Antikeimenon* Anselm of Havelberg anticipates the concerns of Nicholas of Cusa about overcoming diversity, but in the twelfth century, this was understood only through the divergences between different forms of Christian life." In both cases, the interest in and the discovery of religious diversity was stimulated through their journeys to Constantinople. Mews concludes that, although Cusanus had been influenced by other medieval figures like Roman Lull and Meister Eckhart, the "originality of Nicholas is such that his ideas cannot be traced back to any single literary source."

James Muldoon, by contrast, shifts attention away from the realm of philosophical speculation toward Cusanus's vision of World Order and International Relations, "a topic that was of growing importance in the fifteenth century, culminating in the creation of the great European overseas empires." Cusanus stresses a harmony that results from the "active participation of human beings, wise men working with the consent of their fellows, to work out the specific details of the harmony." This harmony, based on consent, is precisely what most readers today would identify as a "modern" feature, though it was precisely this train of thought that was put, at least partially, off the track in sixteenth-century thinking. Yet, because of the emerging significance of integrating peoples from distant lands into Cusanus's speculative World Order, he faced the problem of how to fit the "other" into a harmonious system. Theoretically, for Cusanus, this assimilation does not pose a significant problem, because "all men are by nature social and organized societies 'to preserve unity and harmony' and 'establish guardians of all these laws with the power necessary to provide for the public good,' just as European Christian rulers did." Nonetheless, Cusanus invents a hierarchy among nations that rests on their relative proximity to Christian religion. According to his logic, Muslims would rank higher than Tatars because Muslims "venerate the laws of the Old Testament and certain of those of the New Testament." As Muldoon notes, Cusanus did not concern himself much with the practicality of his suggestion and certainly could not anticipate the fact that "Islam was advancing in the east, seizing Constantinople in 1453 and advancing through the Balkans, reaching Vienna in 1683. A harmonious relationship did not appear likely." Yet, as Muldoon stresses, even for Cusanus the harmonious World Order may not be realized "without the use of force in some cases."

In Part 4, "The Great Schism and the Conciliar Option," Joëlle Rollo-Koster opens the discussion with a case of a political situation in which harmony has little place by analyzing the circumstances that might

justify the act of tyrannicide. She places her narrative in the context of the murder of Louis of Orléans in 1407. As Rollo-Koster shows, this case is of particular relevance because it plays out in the context of the Great Schism, which raises the question of whether, if tyrannicide is permissible, papicide would be acceptable on similar grounds. The problem refers to a pressing political question during the Schism that concerns religious and secular authorities alike, namely, “the means of responding to illegitimacy: they could use violence, break away from all popes, or call a council to solve the issue.” Her case illustrates that the struggle toward the legalization of responses to unjust or tyrannical rule requires in part a redefinition of usurper, opponent, and heretic. Even though the Council of Constance did not arrive at an univocal solution to the problem of a proper procedure, it nonetheless, with reference to the condemnation of John Wyclif in 1377, declared that “the council as a whole is greater than the pope and the pope is a part of the council.” Even after the election of a pope, that is, the council still maintains its supreme power, which perhaps also reflects an embryonic version of checks and balances.

The idea of the pope’s limited authority that shines through the discussion at the Council of Constance is similarly relevant in Ian Christopher Levy’s analysis of John Wyclif’s opposition to canon lawyers who claim that whatever the pope ordains is just since his letters may even “possess greater authority than Holy Scripture.” Thus, the “heretic” Wyclif is essentially concerned with a project similar to that of the conciliar movement: limiting papal power. The means of attempting to achieve this goal for Wyclif is through a discussion of a hierarchy in the authority of sources. Wyclif particularly criticizes the canonist’s “assumption that Holy Scripture and canon law might be placed on equal footing, as though the growth of the former justifies that of the latter.” One of the key issues in this conflict is the idea of papal dispensations that, at least in some cases, might undermine the accountability and authority of the priestly office, because, for Wyclif, “when a priest commits an act of fornication he must be deposed from the state of the priesthood. The only question is whether he can be reinstated following a suitable penance.”

In the case of Wyclif’s idea of the accountability of officials of the church, it took at least until the Reformation for the general principle to be embraced and become part of political and judicial practice. For some ideas, it took far longer than just a couple of centuries for their relevance to be realized. As Francis Oakley shows in his chapter on the nineteenth-century churchman Henri Louis Charles Maret, the ideas of Pierre d’Ailly, with whom our journey through medieval discourses began, gained

ultimate currency in the context of Vatican I, which aimed to address the challenges posed by rationalism, liberalism, and materialism. For Maret, “the government of the Church [...] had become ‘too exclusive, too absolute, too Italian.’” Maret’s opposition, however, reached not merely to the too-absolute and too-Italian church, but also to his discontent with the *ancienne régime*’s “political Gallicanism” that was “alien to the liberal sympathies and (increasingly) democratic sensibilities that eventually led Maret to embrace a species of separation between church and state.” Yet, his distaste for the political Gallicanism of the time also brought Maret closer to traditional conciliar thinking. As Oakley notes, in the “combination of the strict conciliar theory with the (older) reforming strand in conciliar thinking, Maret stood somewhat closer in spirit to the great conciliarists of the fifteenth century than he did to his immediate Gallican forbearers.”

After our traveler from a distant land and culture who was introduced at the beginning of this chapter has journeyed with us to the different places and engaged with different ideas discussed in the present volume, she might come to the conclusion that, while the meanings of representations of medieval Christianity still visible throughout Europe might have changed throughout the centuries, they also shaped and made possible what is presently perceived as Modernity. She might even conclude that some ideas she has associated with Modernity itself were as present in medieval thought as they are today.

NOTES

¹ Blumenberg, *Die Legitimität der Neuzeit*, 75–76. Koch translation.

² Habermas, “Religion in the Public Sphere,” 2, 4.

³ Casanova, *Public Religions in the Modern World*, 11. Here, post-modern discourses certainly contributed to the tendency to abandon secularization as an analytical tool because it contradicts a postmodern notion of recognizing multiple spiritualities compared with the presently contested concept of “religion(s).” See Berry, “Postmodernism and Post-Religion,” 168–81.

⁴ Blumenberg, *Die Legitimität der Neuzeit*, 76. Koch translation.

⁵ Taylor, *A Secular Age*, 11. In the book Taylor is, among other things, concerned with the “conditions of belief in 1500 and 2000,” 25.

⁶ Krämer, “Secularity Contested,” 124–25, 135.

⁷ Casanova, “The Secular, Secularization, Secularism,” 59.

⁸ Thomas and Swaine Thomas, *The Child in America*, 572.

⁹ Casanova, “The Secular, Secularization, Secularism,” 56, 65.

¹⁰ Pirbhai, “Demons in Hindutva,” 27–53. For a useful approach to the concept “fundamentalism” as an analytical tool for belief systems outside the

Christian tradition from which it emerges, see Cook, *Ancient Religions, Modern Politics*, 371–75.

¹¹ An especially clear statement of this position is afforded by Euben, *Enemy in the Mirror*.

¹² Roy, *Jihad and Death*, 67.

¹³ In addition to the well-known arguments of the later Rawls and Habermas, see Barber, “The War of All against All,” 90 and Calhoun, “Secularism, Citizenship, and the Public Sphere,” 80–81, who emphasizes the “religious roots of public reason.”

¹⁴ Roy, *Holy Ignorance*, 2.

¹⁵ Ibid., 10.

¹⁶ Ibid., 8.

¹⁷ See, for instance, Muldoon, ed., *Bridging the Medieval–Modern Divide*; Koch, *Patterns Legitimizing Political Violence*; Koch, *Zur Dis-/Kontinuität mittelalterlichen politischen Denkens in der neuzeitlichen politischen Theorie*; Nederman, *Lineages of European Political Thought*; Izbicki and Bellitto, *Reform and Renewal in the Middle Ages and the Renaissance*.

¹⁸ Ironically, scholars from Spain or Portugal barely interacted with their colleagues in Paris, Rome, Cologne, or Oxford and are at best side-figures in the discourses that are relevant for the project under investigation.

¹⁹ Blumenberg, *Die Legitimität der Neuzeit*, 559.

²⁰ Ellacuría, *Freedom Made Flesh*, 3–19.

²¹ Gadamer, *Truth and Method*, 303.

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Part 1

Heresy and Reform

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Pierre d'Ailly

The Trinitarian Dynamics of Personal Reform and Renewal

Louis B. Pascoe, SJ† with Christopher M. Bellitto¹

THERE IS A TENDENCY TO VIEW CHURCH REFORM in any historical period through a prism of attempts to reform and renew either the institution's administrative head (pope, cardinals, bishops) or her local members (priests, monks and nuns, mendicant men and women, city or rural folk). This is a false dichotomy, however, since the operative phrase in the history of church reform is *reformatio in capite et in membris*: reform in head and members, not head or members. While historians and theologians may logically focus on efforts in one or the other, the reality is that most reformers—particularly represented by late medieval and early modern Catholic and Protestant voices—saw reform in terms of both head and members and not a binary either/or.²

This chapter offers a balancing look at one such reformer, Pierre d'Ailly (1351–1420), who is primarily known for his considerable achievements in high-level church statesmanship, which entailed the institutional aspects of his writings and actions on church politics and theology. Our attempt is to expand the standard portrait of d'Ailly by means of an examination of the more contemplative aspect of his considerable body of writings on reform; the spiritual dimensions that must underlie all other attempts at structural reform, especially episcopal and papal reform, if they are to demonstrate authenticity, integrity, credibility, and, ultimately, long-term impact and success on the personal level. The present study will draw on d'Ailly's generally overlooked writings on spirituality and will explore especially the personal initiatives necessary for inner renewal.

Personal reform and renewal—and therefore lasting institutional structural reforms—were simply impossible without the three preconditions of grace (what d'Ailly referred to as the heart's opening to the *adventus Christi*) self-knowledge, and a loving response to God's invitation. We find this triad of preconditions explicated in a series of writings from the first part of d'Ailly's career (1372–1395), dating to his own arts studies at the Collège de Navarre, and then moving to his time as a theology professor

and university official, first as rector of his Collège (1384–1389) and then as University of Paris chancellor (1389–1395).³ He was named diocesan bishop in Le Puy (1395–1397), although he did not spend much time there; he was then transferred to the more prestigious diocese of Cambrai (1397–1411), where he took his episcopal duties more seriously.⁴ We will examine especially his *Speculum considerationis*, dating probably from the latter years of the Cambrai period, along with a few comments from other writings and sermons.⁵ It is likely that *Speculum considerationis* was directed toward his clergy in Cambrai and may be a more formal version of three long sermons delivered in the three synods that d'Ailly held as bishop there. In them, he encouraged his priests to live a life of virtue, especially charity in pastoral service, instead of vice—rhetorically to be apostles rather than apostates.⁶

The key to understanding d'Ailly's notion of personal reform is to ground it, as he did, in Christian anthropology.⁷ D'Ailly's perspective on personal reform was based on an optimistic and respectful stance toward the status and potential of the human person. Made in the image and likeness of God, each human being enjoyed the dignity and nobility of the created state. All human creatures may be said to be *vestigia Dei et Trinitatis*. Only rational creatures can be created in God's image and likeness; therein sits human dignity, nobility, and honor. In fact, the *imago Dei* is placed at the border of the two worlds of heaven and earth. This threshold status meant that all humans had the potential in mind, intellect, and will to manifest truth, goodness, wisdom, love, mercy, and loftiness or *magnificentia* (big-heartedness) that were close to but never quite reaching the divine levels of these attributes. Nevertheless, these virtues could be achieved via self-knowledge, good habit, reason, and a cultivated conscience guided by the principle of *synderesis* to act in a morally responsible way for the good of others. D'Ailly envisioned a unified hierarchical view of the created universe not unlike that of his successor as University of Paris chancellor, Jean Gerson (1363–1429), who closely followed pseudo-Dionysian models. D'Ailly's theology was also in line with late medieval scholastic adoption and adaptation of Augustinian thought, especially on the Trinity, and owed a large debt to Aristotelian logic.⁸

This optimistic potential had been harmed by Adam's fall, though Adam as a human creature was above all other corporeal creations while containing and surpassing their measure of perfection. Humanity's four original virtues—mercy, truth, justice, and peace—had been obscured by vice because of the human inability to realize the original dignity.

This blindness occurred through disobedience and rebelliousness. As a result, humans lost their full *imago et similitudo* (image and likeness) to God and Trinity, although never the potential to recover them. Humans began to act sinfully, which in turn dulled the spiritual senses. Hence, d'Ailly described the state of humanity in the church on Earth as that of *vestigia et similitudo creatorum*.⁹ Affinity with the Trinity was replaced in exile from the heavenly home by a new unworthy trinity of *impotentia, ignorantia et concupiscentia*. Some of d'Ailly's images for the now-pilgrim human being were a region of shadows, a besieged castle or tower, and the man beaten by thieves on the journey to Jericho from the parable of the Good Samaritan. That pilgrim path back to the spotless *imago Dei et Trinitatis* entailed the dynamics of personal reform and renewal.¹⁰

The human person is a microcosm of God, who is infused in all creation. As God creates, moves, and rules all creatures, so too the human soul freely moves the body and directs its physical and spiritual actions. God's grace was necessary because of human fragility, which cannot achieve virtue without divine aid. Turning to God in meditation with a humble awareness of this need for grace strengthens the soul; penance leads to spiritual progress and a conversion away from carnal vices and sins. Love God sweetly, prudently, and boldly, d'Ailly advises, so that you may endure hardship.¹¹ In tones that occasionally ring with exhortation but at other times clang like a tedious scholastic lecture, d'Ailly leads his reader (or more likely his priestly listener in synod at Cambrai) in *Speculum considerationis* through a reflection on his vices and then, in contrast, a meditation on his heavenly home with an emphasis on how he might progress from mortal reason to angelic participation. The arduous path of a virtuous life includes a pragmatic recognition of humanity's natural dignity sullied by sinful actions; however, that dignity can be revived by divine grace and hard human work that progresses toward God. Such progress is informed by philosophy that offers excellences (he is adopting Aristotle's word here, which we usually take as "virtues"), but we are impeded by our carnal desires. The antidote is reliance on and hope of God's goodness, truth, power, and love.¹²

In trinitarian fashion, d'Ailly delineated that redemption comes by divine *potentia* (power), *sapientia* (wisdom), and *bonitas* (goodness), all of which are fueled by grace and mercy that produce personal reformation and right action. Christ's passion is seen as reflecting this triad. Grace reforms the soul, but only if the soul recognizes its dignity and is open to correction. For Christ's part, patience is the order of the day: Christ offers

grace as a standing gift to be accepted in due time. What is required of the individual person seeking reform is an openness to the gift in prayer before the Trinity: the Father provides strength so the penitent might not weary, the Son will rule by wisdom so the penitent will not be seduced into error, and the Spirit would console with mercy.¹³

D'Ailly added self-knowledge, one of the Holy Spirit's seven gifts, as another precondition for personal reform to grace and a heart open to the *adventus Christi*. We should not be surprised to find this theme in an Advent sermon where d'Ailly listed a four-fold opening to Christ. We first are open to the incarnated Christ who made his home among humanity when the Word became flesh. Next Christ takes root in the mind through spiritual influence, related again in trinitarian terms: the Father forms us with his power, the Son illuminates with wisdom, the Spirit inflames hearts with grace. Third, Christ comes to accompany us in our suffering as he carried us on his own cross. Fourth and finally, Christ leads us to our judgment at the end of time.¹⁴

It is necessary to turn within: only in self-recognition of sinfulness and defects as well as of impending divine judgment can the soul move from an inferior to a superior knowledge of God. In meditating on death, the mind contemplates eternal life with God and the angels in heaven: a life that surpasses the rational and mortal aspects of earthly life. The lack of such self-knowledge has a terrible price: the soul that does not know itself does not know the dignity of its nature as made in the *imago Dei* and therefore cannot know nor conform itself to God. The antidote is to seek to understand and desire as God understands and desires. In this way, the will deformed by sin may be reformed according to God's love, power, wisdom, and mercy. The purgative path of humble meditation leads away from sin and to conversion that progresses toward heavenly life. The soul will thus be freed from both Original and lived sin through God's patience and kindness as demonstrated by Christ's suffering and crucifixion. Led to the knowledge and love of God, the soul's only response is an intense love (*dulciter, prudenter, fortiter*) for the God who provided redemption and salvation.¹⁵

Despite the ultimate reliance on divine grace, d'Ailly placed a great deal of emphasis on personal initiatives toward reform, beginning with an intentional and self-conscious effort to root out vices and cleanse oneself of sins, in particular of falling prey to the devil's lures—the chains of concupiscence of the flesh and eyes as well as arrogance and avarice—to be replaced by the cultivation of virtues, especially humility and obedience.¹⁶

We arrive at these virtues through hard work in our tasks and contemplation of the divine majesty and heavenly light, which purge the heart of vice and begin the path toward wisdom. One must be intentionally aware of God's gifts in this purgative path through an ascetical lifestyle and contemplation. We again see the pseudo-Dionysian influence, in this case the reform path shared by Gerson's notions of personal renewal: from purification through illumination to perfection.¹⁷

D'Ailly discussed the combined total of seven theological and cardinal virtues in his *Speculum considerationis*, which, as we've noted, was likely connected to three instructional and pastorally-oriented synods for his priests in Cambrai. He also addressed the topic in a sermon for Trinity Sunday on June 14, 1405. In common trinitarian terms—and we note that d'Ailly saw trinitarian reform applying to both personal and institutional reform—he described the theological virtues of faith, hope, and charity as the created Trinity, which are made in the image of the uncreated Trinity. These virtues he sees as interrelated in spiritual people who act in obedience to God's *potentia, veritas, et bonitas*. He stressed that these virtues are themselves reformatory within the individual soul: as they curb vice and convert the soul to act in faith, they cause that soul to rise upward to God. Thus reason is transformed into faith in the gospel, anger into hope, and lust into charity. It is through the created Trinity of the theological virtues that fallen humanity reforms and returns to the uncreated Trinity from which it fell and was exiled. Through faith (rules and sacraments), we are guided toward the Trinity; through hope (forgiveness by grace and glory), we are lifted up to the Trinity; and especially through charity (a pure heart and a good conscience), we are united with the Trinity.¹⁸

The cardinal virtues—*prudentia, temperantia, fortitudo, iustitia*—are intertwined with God's *potentia, veritas, et bonitas*. We hear the former university professor's precise methodology at work as diocesan bishop. In good scholastic fashion, d'Ailly began by defining his terms for the four cardinal virtues. Prudence is presented as a rubric for other functions: discretion, memory, understanding, circumspection (perhaps perspective is a better word), and caution. Temperance entails constancy, modesty, abstinence, and chastity. He broadly defined fortitude as including magnanimity, trust, security, and patience. He also dwelled a bit here on *magnificentia* (which we have anachronistically translated as "big-heartedness"), indicating that it dispels three defects: rashness, weakness, and being faint-hearted, like plants tossed easily by the wind.

The final cardinal virtue, justice, is accorded a greater level of inquiry. D'Ailly identified four theories of justice. First, justice can be seen as both severity and freedom, which in turn can produce a sense of piety, innocence, friendship, reverence, concord, and mercy. Second, justice fosters obedience, discipline, equity, truth, and faithfulness. A third theory of justice is more basic to natural law: justice helps all and harms none. Fourth, justice must ensure that everyone is rendered what is naturally his, namely faith, hope, and love. He noted that justice may translate to intimate connections such as the piety or honor due to parents, relatives, and even country.

We come now to the reformatory role that d'Ailly assigned to these cardinal virtues, starting with their fundamental task in working against the *defectus* of Original Sin. To begin this fight against sin, d'Ailly prescribed the petitionary aspects of the *Pater Noster* as a path to restore theological and cardinal virtues. He grandly described those virtues as precious stones like shining stars in the crown of Christ's spouse, the *ecclesia militans*, and then assigned the virtues to parts of that crown. Prudence is the front part where understanding battles ignorance with good counsel by guarding against future evils. Temperance sits on the crown's right side where it moderates against concupiscence and the dangers of prosperity, while fortitude pairs temperance on the left side where it provides support against succumbing to adversity or infirmity. D'Ailly placed a greater emphasis on fortitude a bit later in this section of the *Speculum considerationis*, perhaps because he felt the need to support a diocesan clergy embattled and demoralized by the Schism and the French civil wars, both by then in their third decades. He commended fortitude for expelling the soul's weakness or sense of being enfeebled and replacing it with greatness. Fortitude specifically counters three debilities: fear with patience, timidity with knowledge, and instability with steadiness. Finally, justice is the crown's back, correcting spite or an ill nature with uprightness.¹⁹ Earlier, in his academic career at Paris before taking on the pastoral role of a diocesan bishop, d'Ailly had already laid out in his *Epilogus de quadruplici exercitio spirituali* the reformatory role of Christ's power, wisdom, and goodness or mercy (he used both *bonitas* and *clementia*). Christ's passion demonstrated that these divine attributes are offered to help humans transform themselves and to be reformed by divine aid. Christ has great patience in waiting for us to embrace self-reformation via penance for our sins and to allow Christ to lead our soul back to him.²⁰

Having weeded out vice and cultivated virtue, the reforming soul is next in a position to taste the fruits of its good work in the next life, although some may enjoy their sweetness partially on earth. This enjoyment brings us to d'Ailly's consideration of contemplation, which, he noted to his priests in pastoral service in Cambrai, is easier to pursue in a monastic setting rather than in their active parish context. He recommended that his busy priests locate a place of quiet solitude for their reading, prayer, and meditation so they may ascend in contemplation. They must not engage in fruitless work or be distracted. These thoughts on the stages of contemplation that d'Ailly recommended to his diocesan clergy in *Speculum considerationis* drew on another text with the affiliated thematic title, *De quatuor gradibus scale spiritualis*, dating back to his Parisian period, as well as on his sermons in Cambrai. He now adapted his earlier formal classroom treatment with an inspirational tone directed to the busy apostolic service of working priests. In the Parisian text he described in conventional terms the four stages of contemplation: *lectio, meditatio, oratio, et contemplatio*. The first three combine to produce the fourth. Reading and meditation inform prayer, which then ascends to contemplation and returns in a renewed commitment to apostolic service and virtuous deeds that would present a credible example to parishioners.²¹ As always, d'Ailly identified the combination of divine grace and human industry as indispensable to personal reform and renewal.²²

Here we see d'Ailly presenting a dialectic among the spiritual progress of contemplation, the personal progress in the cardinal and theological virtues, and the seven gifts of the Holy Spirit. He relates four of these gifts to *intellectus* (*sapientia, intellectus, consilium et scientia*) and three to *affectus* (*fortitudo, pietas et timor Dei*). Although he had stated that it is easier to achieve this personal progress in a monastic setting, d'Ailly reminded his working priests that the apostolic-oriented beatitudes were the natural effect of exercising the Holy Spirit's gifts and fruits. While *sapientia et intellectus* pertained particularly to the contemplative life, the three gifts of *timor Dei, pietas, et fortitudo* would serve the clergy well in their parish life. In this they will conform themselves to the image and likeness of God while they led their charges to do so too. They must, however, guard themselves from a sense of smugness: as they climb, they can easily fall off the ladder of contemplation. Self-knowledge demands that the spiritual pilgrim accuse himself of negligence and sin, vanity, and lust. Progress in the virtues does not preclude backsliding into vice. In particular, the gifts of *sapientia* and *consilium* (judgment) guide the soul to discern what helps and what hinders via contemplation.²³

The best way for the soul to make progress was not by following human doctrine but by seeking divine inspiration that is encountered especially through scripture, which d'Ailly offered as the way home to heaven. This is the reformatory dimension—more precisely: function—of theology.²⁴ Earthly knowledge and wisdom would not lead back to the Garden: fallen, sinful, poor, and expelled mankind would not be corrected by philosophers, doctors, politicians, or lawyers. The ancient law of Moses must be pushed aside for the new law personified by Christ the doctor and master. Studying salvation history was the same as revealing Truth on Earth that had been lost by Adam's disobedience. Scripture calls humanity's originally pure but now sullied *imago* back to God and Trinity. Scripture study leads to an appreciation of God's perfect precepts, increasing belief and meritorious actions, and therefore heavenly reward, by grace and justice. Schooled in salvation history, the seeking soul that had been hampered by human defect is now mildly and helpfully corrected by God. The soul reforms by conforming itself to Christ's law and divine will. Using medical imagery, d'Ailly comments that Christ's new doctrine is the healing remedy that by grace restores human wholeness and health from its infirmity. Specifically, the sacraments are perfect medicine for all of the consequences of Original and later sins.²⁵

For those who have persisted through d'Ailly's many divisions and distinctions of contemplation, study, and meditation, there is great reward. Nearing the end of *Speculum considerationis*, d'Ailly turns lyrical, abandoning his professor's mantle for his shepherd's crook. When inflamed by the fire of celestial desire that exceeds human modes, d'Ailly promises his clergy, the soul will melt like wax. When illumined by divine light and then suspended in admiration of the highest beauty, it will be as if the soul is struck by lightning. When the soul is drunk with an abundance of heavenly and eternal sweetness, it will forget what it once was and will be elevated to a state of wonderful happiness that will be transformative in its ecstasy. The heart is now purified and can contemplate the depth and fervor of God's love, which far surpasses human love. The more that contemplation becomes sublime, the greater the humility will be in the human soul. And then d'Ailly issued a caveat: once these heights have been achieved, the soul must still guard against excess, wandering thoughts, and losing the insights gained through introspection and discretion. The perfecting soul—which, being human, can *de facto* never be perfect—must at every hour of its pilgrimage continue to desire and to heed the full vision of the Godhead.²⁶

Although d'Ailly preached on personal reform during his time as a diocesan bishop in Cambrai, his thoughts never confined reform to individuals. He always had in mind the wider church, especially during the troubles of the Great Western Schism, thereby connecting individual to institutional reform, the latter of which has been the focus of prior scholarship on d'Ailly's reform thought.²⁷ As incentive and model of true personal reform, d'Ailly offered those who had achieved the beatific vision in his November 1, 1416 sermon on the Feast of All Saints, those who had eclipsed their errors by their faith. It is notable that he offered the saints as exemplars of how to seek truth and justice at the very moment that many members of the Council of Constance, working toward institutional reform, were locked in complex political battles deciding how best to depose Avignon's Benedict XIII.²⁸ Elsewhere he also returned Constance to the first principles of the church as a community. In a Pentecost sermon preached at Constance on May 30, 1417 (right in the midst of the tense resolution of the Schism), d'Ailly portrayed the *ecclesia primitiva* as having been endowed at first with the virtues of poverty, chastity, and humility, which were then driven out and replaced by the vices of avarice, luxury, vanity, and arrogance. The original community described in *Acts of the Apostles* as holding peace and unity in the normative phrase *cor unum et anima una* (Acts 4:32) had shattered. Like the individual soul fallen from original virtue to present-day vice, the current state of the church bore testimony to the need for both personal and institutional reform. Without a *cor unum*, the contending factions at Constance bore testimony to the fact that the entire church herself suffered because she lacked peace.²⁹ Given the readings for that Pentecost Sunday, d'Ailly predictably used the New Testament's descending fire as an image for purgation and illumination. He was likely continuing the idea that the Holy Spirit itself ratified the council's actions, which dated back two years to Jean Gerson's *Ambulate dum lucem habetis* sermon of March 23 1415 and the subsequent decree of April 6 1415, *Haec sancta synodus*.³⁰ In his sermon on the Trinity a decade before, d'Ailly had made clear just how the Holy Spirit would spare the church: *Extirpa igitur vitia, planta virtutes, reforma in ecclesia iustitiam et scitate si vis in ea procurare concordiam unitatem et pacem*.³¹

The reforming path to unity and peace may have been clear to the Holy Spirit, but it was not to those living through the longstanding Schism. No one knew how best to achieve unity and peace, though all agreed they were certainly the goals to be pursued. In practical terms and being fair to the historical players, we note that d'Ailly, like the others of his era, walked

a difficult line among three papacies. For French theologians and prelates the trouble was especially fraught because the most obstinate claimant, the Avignon line's Benedict XIII, never accepted deposition. D'Ailly's cautious personality had earned him enmity from his Parisian colleagues. They thought he was too soft toward Benedict XIII, who favored d'Ailly with a number of positions and endowed d'Ailly's relatives with offices on the chancellor's request. The issue came to a head when most Parisian scholars voted in February 1395 to force Benedict to abdicate through a withdrawal of spiritual obedience and financial support, a strategy that d'Ailly opposed. Benedict named d'Ailly bishop of Puy in April 1395; later that year, the University of Paris Arts faculty voted to censure their chancellor. D'Ailly resigned that position in favor of Jean Gerson as successor when he was ordained bishop. The French church did withdraw obedience from Benedict for the period 1398–1403, but the move accomplished nothing except to solidify Benedict's resolve not to step down.³²

In his Trinity sermon from 1405, d'Ailly moved away from Benedict: he indicated the need for papal leadership in resolving the Schism, which d'Ailly said was caused by vice crowding out virtue. By the Council of Pisa in 1409, d'Ailly abandoned his former patron, who persistently resisted peace and union by refusing to step down. In a letter to Benedict XIII dated January 26 1408, d'Ailly wrote with a sense of dismay, sadness, and even exasperation that the Avignon pope was guilty of breaking Christ's mystical body into fragments and dividing the church into two divisions, a state that was against divine and natural law. How, d'Ailly asked, could Benedict grant peace to the church if he did not have it—nor even wish to seek it?³³ Of course, little could anyone have known that Pisa would move the church from two papacies to three. The supposedly unifying Pisan pope, Alexander V, died not long afterwards; his successor, John XXIII, named d'Ailly a cardinal in June 1411.

How could unity occur, according to Pierre d'Ailly? The three theological virtues, once restored and flowing freely, would surely reform and renew the church from three papal obediences into its true single and unified *corpus mysticum Christi*. Church unity and personal virtue were combined in the mystical body of Christ, d'Ailly had preached in one of his sermons to the Cambrai clergy.³⁴ His prize student Jean Gerson also embraced the imagery and ecclesiology of Christ's mystical body. In his own writings on reform, Gerson noted that institutional reform led by the hierarchy, with theologians playing a central role, would result in personal reform *in membris*. As Louis B. Pascoe SJ concluded about

Gerson: "In brief, then, personal reform in Gerson is not simply the result of individual endeavor but takes place within the context of the church's hierarchical structure. The result is not only personal reform and renewal but also the edification of the Church as Christ's mystical body."³⁵ We may conclude that d'Ailly—despite his reputation as a church statesman of the highest order operating at dizzying levels in the church's most dangerous moments of the Great Western Schism—similarly saw personal reform as the key to all church renewal. For Gerson and d'Ailly, personal and institutional reform could not be separated.

NOTES

¹ This article was written by Christopher M. Bellitto based on notes entrusted to him by Louis Pascoe, SJ, shortly before Fr. Pascoe's death in 2015. Among Fr. Pascoe's publications was *Church and Reform*. He had been working on a second volume on d'Ailly, tentatively titled *Pierre d'Ailly: Christian Anthropology, Ascetical Theology, and Personal Reform and Renewal*, although no manuscript exists. The most detailed notes were outlines for a chapter on Christian anthropology and another on personal reform and renewal. Fr. Pascoe was clearly moving along from a thought in the conclusion of the d'Ailly volume: "While the idea of personal reform, especially as applicable to the life of a bishop, has been touched upon in our study, the whole question of d'Ailly's views on personal reform in general as well as the spirituality associated with it deserve much future attention," *Church and Reform*, 280. Since these planned chapters' structures, accompanying textual evidence, and implied conclusions were fairly advanced, this article serves as a vehicle for bringing to fruition main issues from Fr. Pascoe's unfinished project. Moreover, publishing this article in this way and in this volume has a particular resonance: Thomas M. Izbicki and Bellitto co-edited a festschrift for Fr. Pascoe: *Reform and Renewal in the Middle Ages and the Renaissance*. Bellitto has received permission to publish this article using Fr. Pascoe's materials from the Maryland Province of the Society of Jesus.

² For a fuller discussion of medieval church reform *in capite et in membris*, especially in the late Middle Ages, see Bellitto, "The Reform Context," 303–31.

³ The heritage of humanism at the Collège de Navarre had a profound influence on those who studied there. For an analysis of its educational culture, see Gorochoy, *Le Collège de Navarre*. On late medieval developments in humanism, see especially Ouy, "Paris, l'un des principaux," 71–98, and "Le collège de Navarre," 275–99; Cecchetti, "L'elogio delle arti liberali," 1–14; and Ornato, "Les humanistes français," 1–45.

⁴ For a biographical narrative on d'Ailly, see Guenée, *Between Church and State*, 102–258. See also Salembier, *Le Cardinal Pierre d'Ailly*.

⁵ For most of our source material, we turn to d'Ailly, *Petrus de Ailliaco: Tractatus et sermones*, hereafter *TS*. On dating d'Ailly's writings, see Salembier, *Le Cardinal Pierre d'Ailly*, 368–74, and Glorieux, "L'oeuvre littéraire," 61–78. Glorieux places the *Speculum considerationis* after 1408: "L'oeuvre littéraire," 68.

⁶ Pascoe, *Church and Reform*, 137–56, where he touched on three homilies that d'Ailly delivered to his Cambrai priests, found in *TS*, 301–15, although Pascoe's greater concern was on the episcopacy in that monograph.

⁷ On these key points, see particularly d'Ailly, *Speculum considerationis*, *TS*, 4–5, 13–14; *Epilogus de quadruplici exercitio spirituali* (1372–1395), *TS*, 164–65; and *Quaestio quarta primi libri sententiarum* (composed very early in his career in 1375), in d'Ailly, *Quaestiones super libros*, 107–8.

⁸ Pascoe, *Jean Gerson*, 17–48; Pascoe, *Church and Reform*, 207–33.

⁹ D'Ailly had worked through a scholastic discussion of the issue *Utrum creatura rationalis sit vestigium et imago increatae Trinitatis* during his Parisian student days: *Quaestio quarta primi libri Sententiarum*, 106–9. He applied this analysis to his later episcopal career and specifically to his writings on personal reform and renewal.

¹⁰ D'Ailly repeatedly speaks of his priests walking singly, with other priests, and among their flocks along a path to personal improvement and therefore to better apostolic service and example in *Sermo in Synodo Camaracensi I*, *TS*, 302–5, and *Homilia in Synodo Camaracensi*, *TS*, 310.

¹¹ D'Ailly, *Sermo de quadruplici adventu Domini*, *TS*, 216; *Sermo de Nativitate II* (likely from the Parisian period), *TS*, 242; *Sermo de Sancta Trinitate* (1405), *TS*, 276, 278; *Principium in Quartum Sententiarum*, in *Quaestiones super libros sententiarum*, 34–35.

¹² D'Ailly, *Speculum considerationis*, *TS*, 13–14. For the flavor of his exhortatory tone indicating that the text was delivered to his clergy during one of the synods, see, for example, this representative passage from *Speculum considerationis*, *TS*, 5: "Quia vero ardua est via qua in deum tenditur et anime viribus inaccessibilis nisi divina virtute iuvetur. Ideo fides divine veritati, spes divine potestati, caritas divine bonitati penitus innititur. Per fidem deus sue veritatis lumine animam dirigit. Per spem sue potestatis iuvamen erigit. Per caritatem sue bonitatis dulcedine trahit. Trahendo suaviter allicit, alliciendo secum eam spiritualiter unit et tamquam virginem castam sibi desponsando coniungit. Virginitas enim mentis in hoc consistit ut fides sit integra, spes solida, caritas sincera."

¹³ D'Ailly, *Epilogus de quadruplici exercitio spirituali*, *TS*, 164–65; *Sermo de quadruplici adventu Domini*, *TS*, 230; *Speculum considerationis*, *TS*, 11; *Sermo de Sancta Trinitate*, *TS*, 273–74, 276, where d'Ailly predictably cites Boethius as a source on the Trinity but unexpectedly credits the Carolingian scholar Alcuin's work, too. D'Ailly is in accord with Gerson on the importance of a trinitarian model, Pascoe, *Jean Gerson*, 176–86, 223–24.

¹⁴ D'Ailly, *Sermo de quadruplici adventu Domini*, *TS*, 230–31.

¹⁵ D'Ailly, *Epilogus de quadruplici exercitio spirituali*, *TS*, 164–65; *Speculum considerationis*, *TS*, 4–5, 14.

¹⁶ D'Ailly, *Speculum considerationis*, TS, 3–5. See also, from an earlier period in d'Ailly's career, his *De falsis prophetis II*, in *Joannis Gersonii opera omnia*, I: 541–42. Pascoe broadly dates the work to d'Ailly's academic career before his episcopal appointment to Cambrai in 1397, *Church and Reform*, 20 n.25. Salembier and Glorieux also place it in d'Ailly's Parisian period: Glorieux to 1372–1388 or perhaps 1394, “L'oeuvre littéraire,” 67, and Salembier to an imprecise window of 1372–1395, *Le Cardinal Pierre d'Ailly*, xv.

¹⁷ D'Ailly, *Speculum considerationis*, TS, 22. On human cooperation with divine aid, especially in resisting the devil's false promises so as to be illuminated by Christ's virtues, see also an Easter sermon from d'Ailly's Parisian period (1372–1395): *Sermo in die Resurrectionis*, TS, 263–64. Dated more precisely to this period, about 1381, is d'Ailly's satire, *Epistola diaboli Leviathan*, where d'Ailly adopts the devil's voice to praise those who by their vices promote schism in its earliest years. The text is found in Tschackert, *Peter von Ailli*, 15–21; for a translation, see Raymond, “D'Ailly's *Epistola diaboli Leviathan*,” 181–91.

¹⁸ D'Ailly, *Speculum considerationis*, TS, 5; *Sermo de Sancta Trinitate*, TS, 274, 277–79. In this part of his Trinity sermon, d'Ailly identified as his source Bernard of Clairvaux in his *Song of Songs* commentary. There, Bernard had tied the Trinity to the soul's three faculties of reason, will, and memory, *Sermo* 11.5. For a study of Bernard's importance to d'Ailly, see Bellitto, “*Per viam rationis*,” 65–76. D'Ailly had turned to Bernard's mid-twelfth century *De consideratione* to Pope Eugene III to criticize and encourage prelates as part of his work on episcopal reform, Pascoe, *Church and Reform*, 89, 134, 157. For comparison with Bernard's more spiritually oriented influence on Gerson, see McGuire, “In Search of Bernard's Legacy,” 285–328, and “Gerson and Bernard: Languishing with Love,” 127–56.

¹⁹ D'Ailly, *Speculum considerationis*, TS, 5–6, 8–9.

²⁰ D'Ailly, *Epilogus de quadruplici exercitio spirituali*, TS, 164–65.

²¹ D'Ailly, *Speculum considerationis*, TS, 10–11; *De quatuor gradibus scale spiritualis*, TS, 50–51; *Homilia in Synodo Camaracensi*, TS, 302, 310–13. For another voice on the personal reform of the parish clergy, see Pascoe, *Jean Gerson*, 169–74.

²² On divine–human partnership as foundational, see, for example, d'Ailly, *Speculum considerationis*, TS, 11: “Quippe cum enim illa donum dei sit, fatuus esse probatur quia sine divinio auxilio sua industria ad eam pervenire presumit, dicente scriptura, qui indiget sapientia postulet eam a deo, licet tamen contemplatio sapientiae principaliter procedit a divina gratia, iuvari ihilominus potest humana industria et ad hoc per meditationem id est intentam mentis considerationem dirigimur.”

²³ Ibid., 11–12, 14–16; d'Ailly, *De quatuor gradibus scale spiritualis*, TS, 50–51; *Sermo in die Pentecostes II*, TS, 269.

²⁴ See generally d'Ailly's *Principium in Primum et Secundum libros Sententiarum* from the Parisian years for a standard scholastic presentation of Scripture as the new, most perfect law and a new doctrine in Christ, the new Adam, restoring the original and now lost *imago Dei*.

²⁵ D'Ailly, *Principium in Quartum Sententiarum*, in *Quaestiones super libros sententiarum*, 34–36. For reformatory language and healing imagery, see for example at 35: “Tibi queso videte carissimi circa remedium piae sanitatis quattuor suavius oppinari. Primum est divina benignitas quae habitavit in nobis scilicet per gratiam. Secundus est curata infirmitas quae erat in nobis scilicet per culpam. Tertium est restaurata sanitas quia vidimus qui primo ceci eramus. Quartum est collata felicitas quia vidimus gloriam eius quam desideramus.”

²⁶ D'Ailly, *Speculum considerationis*, TS, 22–25; *Quaestio quarta primi libri Sententiarum*, 108.

²⁷ D'Ailly, *Sermo in Synodo Camaracensis II*, TS, 309: “Iam quippe ut de spirituali regno ecclesie quod nunc scismatica divisione desolabiliter laceratur, ut inquam de eius lachrymosa desolatione taceam. [Q]uia nobis etiam tacentibus res loquuntur. [I]am in eius temporalis imperio et in omni fere Christianorum regno commotio sit guerrarum, preliorum sedio.” This ecclesiological dimension of d'Ailly's reform thought was a major theme of Pascoe, *Church and Reform*, where he paid particular attention to the roles played by bishops, canon lawyers, and theologians in late medieval reform at the calamitous time of the Great Western Schism.

²⁸ *Sermo in die omnium sanctorum*, in Tschackert, *Peter von Ailli*, 49. For context, see Stump, “The Council of Constance,” 430–41.

²⁹ D'Ailly, *Sermo in die Pentecostes II*, TS, 267. For the views of d'Ailly and his contemporaries on the *ecclesia primitiva* as model and reform goal, see Pascoe, *Church and Reform*, 105–6, 179–80; Pascoe, “Jean Gerson,” 379–409; and Bellitto, “Early Church in the Late Middle Ages,” 453–66.

³⁰ D'Ailly, *Sermo in die Pentecostes II*, TS, 269.

³¹ D'Ailly, *Sermo de Sancta Trinitate*, TS, 277–79. On peace as a theme at Constance, see Bellitto, “Preaching Peace,” 1–16. Phillip H. Stump found that the phrase *reformatio pacis* was “exceedingly current” and frequently linked with reform discussions at Constance, *Reforms of the Council of Constance*, 207.

³² On d'Ailly's Parisian steps through the quicksand of the Schism, see Bellitto, “Early Development of Pierre d'Ailly's Conciliarism,” 217–32, particularly 223–26, as well as Guenée, *Between Church and State*, 169–201, 222–24.

³³ *Epistola ad Benedictum XIII*, in Kervyn de Lettenhove, *Chroniques relatives à l'histoire de la Belgique*, 140–43.

³⁴ D'Ailly, *Sermo in Synodo Camaracensis II*, TS, 305–7.

³⁵ Pascoe, *Jean Gerson*, 206.

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History, Heresy, and Hell

Lateran IV and Dante in the Battle for Jan Hus

Thomas A. Fudge

ON JULY 6, 1415, THE COUNCIL OF CONSTANCE released Jan Hus to the secular authorities for execution of sentence following a protracted legal process predicated upon charges of heresy.¹ A few days prior, the defendant wrote to members of Charles University in Prague, "Master Jan Hus in chains and in prison, now standing on the shore of the present life, awaiting a horrible death on the morrow."² With these words, Hus indicated his own awareness of standing at the intersection of time and eternity.

The battle for his memory and identity began immediately and yielded two contrasting images. An early sixteenth-century parody of the *Te Deum* by the Danish Carmelite Poul Helgesen (ca. 1485–ca. 1534) is representative: "In the beginning was an error and the error was with Luther and Luther was the error and the same was in the beginning with Luther ... There was a man sent by the Devil whose name was Jan Hus. He came to bear witness, to testify concerning the darkness."³ In distinction to that negative point of view we have the testimony of Charles University, Hus's *alma mater*, written on May 23, 1416: "O incomparable man shining greater than all by the example of magnificent holiness. O humble man gleaming with the light of great piety ... he followed the footsteps of the apostles ... he surpassed all others, demonstrating in every way the works of love, pure faith, and consistent truth ... in everything he became the incomparable master of life."⁴

The Hus of history is both heretical and holy. Two hundred years before Hus, Lateran IV marked a turning point in the definition and prosecution of heresy. One hundred years later, Dante Alighieri placed heretics into the sixth circle of hell while betrayers were consigned to the ninth circle. Jan Hus qualified for both. The final chapter in the Hus trial during the Council of Constance settled nothing around these entrenched convictions, but those dramatic events in Germany established a foundation for his memory. What emerged from the ashes of the heretics' stake in

1415 has been a sustained 600-year-long battle for the memory of a man who was controversial before he died. Should he be regarded as an icon or noted as a pariah? There have been powerful voices advocating one or the other. I want to examine the historical and historiographical debate over one of medieval history's most misunderstood and politicized personalities, a battle that began in the fifteenth century and persists to the present.

Who is Jan Hus? The answer must be nuanced, as it is a complicated matter that must take into account a varied landscape both medieval and modern. He is the hero of a dozen faces: Communist, rebel, Roman Catholic, nationalist, reformer, social revolutionary, Wyclifite, Protestant, heretic, saint, evangelical Christian, national hero, and a myriad of other alternatives.⁵ One must be wary of constructing an act of homage, inventing a portrait in our own image, rather than discovering the historical figure. There is a dangerous myopia associated with focusing on the life of an individual that can obscure the historical context in which that person lived. In the quest for the historical Hus, it is important to reveal aspects of the medieval man while simultaneously opening up a wider view of his place during the time he lived. There is, further, the danger of emotional identification, which may cloud the scholar's objectivity or limit his or her perspective.

It is true that a text without a context is a pretext for a proof-text. To ground this consideration of Hus in the context of history and in the context of the Middle Ages, let us remind ourselves of three seemingly disparate events. Six hundred years ago the Bohemian priest Jan Hus went to the stake as a condemned heretic. Seven hundred years ago, the Italian poet Dante Alighieri was working on his masterpiece. Eight hundred years ago, delegates were gathering in Rome for a major conference convened in the basilica of the Lateran Palace. These three chapters of European history, separated by two centuries, have more in common than meets the eye. They bring together considerations of history and heresy and their relation to time and eternity.

Killing Hus Lawfully: The Role of Lateran IV

The fourth Lateran Council was announced by the bull *Vineam Domini Sabaoth* in April 1213 and was scheduled to commence on November 1, 1215. There were three sessions, and the council was concluded within the month. More than 400 bishops and more than 800 abbots and priors attended. As many as eighteen bishops from Bohemia, Poland, and

Hungary attended Lateran IV.⁶ One of the prelates, the elderly Matteo Capuano, archbishop of Amalfi, was suffocated in the crush of the crowd pressing to hear the pope's opening sermon.⁷ The synod convened with two main goals: church reform and crusade. On the first point the purpose of the council was explicit in its desire to "eradicate vices, plant virtues, correct faults, reform morals, remove heresies, and strengthen faith."⁸

The convocation bull opened with a compelling image: "Many kinds of beasts have tried to destroy the vineyard of the Lord of Hosts. Their efforts have been successful to the extent that in a not insubstantial area, thorns have sprung up rather than vines. With regret, we report that the vines are to greater and lesser degrees infected and diseased. Instead of grapes, they produce wild grapes."⁹ The harvest of wrath and the hatred of heresy manifested at Constance had antecedents. For example, canon 7 of the Council of Tours (1163) drew attention to a damnable heresy, virulent like cancer, creeping stealthily like a serpent, which had infected many people and caused damage to the Lord's vineyard.¹⁰ The wild grapes noted at Lateran IV in consequence might be regarded as poisonous.

The fourth Lateran Council issued seventy-one canons. One of them is especially relevant here. Canon 3 is devoted to the concern around heresy and it is essential to point out that heresy was not simply a *topos* in the European Middle Ages.¹¹ *Excommunicamus* (canon 3) provides a succinct summary of the Church's perspective on heresy. This led to extensive discussions among canon lawyers leading to a discernible shift in the perception of heretics. Two things emerge. Heresy becomes a well-defined crime and juridical aspects like contumacy become more prominent, and procedures leading to condemnation are ever more carefully defined and articulated. Prior to Lateran IV, it cannot be said that law was manageable, succinct, or even consistent. Then came Gratian. Following Lateran IV, the earlier *caritas* principle began to yield to a *potestas* approach. Coercion replaced persuasion. We might argue that this shift had both papal and canonical (legal) stimulation. Canon 3 led to a more streamlined consistent policy on heresy. In addition, canon 3 sanctioned the procedural rule *per inquisitionem* as normative and this had the commensurate result in a general condemnation (codified in canon 3) that legalized sweeping canonical measures against heretics and their defenders.¹² Without the canonical development, the prosecution of heresy would have remained less systematic, prone to arbitrariness, and selectively applied.

Canon 3, of course, was not entirely new in content. It is evident that the statute integrated parts of earlier legislation. For example, we

find synergies with *Ad abolendam* and *Vergentis in senium* wherein heresy is equated with treason.¹³ The latter was a landmark in the Church's campaign against heresy and it governed the law on heresy for centuries thereafter. The language characterizing heresy is unambiguous. Examples include *haeretica foeditate* (filth of heresy) and *haereticae pravitatis fermento* (yeast of heretical depravity). Both ideas would later emerge in the case against Jan Hus.

The introduction to canon 3 excommunicates and anathematizes *omnen haeresim ... quibuscumque nominibus censeantur*, terminology taken from *Ad abolendam*, along with *facies quidem habentes diversas, sed caudas adinvicem colligatas, quia de vanitate conveniunt in idipsum* which has been derived from *Vergentis*.¹⁴ The canonical literature links these ideas to notions of incorrigibility and its nomenclature including the broad thrust of language such as *contumacia*, *contempserit*, *obstinatione*, *crescente*, *pertinaciter*, *persistant*, and so on. The textual dependence of canon 3 on these earlier anti-heresy statutes is easily established. We find the language of crime, criminal behaviour and heresy interwoven.¹⁵ An emerging and evolving concern with contumacy and incorrigibility as determining and defining elements of heresy, which will become central and critical in the Hus trial, is evident in canon 3.

In consequence, the defining elements in heresy cases from the thirteenth century onwards became *contumax* and *incorrigibilis*, which appear to have been applied to all, and not just to circumscribed groups. What becomes manifestly clear is that heresy is both criminal and sin. It is not just one (*peccatum*) or the other (*crimen*) but both. Jan Hus is found to be a sinner and a criminal and the two offenses are codified in the later medieval understanding of heresy.

Canon 3 does not spell out procedural technicalities but it yielded a result wherein the use of force was increasingly recognized by canon lawyers and the harvest of Lateran IV includes a shift from a defensive posture to one more overtly aggressive. Heresy was also secularized by Lateran IV, meaning it involved society and therefore required secular aid in combatting it. The prosecution of heresy became politicized.¹⁶ It is important to note that lawyers in the Middle Ages held two assumptions about law. First, that it had to be just and, second, that it had to be reasonable.¹⁷ By the time of the Council of Constance, there is little evidence to suggest that there were serious reservations among lawyers and prelates involved in the Hus case around considerations of justice and reasonableness with respect to anti-heresy legislation and its prosecution and implementation. The decision of the English Parliament in 1401, in

response to the Lollards, to define heresy as a crime punishable by the state (2Hen.IV c.15), combined with the supplementary parliamentary ordinance of 1406 that enabled ecclesiastical and secular authorities to pursue and arrest Lollards everywhere, indicates the domestication of the church by the state at the end of the Middle Ages.¹⁸

Using Lateran IV doctrine, especially as codified in canon 3, we discover a specific focus on heresy as a phenomenon, but not on specific manifestations. To wit, every heresy (*omnem haeresim*) and all heretics (*universos haereticos*) are condemned. Earlier legislation, *Ad abolendam* for example, provided a list of offenders. Canon 3 leaves heresy as an undefined category as it relates to elaborating a dossier of suspects. What is manifestly evident in an examination of canon 3, related decretals, legal commentary and glosses illustrates that the undefined category widened.

As noted above, *Vergentis* (1199) characterized heresy as treason. A related and evolving body of authority, the Ordinary Gloss, between the 1230s and 1266, tended to develop a notional concept of heresy as a public crime. The jurists clearly understood heresy as an offense against the church but heresy is also a transgression against the community. From this point of view, a public sinner was guilty not merely of an offence against God, to whom the offender owed repentance, but also of an injury to the Christian community, to which the offender owed compensation. With this amalgamation we see a move from *peccatum* to *crimen*. The former requires penance, the latter demands punishment and judicial procedure. Heresy emerges as an exceptional crime.¹⁹ Hus is only one of those who found themselves sideways with the Latin Church in the post-Lateran era.

While heresy was an offense against both church and community, it was often viewed as one of the three principal crimes against the church. In addition to heresy, this included simony and the murder of a religious.²⁰ It is noteworthy that Hus stridently denounced simony as a heresy.²¹ In contrast, Jean Gerson, who would later be numbered among Hus's legal prosecutors, affirmed that, while simony was indeed an offense and hardly salutary, it was definitely not heretical and Gerson preferred to minimize it by referring to it as the "simonian slip," giving it the sense of being an error of omission or an inadvertent mistake perpetrated by otherwise decent and conscientious churchmen.²²

In specific terms, canon 3 identifies heresy as contempt of church and church authority. The outcome of this offense was spelled out judicially as *animadversione debita puniendi*. Within fifteen years of Lateran IV, the term had become established as a synonym for the death penalty. A close examination of the medieval doctrine of excommunication implied

that the convict was expelled from the church and delivered to Satan.²³ We may also find within the text of canon 3 an elaboration of the problem, the procedure, the prevention, and the punishment of heresy. Canon law nominated the bishop as the authority to assess “juxta considerationem suspicionis qualitatemque personae” along with the “suspicion and character” of the person, with the outcome that the greater the fault, the greater the punishment, enumerated as “maior est culpa, gravior exerceatur vindicta.”²⁴ Looking at the *Excommunicamus* of Gregory IX (1231), it is clear that the legal ramifications of canon 3 may be delineated thus: heresy is a crime, procedural steps are in place to deal with it, and the matter is public, therefore extra-ecclesiastical authorities are seconded into the prosecution of the offensive activity. This papal bull eventually found its way into canon law.²⁵

All of this indicates evidence of a clear line of development which includes, but is not restricted to, *Ad abolendam*, *Vergentis in senium*, canon 3, decretals such as X 5.20.7, X 2.1.10, X 2.1.4, glosses and the Ordinary Gloss that, taken together, reveals and reflects the Church’s official and legal position on heresy. The *Liber extra* places heresy between Jews and Saracens on one hand and schismatics on the other.²⁶ This makes it quite clear that heretics are on the list of the Church’s most serious enemies.²⁷ Modern and medieval thinkers and writers alike have always disagreed on the question of heresy in Hus. However, it might be worth bearing in mind, as a third-century jurist observed, that not everything that is permitted, or legal, is honest or right (“Non omne quod licet honestum est”).²⁸ The law is not always concerned with morality or ethics.

Eight hundred years after Lateran IV, the synod continues to stand as the high-water mark of the medieval papacy. Its political and ecclesiastical decisions endured until the sixteenth century when another significant convocation occurred (Council of Trent). Modern historiography broadly recognizes Lateran IV as among the most significant assemblies of the Middle Ages.²⁹ Its decisions on the matter of heresy, combined with other trends and developments, allowed the Latin Church to try Jan Hus, convict him of heresy, and, in consequence, to legally ask the secular authorities to carry out the sentence. This was the result of dogmatic theology on one hand and silent assent on the other.

Heresy and Betrayal in Dante

Law and legal procedure established, the eternal fate of the damned may also be considered. Virtually every person in the Western world knows the name Dante Alighieri; comparatively few know anything substantial

about Jan Hus. Though a national hero, few Czechs today share or encourage Hus's religious faith. This is especially true of the ruling powers (including the Communist *ancien régime*) but they could not and cannot abandon Hus.

Dante (1265–1321) belongs to the Middle Ages. The theology of the *Divine Comedy* is medieval. Hus belongs to that medieval world. This is the time of the “Babylonian captivity” of the church. It is the time of Wyclif, the time of corruption, confusion, and creativity, an age of heresy and reform. Dante was acutely interested in church renewal and one should not read *De monarchia* only as a treatise on secular politics.³⁰ Dante worked on the *Comedy* for a number of years in the period between 1308 and 1320. It is firmly fixed among the great literary monuments of European history.³¹ There are more than 600 extant fourteenth-century copies of the *Comedy* alone and we know of at least a dozen commentaries prepared by the year 1400. A famous depiction of Dante holding up his *magnum opus* by Domenico di Michelino in 1465 shows the *Comedy* opened to its first lines which read: “Halfway through life, I awoke to find myself in a dark wood. The right road completely lost and gone.”³² There has been a persistent willingness to read and consider the first part of this great work, which has a clear focus on hell, singly or in isolation from the rest of Dante's great oeuvre. In August 1944, Dorothy Sayers wrote to Charles Williams noting that she had inherited a three-volume edition of the *Comedy* and had made a trenchant observation. “I observed a sinister thing about it: the *Inferno* is slightly loose at the joints; the *Purgatorio* in excellent condition; the *Paradiso* practically ‘as new.’”³³ Though I am sobered by the sage observation which Sayers made and keenly aware of its meaning, I am, nevertheless, interested only in Part One, “The *Inferno*,” which was completed in 1314.

Taking into account the situation in the *Inferno*, the reader discovers that the damned in Dante's hell are consigned there because of the disorder of their souls, which is reflected in the *Inferno* as a comprehensive condition affecting body, mind, language, landscape, and weather. But it is essential to observe that Dante's heretics are not the same as those of Lateran IV. There are, famously, nine circles in Dante's vision of hell: limbo, lust, gluttony, greed, anger, heresy, violence, fraud, treachery. The ninth circle of hell is reserved for the worst sinners: the betrayers. Hus betrayed God, the Church, and the faith. The ninth circle is frozen. Surprisingly, there is not a lot of fire in Dante's hell. The only sinners who are wrapped in flames are the heretics in the sixth circle and the false councillors in the eighth circle.³⁴ Canto 9 reveals the “great heresiarchs” lying in grim tombs of iron

that have grown white-hot from the fierce flames. The heretics, like all the other transgressors, remain in hell, fixed within their particular evil, outside of time for all eternity. There are no accidental heretics in hell. They were all hereticated by choice. In Dante, heresy is contumacy and intellectual stubbornness. Here we see connections between canon 3 of Lateran IV and the received assumptions of the conciliar fathers at Constance. Dante also reflects an Augustinian perspective (though Augustine is virtually absent or cleverly concealed in the *Comedy*) wherein sin interferes with divine grace and human conversion to salvation. Heretics are sinners sent to hell and now beyond the possibility of grace and salvation. It is in Canto 3 of the *Inferno* where we encounter the oft-mentioned hopelessness of the *Comedy*: "Abandon hope, all who enter."³⁵ In hell, where there is no redemption, the body of the heretic becomes a corpse in which the image of God is destroyed and the soul is deformed. While Augustine is not prominent in the *Comedy*, he is referenced in the *Paradiso* (10.120) and is included among the *Comedy's* glorified saints (32.35).

Where in hell might Dante have placed Jan Hus? Notably, heretics in Dante's hell are fairly high and there can be little doubt that his betrayers (Sigismund and some of the prelates) would be placed well below Hus. If the heretics occupy circle six, betrayers are consigned to circle nine. Hus would certainly appear among the sarcophagi of the damned in the sixth circle but he might also have the necessary qualifications for inclusion in the ninth circle. Cantos 9–11 of the *Inferno* leave little room for doubt that heresy was abhorrent, and offenders were sentenced to eternal punishment. At the end of the *Comedy*, which is an eschatological adventure through Hell (*Inferno*), Purgatory (*Purgatorio*), and Heaven (*Paradiso*), the pilgrim meets God. There is therefore the important distinction between "hell" and a "vision of hell." The former is permanent with no redemptive value while the latter is temporary and potential. Unlike Lateran IV and its third canon, Dante is poetry.

What is common between Hus and Dante? It is possible to identify patriotism, devotion to their culture, lonely deaths far from home, and the experience of exile. Both were pioneers of the vernacular, both were keenly interested in religion, both appear deeply concerned with issues of morality, both were opposed to abuses within the church, both gave their lives for their work (one literally, the other metaphorically), and both remained committed to notional concepts of truth. We have no way of knowing if Hus had any awareness of Dante. At Constance, Robert Hallam (bishop of Salisbury) and Nicholas Bubwith (bishop of Bath and Wells) had an Italian bishop (Giovanni da Serravalle) provide them with a paraphrase

of Dante's *Commedia*.³⁶ The appearance of Dante at Constance raises a query that has been fiercely debated. Did Dante veer into heresy himself? The query is controversial. Dante displays tendencies that some have suggested bring him close to heresy. He condemns some absolved by the church and absolves others condemned by the church. He consigns to the pit a pope canonized by the church (Celestine V). There are contradictory judgements, and a variety of viewpoints have existed among scholars for a long time. But was he deficient on the scale of orthodoxy? Some interpreters have issued a resounding no.³⁷ Others have argued for merit in determining that perhaps the poet who so vividly sketched a vision of hell and heresy could be numbered among those of the damned whom the church determined were deviant.³⁸ These are not simply disagreements amongst modern thinkers, and it should be pointed out that there were debates along these lines in the fourteenth century. Is the fact that a debate existed important? The question is worth pondering. I shall not essay a judgment on Dante on this point, but on Hus there can be no doubt.

Battle for the Memory of Jan Hus

Almost every relevant Czech thinker has participated to some extent in the battle for Hus or has had to deal with the Hus phenomenon. This includes František Palacký, the father of modern Czech historiography. It includes the founder of independent Czechoslovakia, Tomáš G. Masaryk, whose interpretation of the Hussite Movement laid the foundation of the First Czechoslovak Republic's official ideology after 1918. Jan Patočka (1907–1977), the philosopher and main spokesman for Charter 77, a 1977 human rights movement in the former Czechoslovakia, also opined on the topic. Hus's importance has also been confirmed in current politics, with President Miloš Zeman calling Hus the cornerstone of Czech history. The powers that be in the historic Czech lands over the past seventy-five years, German, Russian, and Czech, do not share nor do they desire to encourage the religious faith and ideas of Hus, but they cannot afford to simply abandon him. There continues to be a strange relationship between the memory of Hus and his actual influence. For more than fifty years Czech scholars have endeavored to produce a critical edition of his works but the Czech government has never regarded Hus as sufficiently important to fund the production of that critical edition. Almost 450 years ago we find an indictment: "The Czechs should be ashamed of having slackened in this matter so horribly."³⁹ This was written in 1571 in reference to the production of a Czech Bible.

If we return to the time of Hus we find, even within his lifetime, evidence of a battle for Hus which may be examined briefly. This can be best achieved by selecting contemporary individuals who disagreed about Hus. Michael de Causis and Jan Chlum were men on the ground, participants in, and eye witnesses to, the trial. Michael de Causis was a lawyer attached to the papal curia. He developed clear antagonism towards Hus and characterized him as “a son of iniquity,” “a heretic,” and “that devil Jan Hus.”⁴⁰ As for the imperial knight Jan Chlum, it is not what he said, but what he did. A chronicler records an extraordinary encounter during the public hearings in June 1415 at Constance. “The bishop of Riga took charge of Master Hus and escorted him to the prison. As they passed near Lord Jan Chlum, he greeted him and reached out his hand to comfort him. Hus was extremely glad that Lord Jan was not ashamed and was not reluctant to greet him, though he was essentially rejected, ridiculed, and considered a heretic by practically everyone.”⁴¹ Petr Mladoňovic and Ulrich Richental were chroniclers who not only were present at the later stages of the Hus trial but who left behind valuable accounts of the proceedings. Mladoňovic concluded his *Relatio* with the assertion that he had provided testimony to the events at Constance in order that the memory of Jan Hus, the “most steadfast champion of truth,” would remain green in the future and throughout time.⁴² In contrast, Richental portrayed Hus as wicked, cowardly, and deceitful.⁴³ These opinions, developed and defended, served as foundations for evolving traditions in the lives of the posthumous Hus.

By the sixteenth century the myth-makers were hard at work, and Hus emerges as a central figure in the European Reformations.⁴⁴ Luther championed Hus, and in many respects he was lionized across the spectrum of the Protestant landscape.⁴⁵ He was not regarded in the same manner by defenders of the official church. The battlefield for the memory of Hus is illuminated in the works of John Foxe and Johannes Cochlaeus. The English-Protestant martyrologist John Foxe regarded Hus as a “most holy man and excellent doctor of the evangelical truth ... the godly servant and martyr of Christ.”⁴⁶ The German-Catholic theologian Johannes Cochlaeus said the “wicked Jan Hus” deserved eternal punishment, for he was worse than an infidel, even worse than the men of Sodom, still worse than frightful murderers from the annals of history, ultimately worse than cannibals. With Lateran doctrine in mind, Cochlaeus declared that heresy “was a monstrous crime” worse than all other offenses and exceeded every other crime for its unspeakable enormity, impiety, shamefulness and impurity, surpassing all evil before God.⁴⁷ These polar views were repeated over and over throughout the sixteenth and seventeenth centuries, and the

texts replaced history. What happened at Constance was forgotten, and the past yielded to the words that were written down. These words and characterizations, rather than the events, were remembered, and the narratives formed the memory of the events that faded in the onslaught of history. By the nineteenth century, when scientific-based research began to excavate the Hus of history, these narratives and characterizations were rediscovered, interrogated, and subjected to broader analyses, and the battle for Jan Hus was renewed.

In the intellectually bellicose nineteenth-century Prague world, nationalism intruded into considerations of Hus. Konstantin von Höfler's work declared that the Hussite movement was really more about an embedded anti-German sentiment than a concern for ecclesiastical and social reform, and that Jan Hus was a racial bigot who allowed his hatred of Germans to grow until it destroyed the university in Prague.⁴⁸ Höfler believed Hussitism was a destructive period in history. Hus was not only a heretic but a criminal who deserved the stake.⁴⁹ The polar view was advanced by František Palacký who suggested that a new religious epoch began with Hus whose followers were the first Protestants.⁵⁰ Hus and the Hussites were, for Palacký, the bedrock of national identity. Proper Czech scholarship on Hus began with Palacký after the strictures were lifted in 1848. Palacký's ten-volume *History of the Czech Nation in Bohemia and Moravia* laid down a paradigm followed by so many ever since. While his ethnicism inspired many Czechs, it also crippled subsequent generations of historians who were either unwilling or unable to find alternative interpretations of the process by which a Czech nation appeared in Europe. Palacký sought to minimize if not eliminate Hus's theological issues and thus presented Hus as a Czech struggling within a national context against Germans and the Church. Thus began in earnest a positivist taxonomy that continues to prevail. This perspective was succinctly expressed from a Czech point of view in English by Albert Wratishlaw: "It will always remain the greatest distinction of the Bohemian nation that it was the first in the national development of European culture—as a whole people—to rise against Rome, and such a national movement cannot be explained as the effect of learned Latin tracts."⁵¹ Some of these considerations continued to influence the manner in which Hus was represented well into the twentieth century.

Perhaps the most important debate amongst the scholars was undertaken by Johann Loserth who was answered by Matthew Spinka. Loserth concluded that "Hus' writings [are] the exclusive property of Wiclif, and there is no ground for speaking of a Hussite system of doctrine."⁵²

Loserth did not alter his basic view between his published review in 1884 and a second edition in 1925. More than twenty-five years later Spinka assailed the Loserth thesis arguing that Hus was a man of probity, a beacon of integrity, and a towering figure in the later medieval world with influence to the present. He argued that Hus was not a mere disciple of Wyclif and that he held ideas unique from those of the Oxford scholar, derived independently from a preceding native Czech reform tradition.⁵³ Though implacably opposed to the Loserth school of thought, which was adopted by able scholars like Robert Kalivoda and Howard Kaminsky, Spinka was, at the same time, never able to rid himself entirely of bias against Marxist and Catholic scholars. Thus he held Václav Flajšhans, Jan Sedlák, and Paul de Vooght at arm's length while bluntly declaring that the Marxist-dominated work of Kalivoda, Josef Macek, and Milan Machovec did not "qualify as genuine and unbiased research."⁵⁴

The battle for Jan Hus is now reflected more acutely in the scholarly and historiographical differences between modern Czech approaches and so-called Anglo-Saxon methods. The former has been described as descriptive while the latter is more intentionally evaluative.⁵⁵ Scholarship and methodology is rather like the stock market, fluctuating with the stimulation of buyer enthusiasm or consumer angst. What will the next skirmish in the battle for Jan Hus look like?⁵⁶

Perverse Readings

Eschewing the constraints of Lateran doctrine on heresy, the visions of Dante Alighieri, and the limits of historical categories, it seems salutary to engage in perverse readings of Jan Hus. This means to ignore shamelessly the established orthodoxies set down by De Causis, Richental, Cochlaeus, Höfler, and Loserth on one hand and those developed by Chlum, Mladoňovic, Foxe, Palacký, and Spinka on the other. It also solicits a refusal to conform to the well-worn historiographical paths. And it suggests that thinkers in the twenty-first century should not be arguing towards pre-determined conclusions. Instead, perverse readings of Hus should be encouraged. The word *perversus* means to turn aside wrongly or inappropriately or to be askew. In *The Confessions*, Augustine spoke of sin as defined in terms of the soul's motion relative to God and went on to elaborate three possibilities. Here we encounter *perversus* wherein the soul has deviated or is wrongly positioned, *aversus* which indicates that the soul has turned from God, and *adversus* with the implication that the

soul has turned away from divine truth and goodness.⁵⁷ From a soteriological point of view all three postures are serious impediments for the pilgrim. But, with respect to historiography, the idea of perverse readings is useful, indeed salutary. Assumptions around ideas of deviant or erroneous interpretations are often unnecessary shackles limiting more imaginative research and curtailing our understanding of an altogether compelling chapter in Europe's past. With this in mind, Hus needs to be removed from the pantheon of the sacred cow collection, but too often we do not have the courage to confront our own icons; the scholar must ask why.

Conclusion

Lateran IV was a magnificent assembly, a veritable display of ecclesiastical power and authority. On matters taken up by canon 3, the delegates determined that the many beasts of heresy had to be removed. The *Divine Comedy* of Dante Alighieri is a textual feast of imagination, a medieval vision of the universe, reflecting past, present, and future, drawing on Aristotelian cosmology, Thomist philosophy, classical culture, and Christian religious doctrine. We must keep in mind that above all else, Hus was a priest, and his life and work were dominated by theology. Importantly, that theology was developed and understood in and through medieval categories. Adopting Protestant doctrines as a means of understanding Hus tends to obfuscate rather than illuminate and runs the risk of anachronism. The same should be said for nationalism and craven subservience to particular schools of thought and political considerations that often reveal a deeper interest in ideas about history than in history itself.

Recognizing that Hus's intellectual world was dominated by theology, broadly conceived and understood, it is necessary to try and penetrate that world as the first order of significance in the battle for his memory. In seeking to comprehend the synergies between time and eternity we can turn to one of Hus's earliest academic endeavors, his commentary on the Sentences of Peter Lombard. In Hus's thought, the world is a *spectaculum*, a theatre in which the unity of God as trinity and God as creator is revealed.⁵⁸ There is a distinction between time and eternity in Hus. There are two main categories. First, eternity is used in speaking about God who transcends time. Second, there are also fragments of eternity that have their origin in time. Goodness, holiness, and virtues are eternal though the lives of those who exemplify these attributes are finite.⁵⁹ In this way, eternity is not entirely divorced from time. Thus, Hus holds that

humankind is truly great and noble because God created humanity with immortality forever (eternity).⁶⁰

At the same time, for others, he is the perpetual pariah who cannot be liberated from his opprobrium, fixed as he is in a fiery tomb of iron in the sixth circle of hell and frozen steadfast in the ninth circle of hell as imagined by Dante Alighieri, mandated by canon 3 at the Fourth Lateran Council, and subsequently ratified by Latin Christendom. As we have seen, by the time the conciliar fathers gathered at Constance, heresy was well-defined and understood as treason, deviance, and crime. In the aftermath, Hus became frozen at the intersection of time and eternity, suspended between heaven and hell while the battle for his meaning, identity, and memory rages on.

In considerations of time and eternity, history, heresy, and hell, an important query remains: Who will guard the guards?⁶¹ This was a question occupying the mind of Hus. To some extent, Hus believed that he was qualified to do just that. Others disagreed. In preaching the *sermo generalis* against Hus on July 6, 1415, the Bishop of Lodi asserted that no greater fornication than that practiced by Hus had ever been perpetrated against the Church. This constituted a betrayal of God and faith.⁶² History is temporal, but hell is eternal. In reply, the Council declared it had the authority to commit Hus's soul to eternal damnation. This presented Hus with a serious dilemma, one that was juxtaposed between obedience and authority and situated between notions of truth and loyalty to institutions. There are limits to human knowledge.⁶³ Lateran IV, Dante Alighieri, and Jan Hus recognized this, but all three behaved as though it did not apply to them. Each acted as though they were exceptions to the rule.

As noted earlier, Petr Mladoňovic concluded his *Relatio* with the assertion that he had provided testimony to the events at Constance in order that the memory of Jan Hus, the immovable defender of truth, would be preserved forever. Aeneas Sylvius Piccolomini (Pope Pius II) said the "perfidious lunacy" of the Hussites began with Hus who was a heresiarch and would, in consequence, perish eternally in hell.⁶⁴ We are back with the contested image of a man destroyed by the Church for the blasphemy of the "unforgiveable sin," the crime of heresy. We appear to be left with a contested figure on the boundaries of intersecting and diverse cultural, political, and religious worlds. The battle for Jan Hus has been waged and won between time and eternity, fought and lost on the killing fields of heresy within visions of heaven and hell both medieval and modern.⁶⁵

NOTES

¹ See Keĵ, *Husův proces*; Fudge, *Trial of Jan Hus*.

² Letter to members of Charles University in Prague, June 27, 1415, in Novotný, *M. Jana Husi Korespondence*, 323.

³ Copenhagen, Det Kongelige Bibliothek, fols. 22r–24v at fol. 22v.

⁴ Jan Hus, *Historia et monumenta*, 1:103.

⁵ Fudge, “Quest,” 3–22.

⁶ Foreville, *Latran I, II, III*, 391–95 for the full list.

⁷ Noted in Deansley, *History of the Medieval Church*, 147.

⁸ Innocent in Migne, *Patrologia Latina*, vol. 216, col. 824.

⁹ Migne, *Patrologia Latina*, vol. 216, cols. 823–25.

¹⁰ Text in Mansi, *Sacrorum conciliorum*, vol. 21, col. 1177. The text might usefully be compared with the convocation bull for Lateran IV.

¹¹ Text of canon 3 (Latin and English) in Tanner, *Decrees of the Ecumenical Councils*, 1:233–35.

¹² Kuttner and García, “New Eyewitness Account,” 115–78, especially 155.

¹³ Mansi, *Sacrorum conciliorum*, vol. 22, cols. 476–78; Migne, *Patrologia Latina*, vol. 201, cols. 1297–1300, vol. 214, cols. 537–39.

¹⁴ Friedberg, *Corpus iuris canonici*, X 5.7.9 and X 5.7.10, cols. 780–82 and 782–83.

¹⁵ Peters, “Prosecution of Heresy,” 25–42.

¹⁶ Fudge, “Jan Hus in the Medieval Ecclesiastical Courts,” 113–33.

¹⁷ Pennington, *Pope and Bishops*, 7.

¹⁸ Forrest, *The Detection of Heresy in Late Medieval England*, 28–59.

¹⁹ Peters, “*Crimen exceptum*,” 137–94.

²⁰ Johannes Teutonicus on ad 3 Comp. 5.4.1, *filiorum*; Johannes Teutonicus, *Apparatus glossatorum*, ad 3 Comp. 3.33.55. *Filiorum* is cited in the commentary on *Vergentis*.

²¹ Jan Hus, *Magistri Iohannis*, 187–270.

²² *De simonia*, in Glorieux, ed., *Jean Gerson Oeuvres Complètes*, 6:169–73. This treatise was written during the proceedings of the Council of Constance.

²³ C.11 q.3 c.32, “unde illos quos tunc Apostolus sathane esse traditos predicat, excommunicatos a se esse demonstrat.”

²⁴ Friedberg, *Corpus iuris canonici*, X 5.7.9, vol. 2, col. 781.

²⁵ As X 5.7.15 in Friedberg, *Corpus iuris canonici*, vol. 2, col. 789.

²⁶ Friedberg, *Corpus iuris canonici*, vol. 2, cols. 778–90.

²⁷ Sackville, *Heresy and Heretics*, 107.

²⁸ Dig 50.17.144 (Paulus), in Mommsen, *Digesta Iustiniani Augusti*, 2:965.

²⁹ The definitive and standard source on the Lateran councils is Foreville, *Latran I, II, III*.

³⁰ Pelikan, “Otherworldly World,” 165.

³¹ Dante Alighieri, *Divine Comedy*.

³² The fresco (2.32m x 2.9m) is on the west wall of the nave in the church of Santa Maria del Fiore in Florence.

³³ The letter of August 16/17 is in Sayers, *Letters*, 45–49 at 47.

³⁴ Boitani, “Shadows of Heterodoxy,” 60.

³⁵ Hawkins, “Divide and Conquer,” 471–82.

³⁶ Noted in Caesar, *Dante: The Critical Heritage*, 19.

³⁷ See Barański, “Temptations of a Heterodox Dante,” 164–96, and in more detail Barański, “(Un)Orthodox Dante,” 253–330.

³⁸ See Adams, “Against the Contrapasso,” 5–19.

³⁹ Blahoslav, *Grammatika česká*, 342.

⁴⁰ Palacký, *Documenta Mag. Joannis Hus*, 457–61, Mansi, *Sacrorum conciliorum*, vol. 27, col. 628.

⁴¹ Mladoňovic, *Relatio*, in *Fontes rerum bohemicarum*, 109 and Fudge, *Jan Hus between Time and Eternity*, 117–40.

⁴² Mladoňovic, *Fontes rerum bohemicarum*, 120.

⁴³ Buck, *Chronik des Konstanzer Konzils*.

⁴⁴ Haberkern, *Patron Saint and Prophet*.

⁴⁵ Fudge, “Shouting Hus,” 197–231.

⁴⁶ Foxe, *Acts and Monuments*, 1570, book 5, pp. 762, 862. See Fudge, “Jan Hus as the Apocalyptic Witness,” 136–68.

⁴⁷ Cochlaeus, *Historia Hussitarum libri duodecim*, 98.

⁴⁸ His important works include *Geschichtsschreiber der husitischen Bewegung in Böhmen*, 3 vols., *Concilia Pragensia, 1353–1413*, and *Magister Johannes Hus und der Abzug der deutschen Professoren und Studenten aus Prag, 1409*.

⁴⁹ Zacek, *Palacký*, 69.

⁵⁰ Palacký, *Geschichte des Hussitentums*, 66.

⁵¹ Quoted in Naughton, “Reception in Nineteenth-Century England,” 102.

⁵² Loserth, *Wiclif and Hus*, xxx.

⁵³ Spinka, *John Hus and the Czech Reform*.

⁵⁴ Spinka, *John Hus at the Council of Constance*, xi.

⁵⁵ Fudge, “Whose Hus?,” 265–90.

⁵⁶ Fudge, “Jan Hus in English Language Historiography,” 90–138.

⁵⁷ Augustine of Hippo, *Saint Augustine Confessions*, book 2, pp. 24–27.

⁵⁸ *Super IV Sententiarum*, II, inceptio I, 1–5 in Jan Hus, *Mag. Jo. Hus*, 2:189–92.

⁵⁹ *Super IV Sententiarum*, I, d. 19.4 in *ibid.*, 2:114–15.

⁶⁰ *Super IV Sententiarum*, II, inceptio I, 5 in *ibid.*, 2:191–92.

⁶¹ “*Sed quis custodiet ipsos custodies.*” Juvenal, *Satires* 6 in 341–48; Braund, *Juvenal and Persius*, 266–68.

⁶² Sermon text in Mladoňovic, *Fontes rerum bohemicarum*, 489–93; analysis in Fudge, *Jan Hus between Time and Eternity*, 99–116.

⁶³ Boyde, *Human Vices and Human Worth*, 231–72.

⁶⁴ Aeneas Sylvius, *Historia bohémica*, 4, 88–100.

⁶⁵ This essay was first delivered as a keynote address at the Southeastern Medieval Association conference in Little Rock, Arkansas, and subsequently as a public lecture at the University of New Brunswick in Fredericton (Canada) in October 2015. I am grateful for audience responses.

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History and Legitimacy in the Dominican Responses to John of Pouilly

Thomas Turley

MARSILIUS OF PADUA'S ATTACK ON THE HIERARCHICAL CHURCH in Dictio II of his *Defensor pacis* was a stunning use of history to attack legitimacy. His deft manipulation of traditional texts and doctrinal emblems and his deployment of historical and contextual arguments to create novel and disruptive readings of the Scriptures and canons allowed him to create a new narrative for the church that threw into question almost every papal claim to ecclesial authority.¹ The result was a coherent and plausible revision of church history that suppressed or discredited inconvenient sources, coopted others, and abandoned traditional scriptural exegesis.² The novelty of Marsilius's method has led to considerable speculation as to his inspiration. Much has focused on other opponents of the papacy in the years preceding the composition of the *Defensor pacis*, notably the dissident Franciscans of the late 1310s and early 1320s. But these may not have been his only influence.³ It is evident that some papalists were familiar with historical argument before they encountered Marsilius's work. In 1327, as Pope John XXII prepared to condemn the *Defensor pacis*, several prominent theologians, who had been sent a very brief list of the Paduan's errors, were able to compose deft and relatively elaborate responses around historical sources.⁴ Their quick recognition of the nature of the arguments that underlay Marsilius's conclusions—they were given no details on these and never saw the *Defensor*—as well as their comfort in responding, point to earlier encounters with similar material. It is of course possible that these encounters were with the assertions of the dissident Franciscans, but there is an alternative. Almost a decade before the *Defensor pacis* was reviewed by the Roman curia, three prominent members of the Dominican order, Hervaeus Natalis, Peter of Palude, and William Peter Godin, engaged the theologian John of Pouilly and other secular masters on the origins of episcopal rights in substantial tracts that explored the extent of papal authority. Each had to deal with the kind of historical sources Marsilius later employed in constructing his narrative

of legitimacy. Examination of these works reveals the important position the church's past occupied in the papalist discourse of this era, the influence episcopal assertions had in drawing some papalists to attend seriously to ecclesial history, the gradual mooted of traditional authorities during these debates, and the similarity of some of the methods employed by these papalists to those used by Marsilius a decade later.

Episcopal Rights and History

One of the great achievements of the canon lawyers of the twelfth century was the construction of a working ecclesiology from the jumble of seemingly contradictory canons they found in Gratian's *Decretum*. Within this vast collection of documents, the record of more than a millennium of church history, these Decretists derived a complex web of precedents that they considered the foundation of ecclesial order. This delicately balanced set of rights and privileges, the *status ecclesiae*, its authority based on an assumption of the continuity of church order throughout the church's history, mapped the powers and limits of all the prelates within the church, including the pope.

In the early thirteenth century a new generation of canon lawyers—the Decretalists—began to alter the Decretists' interpretation of the *status ecclesiae*. They ascribed broad discretionary powers to the popes that allowed them to circumvent the normal rights and privileges of prelates and others in cases of necessity. This new interpretation of papal authority suggested that historical precedent was no certain gauge of ecclesial right. It provoked serious conflict in the middle of the thirteenth century when popes applied it broadly, granting mendicant friars special privileges to preach and hear confessions without the permission of the bishops in whose dioceses they were operating. Secular masters at the University of Paris, seeing this as a preemption of one of the ancient rights of bishops, produced a series of works protesting the papal action. They argued that Christ had given authority to Peter and the apostles—the first pope and bishops—together and directly, and that consequently bishops had their rights and privileges from Christ, not the pope.⁵ No pope could abrogate or alter what Christ himself had granted. In addition to scriptural passages demonstrating Christ's conferral of authority on all the apostles, these episcopalists cited canons that seemed to document the existence of rights and privileges that bishops and the curates who served their dioceses had enjoyed from the beginning of the church—clear proof, it seemed, that these prelates alone were the indispensable and permanent ministers of

the church.⁶ The episcopalists' argument blended Scripture and history. They saw the canons they cited much as the Decretists had, as markers witnessing a continuous observance of episcopal rights throughout the church's existence. For them, history confirmed legitimacy.

Mendicants responded immediately, but chose to shift the basis of the debate away from the canons and history toward a few scriptural texts—notably Matthew 16:18 and John 21:17—that they insisted were proof that Christ had granted all jurisdictional power in the church to Peter alone. Peter, they claimed, had then distributed jurisdiction to the other apostles, retaining the authority to reapportion it any way he saw fit as the church developed. His successors had the same authority. The jurisdiction of bishops and curates was therefore held at the pleasure of the pope; it could be expanded, curtailed, or shifted to new ecclesiastical authorities at any time. All ensuing developments in the church had to be understood in light of this central fact.

The mendicant argument, developed primarily by Franciscan theologians, turned the debate away from law and history toward theology, effectively pushing historical precedent to the sidelines. Mendicants continued to defend and elaborate this “derivational” theory of jurisdiction in debates with episcopalists into the fourteenth century—although some Dominicans followed Thomas Aquinas in adopting a more moderate position soon after the conflict began in the 1250s.⁷ Episcopalists, for their part, continued to rely on historical precedents.⁸ Each side had created a substantial literature by the turn of the fourteenth century.

The Conflict Between Boniface VIII and the French Monarchy

When the struggle between Pope Boniface VIII and Philip the Fair of France erupted in 1301, the mendicant theologians Giles of Rome and James of Viterbo, both Augustinians, constructed defenses of the pope's supreme position in Christian society—the first tracts *De potestate papae*—that approached the problem much as earlier mendicants had approached the issue of papal jurisdiction. Earlier discussions of church-state relations had relied on complex precedents found in Scripture, the canons, and history to establish legitimacy; Giles and James based their works in philosophical analyses of government that effectively preceded and contextualized the scriptural, patristic, and canonistic sources they eventually discussed.⁹ Much as earlier mendicant theologians had directed focus from the complex history of rights and privileges found in

the canons to the seeming simplicity of Christ's conferral of jurisdiction in the Gospels, Giles and James directed focus from the equally complex history of church–state relations to the apparent certainty of philosophical reasoning.¹⁰ James rooted his argument in a blend of Aristotelian and Augustinian notions regarding government and community; Giles relied on these and hierarchical metaphysical concepts found in Pseudo-Dionysius.¹¹ Like earlier champions of the derivational theory of jurisdiction, both authors kept the canons and history at the periphery of their arguments.¹²

The novelty of Giles and James's methods did not divert their opponents from reliance on traditional ecclesiological evidence. Though most of the Augustinians' respondents did gesture at discussions of the nature of government in their works, their arguments rested primarily on Scripture, the fathers, and the canons, the sources long employed in church–state debates. So, for example, the anonymous author of the *Rex pacificus*, a brief tract asserting the independence of the French monarch, relied almost exclusively on the canons.¹³ He arranged them within the context of a somatic analogy—the church as head, the state as heart, working in tandem for the good of the body.¹⁴ The author of the *Quaestio in utramque partem*, another brief royalist tract, used a similar approach, fitting his historical references into a dualist framework that presented state and church as different *genera* exercising distinct powers.¹⁵ Both writers treated the canons and Scripture they cited as evidence of an enduring ecclesial order very much like that presented in traditional canonistic exegesis—though their assumptions about continuity led them to pluck their evidence topically from a history without private dimension or context.

The Dominican John of Paris, the most original opponent of extreme papalism in this exchange, used the testimony of the past with much greater sophistication. His *De regia potestate et papali* defended both the independence of the secular power and the rights of prelates, applying history differently in each case to limit papal authority. John began his work much as Giles and James had, with a sophisticated philosophical examination of the nature of government. His early chapters made only casual use of the past, presenting analyses of the origin of natural government based in Aristotle and Aquinas and of the priesthood and church hierarchy based mainly in Scripture.¹⁶ John's purpose here seems to have been to establish ecclesiological constants. He made no reference to ecclesial evolution, but instead proclaimed the consistent agreement of philosophers, Scripture, and the fathers on the dualistic relationship of church and state.¹⁷

Once John began discussion of prelates' temporal lordship and jurisdiction, he turned to the past in earnest. He drew heavily on Scripture, the fathers, and whatever canons he could count as witnesses to history.¹⁸ Like most of the theologians engaged in ecclesiological polemics in his era, he had no training in canon law, but this did not deter him from interpreting the texts to his advantage.¹⁹ He read them without the elaborate context professional canonists saw, and so was able to make a straightforward and compelling argument for episcopal rights that stepped beyond the circum-spect opinions of the lawyers.²⁰

In the later chapters of his work, which dealt with papal claims to authority over the secular monarchies, John continued to mine the canons for their historical content. History was a major issue here; some papalists relied heavily on historical precedents such as the Donation of Constantine and the coronations of Pepin and Constantine to verify their claims to papal authority over temporal monarchs.²¹ John rewrote these narratives, simplifying readings, emphasizing or suppressing texts to serve his polemical purposes, and blending the canons with other historical materials. He treated the histories he used—standard works such as Vincent of Beauvais's *Speculum historiale* and Martin of Troppau's *Chronicon pontificum et imperatorum*—much as he did the canons, editing and reinterpreting as required.²²

While John of Paris bent problematic canons and extra-scriptural histories to his purpose, Giles of Rome and James of Viterbo avoided them. Giles skillfully employed scriptural and patristic exegesis and biblical history to build his argument, but took only passing notice of post-biblical church history.²³ Many of the canons he introduced were the basis of objections to his argument that he could not ignore. Giles dealt with the majority in the last part of his work, where he adroitly and sometimes ingeniously reconciled them to his positions.²⁴ James of Viterbo included very few direct references to the canons: the *Decretum* twice—D.79 c.7 and D.96 c.10—and a cluster of decretals on papal authority that he apparently borrowed from Giles of Rome.²⁵

By the end of the Franco–papal debates in 1303, a clear pattern had emerged among the disputants in their approaches to ecclesial and secular history. The extreme papalists avoided discussion as much as possible, while their opponents embraced historical evidence with varying degrees of sophistication. And both groups found it necessary to manipulate whatever texts from the Scriptures, canons, and fathers they used—selecting, suppressing, and reinterpreting—to draw them into full agreement with their arguments.

John of Pouilly and the Dominican Response

As the royal–papal controversy subsided, episcopalists continued to assert their traditional rights, pushing ecclesiastical history back toward the center of ecclesiological discourse. When Pope Clement V triggered another open debate between episcopalists and mendicants in 1312 by restricting a very favorable privilege that had been granted to the mendicants just a few years before, the theologian John of Pouilly emerged as the new champion of episcopal rights.²⁶ John pressed his case aggressively over the next several years—so aggressively that he eventually blundered into statements that were called heretical. In 1318 he was summoned to the curia to answer those charges.²⁷ Around the time Pouilly was called to Avignon—perhaps just before—three well-known Dominican theologians composed works *De potestate papae* in reply to the episcopalist assertions: Hervaeus Natalis, Peter of Palude, and William Peter Godin. Each was obliged to engage the arguments from history posed by Pouilly and the other defenders of episcopal rights, and each dealt with them differently.

Hervaeus's *De potestate papae* was his second response to secular claims. The first, a tract *De iurisdictione* published in 1312, was a rather blunt assertion of the derivational theory of jurisdiction that clearly illustrates the Dominican's preferred approach to the problem.²⁸ In this brief work Hervaeus avoids historical argument completely, relying instead on a philosophical analysis of government to inform his exegesis of Christ's conferral of jurisdiction in Matthew 16:18 and John 21:17. He poses an Aristotelian argument to demonstrate the natural need for a single head and a single source of jurisdictional authority in government, then argues that this arrangement is in fact the governmental structure Christ intended for his church when he conferred power on Peter. His other conclusions rest primarily on logical deduction. As Christ gave jurisdiction only to Peter, all the apostles and all the bishops who succeeded them must derive their jurisdiction entirely from the pope. There are therefore no limits to papal authority over them. Bishops are like a secular king's bailiffs, appointed servants who owe absolute obedience and have no right to their positions.²⁹ For this reason, the episcopate cannot be considered an essential part of the church's order. In fact, popes are not even required to give local ecclesial jurisdictions to bishops; they can, if they choose, bestow those powers on whomever they think suitable.³⁰ In demonstrating this radical reduction of traditional ecclesiology, Hervaeus

cites no scriptural texts other than Matthew 16:18 and John 21:17. He does include a brief refutation of the scriptural arguments of the seculars, but makes no reference to the canons or ecclesial history.³¹

Hervaeus was forced to alter his approach in the *De potestate papae*. By the time he composed it, his opponents had marshalled a significant body of proof texts, primarily from the canons, that had to be answered.³² His response was to structure his work along the lines of Giles of Rome's *De ecclesiastica potestate*, presenting a philosophical framework first, then addressing scriptural and legal evidence within that context. He begins with analyses of the kinds of justice, the type and extent of papal power, the way that ecclesial power was instituted, the church as a republic, and so on. Scriptural texts are inserted where necessary, but not frequently, with Matthew 16:18 and John 21:17 cited most. In proving the pope's divine authority, he limits himself to relatively few sources: Matthew 16:18, John 21:17, and Luke 22:32; Hilarius, Origen, and Chrysostom on Peter as the foundation of the church; and D.21 c.3, *Quamvis universae*, and D.22 c.1, *Omnes sive patriarchae*, on the origin of the Roman Church's authority.³³ He devotes the latter portion of his work to refuting secular interpretations of Scripture, canons, and fathers, but does so primarily with arguments from causality that allow him to ignore almost completely the historical difficulties these texts introduced.³⁴ Obligated to acknowledge the arguments of his opponents, Hervaeus refused to debate on the same plane.³⁵ As in his *De iurisdictione*, he excluded the church's history from the argument. The words of Christ were sufficient; all later evidence was extraneous.

Peter of Palude responded to the secular arguments very differently. Trained as a lawyer as well as a theologian, he was very aware of the canonistic doctrine of precedent and the network of rights and privileges that canonists believed prelates possessed. He was also aware of the canonistic teaching that some of these had evolved later, to accommodate the church's growth. He would use this notion to considerable effect against the episcopalists.³⁶ Like Hervaeus, Palude addressed episcopalist arguments in the years before he composed his *De potestate papae*, and his distinctive approach to ecclesiological discussion is as evident in that earlier work, a quodlibetal question delivered in the fall of 1314, as Hervaeus's is in the *De iurisdictione*. The issue addressed in the quodlibetal question was whether a person's "own priest" had to hear his confession, as the Fourth Lateran Council had apparently decreed (X 5.38.12, *Omnis utriusque sexus*). A much-discussed aspect of mendicant privileges, the council's

decree was read literally by episcopalists as a simple affirmation of curates' (and bishops') rights. They cited it to condemn any interference by mendicants in the relationship between priest and penitent and contended that this arrangement had existed since the time of the primitive church.

Palude begins his response by reminding his audience that church history is as important as the model of the primitive church in understanding the structure of the ecclesial order, and that the development of the church over the thirteen hundred years since its founding demonstrates that God intended ecclesial evolution. He lists deacons, hermits, monks, secular canons, and theological masters as examples of new ecclesial offices created since the time of the primitive church; all were willed by God and of great value to the church. Practices have also been altered by God's will, including the relationship of penitent and priest. The council's decree recognizes this, though the narrow reading of the episcopalists obscures its proper meaning. Citing the authority of the great canonist Hostiensis, Palude asserts that the decree actually permits any superior of a parish priest—that is, the pope or the priest's bishop—to hear the confessions of the priest's flock himself or to delegate someone else to hear them for him.³⁷ He supports this interpretation with several examples from history and current practice. No one, he says, questions the propriety of papal penitentiaries—clerics authorized by popes to hear the confessions of persons only popes can absolve. The mendicants authorized by the popes are similar. That the mendicants received a general dispensation from the control of bishops is analogous to existing practice regarding other religious orders and secular colleges. The only difference in the case under consideration is that the decision to go to a mendicant for confession is left up to the parishioner—a right that Palude defends as consonant with Christian liberty and Roman law.³⁸

This is only the first of several arguments Palude put forward in the quodlibetal question, but it illustrates clearly his preferences in ecclesiological debate. He relied on evidence from ecclesiastical history and the evolving circumstances of the church's practice rather than theory. He avoided entirely the reductive methods of many other mendicants. His approach was very much that of a canonist, reconciling contradictions in law and history to find order. This gave him a powerful edge in debating the episcopalists; he was addressing their arguments symmetrically, employing the same sources and the methods to establish legitimacy.

Palude used a similar approach in his *De potestate papae*. He divided this much larger work into two parts, one on the nature of papal authority

and its origin, the other on the power of the papacy over temporal goods.³⁹ This permitted him to discuss a wide range of recent issues, from Christ's direct conferral of ecclesiastical jurisdiction on Peter to papal authority over the French monarchy. As in the quodlibetal question, Palude ignores philosophical analysis in the *De potestate papae*, turning instead to Scripture, the canons, the fathers, and, occasionally, to Aristotle and Roman law.⁴⁰ He develops his discussions at considerable length, as a canonist would, reviewing many alternatives and sometimes avoiding a conclusion. Although he agrees with Hervaeus on several key issues, particularly the error of John of Pouilly's assertion that popes are bound by conciliar decrees (other than the doctrinal truths these might affirm), he moderates many others. So, for example, he allows, with Huguccio and common canonistic opinion, that councils can depose heretical popes once they are revealed—an issue Hervaeus ignored.⁴¹ He also temporizes on Christ's direct conferral of all ecclesial jurisdiction on the popes alone, stating somewhat ambiguously that the jurisdiction of popes, bishops, and priests all derive from Christ—in apparent agreement with the Decretists and Thomas Aquinas rather than mendicant extremists.⁴²

Palude's reliance on canonistic sources, current ecclesial practice, and church history is particularly evident in his discussion of papal authority over temporal kingdoms. Again, he approaches this question much like a canonist, surveying the many historical negotiations between the church and state as he edges toward a complex conclusion. Like John of Paris, Palude dedicates the last portion of his work to this problem, focusing particularly on the temporal power of the pope in the kingdom of France. His conclusions are quite similar to John's: the pope holds only enough temporal power over France and most other secular states to maintain his spiritual authority, but he does hold temporal and spiritual power over the Holy Roman Empire, which in its turn holds no authority over France. And, like John, Palude deftly manipulates Scripture, canons and history to create a narrative that becomes part of his evidence, concluding that most papal temporal authority is the product of historical circumstance rather than intrinsic to the pope's office. While Palude's analysis is not as tightly constructed as that of John of Paris, it deploys history just as powerfully. Notable is his complex review of the evidence, which usually probes numerous possible answers before arriving at a solution.⁴³ This predilection for thoroughness had its merits; Palude's seemingly exhaustive examination of the sources and alternative interpretations could be quite persuasive.

Not long after the appearance of Palude's *De potestate papae*, William Peter Godin produced his *De causa immediata ecclesiastice potestatis*.⁴⁴ In composing it, William made an interesting choice: he defended the same extreme position on papal jurisdiction asserted by Hervaeus Natalis, but employed the mode of argument adopted by Peter of Palude. To accomplish this, he borrowed sizeable portions of Peter's work, reinterpreting them to support his position. The result is surprisingly effective. William limits his discussion to the key issues surrounding Christ's gift of jurisdiction to Peter: the nature of the power Peter received from Christ; the moment when it was granted; the power Christ gave to the apostles, the disciples, and their successors; and the consequences of Christ's action for the papal office. His reorganization of the rich materials drawn from Palude's work allows him to attach new conclusions to Palude's digressive discussions, alter interpretations of texts, and clothe his interpretation in the authority of complex analyses of the fathers and canons. Gone, however, are Palude's examination of papal authority over temporals and his constant reliance on historical evolution to demonstrate legitimacy.⁴⁵ William keeps his focus on the first years of the church, intent on meeting the episcopalists on their own ground and proving that the exegesis from which they derive their image of the primitive church's order is false. This approach allows William to suggest that the moment of the church's formation is the only point in history relevant to the question of papal power. If Christ bestowed all jurisdiction on Peter at that moment, consideration of other aspects of the church's history is irrelevant to ecclesiological debate. Apparently impressed with the force of Palude's method, Godin modified its conclusions to provide adherents of the derivational theory of ecclesial jurisdiction with a symmetrical response to the episcopalists' appeal to tradition.⁴⁶

Conclusion

The works *De potestate papae* of Hervaeus, Palude, and Godin illustrate the division among contemporary papalists on the value of historical evidence in ecclesiological discussion. Hervaeus, with most extreme papalists, preferred to ignore it, and when forced to confront it by Pouilly and other seculars, insisted on subordinating its interpretation to a philosophical or theological framework that suppressed any potential ambiguity or contradiction in the sources. Peter of Palude, a trained lawyer and moderate papalist, embraced historical evidence enthusiastically and used it

very effectively. William Peter Godin, another extreme papalist, chose to temporize, exploiting the power of Palude's appeal to history but limiting the scope of the discussion to avoid dealing with ecclesial evolution. His work coopted Palude's reliance on historical materials while reading a much more extreme version of papal authority into its texts.

These works also make clear that papalists were debating ecclesiology in historical terms before the 1320s. Not every disputant had the training of Peter of Palude, but a number demonstrated significant skills. Most of these were moderate papalists. During the struggle between Philip the Fair and Boniface VIII, we can count John of Paris among those moderates. Although he leveled his arguments against what he considered the overreach of Pope Boniface, the ecclesiology John outlined was rooted in the thought of the Decretists, and perhaps the episcopalists. He viewed the order of the church to be the product of evolution, and the church's relation with the state to have been historically constructed. Peter of Palude held similar views, though he allowed for more radical change in the church than John did. And the two theologians who responded so effectively to Marsilius's errors in 1327—the Carmelite theologians Guido Terreni and Sibert of Beek—also held moderate views on papal power.⁴⁷ William Peter Godin was no moderate, but seems to have understood the polemical potential in a work like Palude's and the value of history in establishing legitimacy. He adapted it skillfully for his own purpose.

Finally, these three works point to a danger lurking in all the ecclesiological debates of this era. Despite the advantages perceived by Palude and Godin, reliance on history to prove legitimacy also had a serious weakness—one that had led mendicant theologians to turn away from it when the debate over jurisdiction began in the 1250s. The sources were many and difficult to reconcile, and the interpretative tradition surrounding them was complex and sometimes contradictory. As the controversialists of the early fourteenth century struggled to bring them into agreement with their positions, selecting, excluding, and reinterpreting for their polemical ends, the variety of ecclesiological possibilities they proposed, often based on the same evidence, had an unintended consequence. The multiplicity of interpretations they produced eroded the authority and stability of the sources, and, with it, the certainty of the history they reflected. The works of Hervaeus, Palude, and Godin are excellent examples. The conflicting readings they generated could have suggested to a contemporary that every interpretation of the church's past was moot. A sympathetic but critical reader might have recommended a constructive

remedy: correction and revision of the current fonts of tradition, along with their commentaries. A reader hostile to papal claims might well have perceived a weakness ripe for exploitation. Marsilius's casual manipulation of the ecclesiological sources to delegitimize the papacy comes to mind.

NOTES

¹ Garnett, *Marsilius of Padua*. Also Condren, "Marsilius of Padua's Argument," 205–18; Carr, "Use and Image of History," 13–28.

² On Marsilius's adoption of various kinds of argument to fit his polemical purposes, see Black, "Political Languages," 313–28.

³ Spiers, "Ecclesiastical Poverty Theory," 3–21; "Pope John XXII and Marsilius of Padua," 471–78; Condren, "Rhetoric, Historiography, and Political Theory," 15–34; Lambertini, "Marsilius of Padua and the Poverty Controversy," 229–63, 230–42.

⁴ Turley, "Sibert of Beek's Response," 81–104; "Impact of Marsilius," 47–64; "Guido Terreni," 11–31.

⁵ Pennington, *Pope and Bishops*, 154–89.

⁶ On these debates, see Congar, "Aspects ecclésiologiques," 35–151; Miethke, "Die Rolle der Bettelorden," 119–53.

⁷ Thomas agreed that Christ had given Peter the church's jurisdiction to be transmitted to the apostles, but refrained from using that argument to defend mendicant privileges. He recommended that mendicants get the permission of bishops to preach or hear confessions in their dioceses. See Zuckerman, *Dominican Theories*, 59–92.

⁸ See the defense of the rights of French bishops (1289) in Schleyer, *Anfänge des Gallikanismus*, 156–201. Also Dawson, "William of Saint-Amour," 223–38; Marrone, *Ecclesiology*, 151–259.

⁹ Coleman, "The Two Jurisdictions," 75–110, traces this approach to the Franciscans and especially to Bonaventure, who had been one of the authors of the derivational theory of Christ's jurisdiction. See also Lanza and Toste, "The Bridle-maker and the Pope," 309–60, 313–18; Marmursztejn, "A Normative Power," 345–404; Lambertini, "Political *Quodlibeta*," 439–74.

¹⁰ The influence of Aristotelian rhetorical techniques on these authors is treated in Coleman, "Some Relations," 127–57.

¹¹ Miethke, *De potestate papae*; Briguglia, *La questione del potere*; Canning, *Ideas of Power*, 11–59.

¹² Writing about the same time as Giles and James, the canonist Henry of Cremona demonstrated that it was certainly possible to construct a vigorous defense of extreme papal authority based on an aggressive interpretation of the views of Decretalist authors and a careful selection of canons and patristic texts. *De potestate papae*, 459–71. Henry was not a mendicant.

¹³ *Quaestio de potestate papae*. The tract is structured as a *quaestio*, with arguments for and against, a solution, and a reply to objections.

¹⁴ *Ibid.*, 19–39.

¹⁵ *Quaestio in utramque partem*, 46–110.

¹⁶ John of Paris, *De regia potestate et papali*, chapters 1–8, 75–102. For example, in chapters 3–4, 83–85, John uses Augustine's *De civitate Dei* and C.7 q.1 c.41 to argue that the world does not require a single temporal ruler, then Augustine again to show that there were kings before priests. On John's influences, see Coleman, *History of Political Thought*, 118–33.

¹⁷ Jones, "Historical Understanding," 77–118.

¹⁸ John of Paris, *De regia potestate et papali*, chapter 13, 151 ff.

¹⁹ On John's use of canon law, see Tierney, *Foundations*, 143–80; Ubl, "Debating the Emergence," 263–306.

²⁰ John cited materials from the *Decretum*, *Decretales*, *Glossa ordinaria*, and *Lectura* of Hostiensis, *De regia potestate et papali*, chapter 24, 340–41. Tierney, *Foundations*, 149–59, describes John's fusion of Decretist and Decretalist understandings to argue that the authority granted to the church's hierarchy by Christ was not concentrated in the pope, but rather diffused among all the prelates in varying degrees.

²¹ Jones, "Historical Understanding," 77–118, 102–11, considers John's treatment of the western Roman emperor, whom the Dominican identified as a monitor of erring popes.

²² *Ibid.*, 93–97, 107–11.

²³ So, for example, Giles made only passing reference to the pope's transfer of empire at Charlemagne's coronation. He did cite one history several times, Peter Comestor's *Historia scholastica*, but only to support his biblical interpretations. Giles of Rome, *De ecclesiastica potestate*, 12, 30, 98, 103, 134, 145.

²⁴ Giles of Rome, *De ecclesiastica potestate*, 141ff. Giles had a considerable command of canon law, as he demonstrated while dealing with past examples of papal resignation in chapters 23–24 of his *De renunciatione papae*, 332–56.

²⁵ James of Viterbo, *De regimine Christiano*, 85–310; 117, 185, 254–57; *On Christian Government*, 118.

²⁶ Other episcopal advocates include William Durant the Younger, who submitted an encyclopedic collation and correction of canonistic sources to the Council of Vienne in 1311. Fasolt, *Council and Hierarchy*, 115–76, 256–67, 287–304; Marrone, *Ecclesiology*, 213–41. Fluctuating papal policy on mendicant privileges stoked these debates—in 1300 Boniface VIII withdrew mendicant privileges, in 1304 Benedict XI restored them, and in 1312 Clement V restricted them again.

²⁷ Pouilly was forced to recant these views in 1321. Marrone, *Ecclesiology*, 242–59; Sikes, "John de Pouilli and Peter de la Palu," 219–40; Koch, "Die Prozess," 391–422; Zeyen, *Die theologische Disputation*; Hödl, "The Quodlibeta of John of Pouilly," 199–230; Miethke, *De potestate papae*, 139–50.

²⁸ This tract was directed at arguments presented by French bishops at the Council of Vienne intended to reverse papal policy on mendicant exemptions from episcopal jurisdiction. Hervaeus Natalis, *De iurisdictione*. De Guimarães, "Hervé Noël," 5–81; Roensch, *Early Thomistic School*, 106–17; Hauréau, "Hervé Nédellec," 308–15; Dunbabin, "Hervé Nédellec," 159–72.

²⁹ Hervaeus Natalis, *De iurisdictione*, 14–34, 26–27, 29, 32, 33. See the analysis of Briguglia, "Giurisdizione e causalità politica," 331–42. Zuckerman, *Dominican Theories*, 134–92, compares Hervaeus's views with those of Palude and Godin. Also Stella, "*Intentio Aristotelis*," 481–528.

³⁰ Hervaeus Natalis, *De iurisdictione*, 30: "quia habens plenarium potestatem super aliquos sicut papa super totum populum Christianum potest committere suam iurisdictionem ei qui est capax talis iurisdictionis."

³¹ Ibid., 19–23.

³² Hervaeus Natalis, *De potestate papae*, 363–401.

³³ Ibid., 374–75.

³⁴ Ibid., 383ff. He repeats his characterization of the bishops as bailiffs, 399.

³⁵ Ibid., 373, 375. The question of ecclesial evolution itself, a common issue for canonists, is answered with a simple assertion of the pope's authority to approve any change. Hervaeus insists that Christ never established any model for the apportioning of church authority. Ibid., 370, 372.

³⁶ On Peter's life and works, Roensch, *Early Thomistic School*, 124–31; Dunbabin, *Hound of God*. See also Chabanne, "Pierre de la Palu," cols. 1481–84; Miethke, "Eine unbekannte Handschrift," 468–75; Garfagnini, "Una difficile eredità," 245–70.

³⁷ Palude distorts Hostiensis's point here; the Decretalist in fact upheld the rights of parish priests. Pennington, *Pope and Bishops*, 187.

³⁸ Dunbabin, *Hound of God*, 59–68, outlines Peter's arguments. Pennington, *Pope and Bishops*, 187–88, on Hostiensis's view. The quodlibetal question (*Quodlibet*, q. 4) is Peter of Palude, *Quodlibet*, 4.744.84v–98v. Peter's tract *De confessionibus audiendis* is a later revision.

³⁹ Peter of Palude, *De potestate papae*, 97–270.

⁴⁰ Dunbabin, *Hound of God*, 70–91, provides an overview. Dunbabin, "Hervé Nédellec," 171, concludes: "Hervé's proof ... was expressed abstractly, beyond time; Pierre's was firmly set in the long flow of human history."

⁴¹ Peter of Palude, *De potestate papae*, 195–202.

⁴² Ibid., 176–83, 182.

⁴³ Ibid., 236–70; Dunbabin, "Hervé Nédellec," 165–71.

⁴⁴ William Peter Godin, *De causa immediata*. On Godin, see Roensch, *Early Thomistic School*, 120–24; Laurent, "Le testament et la succession," 84–231; Fournier, "Guillaume de Peyre Godin," 146–53; Darricau, "Le cardinal Bayonnais," 125–41; Miethke, *De potestate papae*, 146–49.

⁴⁵ McCready discusses William's adaptation of Palude's text in William Peter Godin, *De causa immediata*, 15–33, 79–92.

⁴⁶ Zuckerman, *Dominican Theories*, 134–92, compares Hervaeus, Palude, and Godin on key issues.

⁴⁷ Guido was sufficiently skilled in patristics and canon law to compose a theological correction of the *Decretum* in the 1330s; Sibert was an experienced historian. Turley, “In the Footsteps of Huguccio,” 215–39; “Sibert of Beek’s Response,” 81–104.

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Part 2

Transforming Ideas and Traditions

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Putting on the Toga

Classical Roman Roots of Two Medieval Italian “Aristotelian” Political Theorists (Ptolemy of Lucca and Marsilius of Padua)

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COMPARED WITH DISCUSSIONS OF GREEK (ESPECIALLY ARISTOTELIAN) AND ARABIC SOURCES, the study of the role played by ancient Roman texts and ideas in the transformation of medieval European political thought has been relatively muted. Yet medieval political theorists wrote their treatises primarily in Latin, looked to Roman authors (Christian as well as pagan) for many of their precedents, and acquired their familiarity with Greek and Arabic thinkers through Latin translations. Thus, very compelling reasons exist to take seriously classical Latinate culture and Roman civilization in the development of political thought during the Middle Ages. The present chapter contributes to redressing this lacuna by investigating the use of Latin sources and doctrines from antiquity in the teachings of two of the most prominent scholastic political authors of the late thirteenth and early fourteenth centuries: Ptolemy of Lucca and Marsilius of Padua. In light of the Italian heritage of both thinkers, there seem to be especially compelling reasons to redirect our attention to the ways in which they appropriated and adapted ancient Roman sources (both republican and imperial) in order to articulate their theoretical frameworks. This does not mean that either Ptolemy or Marsilius may be regarded as an unabashed and unalloyed adherent to *Romanitas*, but rather that we do a disservice to the unique characteristics of their theories if we refrain from acknowledging the significant ways in which their thought was shaped by features of the classical Roman traditions that they inherited.

Ptolemy of Lucca

Written circa 1300, Ptolemy of Lucca's *De regimine principum* has generally been treated as one of the most powerful medieval defenses of republicanism, and of republican Rome in particular.¹ Originally attributed *in toto* to Thomas Aquinas, who may be the author of Book 1 and the opening

chapters of Book 2 (known as *De regno*),² the section of the treatise now known to be written by Ptolemy praised republican institutions as “more suitable for producing a certain civility”³ and argued that God rewarded the ancient Romans for their civic virtue and just system of laws.⁴ In spite of this veneration for Rome, scholars have generally asserted that the fundamental principles undergirding Ptolemy’s political theory stem from his devotion to Aristotelian scholasticism. Charles T. Davis proposes that the repeated references to Aristotle in *De regimine principum* signal that “Ptolemy was ... attracted (and this is reflected in his political theory) by the positive analysis of popular government in Aristotle’s *Politics*.”⁵ This basic view of the text’s dependence on Aristotle has been magnified by James Blythe, the leading contemporary scholar of Ptolemy:

For his general approach to politics, his criteria for judging the worth of government, and his basic political principles, Ptolemy is greatly and increasingly indebted to Aristotle’s *Politics* ... In these areas Ptolemy usually understands Aristotle correctly, and the “twisting” of Aristotelian texts that does occur results from flawed understanding, not conscious deception. Moreover, in *De regimine principum* Ptolemy cites Aristotle, not merely to make a point, but for close analysis, constantly using Aristotelian terminology and concepts even when not discussing Aristotle directly.⁶

In sum, Ptolemy’s political theory, while “novel,” may still “reasonably be called Aristotelian,” according to Blythe.⁷ On the whole, scholars seem satisfied to embrace the conclusion that Ptolemy’s Aristotelianism forms the theoretical core of his republicanism, and that his gestures toward the Roman Republic are mere window dressing, lacking in intellectual value or substance.⁸

Yet, when we examine *De regimine principum* closely, we find that Ptolemy’s arguments rest very heavily indeed on his impressive (for its time) knowledge of Roman political institutions, leading figures, and history.⁹ Indeed, it would not be too great a stretch to assert that, in comparison with other prominent political thinkers of the late thirteenth and early fourteenth centuries, the level of knowledge on display in *De regimine principum* about Rome in the republican period is virtually without parallel. In addition to standard Latin sources for the history of the Republic, such as Cicero, Sallust, Vegetius, and Valerius Maximus, Ptolemy mined authorities less commonly cited in his day, such as Livy and Eutropius. Moreover, he found ways to transform sacred texts into key witnesses to secular history. Thus, as Davis has pointed out, Ptolemy

provides an ingenious rereading of Augustine's *City of God* 5.18, which strips out the Saint's moral condemnation of republican rapaciousness and vice, replacing it with a positive valuation of the motives behind and accomplishments of Roman patriots.¹⁰ Likewise, the books of Maccabees are looted as a treasure trove of historical information about the political, social, and physical characteristics of Rome, often employed side-by-side with pagan sources as a confirmation or supplement.¹¹ Judged from the preponderance of the citations in Ptolemy's portion of *De regimine principum*, one might conclude that the Latin accounts of the organization of the Republic and the conduct of its leaders, instead of Aristotle's analysis of *politeia* (that is, the mixed constitution), formed the central reference point for his argument. The superiority of the Roman Republic posited by Ptolemy provided the salient frame through which he filtered the reading of ancient texts—sacred as well as profane, philosophical as well as historical.

In particular, Rome is regarded by Ptolemy as constituting the quintessential example of what he calls "political lordship" (his terminology for republican government)—in contradistinction to "regal lordship"—and which is his preferred system of governance, on account of the "mildness" of its organization. In support of this view, Ptolemy gives reasons such as the limited terms of officials, the system of payment, the nature of the subjects, and the constraints placed on the ruler's judgment by the laws. Ptolemy relies on Roman sources, including Valerius Maximus, Sallust, and Cicero, rather than on Aristotle, to uphold such claims. In almost every instance where a positive example is provided, it is from the ancient Roman Republic.¹² For example, Ptolemy's initial definition of political rule is followed immediately by a reference to Roman governance: "Political rule exists when a region, province, city or town is governed by one or many according to its own statutes, as happens in regions of Italy and especially in Rome, which for the most part has been governed by senators and consuls ever since the city was founded."¹³ Ptolemy's defense of republicanism is essentially a defense of its Roman form. Likewise, Ptolemy's discussion of political rulers concentrates on the Romans as providing the supreme examples: "Ancient Roman leaders, such as Marcus Curius, Fabricius, and many others, as Valerius Maximus writes, took care of the Republic with their own riches, which made them more bold and more solicitous for the care of the polity, as if their whole intention and inner disposition were directed to that. This verifies Cato's opinion, which Sallust relates in *The War with Catiline*: 'The Republic, which had once been small, was made great because they displayed industry at home, just

command abroad, a free spirit in counseling, and were addicted neither to lust nor to transgressions.”¹⁴ Thus, Ptolemy relies primarily on Roman sources and argues in favor of a specifically Roman notion of political rule.

Ptolemy’s interpretation of Roman development coincides with and reinforces his Christian providential account of history, dependent on his interpretation of Augustine. According to this view, the path of Roman governance, like that of all earthly regimes, was directed by the hand of God toward a definite end. One cannot escape this linear and teleological notion of history in Ptolemy’s thought: “We can conclude ... that something participates in divine action to the degree that it is ordained to an excellent end. This describes a kingdom or any community or an association, whether it is regal, a polity, or of some other condition.”¹⁵ Ptolemy elsewhere makes it clear that all rulers serve at the discretion of the divine will, stating that “it is clear that the kingdom does not exist on account of the king but rather the king on account of the kingdom, because it is for this that God provided for kings to govern and to exercise governance over their kingdoms and to preserve everyone according to their own right, and this is the end of government.”¹⁶ Throughout Ptolemy’s account of the rise and spread of republican/imperial Rome, divine intervention (or at least divine acquiescence) plays a prominent role. Ptolemy even cites Augustine as supporting the idea that God rewarded Roman virtue with an empire: “Because the kings and rulers of the Roman world were more solicitous than any others for these things, God inspired them to govern well, and for this they deserved an empire.”¹⁷ The success of the Romans was not caused directly by their political/military skills and their civic self-sacrifice, but rather by the will of God, who was pleased by the Romans’ method of governing.

Nevertheless, Ptolemy also admits that not all those who come to great power are just or benevolent rulers. Ptolemy allows that God may make use of tyrants as well in his divine plan:

They [Cain, Nimrod, Belus, etc.] had lordship because tyrants are instruments of divine justice for punishing human transgression, as was the king of the Assyrians over the Israelite people, and Totila, king of the Goths, over Italy, as the histories relate ... And the prophet Isaiah showed how the king of the Assyrians was destined to punish the transgressions of God’s own people ... We can conclude, therefore, that tyrants are instruments of God ... whose power the Sacred Doctors hold to be just, even though their will is always iniquitous.¹⁸

Thus, the success or failure of any regime depends ultimately on the will of God; both good and bad constitutions may be utilized as part of the divine plan. With regard to Rome, Ptolemy sees the progress from kingship to republic to empire as part of providential history, commencing with the birth of Israel and culminating in the life of Jesus and the spread of Christianity.¹⁹ The development is strictly linear and serves the purpose of preparing the way for Christ's kingdom. Rome's role in the proliferation of Christianity is highlighted in Ptolemy's discussion of Constantine and the conversion of the Roman Empire: "When the appropriate time came for the kingdom of Christ ... to manifest itself in the world, the force of our ruler Jesus Christ caused distress to Constantine, the ruler of the world, by striking him with leprosy and then curing him ... When he had proof of this, Constantine yielded his lordship to the blessed Sylvester, the vicar of Christ, to whom the lordship belonged by right."²⁰ The temporal supremacy of the Roman Empire allowed for the dissemination of the Christian religion. Therefore, the whole history of Rome up to that point could be seen as instrumental to God's plan for the redemption of humanity. This, for Ptolemy, does not entail denying that the excellence of the Roman constitution and the virtue of the Romans themselves played key roles in Rome's success; rather, divine inspiration caused the invention of the republican institutions that permitted the conquest of the world.²¹

There is also a naturalistic component to the defense of the Roman Republic in *De regimine principum*. Ptolemy proposes that government arises primarily from the material needs of mankind and the relative vulnerability of human beings in nature. Though citing Aristotle on the political nature of man, Ptolemy places far more emphasis on biological and material necessity than the Philosopher ever would:

The necessity of establishing a city comes first from a consideration of human need, which compels a person to live in society ... Nature provides hereditary ornaments and defenses for other animals. They avoid harmful things and love suitable ones by using their natural virtue of estimating, without having to resort to any previous direction ... This is not true for human beings, who, on the contrary, lack an instructor for choosing what is proportionate to their nature.²²

Ptolemy goes on to illustrate how plants and animals have no need of clothing or of fortifications, while humans are quite vulnerable without them. Likewise, when struck by disease, humans require the aid of those

educated in the medical arts.²³ Ptolemy ends this discussion with the remark that “for all these reasons I conclude that the city is a necessity for human beings, and that it is constituted on behalf of the community of the multitude, without which humans cannot live decently. To the extent that a city is greater than a town or village, there will be more arts and artisans present there to ensure the sufficiency of human life.”²⁴ He thereby sets a clear naturalistic standard for the evaluation of various regimes.

In turn, the Roman Republic was for Ptolemy distinctively suited to redress the failings of the human condition in its natural state, namely, that human beings are a frail and always endangered species, lacking the natural resources to survive enjoyed by other creatures, so that they must struggle to gain and retain earthly security and welfare.²⁵ Ptolemy articulates the foundation of all systems of government succinctly: “The reason is at hand to show what one could demand for the good of the republic, for the defense of the kingdom, or for any other cause that rationally pertains to the common good of one’s lordship. Since we have supposed that human society is natural ... all things necessary for the preservation of human society are done by natural right.”²⁶ This is, of course, a Ciceronian doctrine (perhaps most famously stated in *De officiis*, which Ptolemy knew). Indeed, in the following paragraph, Cicero is cited directly in connection with the “art” of politics necessary to provide for human welfare. The primary “natural” duty of government is to assure that those whose preservation is threatened are served and hence that the bonds of human society are maintained and strengthened.²⁷ The Romans excelled in this regard, according to Ptolemy. Thus, they particularly merited their lordship. He identifies three elements of the superlative virtue of Romans: “One reason comes from love of their fatherland, another from their zeal for justice, and a third from the virtue of [civil] benevolence.”²⁸ He illustrates these three principles copiously, citing Cicero, Sallust, Valerius Maximus, and Vergil, as well as his unique interpretation of Augustine.²⁹ Ptolemy aims to demonstrate a convergence between the qualities of Roman character nourished in the Republic and the requirements of righteous governance. As he concludes, “Considering the merits of the virtues among the Romans, divine goodness itself seems to concur in their rule.”³⁰ God and Rome converge.

The latter remark reveals how Ptolemy’s characterization of the naturalness of human community relates to his defense of the special divine “calling” of the Roman Republic. In his view, the three main virtues embraced by the Republic naturally and in the absence of Revelation were

identical to the end for which “the rule of Christ” was initiated: to promote sacrifice for the good of all and love of one’s fellows rather than the pursuit of personal self-glorification or private advantage. Ptolemy states this quite openly: Christ “founded his lordship in humility and poverty. Sallust and Valerius Maximus relate the opinion of Cato that proves the same thing—that the Roman Republic increased not through haughtiness or public displays of pride, but in adversities, labors, and hardships.”³¹ Before the birth of Jesus, the Roman Republic was performing God’s work by fostering precisely those virtues of patriotism, civil benevolence, and justice that prefigure the rule of Christ. And such virtues were important precisely because humanity’s natural circumstances are so precarious and difficult. Of course, Christ’s rule adds the ultimate good of salvation to the republican virtues, but it does not disparage or deny the value of the latter.

Intriguingly, this twin-pronged naturalistic and providential defense of republican Rome directly reinforces Ptolemy’s papalist proclivities by providing an account of the continuing legitimacy of Roman *imperium* that places the authority for the appointment of the latter-day emperor in the hands of the vicar of Christ. Thus, Ptolemy introduces a version of the *translatio imperii* historiography that was widespread in the Middle Ages as a means of justifying the right of the German emperor to claim *dominium* over all the world and/or the right of the pope to select and crown that ruler. The body of literature on this topic is sizeable enough that there is no need to recapitulate the outlines of the *translation imperii* theme at the moment.³² In current circumstances, two observations seem germane. First, Ptolemy’s republicanism is of a sufficiently flexible character that he does not reject out of hand the need at times for kingship as a valid form of lordship, nor does he equate all royal *dominium* with tyranny as would later republicans.³³ The Roman Empire and other forms of monarchy can be considered worthy of obedience so long as they do not devolve into the despotism to which one-man rule is always inclined.³⁴ Second, however, Ptolemy derives an interesting republican lesson from the historical confluence of the transformation of the Roman Republic into the Empire and the emergence of the rule of Christ. As long as the Republic and its leaders persisted in the pursuit of the three main virtues Ptolemy ascribed to Rome, government served the purposes of God, inasmuch as it placed the common good above private ends. But once the Republic became corrupt, and especially in the time of Julius Caesar (whom Ptolemy expressly identifies as a “usurper of *imperium*”) and his nephew, Octavian, a new rule became necessary—signified foremost by the birth and life of Jesus, and,

to a lesser degree, by the institution of the Empire.³⁵ Ptolemy connects the decline in the virtue of the Roman Republic with the need for a new system of lordship—one ordained directly by God through his Son, rather than circumspectly through republican values. The former is obviously greater and more divine than the latter (hence, the pope as Christ's vicar stands immeasurably above any earthly ruler), but God's intervention in a sense became necessary precisely because the ancient Roman Republic had abdicated its responsibility to serve humanity.

Ptolemy's admiration for the Roman Republic is thus intimately tied to his Christian understanding of human history. In Ptolemy's view, the character of the Romans and of the Roman Republic was such that they could spread righteous rule across the globe in preparation for Christ's coming. In addition to the practical advantages of the *pax Romana* for the spread of the Christian religion, Roman civic virtue and love of justice promoted a benevolent and self-sacrificing spirit that prefigured the kingdom of Christ. The historical success of Roman government was, for Ptolemy, in no way a matter of blind natural forces or chance, but instead reflected a providential plan directing the course of human events toward a preordained goal.

Marsilius of Padua

Ironically, the other figure I investigate in this chapter, Marsilius (also known as Marsiglio) of Padua, stood entirely opposed to Ptolemy's Roman-inflected providentialism and the support it lent to papal pretensions to earthly power.³⁶ His major work, the *Defensor pacis*, completed in 1324, is indeed one of the main statements of medieval anti-papalism in its most extreme form. Composed of two major sections—a first discourse on the foundations of temporal government and a much longer Dictio II on ecclesiology—the *Defensor pacis* has, like Ptolemy's *De regimine principum*, been generally viewed as a quintessential work of scholastic Aristotelianism. Already, in the sixteenth century, Albertus Pighius had quipped that Marsilius was “homo magis aristotelicus quam christianus,”³⁷ and most recent scholars have looked upon the texts of Aristotle as central to understanding the foundations of the Paduan's political ideas.³⁸ Certainly, the *Defensor pacis* is replete with numerous quotations from and references to the Aristotelian corpus: the *Politics* and *Nicomachean Ethics* most obviously, but also the *Rhetoric* and (pseudo-Aristotelian) *Economics*, as well as the *Metaphysics* and various works on natural philosophy.

Yet the plethora of his citations of Aristotle ought not to blind us to the fact that Marsilius is, in addition, deeply indebted to the Roman tradition (Christian as well as pagan).³⁹ He evinces awareness of the work of Cicero and Sallust, as well as of several major Fathers of the Latin church, such as Jerome, Ambrose, and Augustine. This Latin impact upon Marsilius has been acknowledged in varying degrees, although it still tends to be overlooked in scholarship on the *Defensor pacis*. While Marsilius does not depend as heavily upon classical Roman philosophers, theologians, and historians as does Ptolemy, it would be an error to overlook entirely his debts to Latin authorities, especially Cicero and Augustine. Rather, attention to Marsilius's reliance upon Roman sources—the texts that he cites as well as some possible influences of a less overt nature—helps us to identify and comprehend some of the leading features of his political theory.

Among pagan Roman writers, Cicero looms the largest in the *Defensor pacis*. Cicero was the only major political thinker of pre-Christian antiquity whose ideas continued to be accessible to the West following the collapse of the Empire. While Cicero's two major political treatises, *De re publica* and *De legibus*, were only known through secondary sources in partial and fragmentary form, his work on political ethics, *De officiis*, circulated widely throughout the Middle Ages. Moreover, his rhetorical writings, which contain substantial discussions of key topics of social and political theory, in particular *De inventione*, were broadly studied and adapted in medieval Europe. Evidence of Marsilius's knowledge of Cicero's teachings may be found in both main discourses of the *Defensor pacis*; *De officiis* is quoted, by my count, on eight separate and discrete occasions—five times in Dictio I and three times in Dictio II—making Cicero the pagan author cited most often by Marsilius, save only Aristotle. Marsilius seems especially drawn to Cicero's teaching that membership in human society necessarily entails duties toward other men, inasmuch as no community whatsoever is possible where a regard for one's fellows is lacking. Social cohesion specifically requires a natural duty to be just in one's conduct toward others: the very precondition for a communal existence is the recognition of a fixed principle of justice.

These assertions play a central role in Marsilius's political theory, elucidating the basis on which he seeks to rally opposition to the temporal intrusions by papal monarchy and simultaneously revealing much of the framework within which he constructs his normative proposals for the arrangement of the secular political community. In particular, in order to defend a universal duty to reject papal infringement upon earthly jurisdiction, Marsilius invokes a Ciceronian account of society. In the introductory

remarks to the first discourse, the *Defensor pacis* posits that “individual brethren, and in even greater degree groups and communities, are obliged to help one another ... from the bond or law of human society.”⁴⁰ In support of this view, Marsilius quotes at length from *De officiis* to the effect that human beings exist, according to their natures, in order to serve their fellows rather than merely to satisfy themselves. Nature instills in man the duty to act for the public benefit above all else: “Whoever desires to and is capable of discerning the common utility is obliged to give ... his vigilant care and diligent efforts” to whatever threatens earthly communities.⁴¹ Human sociability forms a universal bond, not confined to one’s own community but extending beyond fixed political units to all civilized peoples. Thus, Marsilius attributes to Cicero his basic account of the naturalistic foundations of a generalized human responsibility to discover and to stamp out anti-social beliefs and practices wherever they occur.

This doctrine of natural duty is developed to a far greater degree in the conclusion to Dictio I. Marsilius again employs Cicero to authorize a broadly based, purely temporal obligation on the part of men to oppose interference with human “peace and happiness.” The resistance advocated in the *Defensor pacis* is of two sorts. First, one must repel enemies of earthly tranquility by revealing their identities to all who will listen. Instruction can be a powerful tool in the war against those who seek to disturb the social order. Second, one must move beyond education to direct action: whoever takes up the banner of discord and temporal misery must be halted by any means available to informed antagonists. Marsilius insists that “every man is obligated to do this for another by a certain quasi-natural law, the duty of friendship and human society.”⁴² Man is subject to the natural requirement to seek the good of his fellows without regard for his personal welfare. Marsilius indicates that any other mode of conduct would be unjust, a position for which he cites explicitly Ciceronian grounds:

To these [namely, the tasks of identifying and fighting the enemies of human happiness] all are obligated who have the knowledge and ability to take action; and those who neglect or omit them on whatever grounds are unjust, as Tully testified in *De officiis*, Book I, Chapter V, when he said, “There are two kinds of injustice: one, of those men who inflict it; the other, of those who do not drive away the injury from those upon whom it is inflicted, if they can.” See, then, according to this notable statement of Tully, that not only those are unjust who inflict injury on others, but also those who have the knowledge and ability to prevent injury being inflicted on others, yet do not prevent it.⁴³

Marsilius's argument suggests that a necessary corollary of the natural bond of human association is a duty to perform justice in both its aspects: not only to refrain from doing injury, but also to protect others from harm when it is imminent. The clear implication is that society itself is impossible without the acknowledgement of this obligation arising from the Ciceronian principle of justice.

Beyond this broad conception of universal human duties, Marsilius also finds warrant in Cicero for the formation of specific political communities. Unlike Aristotle, who emphasizes that the primary purpose of the *polis* is "living well," by which he understands the life of virtuous citizenship, Marsilius focuses almost exclusively on material and biological existence (what he calls a "sufficient life") as the aim of communal order. Human beings in their natural condition are described as physically weak and vulnerable to the elements, and thus require mutual assistance in order to survive.⁴⁴ Sociopolitical organization and institutions hence provide to mankind the protection and succor necessary for the continued existence of the species, so that "the purpose for the sake of which the state was established, and which necessitates all the things which exist in the state and are done by the association of men in it," stems from "a principle naturally held, believed and freely granted by all: that all men not deformed or otherwise impeded naturally desire a sufficient life and avoid and flee what is harmful thereto."⁴⁵ Marsilius then quotes from *De officiis* I.3, which employs almost identical language, in support of this fundamental desire for self-preservation as the basis for community.

The principle of the sufficient life is recurrently associated with Cicero's teachings throughout in the *Defensor pacis*. In Dictio II, for instance, the natural disposition to associate communally is explained as an implicit feature of human nature, realized only when men have been exposed to reasoned persuasion about the advantages that accrue from gathering into civil, legal and political order.

When men originally came together to establish the civil community and civil law, the weightier part of them agreeing on matters pertaining to sufficiency of life, they were summoned not by the coercive authority of one or many persons, but rather by the persuasion and exhortation of prudent and able men. The latter, exceptionally endowed by nature with an inclination for this task, later through their own efforts made progress in their various pursuits and guided others either successively or simultaneously to the formation of a perfected community, to which men are naturally inclined so that they readily complied with this persuasion, as we have shown ... from the *Politics* [of Aristotle].⁴⁶

The reference to Aristotle is a feint. In fact, this passage reproduces almost verbatim Cicero's recounting of the emergence of human communities in *De inventione* I.2, according to which the realization of man's natural but implicit social sentiments depended on the guidance of a wise and eloquent person, by whose instruction others discovered and improved their own rational and discursive capabilities. Through the persuasion of this wise orator, his fellow men exchanged their solitary existence for a social one. At his behest, says Cicero, they learned useful and honorable occupations, assembled into cities, obeyed voluntarily the commands of duly authorized rulers, and observed laws, in sum, all of the features of human association necessary for the attainment of the Marsilian goal of the sufficient life.

In turn, Marsilius insists that the attempt to sever members of the political community from their duties to leaders and to one another, such as occurs when the pope seeks to absolve citizens from obedience to political superiors, violates the very natural purpose for which communal order exists. Should an external authority succeed in separating a ruler from his people, the result would be

to allow the root of all governments to be cut up, and the bond and nexus of every city and state to be destroyed. For I hold such root and nexus to be nothing other than the mutual allegiance and faith of subjects and rulers. For this faith, as Cicero says in his treatise *On Duties*, Book I [23], "is the foundation of justice," and he who strives to destroy it between rulers and subjects harbors no other design than to acquire for himself the ability to overthrow at his own pleasure the power of all governments, and hence to cast them into slavery to himself. And this also means that such a person disturbs the peace or tranquility of all men who lead a civil life and hence deprives them of the sufficient life in the present world.⁴⁷

In proposing this argument, Marsilius brings together the broad Ciceronian view that all forms of human association and cooperation naturally rest on justice with the more specific claim that political and legal authority rests upon the application of just principles to regulate interactions among members of the community in order to achieve a sufficient life for all. Anyone who attempts to undermine the "nexus" of social and political relationships governed by justice is an enemy of communal order and indeed of nature itself. Marsilius thus invokes fundamental elements of Cicero's thought in order to pursue his primary polemical and philosophical agenda in the *Defensor pacis* of demonstrating the dangerous and disruptive effects of the papacy's efforts to impose its power over purely temporal affairs.

Ancient Roman sources beyond Cicero also play significant parts in shaping the main contours of Marsilius's framework. Sallust, for example, is cited only twice, both times in Dictio I. In the first instance, he is quoted to illustrate the damage caused by public discord to "the Italian natives ... deprived of the sufficient life, undergoing the gravest hardships instead of the quiet they seek, and the harsh yoke of tyrants instead of liberty."⁴⁸ In the second case, Sallust's report of the suppression of the conspiracy of Catiline and his accomplices is mentioned in order to praise Cicero's conduct, while Consul, as a "prudent" statesman who elected to punish the plotters by extra-legal execution rather than to risk the likelihood that "civil wars destructive of the polity" would have arisen "because of the sedition which these conspirators incited among the people against the consul and the other rulers."⁴⁹ By contrast, the Latin Fathers are much more commonly referred to, albeit nearly always in Dictio II. Ambrose and Jerome are central sources of information about the governance of the church and commentary on scripture; others, such as Origen, Gregory the Great, and Hilary, are mentioned, although less frequently. The extent of Marsilius's direct familiarity with their writings is difficult to ascertain. The vast majority of his quotations from and references to them derive from intermediate sources, including the *Glossa ordinaria*, Peter Lombard's *Collectanea*, and Thomas Aquinas's *Catena aurea*, although, at least in the case of Ambrose, Marsilius seems at times to be drawing directly from letters and sermons.

Although Augustine, too, is often cited only indirectly, there is greater evidence to suggest Marsilius's direct knowledge of his treatises and other writings, including the *City of God*, *On the Trinity*, and the *Retractions*. Indeed, Augustine is the only Father who merits even a single reference in Dictio I. Augustine's importance for the development of Marsilian ideas has in fact been the subject of significant previous scholarly discussion. In his germinal 1951 study, *Marsilius of Padua and Medieval Political Philosophy*, Alan Gewirth contended that central elements of the argument of the *Defensor pacis* depend on Augustinian premises.⁵⁰ Gewirth pointed to Marsilius's view that the chief purpose of political community, and thus the goal of government, is peace, a position that coincides directly with Augustine's in *The City of God*. For Marsilius, as for Augustine, the maintenance of public peace or tranquility requires a government able to enforce civil order upon a fallen mankind that is always threatened with self-destruction as the result of conflicting interests and selfish desires.

The Augustinianism ascribed to Marsilius by Gewirth is said to support two important features of Dictio I. First, Augustine is imputed to be the source for Marsilius's "biological" conception of the ends of earthly

communal life, in the sense that the physical well-being of citizens, rather than their moral and spiritual improvement, constitutes the main reason that temporal society and government come into existence. Unable to fend for themselves in the wake of the Fall, human beings must rely upon one another in order to survive individually and as a species. This desire for corporeal subsistence compels them to form communities and share with each other the various “arts and sciences” necessary for existence. Unlike Aristotle and most medieval Aristotelians, temporal rulership for Marsilius has little purchase on the souls of human beings, either in matters of earthly virtue or eternal salvation. Second, on Gewirth’s interpretation, Marsilius’s Augustinian proclivities lead him to endorse a form of legal positivism, in the sense that he supposedly evinces no interest in whether human laws accord with some “higher order” (natural or divine) principle of justice. Rather, Marsilius advocates the view that the promulgation of law by the appropriate temporal authority (whom he calls the *legislator humanus*, or human legislator) is sufficient unto itself to render a statute binding and enforceable. Since law is necessary for the maintenance of the civil peace, and the members of the community naturally desire to achieve and maintain that peace above all else, the establishment of enforceable statute is of greater importance than whether its dictates accord with a rational or supernatural conception of justice.

Gewirth’s understanding of Marsilius’s Augustinian proclivities has not gone unchallenged. Daniel G. Mulcahy argued that Marsilius in fact deploys Augustinian sources in a far different way from that claimed by Gewirth.⁵¹ Pointing out that Augustine is barely ever cited in the first discourse of the *Defensor pacis* (which is the section of the text on which Gewirth concentrates), Mulcahy insists instead that Marsilius’s Augustinianism, to the extent it exists at all, arises from the two authors’ theological/ecclesiological convergence on issues about the power and status of priests, the fallibility of human writings, and the justification of religious poverty. In Mulcahy’s view, however, even these references to Augustine’s views are relatively trivial and tangential, such that no genuine Augustinian influence may properly be identified in the *Defensor pacis*. In a similar vein, Conal Condren has claimed that Augustine should be treated not even as a potential “source,” but simply as an “authority,” for Marsilius, such that the entire question of “influence” itself must be dismissed.⁵² Another scholar, Joanna V. Scott, defended some of the merits of Gewirth’s assertion of an Augustinian strain in the *Defensor pacis*.⁵³ While she argued that there are certainly important divergences between

the Augustinian and Marsilian conceptions of the earthly community, she also demonstrated that Marsilius's position by no means stands in conflict with that of Augustine, illustrated especially by their common concern to advance the legitimacy of earthly political power in relation to divine ordination. The influence of Augustine upon his late medieval successor is less an issue than their shared commitment to an idea of the proper role and sphere of secular civic life in the overall Christian conception of human ends and goods.

What are we to make of these competing interpretations of the role played by Augustine in the argument of the *Defensor pacis*? Each position has certain merits. Mulcahy is correct to point out that the vast preponderance of references to Augustine is contained in the second discourse and concerns matters of ecclesiology and scriptural hermeneutics; and Condren is right that these citations (as in the case of Marsilius's use of other Latin Fathers) tend to constitute appeals to authority rather than developed theoretical arguments. Moreover, Gewirth seems to stretch credulity by claiming that Augustine afforded the inspiration for Marsilius's alleged legal positivism: as scholars have argued, it is far from clear that the *Defensor pacis* endorses such a doctrine.⁵⁴ Marsilius's reliance on Cicero's conception of justice, discussed above, supports this conclusion. Yet Scott's chastened defense of Gewirth also finds support in the text of the *Defensor pacis*. The *City of God* is cited by Marsilius in the context of his discussion of the "causes" of government, that is, how temporal rule is authorized. He distinguishes between "demonstrable" and "indemonstrable" modes of causation. The latter denotes the claim that the "divine will" or another supernatural force was the immediate source of an office or institution, while the former connotes a "method of establishing governments which proceeds immediately from the human mind, although perhaps remotely from God as remote cause, who grants all earthly rulership."⁵⁵ It is at this juncture that Marsilius refers to *City of God* 5.21 as the basis for the view that all temporal power may be traced back to God, however distantly and indirectly. While he wishes to concentrate on forms of government that arise from the human mind and will and thus are susceptible to certain demonstration, he also declines to adopt a strictly naturalistic position (such as that associated with pagan philosophers like Aristotle and Cicero) that would deny any measure of divine ordination to political institutions and authority. The Augustinian position permits him to adopt a middle ground between extreme naturalism and a more theocentric view: Although all political dominion derives from God in

the final analysis, many (probably most) earthly governments directly and immediately result from human intellect and volition, and thus their causes may be demonstrated by reason and experience.

Perhaps the more difficult question concerning Marsilius's relation to Augustine is why he did not explicitly invoke the famous doctrine of the *City of God* that the purpose of earthly government is to establish and maintain the peace, given the apparent agreement between the two thinkers concerning this central claim. While ultimately one can only speculate, the answer may have much to do with the very different character of their respective conceptions of what constitutes peace itself. Temporal peace for Augustine is a *modus vivendi* in which government imposes order upon the potentially conflicting inhabitants of the two cities, those who live according to *libido dominandi* (the City of Man) and those who have been accorded divine grace (the City of God). Thus, peace is crucially connected to Augustine's overarching providential scheme of history. By contrast, Marsilian peace represents a wholly naturalistic goal resulting from the emergence of the diverse functions necessary for the "perfected" human community. In order for the members of this community to live together in relative harmony and order, it became necessary for a separate and distinct system of justice to be introduced in the course of social development. Marsilius explains that "because between men so congregated there occur contentions and quarrels which, not regulated by the norm of justice, would cause fights and the separation of men and so at length the decay of the city, it is required in this relationship that a standard of justice be established and custodians or makers [of it]."⁵⁶ Indeed, the embodiment of this standard of justice in the law constitutes the salient achievement of the "perfected community." No community is complete without "standards of civil justice and benefit established by human authority, such as customs, statutes, plebiscites, decretals and similar rules."⁵⁷ The *Defensor pacis* insists that the existence of peace in a fully developed human community is necessarily and inescapably coextensive with submission to the conditions imposed by justice. Such a position stands at considerable remove from Augustine, for whom true justice is possible only in heaven among God's chosen and therefore is different in kind from earthly peace and order.

Despite Marsilius's evident debts to ancient Roman writers, especially Cicero and Augustine, it should be clear from the foregoing that his political thought is no more fully assimilable to one or more Latin traditions than to Aristotelianism or any other school of thought.

The *Defensor pacis* is too sui generis to be reduced to rigid categorization. On the other hand, Latin ideas did quite demonstrably exercise some intellectual impact upon Marsilius, a fact that we ignore at our own peril. In particular, attentiveness to the classical Roman background helps us to understand how Marsilius adapted and blended a variety of political doctrines and languages in order to pursue his overarching purpose of challenging and undermining the papalist agenda. Seen in this light, the original and innovative features of the *Defensor pacis* may be identified and analyzed with greater precision.

Conclusion

At first glance, there may not appear to be many features shared in common by the appropriations of ancient Roman civilization found in Ptolemy of Lucca's *De regimine principum* and Marsilius of Padua's *Defensor pacis*. Ptolemy focuses on the history of Rome, with special attention to the republican phase, in order both to support a normative claim about the superiority of republics and to bolster his providentialist account of human events. Marsilius, although he has sometimes been characterized as a theorist of republicanism,⁵⁸ tends to concentrate on philosophical arguments and principles derived from Roman sources in order to articulate his "generic" naturalistic conception of human community.⁵⁹ But a couple more general observations about the role that classical Latin sources play in their respective works seem in order to me by way of conclusion.

First, despite the close association of their authors with the Arts Faculty at the University of Paris, not to mention the sizeable number of references to and quotations from Aristotle's corpus, the appeals in both *De regimine principum* and the *Defensor pacis* to Roman antiquity challenge decisively the easy assumption that Ptolemy and Marsilius were fundamentally devoted to and dependent upon Aristotelian premises. Their ideas are far too eclectic and their sources were far too diverse to warrant reduction to the simple label of "Aristotelianism." Indeed, when Aristotle's thought conflicted with relevant Roman ideas, it was often the former that was forced to conform to the latter, either overtly or by implication. Second, however attractive the authority of Aristotle might have been to Ptolemy and Marsilius, neither of them seems entirely comfortable with the world of the Greek *polis*, whereas the Latin culture of the Roman Republic and Empire clearly falls (and feels) closer to their experiences and intellectual sensibilities. Some of this affinity may be attributed

to personal factors. When Marsilius described himself at the beginning of the *Defensor pacis* as a “son of Antenor”—the legendary founder of Padua—he self-identifies with traditional Roman myth.⁶⁰ Likewise, as we have seen, Ptolemy clearly equates the Italian self-governing urban communes of his own day with the Roman republican past rather than with, say, Athenian democracy or even Spartan oligarchy.

Yet I am inclined to think that more is at stake here than simple proto-nationalist pride that these ethnic Italians might have harbored for the Roman heritage. For a plethora of civilizational reasons—including but not limited to continuities of language, legal system, recognizable political institutions (empire and republic), and literature—I postulate that Rome and its culture struck a chord with Ptolemy and Marsilius (and I daresay many other medieval scholastic political authors) in a way that Aristotle’s Greek *polis* and its constitutional orders did not resonate. Nor did the situation necessarily change with the Renaissance and its superior command of the Attic Greek language and access to a far larger body of Greek (especially Athenian) philosophical, literary, political, and historical writings. One need only recall Machiavelli’s deep devotion to the classical Romans, and his relative lack of interest in the ancient Greek *poleis*, to realize that *Romanitas* carried great intellectual power and historical weight well into early modern times, no less than during the Middle Ages. Having put on the toga, numerous European political thinkers were loathe to exchange it for other garb.⁶¹

NOTES

¹ Most recently by Straumann, *Crisis and Constitutionalism*, 248–55. For a powerful recent critique of the republican interpretation, however, see Yun, “Ptolemy of Lucca,” 417–39.

² The authorship of the first portion of *De regimine principum* remains vexed; see Blythe’s introduction to *Government of Rulers*, 3–7.

³ Ptolemy of Lucca, *Government of Rulers*, 2.8.1. The Latin text is found in Thomas Aquinas, *Opuscula Omnia*. On rare occasions, I have modified Blythe’s rendering in accordance with this text.

⁴ Ptolemy, *Government of Rulers*, 3.5–6. References will be to the book, chapter, and section number of the text.

⁵ Davis, *Dante’s Italy*, 278, 231 note 21.

⁶ Blythe, “Aristotle’s *Politics*,” 135.

⁷ Ibid., 135. Blythe, “Civic Humanism,” 32; La Salle and Blythe, “Was Ptolemy of Lucca a Civic Humanist?” 236–65; Blythe, *Worldview and Thought*.

Interestingly, Blythe's earlier discussion of Ptolemy's relation to Aristotle is considerably more nuanced; see Blythe, *Ideal Government*, 92–117.

⁸ E.g., Canning, *History*, 148–49.

⁹ Of course, he did not know directly many important sources of Roman political *theory* (such as Book 6 of Polybius's *Histories* or Cicero's *De res publica* or *De legibus*), which were transmitted only partially during later centuries. See Nederman and Sullivan, "The Polybian Moment"; and Nederman, "Polybius as Monarchist?"

¹⁰ Davis, *Dante's Italy*, 57–60.

¹¹ Ptolemy, *Government of Rulers*, 2.8.4, 3.6.3, 3.12.5, 3.20.3, 4.1.4, 4.7.4.

¹² The only exceptions to this are Ptolemy's references to Israel and contemporary Italy.

¹³ Ptolemy, *Government of Rulers*, 2.8.1.

¹⁴ *Ibid.*, 2.8.3.

¹⁵ *Ibid.*, 3.3.2.

¹⁶ *Ibid.*, 3.11.3.

¹⁷ *Ibid.*, 3.4.1.

¹⁸ *Ibid.*, 3.7.2–3.

¹⁹ *Ibid.*, 3.12.4–3.12.13.

²⁰ *Ibid.*, 3.16.3.

²¹ *Ibid.*, 3.4.1.

²² *Ibid.*, 4.2.2–3.

²³ *Ibid.*, 4.2.4–6.

²⁴ *Ibid.*, 4.2.8.

²⁵ *Ibid.*, 3.9.1–5.

²⁶ *Ibid.*, 3.11.7.

²⁷ *Ibid.*, 3.11.8.

²⁸ *Ibid.*, 3.4.1.

²⁹ *Ibid.*, 3.4.2–3.6.5.

³⁰ *Ibid.*, 3.6.5.

³¹ *Ibid.*, 3.15.5.

³² Pocock, *Barbarism and Religion*, vol. 1; Nederman, "Empire."

³³ Ptolemy, *Government of Rulers*, 3.11.9, 3.11.12.

³⁴ *Ibid.*, 3.11.1–6.

³⁵ *Ibid.*, 3.12.5, 3.13.

³⁶ One recent scholar has, however, attempted to make a case for Marsilian providentialism: Garnett, "*The Truth of History*," whose position has been quite thoroughly eviscerated in my review of the book as well as that by Shogimen.

³⁷ Pighius, *Hierarchiae ecclesiasticae assertio*, Book 5.

³⁸ The best recent scholarship may be found in Moreno-Riaño, *World* and Moreno-Riaño and Nederman, *Companion*.

³⁹ Among recent scholars, Marsilius's eclectic use of sources—including Roman Latin texts—has been well captured by Syros, *Marsilius*.

- ⁴⁰ Marsilius, *Defensor pacis*, 1.1.4.
- ⁴¹ Ibid., 1.1.5.
- ⁴² Ibid., 1.19.13.
- ⁴³ Ibid., 1.19.13.
- ⁴⁴ Ibid., 1.4.3.
- ⁴⁵ Ibid., 1.4.1.
- ⁴⁶ Ibid., 2.22.15.
- ⁴⁷ Ibid., 2.26.13.
- ⁴⁸ Ibid., 1.1.4.
- ⁴⁹ Ibid., 1.14.3.
- ⁵⁰ Gewirth, *Marsilius*, 95–105, 132–66.
- ⁵¹ Mulcahy, “Hands of Augustine,” 456–66; Mulcahy, “Marsilius,” 180–90.
- ⁵² Condren, “Interpreting Marsilius’ Use,” 217–22.
- ⁵³ Scott, “Influence or Manipulation?” 59–79.
- ⁵⁴ Lewis, “‘Positivism’ of Marsiglio,” 541–82; Nederman, *Community and Consent*, 79–83.
- ⁵⁵ Marsilius, *Defensor pacis*, 1.9.2.
- ⁵⁶ Ibid., 1.4.4 (translation slightly altered).
- ⁵⁷ Ibid., 1.10.6.
- ⁵⁸ Skinner, *Foundations*, vol. 1, 60–65; Gewirth, “Republicanism and Absolutism,” 23–48.
- ⁵⁹ Nederman, *Community and Consent*, 19–24.
- ⁶⁰ Marsilius, *Defensor pacis*, 1.1.6.
- ⁶¹ This chapter was originally prepared for presentation as a keynote lecture at a symposium on “The Transformation of European Political Thought, ca.1250–ca.1350,” Universidade Sao Judas Tadeu, Sao Paulo, Brazil, June 2012. A later version of it was delivered at the International Congress of Medieval Studies, Kalamazoo, MI, May 2014.

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Nicholas Cusanus and Lorenzo Valla as Virtual Colleagues Humanism as Defining

Nancy Struever

“The humane disciplines are history and criticism.”¹

Intellectual history is reflective, reflexive: devoted to the history of inquiry. That is, to a commitment, not so much to a history of religion in the seventeenth century, as to a history of seventeenth-century investigations of religion. Here a radical philosophical revisionism of the early 1920s may illumine the enduring informal events of Humanist inquiry as strongly revisionary, critical: two unwitting colleagues, Martin Heidegger and R. G. Collingwood, may shed light on two unwitting Renaissance colleagues, Nicholas Cusanus and Lorenzo Valla. Heidegger, in the lectures prior to the publication of *Being and Time* in 1927 (and the collapse of the *Being and Time* project), and Collingwood in the early tracts, “*Libellus de Generatione*” (1920), *Speculum mentis* (1924), and *Outlines of a Philosophy of Art* (1925), seemingly entirely unaware of each other, react strongly against conventional philosophy: Robert Pippin laments Heidegger’s “blistering criticism of rationalism and metaphysics;” Collingwood describes the philosophical Realism of his Oxford colleagues as “building card-houses out of a pack of lies.”²

This Modernist program claimed that the first useful topic of inquiry is mental activity as primordial “*ursprünglich*.” Both Heidegger and Collingwood deal with what Theodore Kisiel, in his *Genesis of Being and Time*, calls a “pre-theoretical attitudinal complex,” that is, with primordial mental activities as generative matrix: in *Being and Time* this is “thinking” as Care, *Sorge*, with its Concerns, *Besorgen*, sorted in *Being and Time* as Understanding, *Verstehen*, Disposition, *Befindlichkeit*, Locatedness, *Verfallen*.³ Both address, to be sure, not the primordial of early hominid societies but *our* primordial of “thinking” plain: before “theory,” before metaphysics, before systemic ambitions; it is inquiry with a concern for historical concreteness, for activities not yet thematized, for unrealized possibilities: for “firstness.”

This disestablishmentarian revisionism could suggest a Renaissance Humanism that functions, not so much as a discipline, or, particularly, as a failed philosophical discipline, but as a “frame” for inquiry, as a set of dispositions to understand “Heideggerean” understandings and dispositions: it is a mapping of pre-theoretical activity, and of the pre-theoretical persevering in theory. Thus Rocco Rubini describes Petrarchan “familiarity” as both disposition (investigative filter) as attitude—vivid, perceptive, expressive—and understanding as competence—exploratory, diffuse.⁴ Katharine Eden relates the Humanists’ discovery of “intimacy” as a disposition using informality as access to classical texts.⁵ Both familiarity and intimacy invest work that assumes inquirer’s experience necessarily corrects, extends knowledge. Rubini claims Petrarch’s discovery of the *Letters to Atticus* in 1345 was seminal: that is, Humanism as frame sustains the practice of using Cicero’s letters to interpret Ciceronian treatises. Inquiry makes deliberate resourceful calls on phenomenological evidence—our reactions to appearances—as modifications, improvements of doctrine, theory: saving appearances, against theoretical self-concern. Familiarity, intimacy also define a responsibility for response, engagement with exchange, a sense of correctness, error as owned. It counters philosophical solipsism with its focus on its own academic accomplishments, its faith in systemic authenticity, authority. Humanists exchange dispositions: familiarity discerned, intimacy felt, understandings offered. It is investigation, in short, in movement, with a desire, an obligation for its responses to achieve effective responses. In short, the inquiry form, result, is criticism. And, perhaps, Williams’s “un-disciplines.”

Certainly we may remark on the Renaissance Humanists as “anticipators” of modern Humanist research scholarship, clever in Classical philology; but Humanists are, as well, avatars of ambitious modern critics—Empson, Kermode, Barthes, Benjamin. That is, engaged in making specific, artful, reflective demands on the practice of inquiry. They are ambitious for their own perceptive response, active in the definitions of a wider discussion. They make revisions, at times provocatively eclectic, in selecting sources and choosing applications: they can be almost antidisciplinary in dissolving boundaries. They are obliged to take account of historical dispositions, understandings that have fostered boundaries, theoretical limitations. And, at best, they assume basic efforts in inquiry revision should be linked to consequences, to history, to episodes of possible “civil” reform. Nicolaus Cusanus (1401–1464) and Lorenzo Valla (1406–1457) are exactly contemporaneous inquirers, and they shared, for a short

time, the intellectual liveliness of a domain, the papal court of Nicholas V. I shall argue that Cusanus and Valla are paradigmatic Humanist revisers and inventive Humanist reformers. Cusa's response to a painting, and Valla's to the Aesopian fable, are parallel paradigmatic instances of a Humanistic responsibility of response to art as the Collingwoodian "first form of experience."

Criticism as Collegiality

Cusanus: *De visione Dei*

So, by his brother's showing he will come to know that the picture's face keepeth in sight all as they go on their way though it be in contrary directions; and thus he will prove that the countenance, though motionless, is turned to the east in the same way that it is simultaneously turned to the west, and in the same way to north and to south, and alike to one particular place and to all objects at once, whereby it regardeth a single movement even as it regardeth all together. And while he observeth how that gaze never quitteth any, he seeth that it taketh such diligent care of each one who findeth himself observed as though it cared only for him.⁶

The history of ideas requires the history of inquiry practices. Here is a remarkable practice: the argument of Cusanus's "mystical" tract turns on the edification, the instruction provided by a painting given to the monastic community: named the "Omnivoyant Icon," its function is the representation of the divine visage, the divine possible gaze. Now consider Heidegger's *The Origin of the Work of Art*: he assumes, first, art has access to primordial understandings, dispositions, locatednesses; second, art can make the primordial cares, concerns intelligible. Thus, Heidegger's famous reading of Van Gogh's painting, *Pair of Shoes* (1886).⁷ It is "in the picture, and only in the picture" that we confront primordial "working" equipmentality.⁸ The shape of the peasant boots offers a profound sense of usefulness, *Dienlichkeit*, reliability; the figure gives us the "world" of the peasant: toilsomeness, tenacity, loneliness, anxiety.⁹ "The painting spoke," and "suddenly we were someplace else."¹⁰

Cusanus's use of the visual language: gaze, gesture, pose—as activities of portrait subject and beholder, claims the interlocutory capacity of paint. "The painting speaks," to use Heidegger's expression: and it asks for the monastic viewer's response, which can be, should be, discovery,

a text interpreted: here, divine omnivoyance as the viewer's lived experience. For the preface describes discovery taking place in the church as a communal practice: each monk must recognize his confreres' experiences, wherever located in the church; the gaze must be acknowledged as directed to each. Each monk may move and see the gaze follows him; each monk must recognize his confreres' movements, assume their belief that the gaze follows them. Omnivoyance: the gaze generates their experience of shared edification, meaning is delivered at the points of reception; it is an obligation to understand an experience as common, a community practice of interpretive discovery.

Collingwood, Heidegger's unwitting colleague, makes stronger claims in his account of art as "primordial:" art is "the original soil out of which all other activities grow," "the first form of experience;"¹¹ and, art "worked," is strengthened, revised by reflection, by the artist who is "also historian and critic;" for "aesthetic [as in *aesthesis* (sense)] activity is the necessary basis for any sound historical or critical work."¹² Certainly Cusa claims the unity of thinking and seeing powers: of "vis intellectiva" with "virtuti animali visiva."¹³ And, we can locate this premise in our own historical discussion: thus Joseph Koerner's account of German Reformation, Enlightenment art, where "the private experience of art and nature replaces organized religion as the site of spiritual transcendence."¹⁴ But, the Cusan experience in the *De visione Dei* is not, strictly, private; indeed, a great deal of the meaning hinges on the experience as acknowledging the simultaneity of diverse experiences of diverse persons, sharing a space, but not, possibly, a single point of view: difference, exchange marks this peculiar episode of edification.

This, the "community" experience, raises an issue of current importance in aesthetic theory: that is, the contention that an art experience is a strong instance of "shared" intelligibility, "embodied, intersubjective intelligibility," in Robert Pippin's gloss.¹⁵ But Pippin, Hegelian enthusiast, chooses to emphasize the gain in "thinking" intelligibility. His very strong focus is on art as furnishing a remarkable and idiosyncratic source of "shared intelligibility:" "art works, by existing at all ... embody the possibility of shared meaning."¹⁶ Sharedness defines the basic gestures, acts of painting experience—to begin with, of course, it is not of nature, of a person, but "an experience of an experience." The experience of the painter comes first, we come late; thus, Koerner's explanation of C. D. Friedrich's *Rückenfigur*: in the painting the beholder views—from behind!—this bold previous gaze, reminding us of our lateness.¹⁷ But the sharedness is

not simply between artist and beholder, but in the exchanges between responders, in the meeting of their glances, or in the historical succession of possible viewings, in museum behavior. The painting's shareability, of course, as sensual, as physical, is "necessary," necessarily shareable; but, the individual beholder's sharedness, his acts, only possible, possibly isolate, mutant, "contingent:" we may or may not "get the picture." Humanism as frame abets the use of image in inquiry.

Cusa's mystical tract, with its prefatory aesthetic act, is a forced march into intimacy, an experience of an experience of the divine. The text is part and parcel of Cusanus's developing critique of the contemporaneous Western philosophy: scholastic discourse is inadequate to originate or complete an experience of religious discovery. And, Chapter 22 of the *De visione Dei* argues against the capacity of discursive reason: "discurrere et quaerere"—running, seeking is the activity of a dog; basic, but surely, impertinent, random.¹⁸ Certainly the pictorial experience imposes sensual demands, unavoidable, investing his "mystical"—devotional—response. But, as well, the rewarding possibilities of our "shared intelligibility" may describe a motive for Cusanus's heavy usage—throughout his texts—of verbal and mathematical image and metaphor. The motive is, of course, the figurative resolution of shared doctrinal difficulties. The painting experience interprets the religious experience: "Thou dost offer thyself to him that beholdeth, as though thou receiveth being from him."¹⁹ "In thee God being created is one with creating—*coincidit in te deus, creari con creare*—since the image which seemeth to be created by me is the truth that created me."²⁰ And the indefinitely shareable experience models "infinity:" "I behold in the face of the picture a picture of infinity ... for its gaze is not limited ... and is infinite—*visus interminatus ... et ita infinitus*."²¹ Perhaps a phenomenological hermeneutic.

Heidegger, in his *Introduction to Phenomenological Research*, insists that if we wish to connect *aesthesis* with *noesis*, we need *phantasia*, imagination, the capacity to present the non-present.²² Cusanus observes the human (faulty) intellect, if it is to find expression in action, requires images, appearances, *phantasmata*, which need sense, and sense requires body; "phantasmata, sine sensibus haberi nequeunt et sensus sine corpore non subsistent."²³ The imagination supplies images, "intuited" in sensible experience,²⁴ for the image requires color, color quantified, "quia non potuit facies sine colore nec colore sine quantitate exsistit."²⁵ The image, of course, must figure truth? And the truth is in our activity, in intuition, experience—"quod propterea non capit mea imaginatio"—"I cannot, by

any imagining whatever, disprove the image's effect"²⁶—thus, the centrality of imaginative powers in discovery—or not. But note the ontological distinction: Cusa recalls one of Augustine's definitions of imagination in the *De Genesi ad litteram*, which deals with its "similitudes" of unknown, not present bodies, "non ita sunt ille, sed ut occurrit, intuemur." We know, use our similitudes, imaginations not as "things that are," but as they, the imaginations, occur to us, "happen."²⁷ We notice the force of the distinction: it describes the opposition between the competences of "philosophical" knowledge and art's intelligibility. This recalls Klaus Dockhorn's appeal to Quintilian on the peculiar necessity of an appeal to the imagination, not imitation, for making present whatever is non-present, gone—say, past affect.²⁸ Cusanus also insists that the image does not perfect, but initiates our inquiry with an exemplar of truth, "sicut imago non perficit, licet excitet ad inquirendum veritatem exemplaris."²⁹ Still, recall Chapter 22: "the image which seems created by me, is the truth, which creates me": "similitudo enim, quae videtur creari a me, est veritas, quae creat me." The image is a check, constraint on my speculation.

Still, sharedness is a basic value of aesthetic activity; it is a double creation of artist and beholder, a "witting" sharing, and, as such, develops civil truth: for, the image is present, presents itself, appears to all and to one simultaneously.³⁰ The lesson of the image is grasped, should be grasped as imposing equality, equally. Sharedness is precisely the normative value delivered by the art to the viewer, reader. And, again, necessarily delivered. Either by paint or by stone, sensation asserts both necessity (as basic primordial activity) and, at once, possibility—our reception, or not—thus autonomy of gesture, with contingency of reception: freedom, freedom offered or received, by art. And perhaps, the autonomy, the depth, the depth of effect of the shared experience can be specific, peculiar to the picture, to the "subtle skill" of the painter.³¹ Art is an aesthetic activity that funds sharedness; sharedness is the emotional, dispositional weight of "civil" in Humanist inquiry.

To put it another way: what Cusanus describes in the *De visione Dei* is an exemplary instance of the rhetorical figure *apostrophe*. The painter makes material, sensual direct address by the image to the beholder, or, he offers the possibility that the beholder can achieve a state of being addressed. The rhetorical assumption is that an available figure is not solipsist, subjective. Rather, the "Humanist" essence of the reciprocal gaze is that it is a public act, generally accessible; both artist and beholder assume it is available to each and all. Thus the image works as an "event;" it "occurs," as Augustine explained.

The “event” nature of the aesthetic activity secures the experience as intrusive, instructive. The truly seminal study of Cusan engagement with Humanist inquiry is, of course, Ernst Cassirer’s *Individuum und Kosmos in der Philosophie der Renaissance* (1927). Cassirer’s first chapter engages the *De visione Dei*: he claims that “in these sentences” (of Cusa’s Chapter 6) “we are at the focal point of his speculation.” But he asserts more: “here we can see most clearly the connection of this speculation with the fundamental intellectual forces of the epoch,” which Cassirer names as Northern mysticism, Heidelbergian scholasticism, and Quattrocento retrievals of the accomplishments of antiquity.³² The Cusan text has a double pertinence: to Humanistic inquiry strategies and to revisiting Cassirer’s concern for possible interrelations of “Northern” and “Southern” inquiry modes. But Edward Cranz’s articles counter Cassirer’s claim that there is no innovation in Humanistic thought, only in Humanist style, here by making the case that aesthetic form may constitute insight: the *De visione Dei* is remarkable for its account of the experience of art, the phenomenology of paint. Cranz notes as well the gradual estrangement of Cusa from scholasticism.³³ The text furnishes “the most fundamental context for his second main principle, the coincidence of opposites ... Christ is within the wall of paradox, the wall of the laws of contradiction. Christ’s intellect is both truth and at the same time image. Christ is both the way to truth, and He is truth itself.”³⁴ In the very early manuscript *Libellus de generatione* Collingwood, citing Cusanus, claims: “coincidence of opposites ... this is where Realism dies by its own hand.”³⁵

Very few “mystics” have Cusa’s epistemological ambitions; very few philosophers would tolerate his aesthetic argument as epistemologically sound. Michel De Certeau has noted the constraints of Cusa’s career: he regarded himself as a (barbaric) German speaking Latin. He did not claim to be a mystic, while writing “mystical” tracts. De Certeau and others have noted the stark contrast of the fragility of his theory in diffusion, the many successes of his ecclesiastical career. Still, De Certeau restates the Heideggerean argument for art’s accessibility to the primordial: Cusa’s aesthetic intrusion “gives a language for what is already there. It offers words for knowledge the addressee already held somewhere.”³⁶ But perhaps the current dishevelled discussion of the merits, flaws of Renaissance Humanism needs the generosity of Cusanus as a counter pressure to our disciplinary resistances to the poetry and pictures of intelligibility: Humanism enhanced, reinforced. Recall Cusa, Chapter 22: “For you draw us to you by every possible means of attraction,” *trahis enim nos ad te omni possibili trahendi modo.*”

Valla's Quintilianesque Critique

Revisionism is a crucial element in Camporeale's entanglements of Renaissance and Reformation moments. And, specifically in his reading of Valla. In his monograph on Valla's *oratio* or *declamatio* on the "Donation of Constantine," his fundamental aim is to account for the "radical liberty" of Valla's inquiry; the "libertà radicale nel ripensamento del passato e nella riflessione etica del presente:" mining Antiquity's richness, but not a work of Classical piety.³⁷ Certainly Camporeale offers a thick, meticulous summary of doctrinal issues; but he treats Valla's radical liberty as an "attitudinal complex," defining the investigator's role.

Radicality is inflected as Valla's concern for the originary religious experience, and motivates his work to restore the concreteness of the evangelical narrative, not yet colonized by theological abstractness. Camporeale claims the evangelical *logos incarnato* as paradigmatic human discursive capacity for Valla, thus a concern for Humanistic philology as serious practice. The embodied authenticity is to be retrieved in Valla's inquiry by rhetorical strategies of reading New Testament practices, by, therefore, applying Quintilian's types of usage—example, observation, custom. The elements of quotidian Christian experience are embedded in, and available to be experienced in, the scriptural text. Just so, Klaus Dockhorn describes Luther as recapturing, imagining, the hidden past evangelical affect in his "present day" German.³⁸ Valla's reading assumes "la continua rivedibilità," the easy accessibility of scripture: the imperative "look again," claims re-readability; and, like revisionist Collingwoodian history, it is "re-enactment," our sheer gain, time gained in performance for a scriptural "now" as authentic, all ours.³⁹ Recall Collingwood's insistence that abstractness is the flaw of both Idealism and Realism, that "theology is the negation of religion;" for Valla, philosophical discourse is "the fount of all heresies."⁴⁰

Camporeale's *Repastinatio* article, the most programmatic of Camporeale's articles on Valla, cites Wittgenstein (a great annoyance to historians of philosophy) on the supplanting of metaphysical motives by the quotidian, and proceeds to describe Valla's shift of interest from *verità ontologica* to *verità logica*.⁴¹ Valla's logic, of course, is not formalist exercise, but an account of the structure of language. And thus Valla's anti-technical moment: his reduction of the Aristotelian logical categories, predicaments speaks directly to his sense of the tactics of proper inquiry; we are left with thing, quality, action—*res*, *qualitas*, *actio*—and here Camporeale points out that for Valla "bonità ha luogo soltanto in action," goodness has place only in action: a strenuous tactic of dereification.⁴² Camporeale's account in

Umanesimo e teologia of Valla's retrieval of *Quintilianesimo*, of the program as well as techniques of Quintilian's work—is a narrative of rhetoric understood as the continual return of the continuously theoretically repressed:

We ... have to compose our speeches for others to judge, and have frequently to speak before an audience of men who, if not thoroughly uneducated, are certainly ignorant of such arts as dialectic: and unless we attract them by the charm of our discourse or drag them by its force, and occasionally throw them off their balance by an appeal to their emotions, we shall be unable to vindicate the claims of truth and justice.⁴³

Camporeale embarks on a careful account of Valla's use in the *Dialectical Disputations* of Quintilian's Book 5; this is the great book of transition: here the vital context for Quintilian's criticism, his critical reformulations, is the loss, the absence of politics in imperial Rome: possible civil activity is only legal; the time for philosophy is primarily retirement, as appropriate for "learned men seeking for truth among other learned men."⁴⁴ This passage setting the goal of vindicating the claims of truth and justice immediately follows the text that sets the inquiry parameters: the tasks of *topikē* (invention) and *kritikē* (judgment). For Book 5 must shift emphasis from the domain of necessity, and apodeictic argument, to the domain of the credible, the probable, the possible, the verisimilar—here most definitely requiring the full armament of aesthetic enticement, emotional appeal, philological care, of inductive arguments from example, of (incomplete) rhetorical enthymeme; it becomes a realist, pessimistic working with dubious transactions; the edge to his account is his sense of political loss as the strong motive for critical gain, awareness. Camporeale corrects earlier scholarship, pointing out that Valla inserts whole chunks of Book 5 in his text of *Dialectical Disputations*: Quintilian's chapters 8–10 in Valla's Book 2; chapters 11–14 in Book 3; from Book 2, 20 to the end it is all Quintilian; the whole of Book 3, 15 is from Quintilian 10. The splendid footnotes of Copenhaver and Nauta's edition, translation, of the *Dialectical Disputations* list the numerous references to Quintilian scattered throughout.

Grammar as Reorientation

"Language is based on reason, antiquity, authority, and usage ... Usage, however, is the surest pilot in speaking, and we should treat language as currency minted with the public stamp. But in all these cases we have need of a critical judgment."⁴⁵

Thus Camporeale: “grammar is the point of reference for Valla’s critical work.”⁴⁶ Quintilian may have spoken of grammar as *scientia* of speaking, writing, or *enarratio* (interpretation) of poetry, but he also claims that the task of *judicium* (criticism) invests them all.⁴⁷ One’s competence is gained through refined sensitivity to diverse patterns of use; Camporeale calls this “critical-philological method.”⁴⁸ Valla, in short, encapsulates disciplines within a simple critical obligation; here the grammarian/philologue’s customary “familiar” disposition corrects dependence on flawed “technical” disciplinary practice.

For, of the canons mentioned by Quintilian, *consuetudo* (custom) dominates. That is, the custom of “dei colti e delle personi commune” of “parlare commune;” “one must not stray from the most customary,” as betraying the “*natura loquendi*.”⁴⁹ Valla contrasts its pertinence to interpretation from the impertinence of the language of the “sophists,” who create an autonomous, coherent linguistic system that is inappropriate, useless, for civil activity. Just so, eggs. Aristotle claimed one is not a number, but an abstraction, concept, a beginning of number; but, women who sell eggs know “one egg” when they see it.⁵⁰ The women employ words for *usum* (use); the philosophers for *lusum* (display). Or they, theory-laden, are protective of their constructs: “like merchants who refuse daylight on their goods.”⁵¹

Nauta, historian of philosophy, fine translator of Valla, notes (complains?) Valla has “put Aristotle on a diet.” On the contrary, Camporeale argues that Valla’s program attempts to expand Aristotle’s hermeneutic possibilities exponentially: Humanists initiate a wider discussion by removing disciplinary obstacles. Consider Valla’s reduction of the transcendentals to one, “res,” “thing.”⁵² Camporeale claims Valla argues only “res” possesses intrinsically that “universal occasion” which constitutes transcendence.⁵³ “Universal” should be a judgment assigned by an inquirer on a “thinking occasion;” criticism is a task with rigidly defined inquiry responsibilities. Valla had warned that “transcendentals” had been deemed “kings, emperors:” they arbitrarily rule.⁵⁴ Valla questions tactics of reification, turning adjectives into substantives; and, “being,” he notes, is only a participle. To call “unum, bonum, verum” values, goals, offers only nominal goals; abstractions are not substantives, things; you may speak of “*verità logica*,” but not of *veritas*: adjectives aren’t nouns.⁵⁵ In sum, Valla’s grammar reorients serious inquiry to target life’s dispositions, understandings that Heidegger described in *Being and Time* as proper philosophical task, and that Cusanus located in a domain especially accessible to art and its illuminations.

Valla's work is de-ontologizing; he contends the contemporary "sophists" and their raising the epistemological stakes by dialectical fiat: by speculative, not historical rules. Valla proposes introducing history, that is, philology [as simply "reception history"?], into philosophy.⁵⁶ Valla expands the domain of inquiry by eliminating arbitrary disciplinary constraints: enlarging investigative competence, thus widening possible responsible participation. Camporeale notes that Valla's rhetoric is not merely formal, or legal, or casuistic calling, but that it claims to deal with "all of historical reality that can be expressed in human language."⁵⁷ Recall that Heidegger claimed his was a program of "Destruction," the elimination of the durable terms and arguments of conventional philosophy: you use the terms, you buy the arguments: you become entangled in a tissue of begged questions.

"Philosophy Can Be Simulated, Eloquence Not"⁵⁸

Barbara Cassin uses Quintilian's aphorism to explain rhetorical uniqueness: Cassin is a student of Hellenic inquiry; she makes a case for early "non-Socratic" philosophy, for the Sophistic inquiry activity, engaged with politics; she repeats Heidegger's claim that early Greek rhetoric functions only, always in politics in contrast with Platonic philosophy's taste for transcendence. Cassin argues that for Quintilian's eloquence, only "effect," (not "style"), is *index sui*.⁵⁹ Eloquence is effective, or not; success cannot be simulated. Cassin defines not only rhetorical capacity, but philosophical incapacity. Valla initiates a wider Humanist discussion; the width is for effect, pertinence. And, for Quintilian, philosophical discourse does not necessarily deliver a philosopher's "way of life;" there may be a simulation, a disjunction between generating foundational recipes, and practicing a moral life. For Valla, eloquential effect simply wins, or not.

But here we have two contestatory modern accounts of Valla's Quintilianesque critique: we have Camporeale's careful, diffuse account of Valla's criticism, energizing his strenuous inquiry practice, supporting civil interventions, interferences, and we have Copenhaver and Nauta's introductory remarks to their edition, translation of Valla's *Dialectical Disputations*. They point out, justifiably, that Valla does not anticipate, lead us to, post-Kantian notions of philosophical discipline, and that Valla has an incomplete notion of the contemporaneous philosophical work available to him. Their introduction, however, is overwrought.⁶⁰

They mention Valla's "titanic self-confidence," his "odious self-regard" (vii). They note the "venom, bombast, self-celebration" (viii). Valla's text is a "sketchy medley" (xxiii), or, regrettably, "elaborate, dialogic

stagecraft" (xxxv); he is often at work "berating, belittling, or being befuddled" (xx); "he displays attitude that sometimes collapses into a posture" (xxxv). Copenhaver and Nauta, at times, simply adopt the tone of Poggio Bracciolini's Humanist invective. Also, they complain of investigative dysfunction: Valla is an "eclectic pragmatic" (xxxvi), and that what Valla says about God and the soul is "quite speculative ... heterodox" (xxii), that he philosophizes on a grand scale, idiosyncratically, with great expectations about language itself (xxxviii), that he "turns philology against philosophy" (xxxvi)—they slight as faults what Camporeale regards as sheer gain.⁶¹ And, after these strictures about his temper, Nauta is, I think, just plain wrong when he observes Valla is "careless in his formulations."⁶²

They do speak of Valla's grammar as "an archive of common usage in speaking and common sense in thinking" (viii). Yet, their "common usage" is not a neutral term; recall their horror at appeals to "ordinary language" by modern Renaissance scholars of Valla; "ordinary language" is, evidently, a heretical sect of current analytic philosophy. Their "common sense" functions merely as a commonplace, a personal skill. But the use has none of the intellectual historical significance of Vichian common sense as "the unreflective judgments of an entire class, a people, a nation, or race" as disposition, understanding.⁶³ An argument could be made for a Humanistic continuity between Valla's inquiry and Vico's simply on the basis of their parallel notions of this key construct in the history of political thinking. And of course their critique lacks the sophistication of the revisionist Collingwood's insistence on theoretical dispositions as possibly the source of horrific political miscalculation, malpractice.⁶⁴ Copenhaver sees—in Valla's work—rhetoric as anti-philosophy;⁶⁵ Camporeale reads Valla's rhetorical inquiry as anti-disciplinary dysfunction. Recall Valla claimed all disciplines—civil and canon law, medicine, philosophy—know nothing of divine things.⁶⁶

Patterns of usage disclose dispositions, understandings: basic to moments, and to revisions of sensibility to power. Camporeale insists on Valla's criticism as radical liberty performed, as lived, intrusive liberty. He underlines Valla's claim that the treatise on the Donation of Constantine is an "oratio, qua nihil magis oratorium scripsi," "I have written nothing more oratorical, eloquent than this;" Valla reenacting a kind of evangelical, kerygmatic moment—words as acts.⁶⁷ Freedom of speaking, *loquendi libertas*, is a felt obligation to intrude. Valla proposes and performs an interconnected range of genres with topical reverberations; yet he offers serious critique of a particular historical—but unhistorical, inaccurate—clerical misuse of the

language of secular power. Engaging in invective is not mischief or mischance but revisionist care, *Sorge*; contest is a central, not peripheral skill. Thus Camporeale cites Valla: “nisi et dicere audent,” “unless one dares to speak” as asserting precisely an investigative imperative.⁶⁸ And just so, Machiavelli as Humanist distinguishes understandings, dispositions persisting in political activity.

Camporeale’s account is readable as his re-enactment of Valla’s re-enactments, a revival of the “attitudinal complex” of radical liberty as evangelical, certainly, but with a powerful sense of one’s own obligations to engage with specific contemporary dysfunctions, our unique *ad hominem* contests. Valla’s dialogue *De professione religiosorum* describes the temptations of reification, when the monastic-opponent takes the term “religiosi,” which denotes disposition, attitude as referring to a strict institutional status. Valla’s opposition, *ratio/religio*, is cleverly translated: “I attack not your Order, but your order of thinking.”⁶⁹ Valla’s dialogue is a critical response to uncritical practice: the monastic has made a category mistake.

Then, the biblical critique, Valla’s *Collatio Noui Testamenti*, describes the false usages of the Latin version of the Greek text: thus making psychologistic observations, the evangelical representations of the personal necessity for *metanoia*, for “thinking again,” into a protocol, a rule of penitence, as sacramental ritual.⁷⁰ Valla would call the Latin translation “barbaric.” And, the “churchly” Aristotelians of the Middle Ages, with no “proper” knowledge of Greek (or Latin) have denied themselves historical accuracy, deprived themselves of insight.⁷¹

Of course, Valla’s compendious *Elegantiae* displays a remarkable Quintilianesque sensibility to the range of language’s aesthetic practices, effects. Valla’s own aesthetic activity is abstemious, yet he knows and exploits the aesthetic intrusion of narrative fables as figurative, explanatory. In the *De libero arbitrio*, a brief dialogue between Valla and Antonio Glarea on the topic of free will/determinism, Valla offers a fable, possibly Aesopian, as a brief living narrative, claiming the authority of antiquity, carrying a fierce moral message. Here Sextus Tarquinius, surely (emblematically) evil, goes to consult the oracle of Apollo. He hears his fate; he will perform monstrous deeds and be punished. Tarquinius laments: if his acts are fated, why the punishment? The opposition free will/determinism, bogged down in a dysfunctional philosophical/theological terminology, here is restated, questioned by relocating it in an imaginative story of lived experience, simplified, accessible. To grasp the narrative is to note the lack of doctrinal explanation: the figure argues

theoretical inadequacy. Valla's narrative does not attempt to explain; Valla tells Glarea "read [the intransigent] St. Paul."⁷²

The investigative value of the fable is attested by Leibniz's response in his *Théodicée*. Leibniz rewrites the fable, expanding the discussion; Tarquin appeals to a second oracle, of Jupiter: fails again. But Athena allows Jupiter's priest, Theodorus, a dream that fables "fate" as a "memory" palace with an infinite number of rooms, each representing a possibility, an answer that, in effect, argues that the philosopher's free will/determinism false dichotomy cannot take in the notion of real historical obduracy, of the infinite numbers of possible historical consequences: all could be counted as "real," including, of course, the real, historical effect of Tarquin's crime: the crime had the unintended consequence of mobilizing the founding of the Empire of Rome; history is perhaps "the best of all possible worlds" since we live in it.⁷³ Leibniz's claim for the pertinence of modality: of necessity, probability and their instantiations, raises Richard Sorabji's issues: does necessitarianism, moral determinism leave space for, allow our civil, moral discourse? That is, if we hold determinist theories, entailed by our zeal in building exhaustive rationalist systems, "could we still feel compunction, remorse, guilt, obligation, indignation, or resentment? Or could we engage in self-criticism, repentance, and forgiveness? And finally, could we still be *responsible*, that is, deserving of praise or blame?"⁷⁴ Valla, in short, starts a wider discussion, the "effect," the strong historical effect of his fable is, we must acknowledge, Leibniz's elaborate fable of modality, and then, as postscript, Sorabji's historical-philosophical response. Fable historicizes theory; doctrine may ignore its place in the civil space, delete the activities of praise and blame.

Renaissance and Early Modernity: Defining Humanism

"Ursprünglich" is a term of art in Heidegger's revisionism; for both revisionisms, modern and Renaissance, inquiry prefers firstness, the factic, to the late, theory-laden; both revisions penetrate history, criticism, and may serve strong reform initiatives. Arguably, Cusanus's *De visione Dei* is the most inventive contribution to the discussion of art's production, reception of the incontestably brilliant Renaissance of the visual arts. Arguably, Valla's *Adnotationes* on the New Testament is the most significant treatise—made effective through Erasmus's 1504 edition, and Luther's use—in the general European moments of Christian Reformation of the sixteenth century.

Rubini claimed the Petrarchan letter as “textual objectification of the research moment.”⁷⁵ Marc Fumaroli has argued the proper generic successor to the Petrarchan letter is the early Modernist Montaignian essay: “it is a practice conducing to a liberty and a simplicity, *properly philosophic*, [my emphasis] ... it is an adult literature, separated from all productions which smell of the oil and the lamp of scholarly exercises.” The essay requires informality, not simply the eschewal of disciplinary dialectics, but a resort to experiential glosses. The necessary liberty, thus responsibility of the work gives space to the liberty, the effort of the reader “to think, to freely accept or reject ... that is to judge, to criticize.”⁷⁶ Thus reception as task: “meaning is realized at the point of reception”: Charles Martindale’s tenet—“philology is compendious reception history” is late Montaigne.⁷⁷ The letter assumes exchange; the essay solicits change: it employs pauses, interruptions, spaces for reader thinking, response, reception. The dishevelment of the text selects, favors, revisionary factors in inquiry practice, promotes reform interests: “historical criticism.”

Rubini claims as well that the early Modernist Giambattista Vico furnishes the link between Renaissance Humanist and modern Italian inquiry.⁷⁸ Vico announced his “new science” was civil, not moral; he dismisses solipsist moralizing, systemic self-concern. Vico also asserted the “master-key” of his new science was the discovery that “poetry was first,” and “entirety,” all mental activity is investigative duty.⁷⁹ Rubini’s Vichian gloss suggests that we focus on the combination of aesthetic and civil interest, on a “primordial” aesthetic sensibility as generating, enhancing civil values. His Petrarchan “Posteritism” reads in order to transform the Classics for future readers’ possible use. Humanism as frame assumes the task of critique as comprehensive civil awareness. Humanism as radical possibility, not piety.

“Art Cannot Avoid Creating New Possibilities”⁸⁰

The early Modernist Leibniz’s fable assumes infinite possibilities of activity, and also assumes our freedom, thus our responsibility to judge; for Sorabji’s Aristotle, the range of unrealized possibilities is a source of freedom, countering determinist regret. Then, Hannah Arendt has appealed to Kant, and claimed that it is (responsible) judging activity that creates our public space.⁸¹ Judging, then, is a “civil” act. Humanism as frame can possibly function to enable inquiry to be strenuously, even meticulously revisionist, and, perhaps, to be engaged in generating the possibilities of reform.

NOTES

- ¹ Williams, *Essays and Reviews*, 373.
- ² Pippin, *After the Beautiful*, 100; Collingwood, *Autobiography*, 52.
- ³ Kisiel, *Genesis of Being and Time*, 116–48; Heidegger, *Being and Time*, 2, sections 61–71. Kisiel claims the early work combines Husserl’s phenomenological critique with Dilthey’s “historical thinking,” 116–48.
- ⁴ Rubini, “How Did We Come to Be,” 420–28.
- ⁵ Eden, *Renaissance Discovery*, 69.
- ⁶ Nicholas of Cusa, *De visione Dei*, “Praefatio,” 5; *Vision of God*, 4–5.
- ⁷ Heidegger, “Origins of the Work of Art,” 33.
- ⁸ *Ibid.*, 34.
- ⁹ *Ibid.*, 33.
- ¹⁰ *Ibid.*, 35.
- ¹¹ Collingwood, *Outline of a Philosophy*, 14.
- ¹² *Ibid.*, 87.
- ¹³ Nicholas of Cusa, *De visione Dei*, chapter 22, 76.
- ¹⁴ Koerner, *Reformation of Images*, 27.
- ¹⁵ Pippin, *After the Beautiful*, 97.
- ¹⁶ *Ibid.*, 96.
- ¹⁷ Koerner, *Reformation of Images*, 444; Koerner, *Caspar David Friedrich*, 27.
- ¹⁸ Nicholas of Cusa, *De visione Dei*, chapter 22, 77.
- ¹⁹ Nicholas of Cusa, *Vision of God*, 74; *De visione Dei*, chapter 15, 54.
- ²⁰ Nicholas of Cusa, *Vision of God*, 75; *De visione Dei*, chapter 15, 54.
- ²¹ Nicholas of Cusa, *Vision of God*, 70; *De visione Dei*, chapter 15, 50.
- ²² Heidegger, *Einführung in die phänomenologische Forschung*, 26. See Claude Imbert, “Stoic Logic and Alexandrian Poetics,” 184 on *Phantasia* as “presenting the non-present.”
- ²³ Nicholas of Cusa, *De visione Dei*, chapter 22, 77.
- ²⁴ *Ibid.*, chapter 4, 13.
- ²⁵ *Ibid.*, chapter 6, 20.
- ²⁶ *Ibid.*, chapter 9, 31.
- ²⁷ Solère, “Les images psychiques,” 104.
- ²⁸ Dockhorn, “Epoche, Fuge, und ‘Imitatio,’” 117–20; he employs Quintilian’s contrast, *Institutio oratoria*, 6, 2, 29, between the powers of *imagination* and *imitatio*.
- ²⁹ Nicholas of Cusa, *De visione Dei*, chapter 24, 85.
- ³⁰ *Ibid.*, chapter 9, 33.
- ³¹ *Ibid.*, *Praefatio*, 5.
- ³² Cassirer, *Individual and Cosmos*, 33, 34.
- ³³ Cranz, *Nicholas of Cusa*, 34–40.
- ³⁴ *Ibid.*, 90.

- ³⁵ Collingwood, "Libellus de Generatione," 35, 42, 45.
- ³⁶ De Certeau, "The Gaze," 10.
- ³⁷ Camporeale, "Donatione," in *Lorenzo Valla* (2002), 467.
- ³⁸ Dockhorn, "Epoche, Fuge, 'Imitatio,'" 106, 119–23.
- ³⁹ Camporeale, "Da Lorenzo Valla a Tommaso Moro," in *Lorenzo Valla* (2002), 21.
- ⁴⁰ Collingwood, *Speculum mentis*, 149; Valla, *Elegantiae, Praefatio* 4, 119, in *Opera Omnia*, 2.
- ⁴¹ Camporeale, "Repastinatio," 261, 265–66.
- ⁴² Ibid., 266.
- ⁴³ Quintilian, *Institutio oratoria*, 5, 14, 29.
- ⁴⁴ Ibid., 5, 14, 28; it is Valla's "fonte privilegiata" for Camporeale, *Umanesimo e teologia*, 45.
- ⁴⁵ Quintilian, *Institutio oratoria*, 1–3, 6.
- ⁴⁶ Camporeale, *Umanesimo e teologia*, 101.
- ⁴⁷ Quintilian, *Institutio oratoria*, 4, 2, 3.
- ⁴⁸ Camporeale, *Umanesimo e teologia*, 130.
- ⁴⁹ Ibid., 52–53, citing the *Dialectical Disputations*, 47.
- ⁵⁰ Valla, *Dialectical Disputations*, 22, 23.
- ⁵¹ Ibid., 54–55.
- ⁵² Ibid., 26–27.
- ⁵³ Camporeale, *Umanesimo e teologia*, 156–57.
- ⁵⁴ Valla, *Dialectical Disputations*, 18–19.
- ⁵⁵ Ibid., 20–21.
- ⁵⁶ Camporeale, *Umanesimo e teologia*, 152.
- ⁵⁷ Ibid., 161.
- ⁵⁸ Quintilian, *Institutio oratoria*, 12, 3, 12.
- ⁵⁹ Cassin, "Philosophia simulari potest," 107.
- ⁶⁰ Valla, *Dialectical Disputations*, Copenhaver and Nauta's "Introduction," vii–l.
- ⁶¹ Ibid., vii–1.
- ⁶² Nauta, "William of Occam and Lorenzo Valla," 622.
- ⁶³ Vico, *New Science*, 142.
- ⁶⁴ Collingwood, *Autobiography*, 167.
- ⁶⁵ Copenhaver, "Valla Our Contemporary," 516.
- ⁶⁶ Valla, *Elegantiae*, 120.
- ⁶⁷ Camporeale, "Donatione," in *Lorenzo Valla* (2002), 589.
- ⁶⁸ Ibid., 471.
- ⁶⁹ Valla, *Profession of the Religious*, 29.
- ⁷⁰ Camporeale, *Umanesimo teologia*, 365, notes that in 1452 Valla had sent a copy of the manuscript to Cusanus for his theological judgment.
- ⁷¹ Valla, *Dialectical Disputations*, 10–11.

- ⁷² Valla, *De libero arbitrio*, in *Prosatori Latini*, 544–50.
- ⁷³ Leibniz, *Theodicee*, 370–78.
- ⁷⁴ Sorabji, *Necessity, Cause, and Blame*, 251.
- ⁷⁵ Rubini, “Literary Corpus,” 58.
- ⁷⁶ Fumaroli, “Genèse,” 897.
- ⁷⁷ Thus, Charles Martindale and Richard Thomas’s collection: *Classics and the Uses of Reception*.
- ⁷⁸ Rubini, *Other Renaissance*, 5–11.
- ⁷⁹ Vico, *New Science*, 1, 2, 34.
- ⁸⁰ Kermode, *Sense of an Ending*, 129.
- ⁸¹ Zerilli, “We Feel Our Freedom,” 33, 179.

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Defensor Pacis Transformed

Marsilian Ideas in Sixteenth-Century Politics*

Bettina Koch

IN HIS WORK ON THE RECEPTION OF MARSILIUS OF PADUA'S *DEFENSOR PACIS*, Thomas M. Izbicki emphasizes the attractiveness of Marsilius's work in early Reformation circles. Soon after the publication of the first printed edition of *Defensor pacis* in Basel in 1522, a number of editions printed in Frankfurt and Heidelberg surfaced. Izbicki highlights the fact that while Marsilius's writings proved of interest to intellectuals as well as princes backing the Reformation—whether for religious or political purposes, or a combination of both, Luther's foes simultaneously used Marsilius of Padua's name as a means to attack Luther, his supporters, and Reformation ideas more generally.¹

This essay aims at following Izbicki's line of inquiry by exploring the earliest known German abridged translation of Marsilius's *Defensor pacis*. This translation, by M. Marxen Mueller von Westendorff, was initiated by Ottheinrich of Neuburg-Pfalz (Palatine) and printed by Hans Kilian in Neuburg an der Donau (Danube) in 1545.² The German abridged version appeared ten years after William Marshall's abridged "translation" of *Defensor pacis* that aimed at supporting Henry VIII's claim of supremacy over the Roman papacy as well as the king's supremacy in all temporal affairs.³ Yet, despite the fact that both Henry VIII and Ottheinrich speak to a Reformation context, their goals and specific contexts cannot be more different. Henry VIII could use his power to gain independence from the Roman papacy and the Roman church's influence; Ottheinrich's power and influence as a regional count was, to say the least, limited. The latter is not simply a result of the fact that Ottheinrich was a regional prince, but also because he had failed to obtain the rank of Palatine Elector for years. In the Bavarian succession treaty, settling the Landshut War of Succession, Ottheinrich was granted the claim to the title of Palatine Elector. Yet, because of his support for the Reformation cause, he did not receive the title until February 1556, shortly before his death.⁴ Thus, the context(s) in which one has to place the *Fridschirmbuch* concerns regional early

Reformation history as well as the history of the Holy Roman Empire under Emperor Karl V. Because Mueller von Westendorff's abridged translation is often mentioned but seldom studied, the present chapter's main interest lies in a (partial) comparison of Marsilius's *Defensor pacis* and the *Fridschirmbuch*. Before exploring the *Fridschirmbuch* itself, however, it is necessary to contextualize Mueller von Westendorff's rendering of *Defensor pacis*.

The *Fridschirmbuch* in Context—Neuburg-Pfalz and the Holy Roman Empire

In his dedication to Ottheinrich ("Dem Durchleuchtigen Hochgebornen Fuersten und herrn / Herrn Otthainrichen / Pfalgrauen bey Rein"), M. Marx Mueller von Westendorff narrates that the Count Palatine had sent him Marsilius's *Defensor pacis* in three volumes, requesting that he renders the work in *vnser hochteutsche sprach*—"in our high-German language." Contrary to Ottheinrich's apparent demand to translate the entirety of *Defensor pacis* into German, Mueller von Westendorff apologized ironically for his partial disobedience. Instead of translating the whole of *Defensor pacis*, Mueller von Westendorff suggests that he only supplied in German the sections he considered essential under the circumstances. As for his—again ironic—justification, he asserts that because of the work's length, a translation of the whole work would only bring disappointment and displeasure to the Christian reader.⁵ At least to some degree, Marsilius scholars can certainly sympathize with Mueller von Westendorff's frustration. Yet, whether to accept Mueller von Westendorff's claim that he otherwise remained true to the text needs to be verified.⁶

Before examining the texts, it is necessary to explore the context further: Who is the translator? What is his relationship with Ottheinrich? What is Ottheinrich's role in the Reformation disputes? And how does Marsilius's *Defensor pacis* fit into the story? As far as the first question is concerned, we have only very little biographical information about Mueller von Westendorff. He seems to be identical with Markus Millenus, who served as town clerk in Neuburg; he is also credited with the authorship of a Latin epitaph for Elector Palatine Ludwig V.⁷ At the time the *Fridschirmbuch* appeared in print, we find him as syndic at Augsburg.⁸ Because Mueller von Westendorff was once in Ottheinrich's service and Ottheinrich personally commissioned the translation, we can assume some measure of loyalty to the count palatine's cause. However, the fact that the selection of the sections was done at the translator's discretion, contrary to

Ottheinrich's initial request, demands some caution. One may be tempted to read some of Ottheinrich's political program into the translated sections of *Defensor pacis*.

While caution is necessary when attempting to draw conclusions from the particular content of the *Fridschirmbuch*, the interest in *Defensor pacis* nonetheless falls into Ottheinrich's greater political and ecclesio-political program. Two years after Ottheinrich introduced the Reformation (1542) into Neuburg-Pfalz, the Kilian printing house was founded. Since 1537, the printer Hans Kilian served as Ottheinrich's *Rentschreiber* ("bursary officer," Latinized, *principalis questurae scriba*), responsible for the administration of Ottheinrich's finances. Because of Ottheinrich's notorious shortage of funds, however, it is fair to suggest that Hans Kilian rather administered his significant debts.⁹ In the case of Ottheinrich and his printer Hans Kilian, it is hard to overrate the significance of the printing house for and in the context of the Reformation. Despite, or maybe because of, Ottheinrich's notorious financial problems, his library, the *Bibliotheca Palatina*, was considered the most significant Reformation literature library in the entire Holy Roman Empire until 1622, the year in which Heidelberg was conquered by the Catholic League.¹⁰

More important than the quality of the library was its political relevance for the Reformation cause. The success of the Reformation depended heavily on the development of printing technology. In the Schmalkalden War of 1546—resulting in a sudden military defeat of the Lutheran princes—Emperor Karl personally and explicitly ordered the Kilian printing house to be destroyed. As Horst Stierkopf notes, Karl's order has to be seen in the context of the emperor's knowledge of an "engaged" and ambitious printing house in the service of the Reformation.¹¹ Moreover, Helga Unger emphasizes the relevance of the library and the printing house for Ottheinrich's ecclesio-political goals. Unger underscores the significance of Ottheinrich's overt strategy of returning to medieval works that could be utilized for Reformation causes. For Ottheinrich, Mueller von Westendorff's partial translation of Marsilius's *Defensor pacis* served as an exemplar.¹² In this sense, Ottheinrich and his printer Kilian followed a more general pattern observable throughout the Reformation age, namely, the identification of useful medieval texts, particularly by early modern scholars and intellectuals leaning towards humanist and Reformation ideas.¹³ Moreover, Karl's order highlights the relevance of books and the ability to print them for or against particular political causes. Yet, the significance Karl attaches to

the printing house also hints at Ottheinrich's role in the conflict between the Schmalkalden League, the Protestant estates (*Reichsstände*) more generally, and the emperor. Thus, Ottheinrich's role in the Holy Roman Empire and in the Reformation needs to be considered.

While earlier studies suggest that Ottheinrich's interest in the Holy Roman Empire and its politics is only recognizable after he was eventually granted the rank of Elector Palatine, from 1556 until his death three years later, Axel Gotthard vehemently objects to this view. Although the young Ottheinrich is more concerned with the social aspect of political gatherings (one finds him in the dancehall, not in the meeting room), this attitude changes in the late 1530s. By the end of 1539, Ottheinrich campaigns for a confessional alliance that propagates "teutsche libertät" (German liberty) by suggesting that Karl would soon bring Spanish troops into the German lands to initiate a war against such liberty in which religion would be only used as an excuse. By the end of the 1530s, Ottheinrich makes a first attempt to join the Schmalkalden League.¹⁴ Because of his disastrous financial situation, his first formal request to join the League was rejected; the defeat of the League made a later attempt in 1546 impossible. Ottheinrich's diplomats were still on their way to deliver the request when the Schmalkalden League was defeated. In his second application, Ottheinrich once again argues for the need to join the Protestant league officially. Ottheinrich explicitly refers to Karl's constitutional rhetoric that, in Ottheinrich's eyes, only serves as a rationalization for what he deems essentially a religious war.¹⁵ Ottheinrich's judgment is not without merit. Karl did not justify warfare against the Schmalkalden League with religious disagreements, but rather as a means to maintain the peace of the empire. A similar argument was proposed when Karl rejected the free cities' request to move to the Lutheran creed, although the cities as well as the German principalities pledged allegiance to him for all but the religious issue. This brings the question of confessional diversity to the forefront of the conflict.¹⁶

Even though Ottheinrich was not a formal member of the Schmalkalden League, he was a respected supporter of the Reformation and the Protestant cause. Frequently, one finds him in the role of a moderator between the confessionally neutral and the Protestant estates. Simultaneously, after he became actively engaged in the Reformation and the Protestants' conflict with the Catholic League and Emperor Karl, Gotthard identifies an increasing militancy in Ottheinrich's attitude, not just in terms of content, but also in terms of his methods: confrontation instead of compromise.

Thus, in the 1540s and 1550s, one finds Ottheinrich as a constant promoter of the Lutheran estates' unifying strategy and politics.¹⁷

Although partly motivated by propaganda, Ottheinrich's conversion to the Lutheran creed was attributed to his desperate financial situation, and thus viewed as primarily motivated by economic reasons. Switching to the Lutheran rite meant instant access to the territory's church property. Yet, early on, the accusation of conversion for financial reasons was disputed.¹⁸ With his conversion to the Lutheran creed, Ottheinrich lost a credit of 100 000 fl. At the time he failed to secure this significant credit, Ottheinrich's total debt amounted to about one million fl. Thus, the reason for Ottheinrich's conversion seems unlikely to have been economic. Although church property was inventoried in 1543, none of the monasteries in his territory were secularized. Although the inhabitants of the monasteries were encouraged to accept the new church order, forced conversions did not take place.¹⁹ Yet, although it is a widely shared assumption that the Lutheran confession afforded a welcome ideology for territorial state building purposes,²⁰ it is apparent that Ottheinrich was not too interested in the political or worldly implications of that theology—at least not as far as his subjects were concerned. As early as 1544, two years after Ottheinrich introduced the Reformation into Neuburg-Palatine, he delegated the entire political administration of the territory to the provincial diets (*Landstände*). Through this move, he could burden the provincial diets with his enormous debts. Despite the economic benefits, Gotthard, however, reads the delegation of administrative power to the *Landstände* as an indication that Ottheinrich was more concerned about the well-being of his subjects' souls than in their worldly welfare.²¹

Defensor Pacis Versus Fridschirmbuch

As indicated earlier, drawing direct conclusions from the translator's selection of passages in support of Ottheinrich's political and ecclesio-political program is not unproblematic. It is worth stressing, however, that Mueller von Westendorff did not translate a single section of Dictio I in which Marsilius outlined his secular political principles, which defend popular consent to government and the rule of law. Of the entire *Defensor pacis*, which runs in Richard Scholz's modern critical edition to 613 pages,²² Mueller von Westendorff translated only a fraction. *Fridschirmbuch* consists of a one folio dedication, ten folios of *Vorrede*, and the abridged translation of seventy folios; only the latter are directly concerned with

Defensor pacis's content. Thus, the *Fridschirmbuch* amounts to a little less than one quarter of Marsilius's original treatise.

With Dictio I of *Defensor pacis* completely missing, *Fridschirmbuch* consists of eighteen chapters referring to sections of *Defensor pacis*'s Dictio II²³ and a chapter entitled *schlußreden* that contains selected sections from the second chapter of Dictio III.²⁴ While a thorough textual comparison of the two texts would require at least a book-length study, a brief juxtaposition of the sections taken from Dictio III (see Appendix 1) affords a good impression of the topics that were absent in Mueller von Westendorff's translation. (For the reader's convenience, the sixteenth-century German and the Latin texts are matched with Gewirth's English translation.²⁵) Indeed, the omissions from the German version are more telling than what is actually in the translation. For instance, Mueller von Westendorff excises all sections that refer to the general council of believers that is at the heart of the ecclesiology of *Defensor pacis*. Similarly, references to the human as well as the faithful legislator, implying that some power belongs to the citizens and ordinary believers, disappeared. Exceptions are clauses that grant the bishops the power, if sanctioned by the faithful human legislator, to excommunicate the pope. Otherwise, the human or faithful legislator only appears in contexts in which the citizens' political role (and rights) can be ignored or read without attaching to it a more inclusive meaning of "legislator." Whether referring to the "human" or the "faithful" legislator, Ottheinrich's sixteenth-century context makes it evident that the legislator equals the ruler.

Before his actual translation of *Defensor pacis*, Mueller von Westendorff introduces it with a *Vorrede* in which he introduces the reader to the evils of his times. He draws the picture of an utterly corrupt state in which the poor are deprived of all (worldly) justice; fraud, perjury, highway robbery, and war even bring the formerly well-off into the almshouse (*Spital*). Mueller von Westendorff points to the neglect of God's word and divine truth that has been caused by the papists, whom he portrays as followers of the Pharisees instead of the Apostles, as the source of all evil and the reason for the state's corruption. The words of pro-papal theologians have become undecipherable by the apostles because they have turned divine truth into the opposite.²⁶ "Wherever you turn your head, you face vicious, hideous, dreadful, and miserable things. It is war against the old; the peasant against the noble man. All things [are] split, broken, scattered, bringing you down to the floor. And it is to be feared that other more onerous and gruesome plagues will follow."²⁷ For Mueller von Westendorff,

the origin of this misery is papal insolence. He notes that the papacy has “highjacked” the power of the Roman emperor and the power of kings in the Holy Roman Empire. The popes, who have taken both swords, neglect the word of Paul and see themselves above the *concilia* and even the gospel.²⁸ Yet, Mueller von Westendorff remains confident that divine punishment eventually will strike the *papistischen Pfaffen* (papal/Catholic priests) down.²⁹ In a sense, Mueller von Westendorff’s narrative captures, although with emphasis on the ecclesiastical realm by ignoring the political, the spirit (and the polemics) of Marsilius’s *Defensor pacis* remarkably well.³⁰ Indeed, the reader might even remain under the impression that nothing has changed in more than 200 years. Marsilius’s discontent with the papacy in the first half of the fourteenth century reads remarkably similarly to Mueller von Westendorff’s narrative of the ecclesio-political situation of the early sixteenth century. An innocent reader might even conclude that the pope and emperor are still in an ongoing struggle over supremacy, while in reality Karl V sided forcefully with the papacy and remained an uncompromising defender of the old order and its religious outlook. The German principalities’ claim for religious freedom—understood as the privileged right of the empire’s estates that does not extend to ordinary believers and the German principalities’ subjects—clashed with Karl’s traditional perception of the Roman church as the only religious authority and of the emperor as her protection and shield.³¹

Yet, demonizing the Roman papacy assists Mueller von Westendorff in his attempt to remain relatively true to the text of *Defensor pacis*. To achieve this goal, however, Mueller von Westendorff has to eliminate some ambiguities and ambivalence in Marsilius’s work. As is well known, Marsilius often has the whole citizenry in mind when discussing the legislators, while on other occasions he refers to an aristocratic elite, namely, the Seven Electors.³² Yet, Mueller von Westendorff does not completely eliminate *Defensor pacis*’s vagueness. Citing Aristotle, he maintains that *ecclesia* means the assembly of a people as *yederman*, everyman.³³ Although he keeps Marsilius’s wording, the meaning changes nonetheless. For the German princes, *yederman* had come to designate whoever had a seat and a vote in the Imperial Diet.³⁴ Thus, even if traces of Marsilius’s more inclusive conception of the citizenry and the human or faithful legislator remain in the translation, what they denote has shifted in such a way that, for the sixteenth-century reader, only the princes and representatives at the Imperial Diet could be designated by this terminology. For the very same reason, Marsilius’s detailed discussion of the general council,

particularly the more democratic-sounding sections in which he elaborates on the determination of lay representatives, could be or had to be omitted.³⁵ From a sixteenth-century Reformation perspective, the power to determine church issues eventually rests with the princes. From the perspective of the Holy Roman Empire, the princes and cities are represented at the Imperial Diets, constituting a version of a Marsilian legislator. If one considers the Imperial Diets under Karl V, it was the Reformation or religious issues more generally that caused most of the tensions and disputes. Eventually, as Henry Cohn notes, "When religious matters were discussed the more hard-line Protestant and Catholic estates met in separate blocs, with moderate or 'neutral' princes of both faiths sometimes mediated between them, instead of effective negotiations over the religious disputes taking place in the colleges."³⁶ In 1543, by the time Ottheinrich requested his German translation of Marsilius's *Defensor pacis*, the religious parties had stopped meeting together entirely and had begun assembling only separately. Yet, despite the difficulties embedded in the negotiations, the Imperial Diets were not without results. By 1544, at the Imperial Diet in Speyer, an agreement had been reached that granted the Reformation princes the right, recognized by imperial law, to seize church property. Thus, ecclesiastical revenues turned into a state issue. The corresponding canon law that prevented the seizure of church property was annulled.³⁷

While one can, with good reason, assume that Ottheinrich's interest in allowing his subjects an active say in religious matters was limited or nonexistent, Mueller von Westendorff had an additional reason for omitting most of Marsilius's sections on the general council: In the Imperial Diets, one finds an institution in place that arrogates some of the responsibilities Marsilius directed to the general council. Moreover, a Lutheran prince like Ottheinrich claimed the right to determine theological disputes, a key purpose of Marsilius's general council, in his territory at his own discretion. A general council would only jeopardize his freshly claimed authority over such matters.

Despite reasonable epistemological concerns about the direct applicability of the translated excerpts to Ottheinrich's ecclesio-political interests, it is striking, although not especially surprising, how well the translated sections and chapters suit the Count Palatine's agenda. At first, it was mandatory to reject all papal and lower-ranked officials (bishops, priests) of the Roman church's interference in coercive judgment or jurisdiction over princes, colleges, communities, lay persons

and priests.³⁸ Christ did not claim temporal power; thus, temporal power cannot belong to any pope, bishop, or priest.³⁹ This chapter is followed by a narrative that provides further proof from Scripture, repeating the claim that no one has to follow either papal commands or decrees.⁴⁰ Most of the remaining chapters deal with the question of how the Roman bishop claimed *plenitudo potestatis*, how he secured his power over lay persons and temporal authority,⁴¹ particularly over the Roman emperor,⁴² and why the papal claims are invalid and have to be rejected.⁴³ While these chapters are important in the sense that they demonstrate how the Roman papacy has usurped powers that rightfully belong to the worldly authorities, the chapters in between are of more practical concern. They discuss the authority of priests and the question to whom the power to appoint and, if necessary, to depose priests belongs. In these chapters, one also finds sections from Marsilius's discussion of church property. Here, again, Mueller von Westendorff remains relatively true to Marsilius's texts, while omitting some sections and abbreviating others. Following the authority Christ bestowed upon the Apostles, Mueller describes them first and foremost as ministers of the sacraments. He emphasizes primarily the sacrament of penance, including the power of loosing or binding the human soul of mortal and less grave sins.⁴⁴

The ability to perform the priestly office is, as with all offices, dependent on the *habitus animae*. Mueller von Westendorff renders the habit of the soul into the phrase the "soul's subtlety." The second cause is necessity. The logic applied here is the same that has to be applied to all other parts of the state; it has to follow the same rules.⁴⁵ With the claim that priests follow the same rules and perform the same duties as other offices in the political realm, the first step, stated by Marsilius and endorsed by Mueller von Westendorff, to subjugate the priestly office to the political realm has been achieved. While Marsilius and Mueller von Westendorff emphasize the priestly office's equality in its power to bind and loose, such theological equality does not eliminate order of ranks among them. Through Christ's appointment, all priests are equal in power; through a second human appointment, hierarchy among them can be established.⁴⁶ Because the hierarchy is human, questions over the second appointment (after Christ's initial appointment of the Apostles) of priests and bishops emerged. The conditions for the appointment of priests have changed throughout history. The first appointment through Christ does not exist any longer. Thus, the responsibility of appointing priests rests

either in the community of the faithful or in the human legislator.⁴⁷ Yet, and not unsurprisingly, although Mueller von Westendorff does not translate the selected chapters completely, he follows Marsilius concerning the dangers of appointing the wrong person to the priestly office. If a priest turns out to be *ain bößer Bueb / oder ain ungelerter Esel* (an evil knave or an illiterate blockhead), he might lead the believers into eternal damnation.⁴⁸ Marsilius emphasizes both the negative consequences for the believer in the world to come but also—and perhaps more importantly—the consequences for the status of a citizen and the potential harm to the political sphere more generally. The second issue, although not completely omitted in Mueller von Westendorff, is Marsilius's tipping point for finally locating the authority to appoint and depose priests with the human legislator or the ruler. Here, Marsilius follows his logic that whatever may cause harm to the *civitas* must be under the authority of the *civitas*.⁴⁹ Even though Mueller von Westendorff also speaks of *nit ain klainer burgerlicher nachtail* (not a small civic disadvantage),⁵⁰ his wording emphasizes the importance of the eternal over temporal consequences. Nonetheless, he follows Marsilius in eventually allocating the authority to appoint and depose priests in the temporal authority. To use his wording, to avoid harm, the priest should *durch die Obrigkeit aufgenommen / oder verworffen werden*.⁵¹ Because for Muller von Westendorff the human legislator and the ruler are identical, *Obrigkeit* refers to the ruler, excluding other worldly authorities like the human legislator as an assembly of all citizens, not ruled out in *Defensor pacis*.

The shifting in wording and meaning is also relevant in the discussion of the *aufteilung der geistlichen pfründen* (distribution of ecclesiastical benefices).⁵² The relevance of this issue is also highlighted by the fact that it reappears among the very few clauses Mueller von Westendorff selected from Dictio III for translation.⁵³ As indicated above, the issue about the authority over church property was among the hotly debated topics at the Imperial Diets, though the Reformation princes eventually prevailed.

Given the significance of the topic in contemporary debate, then, it makes sense that Mueller von Westendorff includes a significant part of Marsilius's discourse on ecclesiastical property. By divine law, the community of the faithful is required to provide the ecclesiastical ministers with food and clothing, with which they ought to be content.⁵⁴ The surplus may be used to collect taxes "for the defense of the fatherland, the redemption of prisoners, or to avert public grievances as deemed appropriate by the

faithful and allegiant ruler.”⁵⁵ Mueller von Westendorff, however, omits that Marsilius explicitly speaks of the redemption of subjects taken captive in defense and in service of the faith. Thus, Mueller is less restrictive in the use of ecclesiastical funds than *Defensor pacis*.

Mueller von Westendorff undertakes another adjustment to the text of *Defensor pacis* that is of greater significance. In *Defensor pacis*, Marsilius refers to the examples of the Catholic kings of France to demonstrate that the authority to appoint bishops and priests rests in temporal and not in ecclesiastical authority. Yet, Mueller von Westendorff replaces the Catholic kings of France with the Roman Emperor in order to argue that the appointment of priests as well as the determination of the use of benefices and other temporal goods remains in the domain of temporal authorities.⁵⁶ Through this move, he adjusts Marsilius’s position regarding a contested issue about the legal reality of the *Reich*, oscillating the authority between the Holy Roman Empire, the Imperial Diets, and the princes’ territorial power.

Conclusion: Marsilius of Padua Versus Mueller Von Westendorff

Mueller von Westendorff’s main technique in adapting *Defensor pacis* to the needs and the context of a Lutheran prince is omission. While one can observe occasional changes in wording, the shift in meaning of political terms works in favor of relative fidelity to the text, while allowing for a significant transformation of meaning. Thus, even though Mueller von Westendorff remains relatively true to the letter of *Defensor pacis*, it does not mean he remains true to the spirit of Marsilius’s work. Because the context of the Holy Roman Empire remains basically the same, some of the pressing issues that are central in Marsilius’s work still remain intact. While Mueller von Westendorff’s translation can be clearly seen as “remittance work,” his refusal to make the whole of *Defensor pacis* speak German nonetheless remains puzzling. Was he anticipating that Ottheinrich may not have appreciated Marsilius’s ideas of civil liberties? Or did he omit them because they were simply irrelevant for the contemporary concerns? We cannot answer these questions conclusively. Yet, it is obvious that he focused precisely on the section from *Defensor pacis* that suited not just pressing questions of his time but also Ottheinrich’s ecclesio-political interests extremely well, particularly because Ottheinrich seemed to be primarily interested in the well-being

of his own and his subjects' souls, and evidently not as interested in the purely earthly dimension.

Compared with Marsilius's original fourteenth-century work, its sixteenth-century vernacular version reads rather like an intellectual regression than a progression. Yet, submitting all religious issues to worldly authority marks a significant step towards "modern" secularization. As Olivier Roy notes, "[a]s quietist Iranian religious figures understood when they asked for a separation of state and clergy: the absence of a distinction between state and religion secularizes religion more than it makes politics religious."⁵⁷ In this sense, Marsilius's move to subordinate religious institutions and the interpretation of doctrine under the political realm can be read as a first step towards the secularization of religion. The Lutheran princes continued in this very direction by attempting to subordinate the religious sphere completely under their authority, thus furthering the secularization of religion, albeit by jeopardizing civic liberties—at least for the moment—as prominently foreshadowed in *Defensor pacis*.

Appendix 1

LXIX^v – LXX^x: Nun volgen hernach etlich schlußreden / inn disem Auszug begriffen

LXIX ^v CONCLUSIO I. Zu der Seelenseligkait ist von nöthen / allain zuglauben / was die Goettliche Schrift sagt / und was derfelben gleichförmig und gemäß ift.	<i>Defensor pacis</i> , 3.2.1: Solam divinam seu canonicam scripturam, et ad ipsam per necessitatem sequentem quancumque ipsiusque interpretacionem ex cummuni consilio fidelium factam veram esse; ad eternam beatitudinem consequendam necesse credere, si alicui debite proponatur. Huius siquidem certitudo est et sumi potest 19 ^o secunde, ex 2 ^a in 5 ^{am} .	1. For the attainment of eternal beatitude it is necessary to believe in the truth of only the divine or canonic Scripture, together with its necessary consequences and the interpretations of it made by the common council of the believers, if these have been duly propounded to the person concerned. The certainty of this is set forth in, and can be obtained from, Discourse II, Chapter XIX, parapgraphs 2 to 5.
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II. Die Decretales oder Decreta der Römisch oder anderer Bischoff / die on bewilligung des menschlichen Gefatzgebers geordnet sind / mögen bey ainer zeitlichen straff niemants binden.	<i>Defensor pacis</i> , 3.2.7: Decretales vel decreta Romanorum aut aliorum quorumlibet pontificum communiter aut divisim absque concessione legislatoris humani *vel generalis concilii* constituta, neminem obligare pena vel supplicio temporali *nec spirituali*: [12 ^o prime, et 28 ^o secunde, 29 ^a .]	7. The decretals or decrees of the Roman or any other pontiffs, collectively or distributively, made without the grant of the human legislator, bind no one to temporal pain or punishment: Discourse I, Chapter XXII; Discourse II, Chapter XXVIII, paragraph 29
LXX ^c III. Kain Bischoff oder Priester / <i>in quantum huiusmodi</i> , hat uber kain gaiftlichen oder weltlichen / ob Er schon ain Ketzer wer / gar kain gewalt.	<i>Defensor pacis</i> , 3.2.14: Principatum seu iurisdictione coactivam supra quemquem clericum aut laicum, eciam si hereticus extet, episcopum vel sacerdotem in quantum huiusmodi nullam hebere: [15 ^o prime, ex 2 ^a in 4 ^{am} , 4 ^o , 5 ^o et 9 ^o secunde ac 10 ^o , 7 ^a .]	14. A bishop or priest, as such, has no rulership or coercive jurisdiction over any clergyman or layman, even if the latter is a heretic: Discourse I, Chapter XV, paragraphs 2 to 4; Discourse II, Chapters IV, V, IX, and X, paragraph 7.
IIII. Es gezimbt kainen Bischoff oder Priester / oder derselben Collegio / on ain gewalt des glaubigen Gefetzgebers / yemant in Bann zethun / oder die Göttlichen ämpter zuverbieten.	<i>Defensor pacis</i> , 3.2.16: Excommunicare quemquam absque fidelis legislatoris auctoritate ulli episcopo vel presbytero aut ipsorum collegio non licere: [6 ^o secunde, ex 11 ^a in 14 ^{am} , et 21 ^o secunde, 9 ^a .]	16. No bishop or priest or group of them is allowed to excommunicate anyone without authorization by the faithful legislator: Discourse II, Chapter VI, paragraphs 11 to 14; Chapter XXI, paragraph 9
V. All Bischoff haben onmittl durch Christum / ainen gleiche gewalt: Es mag auch durch das	<i>Defensor pacis</i> , 3.2.17: Omnes episcopos equalis auctoritatis esse immediate per Christum, neque secundum legem divinam convinci posse,	17. All bishops are of equal authority immediately through Christ, nor can it be proved by divine law that there is any superiority or subjection among them

(continued)

(continued)

Göttlich Gefatz nit erwifen werden / das Sy weder inn gaiftlichen noch weltlichen sachen /uber oder untereinander fein föllen.	in spiritualibus aut temporalibus preece invicem vel subesse: [15° et 16° secunde.]	in spiritual or in temporal affairs: Discourse II, Chapters XV and XVI.
VI. Durch den Göttlichen gewalt / mit bewilligung des menschlichen glaubigen Gefatzgebers / mögen die andern Bischoff fampftlich und fonderlich / den Babft felbs in Bann thun / und iren gewalt wider in gebrauchen.	<i>Defensor pacis</i> , 3.2.18: Auctoritas divina, legislatoris humani fidelis interveniente consensu seu concessione, sic alios episcopos communiter aut divisim excommunicare posse Romanum episcopum et in ipsum auctoritatem aliam exercere, quemadmodum e converso: [6° secunde, ex 11 ^a in 14 ^{am} , et 15° et 16° secunde.]	18. By divine authority, accompanied by the consent or concession of the faithful human legislator, the other bishops, collectively or distributively, can excommunicate the Roman bishop and exercise other authority over him, just as conversely: Discourse II, Chapter VI, paragraph 11 to 14; Chapters XV and XVI.
VII. Der Gefatzgeber mag sich der gaiftlichen güeter / nachdem Er den Priestern / kirchendienern / und den armen / ir notdurfft davon geraicht / nach dem Göttlichen Gefatz / zu dem gemainen nutz wol gebrauchen.	<i>Defensor pacis</i> , 3.2.27: Ecclesiastics temporalibus, expleta sacerdotum et aliorum evangelii ministrorum, et hiis que cultum divinum pertinent, ac impotentum pauperum necessitate, licite utilitatibus aut defensionibus uti posse legislatorem simpliciter et in parte: [15° prime, 10a, at 17° secunde, 16°, et 21° secunde, 14°.]	27. Ecclesiastic temporal goods which remain over and above the needs of priests and other gospel ministers and of the helpless poor, and which are needed for divine worship; can lawfully, in accordance with divine law, be used in whole or in part by the legislator for the common or public welfare or defense: Discourse I Chapter XV, paragraph 10; Discourse II, Chapter XVII, paragraph 16; Chapter XXI, paragraph 14.

Es möchten noch ander vil und nützlich Schlußreden aus dem yetzgemelten notdurfftiglich eingeführt werden / Wir wellen aber anderen erfettigt fein / Und disem Auszug ain endschafft geben. FINIS.	<i>Defensor pacis</i> , 3.2.42: Possent autem alie quamplures et utiles conclusiones ex prioribus diccionibus per necessitatem inferri quas tamen deduximus, contenti, sumus, quoniam ad predictam pestem cum ipsius causa succidendam facilem atque sufficiente prebent ingressum, et propter abbreviacionem sermonis.	42. We might infer many other useful conclusions which necessarily follow from the first two discourses; but let us be content with those deduced above, because they afford a ready and sufficient entering wedged for cutting away the afore- mentioned pestilence and its cause, and also for the sake of brevity.
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NOTES

¹ I wish to thank Peter Johanek and Mordechai Feingold for their advice and their extremely helpful suggestions.

² Izbicki, "The Reception of Marsilius," 308, 320. Contrary to the reading that places the early Latin printed edition of *Defensor pacis* in the context of the early Reformation, Leppin, "Den anderen aushalten," 29, places it in a humanistic and generally anti-papal context without particular relevance for Reformation issues. Yet, the fact that in the early Reformation and anti-Reformation discourses Marsilius's name is a well-established ecclesio-political combat term suggests otherwise.

³ Mueller von Westendorff, *Ain kurtzer Auszug des treffenlichen Wercks und Fridschirmbuchs Marsilij von Padua*. Now: *Fridschirmbuch*. The printed edition consists of a one folio dedication, ten folios *Vorrede*, and the abridged translation of seventy folios. The dedication and *Vorrede* folia are uncounted. For references to these sections I use Arabic numbers. The folios of the main text are enumerated in Roman numbers. Here, I refer to the print version's original folio count in Roman numbers in addition to chapters and sections. Unger, "Hans Kilians Drucke als Programm," 68.

⁴ Condren, *Status and Appraisal of Classic Texts*, 264; Gewirth, *Marsilius of Padua*, 301.

⁵ Henker, "Die Einführung der Reformation im Fürstentum Pfalz-Neuburg," 147.

⁶ *Fridschirmbuch*, "Dedication," fol. 1r: "Dieweil aber dieseligen Bücher etwas lang/vnnd vil dar Inn befunden/der dem Christenlichen Leser mer verdruff weder lufft oder nutz geben/ vnnd zu hinlegung oder lässigkait des gantzen wercks/verurfachen möchten/So hat mich fuer nützlicher angefehen/allain den

kern heraus zuziehen." Unless explicitly noted, all translations from the *Fridschirmbuch* are my own.

⁶ Ibid., fol. 1r–1v.

⁷ Unger, "Hans Kilians Drucke als Programm," 68, n. 22.

⁸ Kobolt, Art. "Müller oder Miller, Markus," 211.

⁹ Seitz, "Hans Kilian," 21.

¹⁰ Metzger, "Ein recht fürstliches Geschäft," 275. After the loss of Heidelberg to the Catholic League, Pope Gregory XV implemented the *Palatina* into the Vatican Library; only after the Congress of Vienna, at least the German manuscripts and prints returned to Heidelberg. Thus, the vast majority of books from the *Bibliotheca Palatina* are still in the Vatican Library.

¹¹ Stierkopf, "Ottheinrich," 53–56, quote, 56.

¹² Unger, "Hans Kilians Drucke als Programm," 62, 68.

¹³ Ocker, "The German Reformation and Medieval Thought and Culture," 13–46. Ocker rightfully highlights that associating the age of Reformation with modernity is an invention of the nineteenth century. See also Schottenloher, *Ottheinrich und das Buch*, 60–84.

¹⁴ Gotthard, "Fröhlich gewest," 73.

¹⁵ Henker, "Die Einführung der Reformation," 144; Gotthard, "Fröhlich gewest," 74.

¹⁶ Seibt, *Karl V.*, 161–63.

¹⁷ Gotthard, "Fröhlich gewest," 76–77, 83.

¹⁸ Brock, *Die evangelisch-lutherische Kirche der ehemaligen Pfalzgrafschaft Neuburg*, 7–41.

¹⁹ Henker, "Die Einführung der Reformation," 145, 148. Stierkopf, "Ottheinrich," 52.

²⁰ Ocker, "The Birth of an Empire of Two Churches," 49.

²¹ Gotthard, "Fröhlich gewest," 73–74. Indeed, Ottheinrich's transformation from a count who is primarily interested in feasting to an uncompromising supporter of the Reformation shows some attitudes one would today associate rather with a born-again Christian.

²² Marsilius von Padua, *Defensor Pacis*, ed. Scholz.

²³ *Fridschirmbuch*, fol. 1r–LXIXr.

²⁴ Ibid., fol. LXIXv–LXXr. Of the forty-two paragraphs on *Defensor pacis* 3.2, we find eight in the *Fridschirmbuch*, namely, *Defensor pacis*, 3.2.1, 3.2.7, 3.2.14, 3.2.16–18, 3.2.27, and 3.2.42.

²⁵ Marsilius of Padua, *Defensor Pacis*, trans. Gewirth.

²⁶ *Friedschirmbuch*, "Vorrede," 3, margin: "Die verachtung Gottes worts / ift ain unfach aller gegenwertigen ubel."

²⁷ Ibid., 5, 11–13. "Wo du nin den kopff hinstreckst / fo begegnen dir graufame / scheuliche / greuliche / unnd erbärmliche ding. Das find kriegt wider den alten / Der Baur wider den Edelman / Alle ding zerfpalten / zerbrochen / zervtrenet / duncken dic zu boden geen / Und ift zubeforgen / es werden noch andere vil mehr bechwerlichere und graufamer plagen hernachvolgen" (quote p. 5).

²⁸ Ibid., 15: “Hie aber haben wir alß bald zwayerlay folutiones oder vertädigung im vorrat / Die ain / Der Röm. Babst sey nit gebunden an die wort Pauli / Dann der minnder hab kain gewalt In den öbriften oder mereren. Die ander folution / das bede fchwert In allain zugehörig feyen. Und wiltu zum uberflus die dritte antwort hoeren / So gehören dem Babst alle ding zue / Dann Chriftus hat gefagt / Es ift mir aller gewalt geben Im Himmel und auf Erden. Aus den worten haben wir uns ain vollkommen gewalt heraufgegriffen / bede fchwert zu uns genommen / Die öbrigkeit uber die Concilia (Ja auch uber die heiligen Evangelia) zu geaignet / das Reich underthenig gemacht / und ain ewig herfchafft uber Kayfer und König erlangt.”

²⁹ Ibid., 20.

³⁰ See Koch, “Priestly Despotism,” 171–80.

³¹ Seibt, *Karl V.*, 108–9.

³² Koch, *Zur Dis/Kontinuität mittelalterlicher Theorie*, 107; Condren, “Marsilius of Padua’s Argument from Authority,” 212.

³³ *Fridschirmbuch*, chap. II, fol. IIr: “DAS wort Ecclesia ift ain Kriechifch wort / bedeut bey inen ain verfamlung ains Volcks / unter ainem Regiment begriffen: Alfo hat Ariftoteles Ecclesiam in Politicis verftanden / do er fagt: yed’man hat thail an der Ecclesia.” Cf. *Defensor pacis*, 2.2.2; *Defensor pacis*, 2.2.1 is omitted.

³⁴ Seibt, *Karl V.*, 108.

³⁵ For Marsilius’s discussion of the general council see *Defensor pacis*, 2.22–21. For a brief summary see Koch, “Marsilius of Padua on Church and State,” 171–77.

³⁶ Cohn, “The German Imperial Diets in the 1540s,” 26.

³⁷ Ibid., 32.

³⁸ *Fridschirmbuch*, chap. III, fol. IIIr: “Dass der Römifch Bifchof / den man Babst haiff / Oder ain and Bifchoff oder Priester / oder Diacon / kain Jurisdiction od gerichtszwang uber kain Pfaffen / Fürften / gemeinschafft / Collegium / oder fonder Perfonen / was wesen fy feyen / haben föllen.” Cf. *Defensor pacis*, 2.4.1. Interestingly, the rejection of *principatus* (rulership) has been omitted.

³⁹ *Fridschirmbuch*, chap. III, fol. Vr.

⁴⁰ Ibid., Chap. V., fol. X^v. Cf. *Defensor pacis*, 2.10.

⁴¹ *Fridschirmbuch*, chap. XI–XIII, fol. XXXIIv–XLIIIv.

⁴² Ibid., chap. XIII, fol. XLIIIv–LIr.

⁴³ Ibid., chap. XV–XVIII, fol. LIr–LXIXv.

⁴⁴ Ibid., chap. VI, fol. XIIIr: “Aber durch die raichung des Taufß hat Chriftus feinen Aposteln zuuerften geben / das jnen zuetee die adminiftration aller sacrament: Under denen das Sacrament der Bueß ift / durch welches der menschlichen Seele tödtliche und läßliche fchuld aufgetilget [...].” Cf. *Defensor pacis*, 2.6.2–4. Marsilius, however, locates the power to forgive mortal sins in divine grace.

⁴⁵ Ibid., chap. VII, fol. XXIv. Cf. *Defensor pacis*, 2.15.2. Mueller von Westendorff eliminates the direct references to *Defensor pacis* 1.6 and 1.7 but maintains the analogy to the political.

⁴⁶ Ibid., chap. VIII, fol. XXIIIv: “Es ift auch offenbar / dß ain and’ menschliche ordnung ift / durch welche ainer den and’n Priestern fúrgesetzt wirdet [...].” Cf. *Defensor pacis*, 2.15.9.

⁴⁷ Ibid., chap. X, fol. XXXv “Aus dem wil ich notdurfftklich einführen / das jnn den Gemainschafftten der glaubigen / dem Gesetzgeber allain / oder dem gemainen hauffen der glaubigen desselben orts / die ain Priisters notdurfftig / zugehörig sey zuerwelen / zubestimmen und zuüberantwortten / die personen / die zu dem geistlichen stand follen fürgenommen werden.” Cf. *Defensor pacis*, 2.17.9. See also Koch, “Priestly Despotism,” 178.

⁴⁸ *Fridschirmbuch*, chap. X, fol. XXXv. Cf. *Defensor pacis*, 2.17.1: “Nam si ad sacerdocium promoveatur perversus more vel ignorans aut utrimque deficiens, sicque curando et dirigendo fideli populo preferatur, ex eo periculum imminet populo mortis eterne atque civilium incomorum plurimorum [...]”

⁴⁹ *Defensor pacis*, 2.17.12.

⁵⁰ *Fridschirmbuch*, chap. X, fol. XXXIr.

⁵¹ Ibid., chap. X, fol. XXXIv.

⁵² *Fridschirmbuch*, chap. X, fol. XXXIv. Cf. *Defensor pacis*, 2.17.16.

⁵³ schlußreden, fol. LXXr. Cf. *Defensor pacis*, 3.2.27. See also Appendix 1.

⁵⁴ *Fridschirmbuch*, chap. X, fol. XXXIv: “das das glaubige volck durch das Göttlich gefatz verbunden sey / die Euangelischen Diener mit speiß und klaidung zuunterhalten / daran sy sich beniegen lassen follen.” Cf. *Defensor pacis*, 2.17.16.

⁵⁵ *Fridschirmbuch*, chap. X, fol. XXXIIr: “Das die obrigkait von den geistlichen güetern / fürnemlich aus den jierlichen nutz der liegenden stuck / fo etwas vber die vunderhaltung der Kirchendiener vberbleibt wol mit Gott vnd eeren ain steuer nehmen man / zu beschützung des vatterland / oder zuentledigung der gefangenen / oder sonst zu abwendung der gemainen beschwerd / nach gutachten ainer glaubigen vnd treuen Obrigkait.” Cf. *Defensor pacis*, 2.17.18.

⁵⁶ *Fridschirmbuch*, chap. X, fol. XXXIIr: “Daher ist in den Gefatzen der Römischen Kayser ain maß vnd form / wie man die Bischoff / Pfarrer / Dechant / vnd ander kirchendiener ordnen vnd weihen sol / geordnet, Es ist auch jr anzahl bestimpt vnd erörtert: Dann das gehört der weltlichen obrigkait zue. Also sind auch gefatz gemacht / wie man mit den zeitlichen güetern oder pfründen vmbgeen sol.” Cf. *Defensor pacis*, 2.17.17.

⁵⁷ Roy, *Secularism Confronts Islam*, 52.

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Part 3

Cusa and Philosophy Origins and Applications

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Cusanus's Philosophical Testament

De venatione sapientiae (*The Hunt of Wisdom*) (1462)

Donald F. Duclow

NICHOLAS OF CUSA (1401–1464) WAS A LEADING CHURCHMAN, philosopher, and theologian of the fifteenth century. The son of a boat owner and ferryman in Kues—today Bernkastel-Kues—on the Mosel River, he studied canon law at Padua and began a long and often controversial career. Milestones along the way included the Council of Basel, where his *De concordantia catholica* (1433–1434) defended the Conciliar Movement; a dramatic switch to the papal cause, and travel to Constantinople to accompany Byzantine representatives to the Council of Ferrara/Florence; successful work in Germany on behalf of Pope Eugenius IV against Basel's anti-pope, Felix V; appointment as Cardinal, and the legation tour through German-speaking lands (1451–1452); six tumultuous years as resident bishop of Brixen/Bressanone (1452–1458); and service in the Curia during his last years in Rome.¹ In the midst of this busy career, Nicholas wrote a series of speculative works, beginning with *De docta ignorantia* (1440) and ending with *De apice theoriae* (1464). These works reveal a restless, inquiring mind as Cusanus rethinks issues of human knowing, cosmology, mathematics, perspective, and religious tolerance. His core theme of “learned ignorance”—knowing that we cannot know God—required a “conjectural” view of thinking as always approaching truth without ever grasping it precisely. Consistent with this view, Nicholas recognized the limits of his own inquiries, and continually sought newer, more precise ways to speak of God. Hence, as F. Edward Cranz and Kurt Flasch have shown, we can follow the development of Nicholas's thought by attending to shifts in his vocabulary and arguments, and to what his writings and library tell us about his reading.² While this developmental approach is hardly novel for intellectual historians, more unusual is the material Cusanus gives us by self-consciously highlighting his own evolving views and insights. This process becomes especially clear in his intellectual autobiography, *De venatione sapientiae* (*The Hunt of Wisdom*), and suggests his place at the edge of modernity.

In his last years, Nicholas's vision and health were failing. As Erich Meuthen notes, he nearly died in June 1461, and gout pained him for last three years of his life.³ So it is not surprising that he worked to build his legacy. With his family's foundation—St. Nicholas Hospital in Kues⁴—nearly complete, he commissioned and corrected manuscripts of his works, which reside in his library at the Hospital and in the Vatican Library.⁵ Similar concerns for his reputation led him to write *De venatione sapientiae* late in the year 1462. In the Prologue he tells us,

My purpose here is to leave for posterity a summary record of my hunts for wisdom—which up until this present state of old age I have considered, on the basis of mental insight, to be quite true. For I do not know if perhaps a longer and better time for reflecting will be granted to me, since I have now passed my sixty-first year.⁶

Two related images would guide his efforts: wisdom as *sapida scientia*, the tasty knowledge that feeds the intellect, and philosophy as the *venatio* (hunt) for this food.⁷ Nicholas develops these venerable tropes in unusual detail throughout the book, as he maps out wisdom's three "regions"—eternity, the perpetual, and time—and revisits ten "fields" where he has hunted for it: learned ignorance, *Possest* or actualized possibility, *non-aliud* or not-other, light, praise, *unitas* (unity), equality, *connexio* (connection or union), *terminatio* (delimitation), and order.⁸ Of these fields, the first three refer to specific works, while the others are themes that have guided Cusanus's inquiries—for example, his favorite Trinitarian scheme of unity, equality and connection.

Yet this review is shaped by two complicating factors. First, Nicholas tells us that it has been prompted by his reading of Diogenes Laertius's *Lives of the Philosophers*.⁹ He had also read two recent translations that he had commissioned: Pietro Balbi's translation of Proclus's *Theology of Plato*, and George of Trapezunt's of Plato's *Parmenides*. Recalling the ancient philosophers' hunts for wisdom, he recounts his own modest catches and insights, "in order that more acute thinkers may be motivated to deepen their minds further."¹⁰ The second factor is that *De venatione sapientiae* does not simply review Cusanus's earlier writings and themes, but reframes them in light of a new principle: "*quod impossibile fieri non fit*"—"what is impossible to be made is not made" or "what is impossible to become does not become."¹¹ Nicholas uses this principle from Aristotle to advance the novel approach to possibility and potency that he began in *De possest* (1460). *De venatione sapientiae* thus has a complex agenda: it presents

Nicholas's intellectual autobiography, reflects on the ancient philosophers and their heirs— especially Proclus and Dionysius the Areopagite—and carries forward his own speculative agenda. Nicholas thus inserts himself into the history of philosophy with his fellow hunters for wisdom, and continues to pursue their common prey into still newer fields. Here we cannot deal with this entire project, but we shall highlight two strands within the work: 1) how Cusanus develops his thinking about the dynamics of possibility and potency, and 2) how he reads Plato, Proclus and Dionysius on God and the One. In the process, we shall observe Nicholas marking out his own place within an ongoing history of philosophy.

The Dynamics of *Posse*

Possibility and actuality, becoming and making, are central to *De venatione sapientiae*, as we see in the second field where Cusanus hunted wisdom: “*Posset*”—a name for God that he coined in the *Trialogus de posset* (1460). Fusing the infinitive “*posse*” (to be possible or able) and the verb “*est*” (is), the term is difficult to translate. Matthieu van der Meer suggests “the-possibility-to-be-is,” while Jasper Hopkins prefers “actualized-possibility.”¹² Yet “possibility” misses other connotations of “*posse*”: ability, capacity, potential, and power. So, I suggest that we avoid the translation issue and stay with Nicholas's paradoxical term “*Posset*.” His point is clear: like many of Cusanus's names for God, “*Posset*” places the divine prior to all distinctions, even those “between something and nothing, being and non-being, and prior to the difference between difference and non-difference.”¹³ It specifically emphasizes the coincidence of act and potency or possibility within God, who transcends and grounds this very contrast. For, as Nicholas tells us, “*Posset* is actually everything possible—*Posset est actu omne posse*.”¹⁴ Simply stated, *Posset* is all that can be. In *De posset*, Nicholas had emphasized that actuality precedes possibility, but also affirmed that “absolute possibility (*potentia*), absolute actuality, and the union (*nexus*) of the two are coeternal ... They are eternal in such a way that [they are] Eternity itself.”¹⁵ Within *Posset*, possibility, act and their coinciding union thus express the eternal Trinity. In their hunting, many philosophers avoided the field of *Posset* because they sought God among opposites, rather than “prior to a difference of contradictory opposites.” For them, the principle of non-contradiction became a “No Trespassing” sign closing off the field of the *Posset*, “where possibility-of-existing and actually existing do not differ—*ubi posse esse et actu esse non differunt*.”¹⁶

This had been Nicholas's complaint since the *Apologia doctae ignorantiae* (1449), where he lamented Johannes Wenck and the "Aristotelian sect's" refusal of the coincidence of opposites.¹⁷

As Nicholas rethinks *De possest's* scheme in *De venatione sapientiae*, he removes potency or possibility from the eternal Trinity, and describes it as created and perpetual. He introduces the discussion in chapter 2, where he cites Diogenes Laertius's life of Thales, "the first of the wise, [who] says that God is very ancient because he is unbegotten, and that the world is very beautiful because it is made by God."¹⁸ This broad claim leads Nicholas to consider how God shines forth in the world's beauty and order, and to ask himself about "the designer (*artificem*) of this very admirable work." Seeking a secure basis for his inquiry, he recalls a principle so certain that it is "presupposed and undoubted" by all philosophers: "*quod impossibile fieri not fit*—what is impossible to be made is not made."¹⁹ Nicholas finds this principle in Aristotle's *Physics*,²⁰ but uses it to explore possibility, becoming and making in ways that would have surprised Aristotle. Thales and Aristotle thus launch a distinctively Cusan hunt for wisdom.

Chapter 3 begins by stating the obvious: "Since what is impossible to be made does not come to be, nothing has been made or will come to be which was not or is not possible to be made."²¹ This tautology becomes more interesting when Nicholas sets it against another claim: "That which *is*, but which has been neither made nor created, neither was nor is possible to be made or created. For it precedes the possibility-of-being-made (*posse-fieri*) and is eternal, because it is neither made nor created and cannot be made other [than it already is]." Here we have *De venatione sapientiae's* key contrast between the *posse-fieri*—the potential or possibility of becoming or being made—and its "one absolute beginning and cause," which is so fully actual that "it is all that can be—*est omne quod esse potest*."²² All making presupposes the *posse-fieri*, which therefore cannot be itself "made (*factum*)."²³ But as a "passive potency," it can neither make itself nor bring itself to actual being.²³ It therefore requires a beginning or *principium*, and Nicholas says, "We speak of it as *created*, for it does not presuppose anything from which it exists, except its Creator."²⁴ The *posse-fieri* is created from nothing—*de nihilo*.²⁵ Here, the *posse-fieri* is no longer the co-eternal "absolute possibility" of *De possest*. Rather, Nicholas distinguishes between the creator as eternal and the *posse-fieri* as created and perpetual, having a beginning but no end. To complete the scheme, Cusanus says that the creator produces "all things subsequent to the *posse-fieri*" out of it. Although created, the *posse-fieri* thus functions like Aristotle's prime matter,

a reservoir of potential and possibilities.²⁶ Indeed, Nicholas says that Aristotle erred in claiming that *posse-fieri* has no *initium* (beginning).²⁷ He goes on to note how differently created things realize their potential. Celestial and intelligible things—the heavens and angels—fully exercise their specific, created capacities and are perpetual. Other creatures—like ourselves—are *not* all that they can become; these “are never constant, and perish ... They imitate perpetual things but will never attain them ... They are *temporal*, and are called earthly and perceptible things.”²⁸ Nicholas thus presents a three-part structure: 1) the fully actual and eternal Creator, 2) the perpetual *posse-fieri*, along with heavenly and angelic beings, and 3) the shifting, sublunary world of time where we dwell. He explains this structure in terms of enfolding and unfolding, *complicatio* and *explicatio*. Looking toward the eternal, Nicholas sees “Actuality itself (*ipsum actum*)” and “all things as *enfolding* in their absolute cause.” Gazing at “the everlasting and perpetual,” he sees the *posse-fieri* and within it “the nature of each and every thing as it ought to be made in accord with the perfect *unfolding* of the divine mind’s predestining.” Finally, looking into time, he perceives “that all things are *unfolded* in a succession, in imitation of the perfection of things perpetual.”²⁹

Since the *posse-fieri* runs like a thread through the whole fabric of *De venatione sapientiae*, we cannot trace it completely here. Let us look at only two sections. First, in chapter 10, Nicholas returns to Diogenes Laertius to discuss “How the wise name the *posse-fieri*.” Thales saw it in water, and Zeno the Stoic similarly focused on air as the medium between fire and water. But Nicholas objects that “the *posse-fieri* precedes all the elements and whatever has been made.”³⁰ Second, in the Epilogue, Cusanus recasts his three-part scheme into a hierarchy of powers and possibilities. He distinguishes 1) *posse-facere*, God’s power to make and create, 2) *posse-fieri*, the possibility and capacity for being made, and 3) *posse-factum*, potential or “possibility-made-[actual].”³¹ The fully actual creator God becomes the *posse-facere*, which Nicholas describes in a familiar litany: like *Possest*, it “is all that can be”; it is maximal and minimal; like the *non-aliud*, it cannot be other. Finally, “it is the efficient, formal or exemplary, and final cause of all things, since it is the delimitation (*terminus*)”—the ninth field of wisdom’s hunt—“and end of the *posse-fieri* and therefore of the *posse-factum*.”³² The *posse-facere* is, in a word, omnipotent. As such, it contains all that can be within itself “antecedently” or virtually, and “is present in all things” as their absolute cause. Since it alone creates the *posse-fieri* “from nothing” and sets its limits, the *posse-fieri* cannot perish and is perpetual.

Sketching the relation between the *posse-fieri* and the *posse-factum*, Nicholas says, “in all things that are made (*factum*), the *posse-fieri* is the respective thing which has been made, but in a different mode of being: in potency in a less perfect mode, and in actuality in a more perfect mode. Therefore, the *posse-fieri* and the *posse-factum* do not differ in essence. But the *posse-facere* ... is not essence, but the cause of essence.”³³

To illustrate this scheme, Cusanus takes the example of heat. In all hot things, the *posse facere calidum* or power-of-making-hot precedes the *posse fieri calidum*, the possibility-of being-made-hot; and from this possibility, it brings everything hot into actuality.³⁴ Citing Plato, Nicholas then says that “what we call fire ... is fiery or something on fire,” while “fire-*per-se* precedes, and is the cause of, every ignitable thing and everything that has been set afire.” Yet this fire-*per-se* is not simply an “Idea,” but rather—as Dionysius explained—“a likeness of the First Cause.” For Paul describes God as “a consuming fire.”³⁵ Cusanus signals his creative use of sources when he claims that Proclus, Aristotle and the Platonists—if their statements are “correctly understood (*sane intelligi*)”—confirm his analysis of the one cause and the order which unfolds from it.

Nicholas also explored these issues in *De ludo globi* (1462–1463), and returned to them in his last work, *De apice theoriae* (1464). Here he drastically simplifies *De venatione sapientiae*’s scheme by naming God and the “quiddity” of all things as *posse ipsum*—possibility, potential or power itself. As “*posse*” drops its qualifiers—*est*, *facere*, *fieri* and *factum*—its very simplicity attracts Nicholas. Because, he says, “nothing can be more powerful (*potentius*), earlier or better,” *posse ipsum* exceeds *Possest* and every other name for God.³⁶ In this compressed view, there are only *posse ipsum* and its appearances or manifestations. Commentators have noted the “dynamization” in Nicholas’s late works that culminates in *De apice theoriae*. As Peter Casarella notes, here “Cusanus achieves an outright reversal of the Aristotelian-Thomist priority of God’s actuality” over potentiality, which he had retained—with qualifications—in *De possest* and *De venatione sapientiae*.³⁷

Cusanus on Plato, *Unitas*, and History

Let us now look at another strand in the fabric of *De venatione sapientiae*: the Neoplatonic theme of the One or unity. Central to Cusanus’s history of philosophy is Plato. As Raymond Klibansky notes, *De venatione sapientiae* is Nicholas’s first work that shows his reading of the whole *Parmenides*

in the Latin translation that he had commissioned from George of Trapezunt.³⁸ So he no longer interprets Plato mainly through Proclus's eyes, but occasionally against him as well. For example, he tells us, "Plato affirmed that the First Beginning, God, is One through itself and Good through itself. And the beginnings of other things—namely, of being, of life, of intellect, and the like—he called being through itself, life through itself, intellect through itself; they are the beginnings and causes of existing, living, and understanding."³⁹ Nicholas then criticizes Proclus's handling of these issues. For in *The Theology of Plato*, Proclus correctly affirms "the first God of gods" to be "the one good (*unum bonum*)," but errs when he multiplies gods. He does so by considering the traditional triad of being, life, and intellect to be distinct "maker-gods (*conditorios deos*)."⁴⁰ The first of these, "the cause of beings," he calls "a second god, namely, the Creator-Intellect," which he identifies as "Jove, the king and ruler over all things."⁴⁰ Complicating matters further, Proclus

posits celestial and mundane gods and various other likewise eternal gods ... Nevertheless, at the head of all [these gods] he placed the God-of-gods, the universal Cause of all things. And so, those *attributes* which we ascribe to our good God—attributes which are different only in conception and not in reality—Proclus is seen to assert of different *gods*, because of different distinctions among the attributes.⁴¹

For Cusanus, Proclus thus mistakes the names or attributes of God for many gods. He traces this error to his basic assumption that "nothing is intelligible unless it actually exists ... And so, everything that is understood, he affirmed to [really] exist. Thus, he asserted to exist intellectually ... an intelligible man, an intelligible lion, and whatever else he saw to be abstract and free-of-matter."⁴² On these issues, Nicholas sides with Aristotle and the Peripatetics, who "recognize that conceptual being is constituted by our intellect and does not attain the status of real being."⁴³ They also have the advantage of not declaring the Good to be more ancient than being, but rather to affirm "that one, being, and good are interchangeable."⁴⁴ Yet Aristotle in turn errs by limiting the first cause's governing role to the heavens, rather than to the entire cosmos. As we have seen, Proclus gets this point right by affirming that Jove rules *all* things.

Later in the work Nicholas sharpens his critique of Proclus on these issues, saying that he "engaged in utterly futile efforts" (*supervacuos labores*) to describe many "eternal gods" and their complex relations to

“the one God of gods.”⁴⁵ This critique and its concomitant telescoping of Plato’s Ideas and the Neoplatonic triad of being, life and intellect into the Christian Godhead are a familiar story, going back at least to Pseudo-Dionysius.⁴⁶ But one more text will clarify Cusanus’s perspective on this story.

Discussing *De venatione sapientiae*’s sixth field, unity or oneness, Nicholas sees a common focus on transcendence and negation in Plato, Proclus and Dionysius the Areopagite. He tells us that Plato, by “denying all things of the One ... saw it ineffably before all things.” In the *Parmenides* he hunted for the One “by means of logic,” an approach that Proclus summarizes when he says that “those who believe Plato remain among negations.”⁴⁷ Explaining this negative turn, Cusanus again follows Proclus, noting that any “addition to the One contracts and diminishes the excellence of the One,” and in fact displays not the One, but its other or not-One.⁴⁸ The Cardinal here puts us on the familiar metaphysical turf of the *Parmenides*’s first hypothesis, but he also highlights the work’s dialectic. For, as Klibansky comments, Nicholas “is primarily interested in the dialogue as demonstrating the *process of thought* by which the mind approaches its highest object”—its “hunt for the One through logic.”⁴⁹ Cusanus then adds Dionysius’s negative theology to the mix. Imitating Plato, the Areopagite paradoxically claims that, when speaking about God, “Negations that are not privative assertions, but excellent and abundant affirmations, are truer than [simple] affirmations.”⁵⁰ Nicholas says that Proclus follows Dionysius in denying that the ineffable “First is one and good”—although we have seen Plato and Proclus himself affirm this elsewhere. Finally, Cusanus praises all three thinkers as “marvelous hunters (*mirandos venatores*)” of wisdom, whose writings merit close study.

In light of this passage, we cannot ignore the ghost in the room: Dionysius the Areopagite. As John Monfasani has shown, Nicholas knew the suspicions concerning the dating and authorship of the Dionysian corpus that emerged in Rome beginning in the 1450s.⁵¹ Lorenzo Valla challenged the works’ authenticity, but made no mention of their similarity to Proclus. Yet in Cusanus’s dialogue *De non aliud* (1462), Pietro Balbi—who was translating the *Theology of Plato*—asks the Cardinal to explain precisely these similarities. He replies, “It is certain that your Proclus was later in time than Dionysius the Areopagite. But it is *uncertain* whether he saw the writings of Dionysius.”⁵² Here Nicholas leaves open the question of his influence on Proclus. Balbi and the Cardinal then discuss the two thinkers’ similar statements placing the “existing one” after “the unqualifiedly

One,” and note Proclus’s reliance on Plato for this view. A year later in *De venatione sapientiae*, Nicholas reaffirms Dionysius’s apostolic dating, and states that Proclus—who cites Origen—comes later. In the passage cited above, Nicholas then makes the stronger historical claims that Dionysius “imitates” Plato and that Proclus “*sequendo* (follows)” Dionysius’s teaching. On this view, the Areopagite becomes a key intermediary between Plato and Proclus. We now know that Cusanus gets this chronology wrong, and with it his chain of readers and influence. Dionysius—now *Pseudo*-Dionysius—relies on Proclus, not the other way around.

Yet a curiously tangled and revealing web remains in Nicholas’s reading of these two thinkers. Werner Beierwaltes stresses that we cannot neatly separate Proclus from Dionysius in Cusanus’s thought and works. Indeed, he suggests that Nicholas unwittingly reads Proclus through the “mask” of Dionysius.⁵³ Yet we may also note that Nicholas uses Proclus to clarify and accent the Neoplatonic themes and structures within Dionysius’s writings. On this view, the two thinkers’ reciprocal influence on Cusanus, and what he makes of them, become more compelling issues than their scrambled chronology. For we can trace what Hans-Georg Gadamer calls their “effective history” (*Wirkungsgeschichte*)⁵⁴ in Cusanus’s commissioning of translations, his reading and marginal glossing, and his writing *De non aliud* and *De venatione sapientiae*. The latter work, indeed, calls attention to Nicholas’s reading of Plato’s *Parmenides*, Proclus and Dionysius within his broader history of philosophy. As Pauline Watts says, “What Cusanus himself is doing in *De venatione sapientiae*, giving his own individual interpretation of the interrelationship of various important pagan and Christian philosophers and theologians and of the historical developments they produce, is itself an enactment of his whole conception of *the historical nature of philosophy and theology*.”⁵⁵ In this respect, Nicholas shares the historical awareness that Eugenio Garin considers central for the Italian humanists.⁵⁶ This is hardly surprising since Cusanus moved in humanist circles from his student days in Padua through his later years in Rome, and adapted their attitudes and practices in his own projects. Early in his career his haunting of libraries and archives led him to discover twelve comedies of Plautus, and to judge the Donation of Constantine apocryphal.⁵⁷ He not only commissioned translations of Plato and Proclus, but also learned sufficient Greek to correct George of Trapezunt’s translation of Plato’s *Parmenides* against the Greek text.⁵⁸ These humanist habits inform *De venatione sapientiae* throughout. Its very title echoes the Renaissance quest for *prisca sapientia* (ancient or primal

wisdom), a search which mined ancient texts not for historical curiosities or isolated bits of useful doctrine, but for live items within a perennial tradition of unified truth.⁵⁹ This is the wisdom, the *sapida scientia* or tasty knowledge, that for Nicholas nourishes the intellect and leads to God. The work thus takes its start from Nicholas's reading of Diogenes Laertius's *Lives of the Philosophers*, which he folds into his own studies of Plato's *Parmenides*, Dionysius, and Proclus to trace a history of philosophy in the Platonic vein. As Cusanus negotiates this history, he gives it a strongly self-conscious turn by reviewing his own hunts for wisdom. For he adapts and criticizes not only earlier thinkers, but also his own previous conjectures and methods. He thereby inserts himself into this story, and makes the whole into a remarkably personal history.⁶⁰ Nor is this history simply retrospective, since *De venatione sapientiae* introduces the *posse-fieri*, which opens a new "field" for Nicholas's ongoing hunt for wisdom. Hence, as Wilhelm Dupré comments, for Cusanus "the philosophical tradition ... becomes the concrete starting point for a further development of thought."⁶¹ Further, Nicholas sees this development extending beyond himself, as he offers his book to future readers in the hope that it will stimulate "more acute thinkers ... to deepen their minds further."⁶²

This self-conscious historical turn has received little attention, although it fits well with Nicholas's views of knowledge, perspective, and creativity. In all these areas, Cusanus emphasizes human subjectivity—knowing that we don't know (learned ignorance); highlighting visual perspective and its limits; and viewing mathematics, measures and tools as creations of the human mind. Since Cassirer, this focus on subjectivity has fueled heated debates about Nicholas's place at the edge of modernity: is he "medieval" or "modern"?⁶³ While Cusanus's self-historicizing has not figured in these debates, it casts a peculiar light on them. For it clearly differs from the "modernity" of Descartes, who claimed to discard tradition and to ground philosophy in an ahistorical act of thinking, "*cogito ergo sum*." In contrast, Nicholas starts not with a clean slate, but in conversation with Plato, Dionysius and Proclus as partners in the hunt for wisdom. Philosophy is indeed an historical enterprise. But this turn suggests another, more recent strand of modernity or post-modernity: Gadamer's philosophical hermeneutics. Gadamer writes that "Real historical thinking must take account of its own historicity."⁶⁴ History is not just one damned thing or text after another, but requires that we acknowledge and rethink our own relation to the events and texts that we study. Hence, Gadamer writes, "The horizon of the past, out of which all human life lives and which exists in the form of tradition, is always in motion.

The surrounding horizon is not set in motion by historical consciousness. But in it this motion becomes aware of itself.”⁶⁵ Like the Renaissance pursuit of *prisca sapientia*, Gadamer sees continuity between early texts and their contemporary readers. But since tradition’s horizon continues to shift, he recognizes that understanding remains forever incomplete and open. Cusanus is aware of how “conjectural” his reading and thinking are. Hence we see him correcting himself and continually seeking more adequate names for God, as he moves from *De docta ignorantia*’s “Maximum” to “*Possest*,” “*Non-aliud*,” and “*Posse ipsum*.” This process bears fruit in *De venatione sapientiae*, where Nicholas reviews the fields where he and his forebears have hunted for wisdom.

Yet Cusanus may place himself so firmly within this continuing philosophical tradition that he pays little attention to the tensions between the texts he reads and his own perspective on them. Hence, he may fail Gadamer’s test of “guarding against overhastily assimilating the past to our own expectations of meaning.”⁶⁶ For example, he transforms Aristotle’s obvious dictum that “the impossible does not happen” into the *posse-fieri*, a principle central to *De venatione sapientiae*’s metaphysical scheme, which clearly differs from Aristotle’s. But even when Cusanus attends closely to his sources, he often takes them in new and idiosyncratic directions. Perhaps F. Edward Cranz gives us the most radical view of Nicholas’s creative reading. Discussing the late works, Cranz argues that “if Cusanus at the end accepts almost the whole of the philosophic tradition he does so only by translating it entirely into his own new terms.”⁶⁷ Dionysius the Areopagite becomes Cranz’s Exhibit A. While Nicholas praises no thinker more highly than Dionysius, “the greatest of theologians,”⁶⁸ the two men work with such different assumptions and goals that Cranz speaks of the “Cusanizations of Dionysius.”⁶⁹ Where Dionysius begins with beings and moves toward mystical union, Cusanus begins with meanings and intentions and moves toward an “absolute concept” and vision of the divine.⁷⁰ For Cranz these differences mark Cusanus not only as a self-aware “Renaissance” thinker, but also as continuing a major “reorientation” that began around the year 1100 when Western thought turned from thinking beings to thinking meanings and intentions.⁷¹ More conventional historians date this shift to late medieval nominalism and Quattrocento humanism. Within either scheme, Cusanus plays a pivotal and inevitably controversial role. Whether or not Cranz is right, he certainly forces us to re-examine the assumptions—what Gadamer calls “prejudices”—that drive our own readings of Cusanus, his sources, legacy and position at the edge of modernity.

NOTES

¹ For Cusanus's biography, see Meuthen, *Nicholas of Cusa*.

² Cranz, *Cusa and the Renaissance*, 1–18; Flasch, *Nikolaus von Kues*, passim.

³ Meuthen, *Nicholas of Cusa*, 136.

⁴ See Watanabe, *Nicholas of Cusa*, 355–62; Brösch, “Nachleben und Erbe,” 117–26.

⁵ After Cusanus's death, most of his personal library was sent to St. Nicholas Hospital in Kues, where Codices 218 and 219 contain his speculative works; see Brösch, “Nachleben und Erbe,” 126–28, and Marx, *Verzeichnis*, 212–17. The Vatican Library's Latin Codices 1244 and 1245 contain his sermons.

⁶ Nicholas of Cusa, *Opera omnia*, vol. 12, *De venatione sapientiae*, translated by Hopkins as *On the Pursuit of Wisdom* in *Complete Treatises*, vol. 2. Citations of *De venatione sapientiae* include chapter, section number in the *Opera omnia*, and page number in Hopkins, as here: Prologue.1.1280; translation modified. Cusanus's other works will be cited by chapter (where applicable) and section number in the *Opera omnia*. For an insightful commentary on *De venatione sapientiae*, see Miller, *Reading Cusanus*, 206–40.

⁷ Ibid., Prologue.1.1280. Hopkins obscures these images by translating “*sapida scientia*” as “wise knowledge,” and “*venatio*” as “pursuit.” On “*sapida scientia*,” see Nicholas of Cusa, *Opera omnia*, vol. 5, *Idiota de sapientia* 1.10–11; and *De venatione sapientiae*'s Editors' Note 3, pp. 149–50.

⁸ Nicholas of Cusa, *De venatione sapientiae*, 11.30.1298.

⁹ Written in the third century CE, Diogenes Laertius's *De vitis philosophorum* blends gossip biography and summary of teachings. Today Cusanus's manuscript of Ambrosio Traversari's Latin translation, with Nicholas's marginal comments, is in the British Library, Codex Harleianus 1347; see Flasch, *Nikolaus von Kues*, 603.

¹⁰ Nicholas of Cusa, *De venatione sapientiae*, prologue.1.1280.

¹¹ Ibid., 6.16.1283.

¹² van der Meer, “World without End,” 326; Nicholas of Cusa, *Opera omnia*, vol. 11, *De posset*, trans. Hopkins, *Complete Treatises*, 2: 914ff; Nicholas of Cusa, *De venatione sapientiae*, 13.34–36.1300–01.

¹³ Nicholas of Cusa, *De venatione sapientiae*, 13.35.1301.

¹⁴ Ibid., 13.36.1301.

¹⁵ Nicholas of Cusa, *De posset*, 6; Hopkins, *Complete Treatises*, 2:916.

¹⁶ Nicholas of Cusa, *De venatione sapientiae*, 13.38.1302; translation modified.

¹⁷ Nicholas of Cusa, *Opera omnia*, vol. 2, *Apologia doctae ignorantiae*, 7; see also 31: “Nam garrula logica sacratissimae theologiae potius obest quam conferrat.”

¹⁸ Nicholas of Cusa, *De venatione sapientiae*, 2.6.1283.

¹⁹ Ibid., 2.6.1283.

²⁰ Aristotle, *Physics*, 8.9.265^a19. Comparing circular and rectilinear motion, Aristotle says that only circular motion is infinite. An infinite straight line does not exist, but if it did, nothing could traverse it in motion, since “*the impossible does not happen*,” and it is impossible to traverse a distance without end.”

²¹ Nicholas of Cusa, *De venatione sapientiae*, 3.7.1283–84; translation modified.

²² Ibid., 3.7.1284.

²³ Ibid., 7.17.1290.

²⁴ Ibid., 3.8.1284; emphasis added. See Brüntrup, *Können und Sein*, 75–83; and Hopkins, “Die sieben Paradoxen,” 75–77.

²⁵ Nicholas of Cusa, *De venatione sapientiae*, 39.119.1350.

²⁶ See van der Meer, “World without End,” 331–32; Manzo, “*Possibilitas – Materia*,” 198.

²⁷ Nicholas of Cusa, *De venatione sapientiae*, 9.26.1295.

²⁸ Ibid., 3.8.1284.

²⁹ Ibid., 3.8.1285; emphasis added. See ibid., 11.30 listing Wisdom’s three “regions:” eternity, the perpetual, and time.

³⁰ Ibid., 10.27.1296.

³¹ Ibid., 39.115.1349. See Miller, *Reading Cusanus*, 208–11.

³² Ibid., 39.115.1350; translation modified.

³³ Ibid., 39.116.1350.

³⁴ Ibid., 39.118.1351.

³⁵ Ibid., 39.119.1352; citing Heb. 12:29.

³⁶ Nicholas of Cusa, *Opera omnia*, vol. 12, *De apice theoriae*, 5; Hopkins, *Complete Treatises*, 2:1424.

³⁷ Casarella, “Power of the Possible,” 27. See Brüntrup, *Können und Sein*, 124–26; and Duclow, *Masters*, 250–53.

³⁸ Klibansky, “Plato’s *Parmenides*,” v–vi, 27–8.

³⁹ Nicholas of Cusa, *De venatione sapientiae*, 8.20.1292.

⁴⁰ Ibid., 8.21.1292; translation modified. Yet, in the next chapter (9.24.1294), Nicholas notes with approval that the Platonists call the divine Word a “Maker-Intellect,” which Proclus describes as “the Only Begotten and the Lord of all things.” See Proclus, *Théologie Platonicienne*, Book 5, pp. 14–20. Subsequent citations to Proclus include book number, section number, and page number. See also Nicholas’s marginal gloss to Proclus, *Théologie Platonicienne*, 5.20.73: “nota totum de conditorio intellectu, quem dicit vnigentum et simulacrum perfecti dei/ regem vniversi et regem regum” (*Marginalien*, 366, pp. 105–6). See also D’Amico, “Nikolaus von Kues,” 59–60.

⁴¹ Nicholas of Cusa, *De venatione sapientiae*, 8.21.1292–93; translation modified and emphasis added.

⁴² Ibid., 8.21.1293.

⁴³ Ibid., 8.22.1293. Cusanus’s editors trace this analysis not to Aristotle or his ancient commentators, but to the “*sapida scientia*” and William of Ockham (*Quodlibet* 3, q. 3).

⁴⁴ Nicholas of Cusa, *De venatione sapientiae*, 8.22.1293. However, Plato describes the Good as more ancient than being (*Rep.* 508e).

⁴⁵ Ibid., 21.62.1317.

⁴⁶ See Gersh, *Iamblichus to Eriugena*, 153–67. In contrast, Eric Perl argues for a close fit between Proclus and Dionysius’s metaphysics; see Perl, *Theophany*, 65ff.

⁴⁷ Nicholas of Cusa, *De venatione sapientiae*, 22.64.1318; translation modified.

⁴⁸ Ibid., 22.64.1318. See Proclus, *Théologie platonicienne*, 2.10.63.

⁴⁹ Klibansky, "Plato's *Parmenides*," 32; emphasis added.

⁵⁰ Nicholas of Cusa, *De venatione sapientiae*, 22.64, my translation following the *Opera omnia*: "negationes, quae <non> sunt privationes, sed ... affirmationes." Hopkins's translation (1318–19) alters the text to read "negations that are not privative assertions but ... [negative assertions]"—which erases the passage's dialectic and paradox. See Dionysius, *Mystical Theology* 1, 2 (PG 3, 1000B); Nicholas of Cusa, *Opera omnia*, vol. 10, *De principio*, 34: "Affirmatio melius est in negatione, cum negatio sit eius principium"; and Eckhart, *Expositio*, n. 207, p. 175.

⁵¹ Monfasani, "Pseudo-Dionysius," 197–204. Cusanus's manuscript of Traversari's translation of Dionysius (Cod. Cus. 44, fol. 1^v; Marx, *Verzeichnis*, 39–40) contains his note stating that Ambrose, Augustine, and Jerome do not mention Dionysius, while (pseudo-)Athanasius, John Damascene and Gregory the Great cite him (Monfasani, "Pseudo-Dionysius," 203–4; *De venatione sapientiae*'s Editors' Note 10, p. 155).

⁵² Nicholas of Cusa, *Opera omnia*, vol. 13, *De non aliud*, 90; trans. Hopkins, *Complete Treatises*, 2:1151, emphasis added.

⁵³ Beierwaltes, "*Centrum Totius Vite*," 633–34. See also Riccati, "La Presenz di Proclo," 23–38; and Cranz, *Cusa and the Renaissance*, 95–108.

⁵⁴ Gadamer, *Truth and Method*, 267–74.

⁵⁵ Watts, *Nicolaus Cusanus*, 209; emphasis added.

⁵⁶ Garin, *Italian Humanism*, 14–15. For example, Lorenzo Valla viewed history "as the synthesis of all branches of knowledge" (Garin, *Italian Humanism*, 54–5), and Giovanni Pico della Mirandola's wide-ranging search for "concord" among texts and traditions "amounted to something like a critical history of philosophy" (Garin, *Italian Humanism*, 106–7).

⁵⁷ See Watts, *Nicolaus Cusanus*, 3–4; Watts, "Renaissance Humanism," 174; Meuthen, *Nicholas of Cusa*, 28. Nicholas rejects the Donation of Constantine in *Opera omnia*, vol. 14, *De concordantia catholica* 3.2.294–301; trans. Sigmund, 216–19. Finding no evidence in early texts, Nicholas considers the story that "Constantine gave the Western Empire to the Roman pontiff Sylvester" to be "invented and false." This critique may have influenced Lorenzo Valla's *De falsa credita et ementita Constantini Donatione* (1440).

⁵⁸ Monfasani, "Cusa, the Byzantines, and Greek Language," 223–24.

⁵⁹ See Leinkauf, "*Prisca scientia* vs. *prisca sapientia*," 135–42.

⁶⁰ See Flasch, *Nikolaus von Kues*, 605. This history is selective even in terms of Nicholas's own readings and concerns. It sets aside theological themes like Christology, and does not mention his principal medieval sources: Thierry of Chartres, Raymond Lull, and Meister Eckhart (Flasch, *Nikolaus von Kues*, 622). Following Diogenes Laertius, it focuses on Nicholas's "ancient" sources.

⁶¹ Dupré, "Aufbau," in Nicholas of Cusa, *Philosophisch-Theologischen Schriften*, 1: xxxi.

⁶² Nicholas of Cusa, *De venatione sapientiae*, Prologue.1.1280; see also 39.124.1354.

⁶³ See Cassirer, *Individual and Cosmos*; Cubillos, "Nicholas of Cusa," 239–49; Gadamer, "Cusanus and the Present"; and Moore, *Kairos of Modernity*.

⁶⁴ Gadamer, *Truth and Method*, 299.

⁶⁵ Ibid., 303.

⁶⁶ Ibid., 304.

⁶⁷ Cranz, *Cusa and the Renaissance*, 58.

⁶⁸ Cusanus, *De non aliud*, 14.54: "Dionysius, theologorum maximus." See also Nicholas of Cusa, *De venatione sapientiae*, 30.89–90.1334, where Nicholas speaks of Dionysius as "keener (*acutior*) than all others," and quotes *De divinis nominibus* 7.3 (PG 3, 870C–871B) as "containing very fully the entire pursuit of that divine man" (*illius divini viri*). He often speaks of "divinus Dionysius": *Apoloogia*, 13; Nicholas of Cusa, *De venatione sapientiae*, 41.1304 and 94.1337.

⁶⁹ Cranz, *Cusa and the Renaissance*, 143. See also Casarella, "Cusanus on Dionysius," 146: "In the end, Cusanus sees the [Dionysian] *corpus* through the lens of his own program of learned ignorance."

⁷⁰ See Cranz, *Cusa and the Renaissance*, 111: "Dionysius starts from a symbolic structure of beings and knowings, and he moves to the Ground as the Beyond which is above beings and knowings and which guarantees them. Cusanus starts from a symbolic structure of meanings and intentions, and he will eventually move to an Absolute which is beyond meanings and intentions and which guarantees them." And p. 129: "Dionysius thought that the Ground could come into human experience only through union; Cusanus finds that man becomes directly aware of it through intellectual vision, even if one beyond comprehension." For a different view of Cusanus on language, thought, and things, see Gadamer, *Truth and Method*, 432–36.

⁷¹ See Cranz, *Reorientations*, especially Article 9, pp. 14–17.

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Peter Abelard, Anselm of Havelberg, and Nicholas of Cusa

Sources of an Ecumenical Tradition

Constant J. Mews

NICHOLAS OF CUSA LOVED COLLECTING BOOKS. Yet, while he very likely became aware of the technological revolution initiated by Johannes Gutenberg in Mainz in 1452 (and his assistant, Giovanni Andrea de' Bussi, would direct the first publishing house in Italy), his personal library comprised books in manuscript rather than in print.¹ The catalogue of the manuscripts that he bequeathed to the hospital he established at Cusa testifies to the remarkable range of his intellectual interests.² In this essay, I focus not so much on the thought of Nicholas himself, as on certain twelfth-century authors who laid foundations that Nicholas would develop and interpret in his own way. He was fascinated by the ideal of how concord might be established in the light of reason and providence. While it is common to identify Nicholas as a renaissance figure who broke with scholastic tradition, close analysis of his ideas shows that he was unusually aware of less well-known currents of thought in the twelfth century. As Thomas Izbicki has emphasized, Nicholas of Cusa was not just a philosopher and theologian, but a reformer profoundly concerned with ecclesiology and society.³ The issue of how to identify concord was as much an issue in the twelfth century as in the fifteenth, even not with the same range of resources as available to Nicholas within his library. While it is non-commercial to define the renaissance in terms of the rediscovery of classical authors, the books owned by Nicholas of Cusa remind us that the intellectual renaissance of the fifteenth century was also shaped (particularly in northern Europe) by recovery of less well-known authors of the twelfth and thirteenth century, whose writings did not gain authority within a standard scholastic curriculum.

The surviving books in Nicholas's library demonstrate great familiarity with the major Latin theological authors of the patristic and medieval period. The catalogue, drawn up in 1905, reveals that it had four volumes of Augustine (nos. 31–35), one of Anselm (no. 61) and Peter Lombard (no. 66), three of Thomas Aquinas (nos. 72–74), and

of Bonventure (nos. 75–77). Yet he also owned translations, some quite recent, of various Greek Fathers, including Chrysostom (nos. 46–47) and above all of Dionysius the Areopagite (nos. 43–45). His library also had copies of the *Scivias* of Hildegard of Bingen (no. 63), the *Opus tripartitum* of Meister Eckhart (no. 21), and seven volumes of the writings of Ramon Lull (nos. 82–88).⁴ Nicholas even sought out rare texts about Islam, including a Latin translation of the Quran (no. 108).⁵ He was interested in John of Piano Carpini's account of the Tartars (no. 203). In this sense, his library demonstrates his desire to come to terms with recognition of cultural difference.

In many ways, the intellectual interests of Nicholas were fully medieval. While he owned and appreciated various Latin writings of Petrarch, including his *Liber de sui ipsius et multorum ignorancia* (nos. 198–200), an influence on his own *De docta ignorantia*, his library did not include Cicero, but did contain many works of Aristotle (nos. 182–84) as well as other texts shaped by Platonic tradition, such as the *Consolation of Philosophy* of Boethius, preserved with a commentary from the early twelfth century that mentions a master Manegaldus (no. 121). More unusual, however, was that he owned many writings of Plato himself, including his *Phaedo*, *Apology of Socrates*, *Crito*, *Axiochus*, *Meno*, and *Phaedrus*, recently translated by Leonardo of Arezzo (no. 177), as well as the commentaries of Proclus on Plato (nos. 185–86), and heavily Platonic writings like those of Avicenna (nos. 205, 298–300) and the *Liber de causis*, attributed to Aristotle (no. 195). Nicholas's intellectual interests embraced both theology and philosophy, including some of the most innovative currents of thought in the twelfth and thirteenth centuries. He also collected texts on medicine (nos. 222, 296–309), astronomy (nos. 207–16), and had a very large collection on civil and ecclesiastical law (nos. 223–95), vital for his own commitment to religious and ecclesiastical reform.

In singling out Nicholas's debt to Thierry of Chartres, David Albertson picks up on a discovery, first made by Pierre Duhem, that Nicholas was particularly interested in the Platonic (and more particularly Pythagorean) elements of Christian thought formulated in the first half of the twelfth century by Thierry of Chartres in a commentary on the six days of creation. Thierry's writings were never widely copied in the twelfth and early thirteenth centuries.⁶ Nicholas never referred to Thierry by name and we do not possess the precise copy he used, although he may well have used a summary (*Fundamentum naturae*) of Thierry's ideas to which he had access when composing his *De docta ignorantia* in around 1440.⁷

The difficulty with singling out the influence of Thierry of Chartres by name is that it tends to privilege debt to an abstract Platonist tradition such as the “the school of Chartres,” when this concept is itself highly contested. The so-called mathematical analogy of the Father, Son, and Holy Spirit as like unity, equality, and connection, was one that originally had been mentioned in passing by Augustine in his *De doctrina christiana*, but would be developed by both Thierry of Chartres and Nicholas.⁸ While Thierry was certainly an original thinker, fascinated by the challenge of bringing together Platonic ideas as formulated in the *Timaeus* (on which his brother, Bernard, wrote an important commentary in the early twelfth century), I would suggest he was only one of a number of twelfth-century authors who offered Nicholas an opportunity to depart from the more stultifying aspects of scholastic theology, as defined by Peter Lombard and his interpretation of the teaching of Augustine.

Nicholas of Cusa and Peter Abelard

A contemporary of Thierry who deserves attention as attracting the interest of Nicholas is Peter Abelard, whose copy of the controversial *Theologia “Scholarium,”* once in the library of the hospital at Cusa, now in the possession of the Capuchin Friars in Koblenz-Ehrenbreitstein (*K Archivbibliothek des Provinzialiat der Rheinische-Westfälische Kapuzinerprovinz*, cod. 1), has largely escaped scholarly attention. The only exception to this is a short paper by Rudolf Haubst, who suggested that this text could have influenced certain parts of the *De pace fidei* and *De visione Dei*, both written in 1453.⁹ The codex, which seems to date from the mid fifteenth century, contains two separate sections, one (fols. 3–97v) containing Bonaventure’s *Collationes in Hexameron*, the other (fols. 104–64v) Abelard’s *Theologia “Scholarium,”* without identification of its author.¹⁰ From a textual point of view, *K* does not offer anything of particular value for establishing the text of Abelard’s *Theologia* and so its variants were not included in the critical edition. From the perspective of Cusanus studies, however, the manuscript deserves attention because of what it reveals about the interest of Nicholas in Abelard’s treatise. Unknown to Haubst is the fact that *K* contains every variant (and a few more) found in another manuscript of the *Theologia “Scholarium,”* that once belonged to the cathedral school in Magdeburg (*M* Berlin, Deutsche Staatsbibliothek, Magdeburg 34).¹¹ Because the scribe of *M* includes the date *Mcccclii in die septem fratrum* (11 July 1452) on fol. 283v, he must

have copied the *Theologia "Scholarium"* (on fols. 193–261v) before this date. This manuscript was one of many copied after the destruction of the Magdeburg cathedral library by fire in 1450, from books preserved in neighboring libraries. Most of the authors copied into the first part of *M* (fols. 1–192v) are classics of high scholasticism: Alan of Lille, Thomas of Augsburg (circulating as Aquinas), and Aquinas himself, while the second section (fols. 193–416) contains an anonymous copy of the *Theologia "Scholarium."* The conclusion must be that Nicholas of Cusa, who was appointed papal legate in 1451 with a mission to reform the church in Germany, became aware of the *Theologia "Scholarium"* in *M* and had a second copy made for himself, in order to acquire copies of both this text and Bonaventure's *Collationes*. The combination of Abelard and Bonaventure in *K* itself attests to the range of Nicholas's intellectual interests, and a desire to distance himself from the major scholastic authors copied into *M*. I shall argue that Nicholas incorporated certain ideas from Abelard in that remarkable group of writings which he produced in 1453. I shall also suggest that the manuscript of Abelard's *Theologia* from which *M* and *K* derive, is textually related to a copy owned in the twelfth century by a reform-minded bishop of Havelberg (in the archdiocese of Magdeburg), whose interests in religious parallel those of Nicholas of Cusa, who himself became papal legate in Germany in 1450, charged with implementing the cause of religious reform.

The nine annotations that Nicholas makes to Abelard's *Theologia* reflect an intelligent awareness of its most important themes.¹² Two occur at the beginning of the section in which Abelard introduces philosophical testimony about the trinitarian nature of God as supreme good. In his *Sentences*, completed in the 1150s, but still authoritative within scholastic theology in the fifteenth century, Peter Lombard had certainly absorbed certain of Abelard's techniques of evaluating discordant testimonies about the Trinity, but avoided any allusion to philosophical testimony to support Christian doctrine, such as the notion that Plato's idea of a world soul in the *Timaeus* might refer to the Holy Spirit. Nicholas was particularly interested in how Abelard interpreted the key passage of St. Paul about philosophers' natural knowledge of God in Romans 1:20 (in the Douai version: "For the invisible things of him, from the creation of the world, are clearly seen, being understood by the things that are made; his eternal power also, and divinity: so that they are inexcusable"). Whereas Paul (and following him, Augustine) had emphasized the moral failing of certain philosophers, Abelard glossed the passage in a more positive way, saying that "the reason

itself of philosophy” coupled with “the sobriety of a most continent life” led to their capacity to understand that God was one.¹³ His annotation on fol. 114va, “Tully, that the philosophers posit one God” (Tulius, quod philosophi unum deum ponant) draws attention to a passage identified by Abelard in the *De inventione* (widely assumed to be by Cicero), claiming that philosophers did not think there were a multitude of gods. Abelard left out the words about this being a probable opinion.¹⁴ Scrutiny of databases of Latin texts reveals that no Christian thinker before or after Abelard had picked up the potential relevance of this passage of Cicero. The only exception is that of Nicholas of Cusa who argued in a passage within his *De pace fidei*, completed in 1453 (without alluding to the authority of Cicero or Abelard): “At no time have philosophers ever been found to have sensed otherwise that it was impossible for there to be many gods over which one was not exalted.”¹⁵

Nicholas also added a note on fol. 115rb “Jerome on behalf of the philosophers” (Ieronymus pro philosophis) to a passage in which Abelard had found a passage in Jerome’s Commentary on Matthew, interpreting the parable of the good and bad servants as about those who followed the good life of the gentile philosophers rather than those who squandered that life. This was in fact a slight distortion of Jerome, who actually said that it could illustrate the good life of gentiles and philosophers, while also referring to those who did not live up to their ethical ideals.¹⁶ It was a little-known passage that may well have struck Nicholas as offering a more positive apology for the potential of philosophers than traditionally assumed of Jerome.¹⁷

Nicholas also indicated his interest in Abelard’s discussion of a philosophical understanding of how God the Son might be eternally generated from God the Father with a note on fol. 113va: “how the nativity of anything is eternal” (quomodo cuiuslibet nativitas est aeterna). Nicholas highlights a passage of Abelard about how the Word of God did not just begin with the birth of Jesus in Jerusalem, but rather was eternal because it had been seen from eternity.¹⁸ This theme of the eternity of the Word is one that Nicholas includes in his *De visione Dei*, completed on 8 November 1453, even though he goes much further than Abelard in reflecting on how God could be seen beyond the coincidence of apparent opposites.¹⁹

Nicholas also singles out part of Abelard’s discussion about God’s will in the third book of the *Theologia* with a note on fol. 151ra “Note the two-fold will” (Nota duplex velle), when Abelard explains that the phrase “God does whatever he wills” (Ps 93:5) refers to a different kind of will

from the phrase “God wants all to be saved” (I Tim 2:4).²⁰ One refers to his ordinance (which Abelard understands as implying that God cannot act differently from the way he does, namely according to reason), while the other refers to God’s desire, not always followed out, because people could choose their own destiny. Again, it is a core theme of the *De pace fidei* of 1453 that humans always have the free will to choose their destiny. While Abelard did not provide Nicholas with his definition of God as an infinite circle whose center was everywhere, his teaching that God could not act other than he did, namely according to reason, reflects a theological perspective with which Nicholas resonated.

Nicholas also singled out a number of passages in the *Theologia “Scholarium”* in which Abelard insisted on his teaching on the concordance between many teachings of the Platonists with those of the catholic faith.²¹ Thus, on fol. 123vb, he adds the note *De platonicis* to highlight Abelard’s quotations from Augustine’s *City of God* and *Confessions*, in which he highlighted how Augustine often spoken positively of Platonist writings, countering those other passages in which the bishop of Hippo highlighted the gulf between the Platonists and Scripture. A little further on, Nicholas adds in the margin of fol. 124ra *libro IIo de doctrina Christiana* and then (on fols. 124rb and 124va) *Nota!* to signal passages in Augustine that highlight his debt to Plato. Unlike so many medieval scholastics, Nicholas of Cusa never studied theology at Paris. Rather, he studied at Cologne, where he absorbed from his own teacher Haimeric de Campo (ca. 1395–1460) Platonist traditions transmitted by Albert the Great and Eckhart. In Abelard’s *Theologia* he was discovering an early strand of Platonic Christianity in the twelfth century before Peter Lombard effectively eliminated any reference to the authority of Plato in the teaching of theology.

Abelard’s *Theologia “Scholarium”* and Anselm of Havelberg

The idea that there might be different ways of acknowledging one faith had been mentioned very briefly by Gregory the Great in a letter to his friend, bishop Leander, “that in one faith, is different custom is in no way harmful to the Holy Church.”²² This phrase would be quoted by Peter Abelard in his *Sic et Non*, from where it would be quoted in Gratian’s *Decretum* and Peter Lombard’s *Sentences*.²³ Yet neither Gratian nor Peter Lombard would develop this remark into a systematic exploration of the relationship between Latin and Greek definitions of orthodox faith.

Peter Abelard's comparison of Latin and Greek theologies of the Trinity went much further than that of any previous author with the possible exception of St. Anselm.²⁴ Peter Abelard's *Theologia "Scholarium"* never circulated widely, however, in the medieval period. The controversy provoked by the work in 1141, when Bernard of Clairvaux influentially condemned it as heretical, was such that it circulated in very few manuscripts. There survive only five known copies of the *Theologia "Scholarium,"* three from the twelfth century (London, British Library Royal 8.A.I; Douai, Bibl. mun. 357, from the abbey of Anchin; Paris, BnF, Bibl. de l'Arsenal 265, from Saint-Victor), one from the mid fourteenth century (Oxford, Balliol College 296), and one from the early fifteenth century (Paris, BnF lat. 14793), copied by Simon de Plumetot (1371–1443), himself a remarkable humanist, who bequeathed his entire library ca. 1440 to Saint-Victor.²⁵ Rather like the writings of Thierry of Chartres, texts by Peter Abelard were hard to come by, even in the mid fifteenth century. This makes it all the more interesting that, just as Nicholas of Cusa was embarking on a new administrative phase in his career, taking up in 1452 his appointment as bishop of Brixen (Bressanone), where his attempts at implementing reform would encounter severe resistance, he encountered Abelard's *Theologia "Scholarium."*

One figure who has not been studied as transmitting awareness of the *Theologia* of Peter Abelard is Anselm of Havelberg (ca. 1100–1158), a bishop whose fascination with accepting religious diversity deserves to be compared with that of Nicholas of Cusa.²⁶ In the introduction to the critical edition of Abelard's *Theologia "Scholarium,"* I observe a series of significant textual parallels between the part of the *Theologia "Scholarium"* about the contrast between Latin and Greek views of the Holy Spirit and the text of the *Antikeimenon* of Anselm of Havelberg (ca. 1100–1158). Anselm was a remarkable reform-minded bishop of the twelfth century, whose interests could be said to presage those of Nicholas of Cusa in the fifteenth century.²⁷ In brief, Anselm was an early disciple of Norbert of Xanten, archbishop of Magdeburg (1126–1134), but developed his interest in religious diversity after being sent to Constantinople in 1136, where he engaged in conversations with Nicetas of Nicomedia. Anselm's *Antikeimenon* or *Dialogi* had no influence in the twelfth century, but survives only in manuscripts, one copied in Freising in 1437, another from the sixteenth century. The writings of Anselm of Havelberg were like those of Abelard in that they were rediscovered in the fifteenth century by humanist minds keen to go beyond the scholastic orthodoxies of a previous generation.²⁸

There has been occasional recognition of parallels between the thought of Anselm of Havelberg and Peter Abelard with regard to the recognition of plurality of perspectives within the church.²⁹ It has not been realised, however, that Anselm was directly familiar with the text of the *Theologia "Scholarium"* in his *Antikeimenon*, written 1147–1149, but recalling debates in Constantinople from a decade earlier. Anselm studied in Liège, but is not known to have spent time in Paris. Anselm's interest in Abelard is all the more intriguing given that his mentor, Norbert of Xanten, was identified by Abelard as an ally of Bernard of Clairvaux and a critic of his teaching. Anselm could have obtained a copy of Abelard's *Theologia* from sympathetically minded cardinals, like Guido di Castello (who became the short-lived Celestine II in 1143–1144).³⁰ In any case, Anselm withdrew to Havelberg to write the *Antikeimenon* between 1147 and 1149, drawing on his experiences to provide theological justification of his vision of how the Holy Spirit governed one church, but in many different ways.

Nicholas of Cusa, Anselm of Havelberg, and Peter Abelard

While there is no firm evidence that Nicholas of Cusa came across the *Antikeimenon* of Anselm of Havelberg, it is a remarkable coincidence that the earliest-known manuscript of that work, produced at Freising in 1437, was prepared in the same year as Nicholas was sent to Constantinople to seek reconciliation of the Greek and Latin churches. Four years earlier he had written his *De concordantia catholica*, asserting the conciliar cause about the importance of consent and representation. His experience in Constantinople provoked his writing in the 1440 *De docta ignorantia*, while he was working in his first spell as papal legate in Germany (1438–1448). Administrative duties did not prevent Nicholas from being extraordinarily productive during these years, a period that culminated in his being appointed Cardinal in 1448 and then sent to Germany again in 1451 to reform the church. It is in this period, I suggest, that he came across a copy of Peter Abelard's *Theologia "Scholarium"*, perhaps discovered in the process of replacing the library of Magdeburg cathedral, destroyed by fire in 1450. On the eve of Gutenberg's printing of the Bible, libraries were still constituted by handwritten books.

In his *Antikeimenon* Anselm of Havelberg anticipates the concerns of Nicholas of Cusa about overcoming diversity, but, in the twelfth

century, this was understood only through the divergences between different forms of Christian life:

Behold the one body of the church is seen to be vivified by the one Holy Spirit, who is unique unto himself and multiplied in the diverse distribution of his gifts. Truly this body of the church, vivified by the Holy Spirit and divided and separated through its different members in different ages and times, begins with the just Abel and is consummated in the last of the elect, always one in the one faith, but greatly separated by the manifold variety of ways of living.³¹

Anselm of Havelberg was not particularly interested in those philosophical aspects of the *Theologia "Scholarium"* that so interested Nicholas of Cusa. Nonetheless, Anselm shared Abelard's interest in the way the Holy Spirit could be manifest in many different forms in different periods of history. In this respect, Anselm was picking up themes of Rupert of Deutz (originally active in Liège, before moving to Cologne), while foreshadowing elements in Joachim of Fiore. As Lees argues, Anselm's theology gave recognition to history as a place where new ideas could legitimately develop.³²

Anselm shared with both Abelard and Nicholas of Cusa disgust with hypocrisy in religious life. While Anselm acknowledged the importance of Bernard and the Cistercian order in renewing monasticism, he also spoke highly of the canons regular, a movement promoted by Norbert of Xanten, and refused to engage in the traditional arguments between these two movements of reform. Anselm's recognition of religious diversity was subtly different from that of Bernard, who only spoke about the divine inspiration behind the Latin Church. Anselm, by contrast, spoke glowingly of the diversity of modes of practicing the Christian faith:

In the Eastern church, among the Greeks and Armenians and Syrians, there are different kinds of religious who are in accord in one catholic faith, and yet in behaviour, order, habit, food and office of psalm-singing, they are divergent from each other in no small way.³³

Anselm's exposure in Constantinople to the cultural diversity of Christendom led him to insist on acknowledging the multiplicity of the gifts of the Spirit. Nicholas of Cusa certainly sympathized with this perspective. Whether or not he precipitated the copy of Anselm's

Antikeimenon in 1437, prior to going to Constantinople, three centuries after Anselm's own visit to that city, both writers were much more aware than Bernard of Clairvaux of the reality of the diversity of rites in Christendom.

The theological discussion of the Holy Spirit that Anselm draws from the *Theologia "Scholarium"* offers a similar perspective that the difference between the Latin and Greek theological perspectives may not be as great as often considered. In his theology of the Holy Spirit as divine goodness, Abelard was consciously aware of the power and importance of Platonist tradition, as mediated through the *Timaeus* of Plato. Abelard argued against those Greeks who insisted that the Holy Spirit proceeded only from the Father, but acknowledged that while the ecumenical councils insisted on uniformity of faith, this did not necessarily mean diversity of words, only diversity of faith: "Therefore just as diverse is taken as opposite, thus it is not incongruously tied in a different way, that is differently in place of being in an opposite way."³⁴ Anselm of Havelberg shared with Abelard a testimony of Dindimus about the Holy Spirit as the spirit of truth, proceeding from the Father and the Son. At the same time Abelard did not deny that the Holy Spirit proceeded principally from the Father.³⁵ Anselm did not include, however, Abelard's philosophical reflection that if any took a more philosophical gaze on Platonic reason they would see that Plato was talking about the profound rationality of creation.³⁶

Thierry of Chartres, Peter Abelard, and Nicholas of Cusa

Whereas Bernard of Clairvaux focused in his theology on the visiting of the Word of God to the soul (exemplified for him by the narrative of the Song of Songs), Abelard had always devoted much more attention in his *Theologia* to the Holy Spirit. Bernard's theological perspective was always more shaped by Augustine's conviction that the human soul, even after sins had been forgiven through receiving the grace of baptism, was marked by the stain of original sin. Augustine's anti-Pelagian rhetoric was directed against what he saw as an excessive optimism about human nature. Bernard continued an Augustinian perspective about the stain of sin, while introducing themes of awareness of the experience of love as part of the process by which sin was overcome. Abelard, by contrast, was much less comfortable with this Augustinian perspective on human nature. His reading of

Plato's *Timaeus* in particular led him to reflect on the fundamental goodness and rationality of creation. In this sense, Abelard shared a very similar perspective to Thierry of Chartres, even if he did not have Thierry's expertise in the study of the natural world.

Abelard and Thierry certainly knew each other, as is evident from Abelard's account of his trial at Soissons in 1121, when he describes how Thierry was rebuked by his bishop, namely Geoffrey of Chartres, for mocking the theological accusations being made against Abelard, that he was effectively denying divine omnipotence. In his commentary on the seven days of creation, Thierry made a concerted, and perhaps naive attempt to reconcile the accounts of Genesis and the *Timaeus* (as also the brief details he knew about Hermes Tresmegstus). Without any of Abelard's careful discussion of Plato's image of a world soul as a metaphor or covering (*involutrum*) not to be taken literally, Thierry asserted that what Plato called the world soul and described by Virgil (Aeneid 6:723–25) as the interior spirit nourishing the world, was the same as what Christians called the Holy Spirit.³⁷ In his *Dialectica*, Abelard mentions that there were Platonists who went too far in simply identifying the two concepts. Because Abelard refines this critique of Thierry's argument in each version of his *Theologia* (and goes into more detail on precisely those passages of Virgil cited by Thierry), it seems most likely that Thierry may have composed his discussion of the days of creation before the *Dialectica*, possibly before 1117/1118.³⁸ Thierry was then still under the influence of his brother, Bernard of Chartres (d. 1126) who had produced an important commentary on the *Timaeus*, which steered away from potentially controversial connections with Christian doctrine. Because Thierry never repeated these claims about the world soul as being the same as the Holy Spirit, it seems more likely that Thierry decided to immerse himself in the study of the *Opuscula sacra* of Boethius as an authoritative framework on which to base his teaching.

Nicholas of Cusa never identifies by name Abelard, Thierry of Chartres or Anselm of Havelberg in his writing. Nonetheless, each of these three figures of the twelfth century offered ideas to Nicholas of Cusa quite different from the most widely copied theologian of the twelfth century, namely Peter Lombard. As is evident from the contents of the library at Cusa (of which Abelard's *Theologia* was originally part), Nicholas was aware of the diversity of medieval thought, in particular of the twelfth century, to a much greater degree than most of his contemporaries. Yet Nicholas was also influenced by later writers, such as Ramon Lull and

Meister Eckhart, that I have not touched on here. The originality of Nicholas is such that his ideas cannot be traced back to any single literary source. Nonetheless, this little glimpse into one corner of his library enables us to see that he was always fascinated by how other writers handled the same problems of diversity and concord with which he was engaged.

NOTES

¹ On Bussi, see Miglio, *Giovani Andrea Bussi*.

² On the Cusa library, see Marx, *Verzeichnis*, available at <https://archive.org/details/verzeichnisdher00biblgoog>.

³ See, for example, Izbicik's introduction to Nicholas of Cusa, *Writings on Church and Reform*.

⁴ References are to the entries in Marx, *Verzeichnis*. On individual MSS, see: Ullman, "Manuscripts of Nicholas of Cues"; Van de Vyver, "Annotations de Nicholas de Cues"; Haubst, "Les études sur manuscrits."

⁵ Biechler, "Three manuscripts on Islam."

⁶ Albertson, *Mathematical Theologies*; see also his review article, "New Directions in Research on Nicholas of Cusa." Thierry's influence was first noted by Duhem, "Thierry de Chartres et Nicolas de Cues." Häring describes all known manuscripts in *Commentaries on Boethius*, 25–33 (on the *Commentum*, the *Lectiones* and *Glosa* on Boethius) and 34–35 (*Abbreviatio Monacensis* in Munich, Bayerische Staatsbibliothek, Clm 6942, unusual in being copied in the fifteenth century). Thierry's most widely circulated work, always transmitted anonymously, was the *Tractatus de sex dierum operibus*, ed. Häring, 555–75, of which Häring notes (52) only a single fifteenth-century MS, from France.

⁷ Hoenen discovered a text (*Fundamentum naturae*) in Eichstätt, Universitätsbibliothek, Cod. St. 687, close to the ideas of Thierry, that he argued served as a stimulus for Nicholas, in "Ista prius inaudita. Eine neuentdeckte Vorlage der *De docta ignorantia*."

⁸ Augustine, *De doctrina christiana* 1.5, 9: "in patre unitas, in filio aequalitas, in spiritu sancto unitatis aequalitatisque concordia, et tria haec unum omnia propter patrem, aequalia omnia propter filium, conexa omnia propter spiritum sanctum."

⁹ Haubst, "Marginalien des Nikolas von Kues."

¹⁰ Mews, Introduction to Peter Abelard, *Theologia 'Scholarium'*, 241–43.

¹¹ Ibid., 238–41.

¹² Haubst describes these annotations in "Marginalien," 288–92.

¹³ Peter Abelard, *Theologia "Scholarium,"* 1.94, 356: "Nunc autem post testimonia prophetarum de fide sanctae trinitatis, libet etiam testimonia philosophorum supponere, quos ad unius dei intelligentiam tum ipsa philosophiae ratio perduxit, qua iuxta apostolum inuisibilia ipsius dei a creatura mundi per ea quae

facta sunt intellecta conspiciuntur; tum etiam ipsa continentissimae uitae sobrietates quodam eis merito id ipsum acquisiuit.”

¹⁴ Ps-Cicero, *De inventione* 1.29.46, 39: “in eo autem, quod in opinione positum est, huiusmodi sunt probabilia: impiis apud inferos poenas esse praeparatas; eos, qui philosophiae dent operam, non arbitrari deos esse.”

¹⁵ Nicholas of Cusa, *De pace fidei* 6, 16: “Nullo umquam tempore philosophi aliter sensisse reperiuntur, quam quod impossibile sit esse plures deos, quibus unus superexaltatus non praesit.”

¹⁶ Peter Abelard, *Theologia “Scholarium,”* 1.107, 360, quoting Jerome, *Commentaria in Matthaeum* 4, 242: “ex eo quod malus seruus ausus est dicere: *metis ubi non seminasti et congregas ubi non sparsisti*, intellegimus etiam gentilium et philosophorum bonam uitam recipere dominum et aliter habere eos qui iuste, aliter qui iniuste agant et ad comparationem eius qui naturali legi seruiat, condemnari eos qui scriptam legem neglegant.”

¹⁷ Cited otherwise only by Raban Maur, *Expositio in Matthaeum*, 661 and Aquinas, *Catena aurea in Matthaeum* 25.2, 368.

¹⁸ Peter Abelard, *Theologia “Scholarium,”* 1.86, 352: “Si autem dicant eum aeternaliter egredi ex Bethleem, eo quod eius natiuitas in eo loco futura, ab aeterno prouisa sit a deo et predestinata, hoc utique modo cuiuslibet hominis uel cuiuslibet rei natiuitas aeterna est, quia uidelicet ab aeterno prouisa.”

¹⁹ Nicholas of Cusa, *De visione Dei* 1.10, 48.

²⁰ Peter Abelard, *Theologia “Scholarium,”* 3.24, 510: “Velle itaque deus duobus modis dicitur, aut secundum uidelicet prouidentiae suae ordinationem, secundum quod scilicet aliquid disponit apud se ac deliberat statuit que in sua prouidentia, ut sic postmodum compleat; aut secundum consilii sui adhortationem uel approbationem qua unumquemque ad hoc admonet, quod per gratiam suam remunerare paratus esset.”

²¹ Ibid., 1.181, 394: “Pluribus quoque sanctorum testimoniis didicimus platonicam sectam catholicae fidei plurimum concordare.”

²² Gregory the Great, *Registrum* I.41, 00: “De trina uero mersione baptismatis, nil respondi uerius potest quam ipsi sensistis, quia in una fide nil officit sanctae ecclesiae consuetudo diuersa.”

²³ Peter Abelard, *Sic et Non* 112.2, 366; Gratian, *Decretum* 3.4.80, 1388; Peter Lombard, *Sententiae* 4.3.7.1, 2: 439.

²⁴ Anselm of Canterbury, *De processione spiritus sancti*.

²⁵ Mews, Introduction to Peter Abelard, *Theologia “Scholarium,”* 232–38, 243–64.

²⁶ On Anselm, see the excellent study by Lees, *Anselm of Havelberg*.

²⁷ Mews, Introduction to Peter Abelard, *Theologia “Scholarium,”* 267–68; the parallels are between *Antikeimenon (Dialogi)* 2.7, 2.24–26 (PL 188: 1174BD, 1202D–1207CD) and Peter Abelard, *Theologia “Scholarium,”* 1.122 and more importantly 2.157–64, 368, 483–88.

²⁸ Lees identifies these three MSS in *Anselm of Havelberg*, 287. The earliest may be Munich, BSB Clm 6488 (from Freising, dated to 1437). The *Antikeimenon* was edited by d'Achery in 1677 (from an unknown MS), and reprinted in PL 188: 1139–1248; the first book is translated (but without any further critical edition) by Salet, *Dialogues*.

²⁹ Eberhard, “Ansätze zur Bewältigung ideologischer Pluralität,” mentioned by Lees, *Anselm of Havelberg*, 209 n. 146.

³⁰ On the MSS owned by Guido di Castello, see Mews, “Introduction,” 268.

³¹ Anselm of Havelberg, *Antikeimenon* 1.2 (1144BCE), 44: “Ecce apparet manifeste unum corpus Ecclesiae uno Spiritu sancto vivificari, qui et unicus est in se, et multiplex in multifaria donorum suorum distributione. Verum hoc corpus Ecclesiae Spiritu sancto vivificatum, et per diversa membra diversis temporibus et aetatibus discretum et distinctum, a primo Abel justo incoepit, et in novissimo electo consummabitur, semper una fide, sed multiformiter distinctum multiplici vivendi varietate.”

³² Lees, *Anselm of Havelberg*, 205–6.

³³ Anselm of Havelberg, *Antikeimenon* 1.10 (1156CD), 160: “Item in Orientali Ecclesia, apud Graecos et Armenos et Syros, diversa sunt genera religiosorum, qui in una quidem fide catholica cordant, ac tamen in moribus, in ordine, in habitu, in victu, in officio psallendi non parum ab invicem discrepant.” Cf. Lees, *Anselm of Havelberg*, 212–13.

³⁴ Peter Abelard, *Theologia “Scholarium,”* 2.152, 481: “Sicut ergo diuersum pro opposito dicitur, ita diuerso modo, quod est altiter, pro opposito modo non incongrue sumitur.”

³⁵ Ibid., 2.163, 486: “Proprie tamen seu principaliter eum a patre procedere non negamus.” Cf. Anselm of Havelberg, *Antikeimenon* 2.25 (1205B): “Anselmus Havelbergensis episcopus dixit Quod Spiritus sanctus a Patre proprie procedat, non negamus, quia id ipsum doctores nostri nos docuerunt sive hoc ipsi a viestris, sive vestri hoc ab ipsis habuerint.”

³⁶ Peter Abelard, *Theologia “Scholarium,”* 2.167, 489.

³⁷ Thierry, *De sex dierum operibus* 27, in Thierry, *Commentaries*, 567.

³⁸ Abelard discusses the texts quoted by Thierry in *Theologia “Scholarium,”* 1.177–178, 392–93. Häring (Thierry, *Commentaries*, 46–47) is not aware of the subtlety of Abelard’s discussion of Platonists in the *Dialectica*, or its implications for assigning a date before 1118 for Thierry’s *De sex dierum operibus*, which he thinks could have been written between 1130 and 1140.

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Nicholas of Cusa, the Papacy, and World Order Vision and Reality

James Muldoon

THE FIFTEENTH CENTURY IS THE HISTORIAN'S DISPUTED NO-MAN'S LAND. For Johan Huizinga "the fourteenth and fifteenth centuries ... [were] the end of the Middle Ages ... the age of medieval thought in its last phase of life ... fully unfolded and developed," the waning or the autumn of the Middle Ages.¹ For others, the fifteenth century is like John Wyclif, the morning star of the modern world.² In recent years, some medievalists have become even more aggressive, arguing for the long Middle Ages, stretching the period up to the seventeenth or eighteenth century, while some modernists have moved in the opposite direction, beginning the early modern era in the fourteenth century.³ The fifteenth century has thus lost some of its significance.

While this debate might seem to be of interest only to a small number of specialists, it is important for the organizing of the great amounts of data available to historians into manageable units. Furthermore, the terms medieval and modern are commonly used when discussing levels of social and cultural development in international affairs. Are the medieval and the modern eras universal stages of human development, is modernity the rejection of the medieval, is it the next stage in a gradual course of human development, what is sometimes termed the theory of progress? Or is the three-fold structure of development, ancient, medieval, modern not universal but only applicable to Europe?⁴

What can be said of the fifteenth century as a whole can also be said of leading figures and events: did they reflect medieval or modern developments and intellectual currents? Such judgments obviously depend on the perspective from which the observer begins. Nicholas of Cusa is one such individual. According to Ernst Cassirer, from a philosophical perspective Cusa was "the first modern thinker," while Jasper Hopkins has taken the opposite position, asserting that Cusa never crossed "over the threshold that distinguishes the Middle Ages from Modernity."⁵ Perhaps Thomas Izbicki best categorized Cusa, saying that

he was “a protean figure,” one whose writings dealt with a wide variety of contemporary intellectual concerns, old and new, pointing in particular to Cusa’s work on “history, theology, philosophy, science and art.”⁶ One omission from Izbicki’s list of disciplines to which Cusa made a contribution was the realm of international relations, a topic that was of growing importance in the fifteenth century and culminated in the creation of the great European overseas empires.

In fifteenth-century terms, the problem of international relations was a two-fold one. In the first place, there was the problem of contentious relations among European states that were beginning to acquire overseas territories and trade routes in the Atlantic. In the second place, there was the larger question of the relation of Christian societies to non-Christian societies. These problems were becoming increasingly complex as Iberian seamen were moving down the west coast of Africa and out into the Atlantic in the search for a water route to Asia that would outflank the Muslim cordon that blocked the land routes.⁷

There were a number of responses to these issues in the fifteenth century, ranging from the theoretical, even visionary, to the hard-headed and practical. One can illustrate this range of options by comparing the way in which Nicholas of Cusa discussed the place of infidel peoples in his *Catholic Concordance* with the way in which contemporary papal policy dealt with Christian–infidel relations. The papal position is found being developed in the letters of popes Nicholas V (1447–1455) and Alexander VI (1492–1503) dealing with the Castilian and Portuguese exploring activities in the Atlantic.

Cusa was not only a speculative thinker but also a participant in the ecclesiastical crises of the fifteenth century, in the conciliar controversy as a theoretician, as an activist at the Council of Basel (1431–1449), as a reform-minded bishop, and as a member of the papal court. He also contributed to political and legal theory by his emphasis on “the consent of the governed [that] runs like a leitmotif through what Cusa has to say about empire and church alike” and on his discussion of representation as the means for achieving such consent.⁸

Although Cusa’s writings dealt primarily with the internal crises facing the contemporary Latin Christian world, he was also aware of the world beyond Europe, an aspect of his work that has received little attention except for his discussion of the Muslim world.⁹ The increasing interest in the non-Christian world, those who inhabited it and how Latin Christians would deal with these newly revealed peoples would

have reached Cusa from two sources. In the first place, he was serving the papacy when access to the only inhabited Atlantic island chain, the Canaries, the site of missionary activity, became contested. The Portuguese and the Castilians sought a monopoly of Christian access to the islands and appealed to the papacy to regulate Christian entry into them for the well-being of the indigenous population and to prevent conflict between Christian nations engaged in exploration.¹⁰ In the second place, he learned of the wider world being revealed from the contemporary interest in geography through his friendship with Paolo dal Pozzo Toscanelli (1397–1482), a scholarly humanist who was interested in ancient geographers, especially Strabo (d. 23 AD), and who proposed reaching Asia by sailing west, perhaps also being an influence on Christopher Columbus.¹¹

From the beginning of Iberian overseas voyages the papacy had been involved, especially in issuing bulls dealing with the Canary Islands because they were the only inhabited islands that Europeans had discovered in the Atlantic.¹² The fact that the islands were inhabited justified papal involvement in European contact with them because of the church's mission to preach to all mankind. In addition, popes sought to reduce, if not prevent entirely, conflict between Castile and Portugal over access to these islands and the other lands Europeans encountered in the course of seeking a water route to Asia by regulating Christian access to them. In 1436, King Duarte of Portugal (1433–1438) requested Pope Eugenius IV (1431–1447) to resolve a dispute over access to the Canary Islands, which led to two legal briefs and a papal bull that foreshadowed the great Spanish debates about the legitimacy of the conquest of the Americas in the coming centuries.¹³

Cusa discussed the relation of infidel peoples to Christian society in his *Catholic Concordance*, a vision of “an ordered harmonious universe [that] was derived from the version of the Christian world view,” found in the work of Dionysius the Aeropagite (fifth century).¹⁴ He began the *Concordance* with the premise that all of creation is designed to reflect “the underlying divine harmony in the church,” a harmony that would ultimately include all mankind as the church expanded throughout the world. According to Cusa, “Every living being has been created in harmony” so there is a natural inclination to bring all mankind into a harmonious world order.¹⁵

The harmony that Cusa envisioned was not, however, the result of an inevitable developmental process. It required the coming together of people who form a government in which all are represented and the rulers

of which govern with the consent of the people. In Book 3 of the *Catholic Concordance*, he discussed the nature of right-ordered government according to Aristotle, Plato, and Cicero who had described the nature of “well-ordered political, economic, and monarchic regimes.” According to these writers, “Natural laws precede all human consideration and provide the principles for them all.”¹⁶ To determine these principles as they pertain to human existence, humanity has “been endowed with reason” so that men might recognize what will best serve their needs. The ancient thinkers concluded that reason led men to recognize that “association and sharing are most useful” in order “to achieve the purpose of human existence.” Consequently, men “have joined together and built villages and cities in which to live together.” The stability and good order of such communities “would be maintained by laws adopted with the common consent of all—or at least with the consent of the wise and illustrious and the agreement of the others.” Thus, the harmony that ought to exist will not inevitably develop; it will require the active participation of human beings, wise men working with the consent of their fellows, to work out the specific details of the harmony.¹⁷

Cusa’s description of the proper human way of life, that is, in organized societies in which all the members participate to some extent in governance, reflected not only the ancient writers, but prior European thinkers such as Marsilius of Padua (1275–1342/43) as well, and the experience of Europeans, especially in the Italian city states, no doubt contributed to his understanding of government. Such communities require an agricultural base and at least some trade in order to acquire goods and services not available locally but that are necessary for full human development. To achieve the ideal order, the ruler “should take special care to avoid great inequality among his subjects.”¹⁸

According to Cusa, although all men are “naturally inclined to civilized life,” not all are capable of participating in governance. Citing both ancient pagan authors and Ambrose (337–397), bishop of Milan, he offered the example of “the ignorant and stupid” who clearly lack the capacity to participate fully in civic affairs. Can they share in any way in civic life? In fact, they can to some degree because “God has assigned a certain natural servitude to the ignorant and stupid so that they readily trust the wise to help them to preserve themselves” from the consequences of their ignorance.¹⁹ Given the often violent conflict within and between Italian city-states, this seems optimistic but it does reflect Cusa’s theme of the essential harmony of God’s creation, so that all the elements should

work together according to their God-given capacities, in effect creating a good society by reconciling the wisdom and capacity for leadership of the “wise and illustrious” with the natural desire of the “ignorant and stupid” to improve their lot.

Cusa did not see the “ignorant and stupid” as an entire category of people destined to remain such generation after generation, that is, Aristotle’s “natural slaves,” as it came to be understood in the sixteenth century, and he did not assert that they should be enslaved or otherwise physically controlled any more than any other citizen.²⁰ Individuals were wise or stupid, not entire communities of people. Their condition was due to ignorance, not biology. As Ambrose wrote, following the ancient philosophical tradition, “the wise man is free and the stupid man a slave.”²¹

To demonstrate this point, Cusa turned to the story of Noah and his sons, re-writing it somewhat in order to support his argument. The patriarch had cursed his son Ham and his descendants for laughing at him while drunk and naked, thus not showing proper respect for his father, a characteristic of the ignorant and stupid. By the terms of the curse, Ham, the elder brother, and his descendants, would be household slaves to his brethren because of the lack of respect Ham had shown to his father, the wise elder. To reinforce his point, Cusa then pointed to the story of Esau and Jacob wherein the younger brother Jacob, “who was preferred [by their father] to the older, brother, Esau, because of his wisdom” and so inherited from their father.²²

These biblical examples reinforced the teaching of the ancient pagan philosophers with a Christian twist. Within a family there could be a wise son and an ignorant one and the wise parent supports the virtuous son and restrains the ignorant one. In each case there was a “devoted father [who] was torn between his two sons in fatherly affection” but when facing the choice of an heir the decision had to be “made on the basis of merit,” not affection. In the final analysis, “certain wise men act as guides for the unthinking people.” They rule “through the imposition of their power which they use to compel the unwilling to obey those who are wiser and to submit to the laws.” Cusa then added a curious comment: “Servitude can be by choice—it is less worthy if by compulsion and better if freely chosen” by those who recognize their need to be guided by the wiser. At the same time he also wrote that “nature does not make a slave, but ignorance, nor does manumission make one free, but learning.” Those who do not recognize their limitations and follow their natural inclination to accept the leadership of the wise will be compelled to accept it.

Again quoting Ambrose, Cusa added that "law is only imposed on the ignorant, and how because of sin he is compelled by fear of punishment to obey the law" which he would not do of his own volition.²³

Cusa's approach to the issue of the disparity of intelligence among men is an interesting shift from the Aristotelian one. For Ambrose and Cusa, true slavery was not biologically-based but rooted in man's sinful nature. He is a "slave of fear ... desire ... avarice ... lust ... malice ... anger."²⁴ These sinful proclivities can and should be restrained for the good of the individuals who submit themselves to them and thereby enslave themselves. If education and adherence to the guidance of the wise do not restrain the sinners from their wicked behaviors, then force can be employed.

Cusa's discussion of the responsibility of the wise to assist, even restrain, the "ignorant and stupid" and his stress on the importance of just government based on the consent of the governed dealt with the situation of Latin Christendom. These issues, however, were not unique to Europe but concerned all mankind, not just Christians, although he provided only brief references to these issues in non-Christian lands. What would be the nature of European relations with the peoples of Asia who lived in highly developed, civilized societies such as those Marco Polo described and were the sources of the products that Europeans sought? Where and how would these people fit into Cusa's *Concordance*?

Cusa did not specifically mention primitive peoples in the non-Western world, but his premises suggested that if there were no indigenous wise leaders to bring their fellows to a civilized level of existence, then perhaps European Christians ought to do so. Christian missionaries seeking the conversion of the peoples whom they encountered would be in a position to instruct such people not only in religion but in the skills necessary for civilized existence as well.²⁵ They could serve as the wise men to whom these primitive people could look for leadership and guidance.

Relations with non-Christian governments that Europeans expected to encounter in Asia were another matter. Men after all were naturally inclined to joining together to achieve the fullness of human life so that government was a natural development, as the ancients, especially Aristotle, demonstrated. It was not only a natural way of life, however, because "all rulership is sacred and spiritual and comes from God," whether the ruler is a Christian or not.²⁶ Cusa considered the status of non-Christian rulers from two perspectives. In the first place, there was the question of their relation to the Holy Roman emperor who was "the vicar of Christ,

the King of kings and Lord of lords" in Cusa's opinion. He "is first over all other princes because he rules in subordination to Christ ... and subjects himself to Christ and his laws." The result is that "the Christian empire is higher than all other governments because it is the one closest to God."²⁷ The ultimate standard for determining the moral quality of any government is therefore the degree of adherence to Christian principles. This is not to say that infidel rulers are by definition illegitimate, only that they do not live up to the highest standards.²⁸

Having described the emperor as the highest ruler in the world because of his close relation to God, Cusa then turned from the theoretical and visionary to the practical. Although the emperor possesses the supreme status as ruler, "his power to command does not extend beyond the territorial limits of the empire under him." The Roman law termed him "the lord of the world" because "the Romans had the greater part of the world under their rule," but not the entire world. Beyond the boundaries of the Roman Empire there were numerous regions stretching from Norway to the Himalayas to the great lands of the east, China, India, and Ceylon, and to Libya and Mauritania in the south where the Roman eagles never appeared. Cusa recognized the extent of these regions, quoting Ptolemy's observation that these lands "make up no small part of the world" and are quite heavily populated.²⁹ He added that in Africa, probably Ethiopia, there was a ruler, "Prester John who is said to be a Christian and a most faithful deacon with seventy kingdoms subject to him" but Cusa was not impressed, concluding that "those kingdoms are not very populous or large."³⁰

It is easy to see how the Latin Christian kingdoms and lesser political units of Europe could be fitted into Cusa's harmonious structure, but what about the inhabitants of these distant lands? Cusa had no difficulty in fitting them into his scheme. In the first place, all men are by nature in social and organized societies "to preserve unity and harmony" and "established guardians of all these laws with the power necessary to provide for the public good," just as European Christian rulers did.³¹ Furthermore, "all rulership is sacred and spiritual and comes from God." All rulers are not equal in status, however, and "there are gradations in excellence according to [the ruler's] closeness to, or distance from God." The ruler "who in his public rule resembles God least is least worthy while the one who resembles him most is the greatest." Cusa then provided a brief list of rulers and where they stand in the order of excellence. In his opinion, "a king of the Tartars is the least worthy because he governs through laws least in

agreement with those divinely instituted," while "a king who belongs to the Mohammedan sect is greater since he venerates the laws of the Old Testament and certain of those of the New Testament." A "Christian king is the greatest because he accepts both the laws of nature and those of the Old and New Testaments and the orthodox faith."³² In other words, mankind exists in a gradated series of nations at various stages of development toward ideal rule and the Christian God.³³

The purpose of rulers in Cusa's schema is to establish peace and "to direct their subjects to their eternal end" and to the "means to reach that end." This was not the responsibility of Christian rulers alone, but of all rulers by the very nature of their office. Cusa pointed out that the ancient "pagan emperors were called supreme pontiffs because of the care which they took for religion."³⁴ For a ruler to fail to support the religious development of his subjects was therefore to fail in his most important function.

The overseas voyages introduced Europeans to a wide range of other peoples and lands, not all of which fitted the image of Asian societies provided by Marco Polo and other travelers. Some places, particularly the Azores, Cape Verde, and Madeira island chains, were uninhabited. Others, the Canary Islands and the coastal regions of Africa, for example, were inhabited but not with great trading cities. The inhabitants that Europeans encountered lived at a variety of levels, from the most primitive to the organized, although not as developed as the Asian countries such as China. In Cusa's vision, those peoples who had not reached the level of existence associated with towns and agriculture would submit to the wise leadership of the Europeans and begin the process leading to civilized status and Christianity. As for Muslim, Tartar, and other infidel rulers who had reached a civilized level of development, when presented with more sophisticated forms of society and with the Christian religion, they would accept them and bring their people to the fullness of human development as was their responsibility.

What Cusa did not explain was exactly how in practice the goal of universal concordance was to be accomplished. He suggests that the nature of mankind would move people in the direction of universal concordance under the guidance of Christian missionaries. Given his experience as a lawyer, papal official, and bishop, he had to have recognized that even within Latin Christendom his vision was not being realized. As for the Muslims and the Tartars, they were traditional enemies of Christians and showed no willingness to become Christian and participate in

Cusa's concordance. Likewise, the less developed societies, those peoples who lived in the fields and the forests, did not always appreciate the wisdom of missionaries and did not readily accept civility and Christianity. Was the concordance to be only a fantasy or would it be possible to implement it to some degree?

One way to appreciate the difference between Cusa's vision of a harmonious world order and contemporary political reality is to examine contemporary papal letters that deal with relations with non-Christians. There were more than one hundred such letters beginning about 1420. Taken together, they outline the developing papal policy regarding Christian overseas expansion. The letters of two popes are especially interesting. The first was a letter of a pope contemporary with Cusa, Nicholas V, who issued the bull *Romanus Pontifex* (1455) dealing with a long-standing issue, conflicting Castilian and Portuguese claims to access to the Atlantic islands and the coast of Africa, and with the traditional enemies of Christendom such as Muslims. The second was a series of letters, those of Alexander VI, three bulls usually referred to by the heading of the first of the series, *Inter caetera* (1493), issued following Columbus's first voyage. These were concerned with peoples with whom Europeans had had no previous experience, the peoples of the New World who would provide a unique challenge.

The bulls of Nicholas and Alexander opened with a statement of papal responsibility for achieving the salvation of all mankind. For Pope Nicholas, his responsibility was to contemplate "with a father's mind all the several climes of the world and the characteristics of all the nations dwelling in them," in order to secure "the salvation of all." The world was not, however, at peace and Christians have to "restrain the savage excesses of the Saracens and of other infidels, enemies of the Christian name" before peace is secured under Christian direction and the work of missionaries is possible.³⁵

Nicholas V pointed to the work of "the noble personage Henry, infante of Portugal" who was leading efforts to spread the church and its teachings overseas. According to the pope, the Infante has been encouraging seamen to sail south and east into lands "unknown to us westerners" where dwell people of whom "we had no certain knowledge" but who might be helpful in the wars against the Saracens and other enemies of Christendom. The Infante was expected to support missionary efforts among these peoples, suggesting that they would receive the missionaries peacefully and not as the result of conquest. In this the Infante was

following in the heroic tradition of Portuguese monarchs, “inflamed with zeal for the salvation of souls and with fervor of faith” seeking out “the most remote and undiscovered places, and also to bring into the bosom of his faith the perfidious enemies of him and of the life-giving cross,” work that continued the crusades and has brought part of Africa, Ceuta, under Christian domination. One consequence of this Portuguese activity in Africa was that “many Guineamen and other negroes, taken by force, and some by barter of unprohibited articles, or by other lawful contract of purchase” have been acquired by the Portuguese and “converted to the Catholic faith” and been saved.³⁶

The slave trade mentioned in *Romanus Pontifex* as a source of converts posed a problem for Pope Nicholas. What troubled him was that some slaves had been purchased with weapons and other war materials that could be employed against Christians. Those engaged in such trade were “strangers induced by covetousness” who sought to evade long-standing papal bans on such trade.³⁷ One of the responsibilities of the Portuguese was to police European contact with the recently discovered lands and ensure that unauthorized Europeans did not enter. In effect, the Portuguese would have a papally-granted monopoly of access to these lands and therefore a monopoly of European trade there. In return for managing European Christian entry into the lands and receiving a monopoly of trade, the Portuguese would also be responsible for establishing “churches, monasteries, or other pious places” and they “may send over to them any ecclesiastical persons whatsoever” to minister to “all who live in the said lands or who come thither in the future” in the course of Portuguese activities there. The profits of trade with Africans would subsidize the missionary efforts among the indigenous population and also provide spiritual care for Europeans who migrated there.³⁸

From the papal perspective, the peaceful reconciliation of all mankind was not a likely prospect, at least not in the immediate future. Some of the Africans were converted, but there was no mass conversion of an infidel people led by their ruler.³⁹ The expansion of Christianity was largely reduced to the uninhabited islands of the Atlantic that were “peopled with orthodox Christians,” that is, colonists brought from elsewhere. There was, however, one place where there were significant numbers of converts. In an apparent reference to the Canary Islands, the pope noted that “many inhabitants or dwellers in divers islands situated in the said sea ... have received holy baptism,” thus expanding the Christian world.⁴⁰

In *Romanus Pontifex* Nicholas V dealt with some of the problems that those who wished to fulfill Cusa's dream of universal reconciliation would face, and he outlined a way in which such a process might be achieved at least to some degree. The grant of a monopoly of access to and trade with the newly found lands to the Portuguese and the heavy responsibilities that such a grant carried with it would become a model for later explorers. Christendom was besieged by hostile Muslims and Tartars who were resistant to missionary efforts and to the accepting of a place within Cusa's harmoniously constructed world order. If the Portuguese were successful in evading the infidel cordon and reaching Asia by water, however, it might be possible to connect with Christian rulers believed to exist in Asia and to engage jointly in a last great crusade that would lead to Cusa's vision of concordance. Almost fifty years later the possibility of this actually happening occurred when Christopher Columbus announced to the world that he had reached the outer edge of Asia.

When Columbus returned from his first voyage and announced that he had achieved the long-sought goal of a water route to Asia, he presented a new and potentially useful situation for Latin Christians to consider. The people he encountered were not Muslims or Tartars or any other known enemy of Christians so they could be approached peacefully and in this way would not only expand the Christian church but also provide support for a last crusade. By sailing west, Columbus had not only evaded the Muslim cordon, he also avoided impinging on the papally authorized Portuguese monopoly of access to the Atlantic Ocean along the coast of Africa, although the Portuguese were not sure of that at first and held him for some time on his return when he sailed into the port of Santa Maria in the Azores.⁴¹ When Columbus returned to Spain, Ferdinand and Isabella approached Pope Alexander VI to provide them with a monopoly of the western route to Asia, similar to the grant to the Portuguese. The result was three bulls issued on May 3 and 4, 1493.⁴²

The initial bull, *Inter caetera*, was in the tradition of papal letters stretching back to 1420, but also recognized that Columbus's voyage led to situations not dealt with in the earlier bulls. It began by placing Columbus within the crusading tradition, specifically the Spanish conquest of Granada in 1492, at which Columbus was present.⁴³ His first voyage was a logical consequence of the monarch's crusading spirit because the Spanish monarchs "had intended to seek out and discover certain lands and islands remote and unknown and not hitherto discovered by others" in order to bring the inhabitants of these lands to the Christian faith. They supported

Columbus who rewarded the monarchs by discovering “certain very remote islands and even mainlands that hitherto had not been discovered by others,” that is, by other Europeans, especially the Portuguese. The people that Columbus found did not, however, inhabit cities and engage in the trade for which Columbus searched. Instead, he found “many peoples living in peace, and as reported, going unclothed, and not eating flesh.” At the same time, there was a positive side to Columbus’s encounter with the people of the Caribbean, namely, that they “believe in one God, the creator in heaven, and seem sufficiently disposed to embrace the Catholic faith and be trained in good morals.”⁴⁴ To some degree, they fitted Cusa’s program of concordance. Thus, one of the Spanish monarchs’ goals was potentially achieved, the conversion of the peoples of the Caribbean.

The pope’s response to the request for papal recognition of what Columbus had accomplished led to *Inter caetera* in which he declared that this bull will “give, grant, and assign forever to you and your heirs ... all and singular the aforesaid countries and islands ... discovered by your envoys and to be discovered hereafter.”⁴⁵ What this authorized was the *patronado*, the authority to establish and administer the church in the newly discovered lands.⁴⁶ The profits of the trade monopoly would subsidize the work of the church in these lands. There was, however, an exception to this general grant. It applied only to lands that “at no time have been in the actual temporal possession of any Christian owner.” This phrase refers to the Christian kingdoms believed to exist in Asia and linked to the story of Prester John.⁴⁷ There was no need to grant a trade monopoly to Latin Christians to establish the church because it already existed in such lands.⁴⁸

There were more than a score of Christian communities across Asia, although none actually formed a kingdom. These churches, the largest being the Greek church, were separated from the Roman church by schism, that is, by rejection of papal universal jurisdiction and not by heresy, that is, doctrinal differences. The papacy had been attempting since the thirteenth century to reconcile these churches with Rome, a part of the concordance that Cusa sought. The Greek Orthodox church was of special interest because of the Byzantine Empire’s role in the crusades. From the thirteenth century onward, western support for the Byzantines was linked to re-uniting with Rome.⁴⁹ Cusa was involved in these negotiations when he served as a legate for Pope Nicholas V at Constantinople in 1437.⁵⁰ Reconciliation with the other eastern churches was proposed by Pope Gregory IX (1227–1241) who outlined how such a reconciliation would proceed in his bull *Cum hora undecima* (1239).⁵¹

In return for receiving a papally-authorized monopoly of Christian access to spread Christianity in the newly encountered lands the Spanish were expected to “appoint to the aforesaid countries and islands worthy and God-fearing, learned, skilled, and experienced men to instruct the aforementioned inhabitants and residents in the catholic faith, and to train them in good morals.” The bull also forbade “all persons of no matter what rank” to go to these lands to trade or for any other purpose “without your special permit” and authorization.⁵²

The third bull in Alexander VI’s series *Inter caetera* (May 4, 1493) clarified the zones assigned to the Spanish and the Portuguese, “drawing and establishing a line from the Arctic pole ... to the Antarctic pole ... the said line to be distant one hundred leagues towards the west and south from ... the Azores and Cape Verde.” The bull also restated the ban on other Christians from entering these regions without the formal permission of the responsible Christian monarch.⁵³

Taken collectively, Cusa’s *Concordance* and the papal bulls outlined the development of fifteenth-century Christian thought about peaceful Christian–infidel relations ranging from Cusa’s broad vision of a peaceful, harmonious world order fulfilling the church’s universal mission to the papal letters that chart the development of policies that would implement such a vision but not necessarily in an entirely peaceful fashion. The manner in which Cusa’s vision is described is rather like a schematic for a complex machine. The parts are shown neatly laid out, ready to be slipped into place to create a harmoniously balanced operating machine by the actions of a skilled mechanic, relying on man’s natural desire for association with his fellows and rulers’ natural responsibility for the spiritual welfare of their subjects.

Cusa’s system assumed the cooperation of all involved, but what if incompetent or stupid individuals refused to accept their proper place within the social order? Or what if an infidel ruler denied that he had a responsibility for the spiritual welfare of his people or that he did have such a responsibility, but rejected Christianity and favored another religion? Should force be employed to insure that individuals accepted their place and that rulers fulfilled their obligation in Christian terms?

The papal letters provided an answer to the questions Cusa’s vision raised. They opened with a statement of the church’s universal mission that reflected Cusa’s vision of a harmonious world order under papal headship, but they recognized that this will not occur without the use of force in some cases. Christians will have to defeat their longtime enemies and

they may have to coerce uncivilized peoples to recognize that only with wise Christian leaders will they advance to the civilized level of existence that is natural for mankind. The papal letters did not, however, present a static picture of the unfolding situation. To some degree, papal policies were gradually modified and expanded as the Iberians had more experience in the world beyond Europe and faced situations that Cusa and earlier popes had not contemplated. The Tartars and Muslims for example, with whom Christians had warred for a long time, had never shown any interest in accepting Christianity peacefully. In the thirteenth century a Mongol Khan had even responded to a papal letter seeking his conversion by ordering the pope to submit to him.⁵⁴ In the fifteenth century, while the papacy was praising the crusading fervor that characterized the Portuguese and Spanish advance against the Muslims in the west, Islam was advancing in the east, seizing Constantinople in 1453 and advancing up through the Balkans, reaching Vienna in 1683. A harmonious relationship did not appear likely.

The second issue the papacy had to face was that many of the peoples the Spanish and the Portuguese were encountering were not town dwellers, agriculturalists, and merchants, but people living at a pre-civilizational level. Furthermore, they existed as social groups, not random individuals as Cusa described and seemed to fit Aristotle's conception of natural slaves. At the least they would need training in the basic skills required in a civilized society as well as religious instruction. What if they were not inclined to accept civilizational and religious instruction?⁵⁵ Could or should they be coerced to do so for their own good?

These fifteenth-century figures were participants in an early stage of what Lewis Hanke termed the *Spanish Struggle for Justice in the Conquest of America*.⁵⁶ They were not isolated academic thinkers, but ecclesiastical officials who were engaged in directing a church that claimed universal jurisdiction in spiritual matters and could call upon secular powers to assist it. From the perspective of Cusa and the popes discussed here, Christians were engaging in legitimate trade and missionary efforts around the world. Cusa seems to have envisioned a peaceful path to, ultimately, the concordance of all mankind, a naturally and divinely ordained goal. The papal letters, however, took a harsher position: it would be necessary to fight against the traditional enemies of Christendom in the course of creating the desired harmony and it might be necessary to use some force in order to achieve a greater good, the harmonious world order that would enable all mankind to achieve their nature and their supernatural goals.

In the final analysis, Cusa and the popes stood astride the medieval–modern divide. They all proclaimed the universal mission of the church, but Cusa did so without any discussion of how this would actually be achieved. The popes, however, had a fuller appreciation than did he of the difficulties that would have to be faced in achieving Cusa’s vision. They were dealing with the first stages of the construction of European overseas empires that had their own conception of world order.

NOTES

¹ Huizinga, *Autumn of the Middle Ages*, xix. For an extensive discussion of the differences between the older and the more recent English translation of the book, see Peters and Simons, “New Huizinga,” 587–620.

² Levy, “Conclusion,” 458.

³ On the long Middle Ages, see Le Goff, *Must We Divide*, 13–20. See also Muldoon, “Introduction: Bridging the Medieval-Modern Divide,” 1–21.

⁴ For a thoughtful discussion of this issue, see Le Goff, *Must We Divide*.

⁵ Hopkins, “Nicholas of Cusa,” 13–29.

⁶ Izbicki, “Nicholas of Cusa,” 341.

⁷ International relations has generally been associated with Hugo Grotius and his contemporaries, but there has been an increasing interest in the medieval predecessors of Grotius. See Bain, *Medieval Foundations*; Keene, *International Political Thought*, esp. 68–97; Allain, “Acculturation through the Middle Ages,” 394–407.

⁸ Oakley, *The Watershed of Modern Politics*, 200; Quillet, “Community, Counsel and Representation,” 569–72.

⁹ Levy, George-Tvrtković, and Duclow, *Nicholas of Cusa and Islam*.

¹⁰ Muldoon, “Fifteenth-Century Application,” 467–80. The texts of the legal responses to the Portuguese request for a papal intervention are in the *Monumenta henricina*, 1:320–43.

¹¹ Fernández-Armesto, *Columbus*, 30–32.

¹² Witte, “Les bulles pontificales et l’expansion portugaise.” See also Wölfel, “La Curia Romana,” 1011–83.

¹³ Muldoon, “Fifteenth-Century Application,” 470; Stevens-Arroyo, “The Inter-Atlantic Paradigm,” 515–43.

¹⁴ Nicholas of Cusa, *Catholic Concordance*, xxi.

¹⁵ *Ibid.*, 5–6.

¹⁶ *Ibid.*, 205.

¹⁷ *Ibid.*, 205–6.

¹⁸ *Ibid.*, 212. Sigmund points out that Cusa cited the work of Marsilius “without acknowledgement” in several places, xvii.

¹⁹ Ibid., 206.

²⁰ On Aristotle's theory of natural slavery in the Americas and its application to the entire Indian population and not just to random individuals, see Hanke, *Aristotle*, 44–61.

²¹ Nicholas of Cusa, *Catholic Concordance*, 206.

²² Genesis 9:20–7. Nicholas of Cusa, *Catholic Concordance*, 207–8. Cusa makes no mention of race and color with regard to the story of Noah.

²³ Nicholas of Cusa, *Catholic Concordance*, 207–8.

²⁴ Ibid., 208.

²⁵ On the problems associated with hunter-gather and pastoral peoples, see Bushnell, “None of These Wandering Nations,” 142–68.

²⁶ Nicholas of Cusa, *Catholic Concordance*, 214.

²⁷ Ibid., 234.

²⁸ The claim has been made that Christians believed that a “Christian people has the divine right to subjugate ‘heathens’ and assume dominion over their lands” simply because infidels have no rights; see Newcomb, *Pagans*, 128. This is simply false, see Muldoon, “Extra ecclesiam,” 553–80.

²⁹ Nicholas of Cusa, *Catholic Concordance*, 235.

³⁰ Ibid., 236. On Prester John and Ethiopia, see Kurt, “Search for Prester John,” 297–320.

³¹ Nicholas of Cusa, *Catholic Concordance*, 206, 214.

³² Ibid., 237.

³³ Although the stadial theory is usually identified with eighteenth-century Scottish writers, Andrew Fitzmaurice has observed that “the stadial theory of history began to be elaborated in José de Acosta’s history of the Americas in the late sixteenth century.” See Fitzmaurice, *Sovereignty*, 23.

³⁴ Nicholas of Cusa, *Catholic Concordance*, 237.

³⁵ Davenport, *European Treaties*, 1:21–22.

³⁶ Ibid., 21–22. On the medieval church’s position on slavery, see Muldoon, “Spiritual Freedom,” 69–93; Stantchev, *Spiritual Rationality*, 27–29, 146–47, 189–94. On Henry the Navigator, see Russell, *Prince Henry*.

³⁷ Davenport, *European Treaties*, 1:22; Stantchev, *Spiritual Rationality*, 45–66.

³⁸ Davenport, *European Treaties*, 1:21–22.

³⁹ The only place where something of this sort happened was in the Kingdom of the Congo; see Boxer, *Portuguese Seaborne Empire*, 97–100.

⁴⁰ Davenport, *European Treaties*, 1:21. The Portuguese had a great deal of difficulty in obtaining colonists for these islands and resorted to importing African slaves and the so-called *degredados*, prisoners whose sentences were commuted to exile in the islands, see Russell-Wood, “Patterns of Settlement,” 174.

⁴¹ Fernández-Armesto, *Columbus*, 93.

⁴² Davenport, *European Treaties*, 56–83.

⁴³ Ibid., 61; Fernández-Armesto, *Columbus*, 64–65.

⁴⁴ Davenport, *European Treaties*, 61–62.

⁴⁵ Ibid., 62.

⁴⁶ On the *patronado*, see Parry, *Spanish Seaborne Empire*, 152–56.

⁴⁷ Davenport, *European Treaties*, 1:62. On Prester John, his letter to the West, and the influence of this story on medieval missionary and crusading efforts, see Slessarev, *Prester John*. For a survey of recent work on Prester John, see also Jackson, “Prester John,” 425–32.

⁴⁸ On the eastern churches, see Nicholas, *Rome and the Eastern Churches*; see also Meyendorff, *Rome, Constantinople, Moscow*.

⁴⁹ On the papacy and the Greek church, see Geanakoplos, “Byzantium and the Crusades,” 27–68.

⁵⁰ On Cusa’s involvement in efforts to reunite the Greek church with Rome, see Sigmund, *Nicholas of Cusa*, 222–25; Meuthen, *Nicholas of Cusa*, 52–56, 68–71.

⁵¹ Muldoon, “From Frontiers to Borders,” 108–15; see also Schmieder, “*Cum hora undecima*,” 259–65. On the missionary efforts in Asia in general, see Jacques, *Des Nations*.

⁵² Davenport, *European Treaties*, 1:63.

⁵³ Ibid., 1:77. This line was modified by the Treaty of Tordesillas (1494); Davenport, *European Treaties*, 1:100.

⁵⁴ On Guyuk Khan’s Letter to Pope Innocent IV (1246), see Dawson, *Mission to Asia*, 85–86; see also Voegelin, “Mongol Orders of Submission,” 378–413.

⁵⁵ This issue had occurred in Europe as well. While the process of Christianization generally led to the creation of towns, this was not always the case. The Irish, for example, Christianized by St. Patrick (late fifth century) and his successors, did not end their tribal and pastoral way of life. Instead, the Church in Ireland was adapted to the Irish way of life, so that instead of bishops and territorial dioceses, the church was headed by abbots of great monasteries supported by the leading tribal families. See Graham, “Urbanism in Ireland,” 297; Watt, *The Church*, 1–34.

⁵⁶ Hanke, *The Spanish Struggle*.

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Part 4

The Great Schism and the Conciliar Option

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The Great Western Schism, Legitimacy, and Tyrannicide

The Murder of Louis of Orléans (1407)

Joëlle Rollo-Koster

ON SEPTEMBER 13, 1376, THE PAPACY RETURNED TO ITALY after some seventy years spent in Avignon, on the banks of the Rhône. By 1376, the circumstances that had kept the papacy away from its traditional seat had evolved. The Hundred Years War and rebellions in Rome and the Papal States were in remission, and Gregory XI, intent on returning the papacy to its historical location, concretized the move.¹ Gregory did not enjoy his accomplishment for long: he died on March 27, 1378. A few days after his death, the first Roman conclave opened since Nicholas IV was elected in 1287, close to one hundred years previous. Sixteen cardinals were present: eleven French, four Italian, and one Spanish. Regardless of internal divisions within the conclave and a noisy crowd chanting words like “We want a Roman pope—or at least an Italian. If not, we’ll cut you to pieces!,” the cardinals chose Bartolomeo Prignano, archbishop of Bari, as Pope Urban VI. A well-qualified curial servant, Urban had never belonged to the cardinalate.

Crowned on April 10, 1378, the man was changed by the office. Urban VI was rigorous and a man of integrity, but he could also be temperamental and violent. Displeased French cardinals eventually moved out of Rome to Anagni. On August 2, 1378, the cardinals publicly questioned the election, and on August 9 they denounced Urban as illegitimate by reason of procedural impropriety, as the election had taken place under duress and violence. They labeled the pope *intrusus* (usurper), and anathematized him.²

On September 21, 1378, thirteen “rebellious” cardinals entered their own conclave at the court of Onorato Caetani in Fondi, in the Kingdom of Naples, where they had found refuge. The cardinals elected Robert of Geneva, who took the name Clement VII. Clement was crowned in Fondi a month later, on October 31, with the papal tiara brought from Castel Sant’Angelo by Gregory XI’s former camerlengo,

Pierre de Cros, who had joined Clement's side. After learning of the election of his rival, Urban VI responded by remaking his College of Cardinals, naming twenty-five new candidates. This act confirmed the Schism. For the first time in its history the papacy had two popes, with two courts, two colleges of cardinals, and two sets of political supporters or obediences that perpetuated for over close to forty years. This was not the first time the papacy was divided. Antipopes had quite frequently been set up by the external intervention of Holy Roman emperors, for example. But, never had a college disowned and delegitimized its own election to start a new one. Close to two generations of the faithful lived with and accommodated themselves to a double and even triple papacy. But eventually unity was restored when the Council of Constance (1414–1418) elected Martin V as sole pope recognized by all.

This essay will dwell not on the Schism per se, as much as focus on its rhetoric and the consequences of its actors using the language of usurpation (*intrusus*). I will argue that the use of this kind of vocabulary during the Schism may have facilitated a slip into the rhetoric of tyrannicide, and may have incited it. I will suggest that the climate and rhetoric of the Schism may have led John the Fearless to rationalize tyrannicide against his cousin, Louis of Orléans.³ In a circuitous way, I will also propose that the rhetoric of usurpation during the Schism may have in turn allowed the Council of Constance to maintain powerful oversight over the pope. In his defense, Burgundy argued that, first, it is permissible to kill a tyrant; second, the Duke of Orléans was a tyrant; and, third, the killing of Orléans was thus permissible. When it came time to condemn the logic of this assertion—it is permissible to kill a tyrant—the Council of Constance tergiversated on private procedural points, but did not condemn the syllogism. By equivocating on tyrannicide did the council leave itself open to accept papicide?

General reflection about legitimacy and quality of governance was bound to happen when two popes ruled Christianity. During the Schism, religious and secular authorities contemplated the means of responding to illegitimacy with one aim, restoring unity: The self-explanatory so-called way of force and warfare; the way of cession with a withdrawal of obedience; and the way of council with the deposition of a pope or two by a general council, or a pope's self-imposed resignation.⁴ The way of council included a huge caveat, that of finding the legitimate authority that would call the council. These were the respective "ways" chosen by ecclesiastics and princes. Though in hindsight we now know that a council did solve the Schism, the question of violence against an unjust ruler lingered throughout

the period, and was effectively used in the early years of the Schism (the so-called *via facti*), and in the secular world for the 1399 deposition of Richard II of England (and his eventual murder), and the violent murder of Louis of Orléans in 1407, upon which I will particularly focus.

It is somewhat easy to consider political murder, especially that of a so-called “tyrant,” part of the late medieval zeitgeist. From the mayhem of Italian city-states, to the deposition of Richard II (1367–1400), and John the Fearless’s own murder in 1419, it seems that a narrative of just retribution surrounded proponents of unseating despotic rulers.⁵ The legitimacy of killing an unjust ruler, tyrannicide, was debated both in light of the “non occidere” Christian injunction, as well as how unjust rule was defined.⁶ Anna Lisa Merklin Lewis summarizes medieval views most clearly:

In medieval discussions of tyranny a distinction was made between two types: tyranny *quoad executionem* referring to the rule of a bad king or despot with proper title to the throne, and tyranny *quoad titulum*, referring to a usurper. Virtually all medieval theorists believed that a usurper could be killed legitimately by anyone, although some commentators argued that killing should be a last resort. However, they stated that even though a usurper lacked the right to rule, the consent of the people would eventually give him legitimacy and confer on him the right to demand obedience from his subjects.⁷

A key thinker of the fourteenth century, Bartolus de Sassoferrato (1313–1357), drew a sharp distinction “between power unlawfully acquired and power unlawfully exercised.”⁸ More simply, he differentiated between the ones who held power “*ex defectu tituli*” and “*ex parte exercitii*,” that is, between usurpers and despots.⁹ This approach seems to have been somewhat counter to that of Thomas Aquinas. According to John Finnis,

In the writings of his last period, however Aquinas seems to have lost interest in the contrast between usurpers and other kinds of tyrant. In either kind of tyranny, the injustice of tyrannical exercises of authority renders them devoid of authority in the conscience of the subject and gives the tyrant the moral status of a brigand. Aquinas’ thesis (not denied in his late writings) that the tyrant can be killed by public authority (as the Emperor Domitian was put to death by the Roman senate) stands and falls with his theory of capital punishment. If one sets that aside, as it seems one should, there remains considerable scope for acts of war against the leader or leaders of a regime which is not merely tyrannical but violent, and who cannot otherwise be stopped from pursuing their oppression.¹⁰

Bartolus's *On Tyranny*, composed some thirty years before the initiation of the Schism, moved away from Aquinas's harshness and was addressed to secular rulers, but could still make popes and clerics squirm in their seats, especially after 1378. Bartolus's definition of a usurper was one who was "ex defectu tituli," who governed arbitrarily, was of a proud spirit, *non jure principatur*, who lacked a sound title, had "been chosen unlawfully," was "crowned without being elected," and "did not rule according to law."¹¹ This form of tyrant wallowed in pride (*superbia*) and had usurped power from "regular, established government."¹² As we will see, a usurper did not need to be named tyrant to be recognized as one. Thus, during the Schism, either obedience could argue that Bartolus's definition fitted either pope.

In his Paragraph Thirteen, Bartolus asks,

What is a manifest tyrant by defect of title in a commonwealth? My answer is: One who rules there openly without a lawful title, as is evident from our previous definition. This may happen in divers ways. First, if the city or fortified place (*castrum*) in which he lives has not the right to choose its own ruler, and one acts there as ruler, he is a tyrant because he is ruling contrary to law, and he is subject to the *lex Julia majestatis*. The same is true if an official, after his term of office has expired, continue in it against the will of him who has the right of decision (*ad quem spectat*) [probably the overlord].¹³

Again, ruling "openly without a lawful title" is an accusation that could be made against either pope by the other.

By the end of the fourteenth century, tyranny was defined and associated with usurpation or illegitimate taking of power.¹⁴ According to Guenée, Bartolus de Sassoferato broke from all the various past definitions of a tyrant when he defined the tyrant as "solely the one who had seized government illegitimately. A few decades later, the Great Schism made tyranny a daily concern of the clerics. The other pope, and soon the two popes were in their eyes usurpers, tyrants who had appropriated power, criminals who by maintaining the schism committed the highest of all sins, divine lese-majesty."¹⁵ Guenée intuitively understood that the Schism had to affect any discussion of political legitimacy, and anyone who had been "in/formed" by the crisis. However, Guenée offered no evidence for this assertion. How prevalent, then, was the vocabulary of tyranny and usurpation during the Schism?

There is little doubt that, from the start of the Schism, it was the Clementist "lobby" that imposed the epithet "intrusus" upon Urban VI.

But a word of caution is needed. The historiography is muddled with biases. Obviously, Clementists then and later had to rationalize their views by demonizing the rival pope. If they found the election illegitimate, it is logical that they would label the pope a usurper. Theodoric (Dietrich) of Niem, a partisan of Urban VI, describes their effort at debunking the pope.¹⁶ Clementists made their first public attack, uttering the word “usurper” during a sermon.¹⁷ The anonymous Clementist author that Baluze chose as his “second biographer” for Pope Gregory has no qualms about liberally using the word “usurper” throughout his text in speaking for the rival obedience. He explains how shortly after the election, cardinals surreptitiously left Rome, “duo una die, unus alia, unus cum licentia, alter sine licentia,” despite Urban’s interdiction upon cardinals leaving the city. They reached Anagni to initiate proceedings against this usurper who wanted the papacy so badly that he did not fear using violence.¹⁸ The author explains that the declaration of August 9 was pronounced in Anagni Cathedral after a sermon.¹⁹ The letter named the Apostolic seat vacant, “apostolica Sede vacante,” and called the election illegitimate with words like “nepharia intrusio in papatu.”²⁰

A survey of Clementist narratives of the Schism reveals considerable evidence of the construction of Urban VI as usurper. From there it is not difficult to imagine the slip into the language of tyranny.²¹ Baluze’s first volume dedicated to the lives of the popes counts some sixty incidences of the word “intrusus” (usurper) attached to Bartolomeo Prignano. The word appears nowhere before the first life of Gregory XI, the pope whose death precipitated the initiation of the Schism. From then on the word is used liberally where referring to Urban VI in phrases such as, “ille non esset papa, sed intrusus;”²² “Post paucos vero dies domini cardinales inceptorum exire Romam ... taliter quod nullus Gallicus remansit; et omnes iverunt Anagniam, volentes procedere contra dictum intrusum;”²³ and “Et post sermonem fecerunt legere per unum clericum declarationem contra intrusum.”²⁴

A copy of a letter from Queen Joan of Naples in regards to Urban employs similar language, “Sane credimus in toto regno nostro Sicilie et in omnibus regnicolis nostrisque comitatibus Provincie et Forqualquerii manifestum ... quod etiam ad partes totius Ytalie ac ad remotas et varias mundi partes transivit notitia qualiter occupata Sedes apostolica contra canonicas sanctiones per intrusum illum de Neapoli, olim episcopum Barensensem.”²⁵ Similarly, the word abounds in the lives of Clement VII, where “dictum Bartholomeum intrusum” becomes a leitmotif.²⁶

Sometimes a touch of pseudo-reality adds to the construction of illegitimacy. According to certain texts, Urban VI was not only a usurper but he also behaved like someone who had no legitimacy. The author of Gregory XI's second life adds that the usurper "traveled (rode) like a fool, without a cross or the Host preceding him, and without any of the cardinals, and went to a city, which is called Tivoli."²⁷ No papal cortege would have stooped to such level of ceremonial inadequacy; only a false pope who did not know what he was doing could travel in such a manner.

Other documents, like the so-called *Libri de Schismate*, contain depositions offered to the Spanish kings of Aragon and Castile to persuade them to side with the Clementists, which the kings eventually did. The depositions, edited in the 1940s by Michael Seidlmayer, contain a wide array of information.²⁸ The inquest into the 1378 election started in 1379, and was pursued into 1380–1381, with some 150 individuals from all ranks interrogated about what they saw during the election. Again, phrases like "declaravit ... Bartholomeum intrusum et dom. papam Clemente in papam septimum verum pastorem" abound.²⁹ In 1380, Cardinal Pierre de la Vergne declared in the *Libri de Schismate*, "et alius B. est intrusus et fuit positus per impressionem Romanorum"; similarly cardinal Pierre Flandrin repeated, "Barensis esset intrusus."³⁰ Petitioning Clement VII in May 1381 to assent to Urban VI's provision that allowed Spanish bishops to keep the "fruits that they had levied," the king of Castile asked "que provea de nuevo et ratifique las provisiones de los obispados fechas por el intruso, otrosi que los proveidos deillos non sean tenidos a tornar los frutos que han levado."³¹

The language actually became so ingrained that any discussion of Urban VI was categorized with the words "usurper." He was the party or faction of the usurper: "Ea que sunt facti pro parte intrusi."³² Another example is found in the following *Libri's* chapter titles, "Informaciones tradite mag. Stephano Fortis ad informandum dom. infantem Petrum de Aragonia super suis revelacionibus, ubi continentur multa mala de Roma, de Romanis et de intruso" or "Secuntur ea que sunt facti in scismate principali pro parte intrusi."³³

For the Clementists, most of whom were French, "intrusus" was the accepted denomination for the "illegitimate" pope, Urban VI. Illegitimacy, of course, was a concept that varied with obedience. One can find very few instances where the word was used by the Urbanists against the Clementists. And, when it was used, it was not the direct "Clement is a usurper," but rather a more generic "opponent" who was defined as "usurper," and in certain cases, also "heretical." For example, in May 1379,

Urban addressed his legitimacy in a bull sent to the episcopate of Liège. The bull states, “ad significandum et affirmandum sue electionis factum tanquam canonicum et sue partis adverse hereticum et intrusivum.”³⁴

The third volume of the *Chartularium Universitatis Parisiensis*, covering the years 1350–1394, offers several examples of the use of “intrusus” that fall in line with contemporary usage. From 1378 on, the university described the papal election as non-canonical and Urban as a usurper of his title.³⁵ A 1379 letter of the king asked the university to declare that Bartolomeo was “intrus ou saint siège de Rome, et pape Clement VII^{me} est vray pastour de l’eglise universelle.”³⁶ Still, the fourth volume of the *Chartularium*, which ranges from 1394 to 1452, shows no instances of the word “intrusus” linked to Urban, who died in 1389, or to his successors. This could mean that some of Bartolus de Sassoferrato’s legal opinions, namely that an illegitimate ruler can gain legitimacy with the acquiescence of his followers, may have gained ground with the recognition of the two obediences.³⁷ One pope may have been a usurper, but his obedience gave him legitimacy.

The French cardinals’ insistence on using strong wording facilitated a slide of vocabulary from “usurper” to “tyrant.” It was in a sense a way to “demonize” the other pope. While the word “tyrannus” itself was not employed for the “illegitimate” pope, the association of “fear” with “usurpation” led readers down that path. As Bartolus had stated, a usurper who gained his title by fear was a tyrant. Edited by Louis Gayet, depositions taken by representatives of the Spanish king insist on fear during and especially after the election.³⁸ For the French, fear was the ground on which the election had been uncanonical. For example, the Cardinal de la Vergne states,

on Easter, I assisted in the coronation of so-called Bartholomew [note that he is not named pope] and I rode throughout town with the other cardinals because I could not act any other way, and I feared that if I showed repugnance in doing so the Romans would have put me to death. And so, everything I did in relation to him during that conclave, and after, I did for fear of death, otherwise I would not have. I never had the intention of approving what had been done with him, nor of giving him any rights to the papacy.³⁹

The Bishop of Assisi knew from conversation with Roman officials that if the cardinals were to renege on the election, “they and their servants would be put to death. This was known throughout Rome.”⁴⁰

Depositions show that Roman militiamen were warning the French not to utter any words against the validity of Urban VI's election, or "that he had been elected and crowned by force and violence. He is pope, all hold him as such and obey him, and that's enough for us. He is pope, one must not doubt it, because if anyone would dare question the election, the Romans would certainly cut him to pieces, and his ear would perhaps be the largest chunk left of him."⁴¹

Fear had impeded a canonical election, as the cardinals make clear in their August 2 and 9 declarations: "Officials compelled the cardinals to elect a Roman or at least an Italian to ensure that the curia remained at Rome. [...] They added that the cardinals had to declare publicly before the whole people that they would comply with the wishes of the population in order to avoid grave perils and danger. [...] They believed that all, or at least the ultramontane cardinals, would have been slain, if one of them had not had the idea of announcing to the people that they had elected the Cardinal of St. Peter."⁴²

Thus, for the generation of thinkers born before or during the Schism, violence and illegitimacy impeded just rule and Christian unity, and solutions were needed. Options were laid out and one of them could be removal of the usurper by violence if necessary. This is the intellectual landscape that produced Jean Petit, the architect of the justification of the murder of Louis of Orléans,⁴³ in which he states, "My third truth is, That it is lawful for any subject, without any particular orders from any one, but from divine, moral, and natural law, to slay, or to cause to be slain, such disloyal traitors; I say it is not only lawful for anyone to act thus in such cases, but it is also meritorious and highly honourable, particularly when the person is of such high rank that justice cannot be executed by the sovereign himself. I shall prove this truth by twelve reasons, in honour of the twelve Apostles."⁴⁴ Would he have used the same defense if the Schism had not happened? And, taken to the extreme, could these words also incite papicide?

The "Murder of the Rue Vieille du Temple" remains a marker of French history, a medieval equivalent of the shot heard around the world. It is in that street, now in the heart of the Marais district, that on November 23, 1407, Louis of Orléans, brother of "mad king" Charles VI of France, rode unknowingly into a deadly trap. Returning from visiting his sister-in-law Isabeau of Bavaria, who had just lost her newborn child, and making his way from the Hotel Barquette to the king's royal residence, Louis was assaulted by a large group of men who literally hacked him to death. A few

days later, while the murder was under investigation, the duke of Burgundy, John the Fearless, came forward and openly confessed that in a moment of weakness he had ordered the assassins to strike. He had done this some three days after having achieved a truce with Orléans.⁴⁵

The combination of perjury and murder brought consternation to the nation. But in a serendipitous moment Burgundy embraced his decision and defended it. He rationalized his gesture by accusing Louis of treason and lese-majesty, arguing that he had acted in the interest of king and nation. He organized a campaign aimed at justifying his action by hiring a famously eloquent theologian, Jean Petit, to plead his case in front of the court and to disseminate his defense throughout France, Burgundy, Flanders, and anywhere people were willing to listen.⁴⁶ A feeble Charles VI seemed to have acquiesced to his defense. But this left Valentina Visconti, Orléans's widow, and their sons, especially Charles of Orléans, thirsty for revenge.

On September 11, 1408, Thomas du Bourg, Abbot of Cerisy, publicly attacked Burgundy's defense on several grounds. Claiming the king's justice, he rebuked Petit and denied the so-called tyranny of Orléans. Like many of his contemporaries, he argued that justice was the backbone of peace and needed to be rendered fairly. And thus, after much equivocation, on March 9, 1409, the Peace of Chartres sealed the renewed "friendship" that united Orléans's heirs to Burgundy. Most knew that the peace would not last, especially when Burgundy managed to again control the king. After his mother's death in December 1408, Charles of Orléans buttressed his forces in 1410 by marrying Bonne of Armagnac, who was granddaughter of the Duke Berry, but, most importantly, daughter of the formidable Constable of France, Bernard of Armagnac, friend of Louis, and a great military leader. The Armagnac/Orléans party was born.

As early as March 1411, Charles of Orléans asked the University of Paris to condemn Petit's *Justification*, but gained no results. Petit died in July 1411 but his words lived on. Paris suffered through the pro-Burgundian Cabochien revolt of 1413, and it is perhaps during that time that the renowned theologian Jean Gerson decided that Petit and his defense were wrong: the defense disseminated errors that were false, subversive, and scandalous, that caused ills to France, and, as such, were worth refuting. Thus was born Gerson's obsession with rebutting the *Justification*. In September 1413, he drew from Petit's *Justification* seven clauses that he hoped to see condemned by the University of Paris. Between November 1413 and February 1414, Gerson faced opposition on the accuracy of his interpretation of Petit at a "Council of Faith" set up to discuss the issue.

His seven assertions were deemed exaggerated, and were revised to (ironically) nine. Finally, on February 23, 1414, the university condemned the nine assertions.⁴⁷ On February 25, copies of the Justification were burned in front of Notre Dame.⁴⁸

Still, the opening of the Council of Constance in November 1414 offered the Duke of Burgundy the occasion to renew his offensive. He brought his case forward to the council, and Gerson followed. But the appeal was somewhat limited in that it “had only to consider whether or not the Paris assembly had been entitled to form an opinion unilaterally on the heretical character of Petit’s ideas and not whether that opinion was in and of itself justified.”⁴⁹ The debate came to a close on January 11, 1416, when the council voted on the nine assertions: twenty-six members condemned them and fifty-one did not. The council’s rationale was simple: the assertions did not concern faith so were not judiciable by that body. On January 15, 1416, the three cardinals in charge of the affair annulled the Paris sentence of February 23, 1414. Orléans and Gerson had lost their battle in Constance and were left with a limited victory in Paris. On September 16, 1416, the French Parliament defended advocating tyrannicide as permissible without judgment, and forbade the copying and publication of the Justification.⁵⁰

The historiography of the Petit affair is meager. When the Justification is mentioned, it remains a piece of propaganda, a moment in Orléans/Armagnac-Burgundy factionalized politics. It is rarely analyzed on its own terms.⁵¹ It is, above all, woven into the fabric of French politics and its political implications are considered above its moral, theological, and doctrinal overtones.⁵² When it is discussed in its conciliar context it is usually framed around Gerson’s ideological obsession.⁵³

The council did in fact debate the question in depth. Alfred Coville, Petit’s foremost historian, remains perplexed and ponders why it occupied such a central place at the Council of Constance. Coville states,

In Constance, the Jean Petit Affair held a disproportionate place when one thinks that the council aimed at re-establishing union in the church, at restoring the papacy, at judging heresies way more serious than this case, like Jean Huss’, Jérôme of Prague’s, and Wyclif’s, and finally at reforming the church. One can gauge the importance of the affair externally when perusing the number of manuscripts that hold deliberations of the council focused on that topic: 380 folios for the official transcript of the deliberations ... 500 folios for the personal copy of the bishop of Arras, Martin

Porée ... and 668 columns in-folio of Gerson's works ... and by the important complements offered by H. Finke in his *Acta concilii Constanciensis*.⁵⁴

Still, the council refused to take a firm stand on Petit's assertions. It argued on procedure but never deliberated on the foundation of the Justification: is it permissible to commit tyrannicide for the greater good? It provided a diluted, anti-climactic "procedural" response, regardless of Jean Gerson's robust attacks and quest for conclusion. Did the council have ulterior motives?

Discussing inquisitorial processes at the council, Sebastián Provvidente argues "that in the case of the inquisitorial processes led by the Council of Constance a close association can be ascertained between inquisitorial practices and the consolidation of conciliar authority within the ecclesiastical *ordo iudicarius*."⁵⁵ Following the argument presented by Philip Stump on the reforms of the Council, Provvidente quotes Stump: "If the council could condemn abuses of papal power in a reigning pope, it could presumably also take action to prevent those abuses by limiting the exercise of papal power in the future."⁵⁶ Provvidente further insists on the importance of discussions surrounding "the council's *potestas executiva* and its at least contingent consolidation as the ultimate hierarchical instance of the church in possession of the *clavis potestatis*."⁵⁷ Referring to the council's debate surrounding the condemnation of Wyclif, he presents Pierre d'Ailly's affirmation that "condemnation should be made in the name of the council since *concilium est maius papa cum sit totum, et papa sit pars eiusdem* [the council as a whole is greater than the pope and the pope is a part of the council]."⁵⁸ Provvidente concludes that even after the election of a single pope the council attempted to consolidate its power: "Indeed it is through judicial praxis that the council sought to affirm its own *iurisdictio* and demonstrate its *potestas executiva* as the ultimate instance within the church *ordo iudicarius*."⁵⁹

If we accept that after *Haec Sancta* the council flexed its conciliar muscles, I would suggest that the lack of response to the Petit affair may suggest that the council wished to keep its options open. When the council did not firmly condemn an apology of tyrannicide after a thorough and lengthy review, it could intimate to any future *papabile* that he needed to behave because the "Petit option" (and it is terribly tempting to call it the "nuclear option") was always available. To be clear, the council had condemned *Quilibet tyrannus* on July 6, 1415, which states that "Any tyrant can and ought to be killed, commendably and meritoriously, by any vassal

or subject, even by secrets, plots and subtle blandishments or flatteries, despite whatever oaths or confederations between them, and without waiting for a judicial sentence or mandate from anyone.”⁶⁰ The council did not, however, condemn *Licetum est*, which limited “the legitimate targets of tyrannicide to those who are actively conspiring against the physical well-being of the king, and who have such great power that they cannot be brought to justice any other way.”⁶¹ Did Petit’s Justification face the church with a reality that it did not want to face? Or did the Council purposefully embrace that reality?

NOTES

¹ On the Avignon papacy, see Rollo-Koster, *Avignon and Its Papacy*.

² The letter of August 2 is found in Baluze and Mollat, *Vitae*, 4:174. The August 2 letter, appearing as the August 9 letter, is translated and analyzed by Walter Ullmann in a chapter entitled “The Case of the Cardinals” in *Origins of the Great Schism*, 69–89. The August 9 letter is found in Baluze and Mollat, *Vitae*, 1:450. On the initiation of the Schism see Rollo-Koster, *Raiding Saint Peter*. For an updated historiography of the Schism, see Rollo-Koster and Izbicki, *A Companion to the Great Western Schism*.

³ The murder of Louis of Orléans is considered the opening salvo of the French civil war that opposed Orléans/Armagnac and Burgundy for more than a generation. The murder resulted from the political vacuum initiated by Charles VI’s schizophrenia. While the king was “absent,” his wife, Isabeau, his uncles (the dukes of Bourbon, Berry and Burgundy, and after his death, Burgundy’s son John), and his brother, Louis, shared governance and fought for control. When Louis was attacked, he had been the de facto, and unpopular, ruler of France. See Famiglietti, *Royal Intrigue*, 1–21; Guenée, “Discours de M. Bernard Guenée,” 3–10.

⁴ See, for example, Swanson, *Universities, Academics and the Great Schism*, especially pages 45–69.

⁵ See, for example, Clarke, *Medieval City State*; Ford, *Political Murder*. One can find examples for Italy in Dale, Lewin and Osheim, *Chronicle History*. For Richard II, see Steel and Trevelyan, *Richard II*; Duls, *Richard II*. For Wenceslaus, see Holtz, *Reichsstädte*; Lindner, *Geschichte*.

⁶ For the most pertinent, see Jaszi and Lewis, *Against the Tyrant*; Nederman, “A Duty to Kill,” 365–89; Lewis, “Tyrannicide”; Piccolomini, *Brutus Revival*; Brincat, “Death to Tyrants,” 212–40; Cable, “*Cum essem in Constantie*”.

⁷ Lewis, “Tyrannicide,” 19. See also Kern, *Kingship and Law*, 101; Ford, *Political Murder*, 120–45.

⁸ Clarke, *Medieval City State*, 137.

⁹ Lewis, "Tyrannicide," 44.

¹⁰ Finnis, *Aquinas*, 290.

¹¹ Emerton, *Humanism and Tyranny*, 127.

¹² *Ibid.*, 129.

¹³ *Ibid.*, 132.

¹⁴ Guenée, *Un meurtre*, 192.

¹⁵ *Ibid.*, 193.

¹⁶ "Cardinales, inquit, in Anagnia hujusmodi contra ipsum processum inchoarunt, in quo eum Bartholomaeum Barensem in papatu intrusum nominarunt." *Annales ecclesiastici*, 26:316.

¹⁷ "ad aliam diem prorogarunt, et eis proragationem notificari fecerunt, et illa die prorogata in eorum missa cum solemnī missa et sermone publicaverunt ipsum Bartholomaeum intrusum et anathematizatum." *Ibid.*, 26:316.

¹⁸ "Volentes procedere contra dictum intrusum, qui sic violenter voluit tenere papatum." Baluze and Mollat, *Vitae*, 1:448.

¹⁹ "post sermonem fecerunt legere per unum clericum declarationem contra intrusum." *Ibid.*, 1:450.

²⁰ *Ibid.*, 1:448.

²¹ These sources were certainly biased, but their editor, the great Étienne Baluze, is recognized today as a founder of modern historical methodology and managed to somewhat balance these accounts. See Boutier, *Eitienne Baluze*; Mollat, *Étude critique*.

²² Baluze and Mollat, *Vitae*, 1:432.

²³ *Ibid.*, 1:448.

²⁴ *Ibid.*, 1:449.

²⁵ *Ibid.*, 1:455. For further examples in the lives of Gregory XI, see 1:450, 452–53, 456–57, 459.

²⁶ *Ibid.*, 1:470. The word is used on each page of *Vitae*, 1:470–79, 482, 484–86, 491, 494–98.

²⁷ "Et videns dictus intrusus sic omnes cardinales recessisse, exivit Romam et die xxvj junii equitavit quasi stultus sine cruce precedente et sine corpore Christi et sine ullo cardinali, et ivit ad unam civitatem que vocatur Tiburis." *Ibid.*, 1:448.

²⁸ Seidlmayer, "Die spanischen 'Libri de Schismate,'" 199–262; Seidlmayer, *Die Anfänge*. On these Vatican registers, see also Macfarlane, "An English Account"; Rehberg, "Le inchieste dei re," 247–304; "Il rione Trastevere," 255–317.

²⁹ Seidlmayer, *Die Anfänge*, 249.

³⁰ *Ibid.*, 244–45.

³¹ *Ibid.*, 316. Other examples can be found on pages 327, 249, 252, 316, 332, 334, 336–38, 342, 355.

³² Seidlmayer, "Die spanischen 'Libri de Schismate,'" 203.

³³ Ibid., 207, 213.

³⁴ Baluze and Mollat, *Vitae*, 1:526.

³⁵ Chatelain and Denifle, *Chartularium Universitatis Parisiensis*, 3:302, 553, 555, 567, 569–70, 572, 576, 582, 589, 593.

³⁶ Ibid., 3:564.

³⁷ Ibid., vol. 4.

³⁸ Gayet, *Le grand schisme*. On the issue of fear during the election, see Rollo-Koster, "Civil Violence," 9–66.

³⁹ Gayet, *Le grand schisme*, 2:84. My translation.

⁴⁰ "Et pro certo, Domini mei, per illa que audivi ab officialibus et ab aliis romanis si Domini Cardinales voluissent electionem impugnare fuissent omnes mortui cum eorum, de hoc in ipsa civitate romana erat publica vox et fama." Ibid., 2:85.

⁴¹ "Sive vi, sive potentia electus fuit et coronatus, papa est, et omnis habent eum pro papa, et sibi obediunt, et sufficit nobis, et papa est, nec debet facere dubium, nam in veritate romani quemcumque faciente dubium ponerent in peciis talibus, quod major pars esset auricular." Ibid., 2:85–86.

⁴² These are only a few examples; see Ullmann, *Origins of the Great Schism*, 69–74.

⁴³ For a discussion of his "team," see Schnerb, *Jean sans Peur*, 247–50.

⁴⁴ Monstrelet, *Chronicles*, 71.

⁴⁵ See, Guinée, *Un meurtre*, 232–81. The details of the murder are well known, not only because Monstrelet wrote what is considered to be one of the most accurate depictions of the affair, which led to a quite popular modern rendering in Jager's *Blood Royal*, but also because the report produced by the investigation is easily accessible through Lechien's edition. On Monstrelet's historical worth, see Courroux, "Enguerrand de Monstrelet," 89–108; Diller, "Assassination of Louis d'Orléans," 57–68. The transcription of the investigation is found in Lechien, "Enquête du Prévôt," 215–49. Historians also know quite a bit about the perpetrator of the crime, Guillaume Courteheuse, the squire of Louis of Orléans, and Raoul or Raoulet d'Anquetonville, the leader of the gang in the pay of John the Fearless. See Mirot, "Raoul d'Anquetonville," 445–58, who depicts d'Anquetonville as a truly vile individual who received protection from Burgundy for his entire life.

⁴⁶ Coville, *Jean Petit*, remains the absolute reading on Petit. He minutely details all the arguments.

⁴⁷ See the condemnation in Chatelain and Denifle, *Chartularium Universitatis Parisiensis*, 4:280–83.

⁴⁸ See *Chronique du Religieux*, 5:271–79, for a summary of the affair and the auto-da-fe.

⁴⁹ Cable, "Cum essem in Constantie," 269.

⁵⁰ For the "Petit trial" in Constance, see Finke, *Acta Concilii*, 4:255–352. See also Coville, *Jean Petit*, 504–64; Lewis, "Tyrannicide," 119–59; Guinée, *Un meurtre*, 182–264.

⁵¹ I can only mention here the most obvious. In chronological order, see Jarry, *La vie politique de Louis de France*; Nordberg, *Les ducs et la royauté*; Vaughan, *John the Fearless*; Autrand, *Charles VI*; Famiglietti, *Royal Intrigue*; Schnerb, *Les Armagnacs et les Bourguignons*; Guenée, *Un meurtre*; Autrand, *Jean de Berry*; Adams, *Life and Afterlife*; and the following articles: Dequeker-Ferguson, "L'histoire au service des pouvoirs," 51–68; Hutchison, "Partisan Identity," 250–74; Hutchison, "Winning Hearts," 3–30; Hutchison, "The Politics of Grief," 422–52; Adams, "Valentina Visconti," 11–32; Strøm-Olsen, "George Chastelain," 1–17; Lurie, "Citizenship," 365–90. Also of note is the following dissertation: Pollack-Lagushenko, "The Armagnac Faction."

⁵² Even Alfred Coville surrenders to its political implications; see Coville, *Jean Petit*, 500.

⁵³ See, for example, McGuire's recent, *Jean Gerson*, especially 229–34, and 240–83; and McGuire, *Companion to Jean Gerson*.

⁵⁴ Coville, *Jean Petit*, 509 (my translation).

⁵⁵ Provvidente, "Inquisitorial Process," 110.

⁵⁶ *Ibid.*, 103.

⁵⁷ *Ibid.*, 107.

⁵⁸ *Ibid.*, 109.

⁵⁹ *Ibid.*, 109–10.

⁶⁰ "*Quilibet tyrannus* is simply a Latin translation of the first of the seven assertions that were submitted by Gerson to the Council of Faith in Paris. They were rejected and replaced with the nine assertions, when it was decided that they did not accurately reproduce the arguments contained in the Justification." Lewis, "Tyrrannicide," 123.

⁶¹ *Ibid.*, 123–24.

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Dispensing Against the Apostle

John Wyclif and the Canonists

Ian Christopher Levy

ACCORDING TO JOHN WYCLIF IT IS THE PREVAILING OPINION among the canon lawyers of his day that if anyone is pope he is thereby faultless (*impeccabilis*). And so it is that whatever the pope ordains is just since his letters may even possess greater authority than Holy Scripture. What is more, these canonists claim that the Gospel is not to be believed except on the pope's authority. It is for the pope both to interpret Scripture and to explain its application. So great is his power it is said that he can render Holy Scripture heretical and make Catholic even what contradicts the Christian faith itself.¹ In this same vein, if phrased slightly differently, Wyclif will complain of papal decretals being placed on par with the Gospel Books and surpassing the Epistles of Paul. Thus the canonists assert the right of the pope to correct the Gospel and dispense against the Apostle. The current situation is so dire, laments Wyclif, that any theologian who would dare confine the pope's authority to a solid scriptural foundation is now labeled a heretic.²

Although Wyclif often painted the canonists with a broad rhetorical brush, there is some substance to what he recounted. Their affirmations of papal power, despite numerous caveats and conditions, could seem startling at first glance. Wyclif had a great deal to say about the late medieval papacy in its many facets, but this essay will concentrate on the pope's authority to grant dispensations, which would appear to contradict the teachings of Holy Scripture. Specifically, we will examine Wyclif's reaction to the pope's aforementioned right to "dispense against the Apostle." In this case Wyclif was directly engaged with one canonist in particular: Johannes Teutonicus, compiler of the *Glossa Ordinaria* on Gratian's *Decretum*, whom Wyclif often designates simply as the "glossator."

The Authority of the Pope to Dispense

In his *Decretum* Gratian had defined dispensation as a merciful relaxation of the severity of discipline granted for reasons of usefulness or necessity.³ For Gratian and the later decretists the Roman pontiff claims the right to

dispense in his unique role as “lord of the canons.” He alone has the power both to make and change the law in addition to interpreting the law and granting exceptions.⁴ Yet even as the decretists deduced from the pope’s supreme legislative power his authority to dispense, they did acknowledge limits. The pope could not change or relax the law arbitrarily or without cause, nor could he do damage to the fundamental order and well-being of the church, otherwise known as the “status ecclesiae.” Hence although Johannes Teutonicus, in his *Glossa Ordinaria*, allowed for relaxation of the common law done with knowledge by the one who has the right to dispense, he also insisted that no dispensation might be permitted to deform the state of the church.⁵

The parameters of the pope’s power to dispense were tested with regard to lawful ordinations. Gratian had discussed at length the so-called rule of the Apostle (*regula Apostoli*) laid down by Saint Paul in his First Epistle to Timothy and in his Epistle to Titus. Here Gratian addressed central questions regarding who is eligible to ascend to which grade of orders; whether or not a man can be restored to his order after having sinned; and which sins constitute grounds for removal from office.⁶ In 1 Timothy, the Apostle Paul stated that a bishop should be “the husband of one wife” (1 Tim 3:2), and applied this rule to deacons a few verses later (1 Tim 3:12). Then in the Epistle to Titus (1:6), he laid it down also for presbyters. So it was that the men seeking these offices could not be twice married (the presumption being that they had remarried as widowers).

Three canons in the *Decretum* were devoted, however, to specific instances in which the pope seems to have acted contrary to the aforementioned “rule of the Apostle.” These canons, which were attributed (erroneously) to Pope Martin I, formed the basis of further discussion among the canonists, not simply regarding orders, but more broadly papal prerogative in handling irregular cases. According to *Si subdiaconus* (D. 34 c. 17), if a subdeacon takes a second wife he should henceforth be counted among the ranks of the lectors and porters. Gratian in his own comments found some flexibility here as he determined that in cases of necessity the twice-married man can be promoted to the rank of subdeacon.⁷ Gratian seems to have secured this view on the basis of the following canon, *Lector* (D. 34 c. 18). This canon states that if a lector takes as his wife the widow of another he must remain in that office and not be promoted. Yet the text goes on to say that in cases of necessity he could rise to subdeacon, although no further; and the same is said of the twice-married man.⁸ Everything might appear to have been settled except for the fact that

a third canon attributed to Pope Martin, *Si quis viduam* (D. 50 c. 8), holds that the man who marries a widow must not be admitted to the ranks of the clergy and should be deposed if he had been already ordained.⁹ Now the same pope seems to have closed the door on all such ordinations without allowing for flexibility in cases of necessity.

In his treatment of this topic, Stephan Kuttner points out that the first generation of canonists believed that the Apostle Paul's rules applied only to major orders. Hence, in the case of the subdeacon (D. 34, c. 17), the pope was not actually dispensing "contra apostolum;" he was merely granting a dispensation from positive law. And if it seemed that Pope Martin was contradicting his own canon (D. 50, c. 8), Huguccio argued that in one case Martin was speaking "de iure" and in another "de dispensatione," remarking that necessity can prompt a dispensation. Yet some of the more conservative canonists believed that the subdiaconate did qualify as a major, or sacred, order. Pope Alexander III, moreover, declared that twice-married men promoted to sacred orders must be deposed, since it is not lawful to dispense against the Apostle on this matter. How then could the canonists reconcile Pope Martin's decisions with current practice? Here recourse was had to considerations of historical context. In Martin's time such a dispensation was lawful because the subdiaconate was not yet reckoned a sacred order. According to Hostiensis, the canon *Lector* (D. 34, c. 18) should be understood according to the state of the primitive church, although these days the pope could not easily (*de facile*) grant such a dispensation to a subdeacon. Huguccio, for his part, maintained that Martin never intended to legislate in this case, but was only offering counsel to his successors. Yet, he said, the pope is nevertheless not bound by Martin's decrees; in fact, the pope can dispense not only against his predecessor but also against the Apostle. For by reason of his jurisdiction every "apostolicus" is greater than the "apostolus." So it is that the pope can dispense against the Apostle in all matters except those that pertain to faith and salvation. Hostiensis followed this line, noting that the one who stands in the place of Peter is greater than Paul in matters of administration: "Quia ratione prelationis quilibet apostolicus est maior quam fuerit apostolus." Even were Saint Peter himself to prohibit something, the pope would still not be bound inasmuch as equal has no authority over equal, a principle that had been enunciated by Pope Innocent III (X. 1.6.20).¹⁰

By the thirteenth century such discussions turned on the papal fullness of power (*plenitudo potestatis*), which was extended to cover the pope's supreme legislative authority and appellate jurisdiction. In his

decretal *Quanto personam* (X 5.39.31), Innocent III made the case that only the pope could approve an episcopal translation on the grounds that God alone could dissolve the bond of marriage between a bishop and his flock; and that this divine authority had been granted by Christ to Peter and his successors. According to Innocent, “the pope has this authority because he does not exercise the office of man, but of the true God on earth.” Later jurists built upon this principle as they outlined the breadth of papal authority. Thus when Goffredus of Trano glossed *Quanto personam* he determined that, as God’s vicar, the pope stands above the law, such that he is free to dispense against the Apostle (*ipse dispensat contra apostolum*).¹¹ Pope Innocent IV took matters beyond the Pauline Epistles as he claimed that the pope could also dispense from the obligations of the Gospels, although he qualified this assertion noting that it applied only to the letter (*verba*) rather than the spirit (*mentem*) of the text. Along these lines, Guido de Baysio asserted that the pope could dispense from the evangelical counsels, although not the precepts and prohibitions. There were always limits, therefore, placed on the papal authority to dispense.¹²

Wyclif’s General Position on Canon Law

John Wyclif was a theologian by trade, a Master of the Sacred Page (*magister sacrae paginae*), and, like many of his fellow theologians in the late Middle Ages, he was distrustful of canon lawyers and their expanding influence throughout the church. This is not to say that Wyclif discounted papal legislation and canon law out of hand. He did concede to the papacy the right to formulate statutes designed to promote the greater welfare of the church. And whenever popes do institute such laws they ought to be accepted, so long as they do not prove contrary to Holy Scripture. Yet it was surely blasphemous to imagine that such decrees, simply on the grounds that they are issued by the pope, might then claim equal authority with the Gospel.¹³ Hence Wyclif declared that he would accept only those canons that could be considered explications of the divine law already revealed in Scripture. Actually, says Wyclif, canon law at its best is just an abbreviated form of divine law, although it has been corrupted over time by spurious teachings.¹⁴

Wyclif was adamant that papal authority must always be kept within clearly defined limits, which the canonists, with their exuberant claims made on behalf of the Roman pontiff, often seemed to overstep. For, given that a sitting pope can lapse into heresy, according to Wyclif—a

possibility that canon law itself admits—his constitutions could not possibly be placed on par with Holy Scripture. Granted, there may be some Catholic principles contained within papal decrees that do possess the full authority of Scripture, but then such authority will rest upon their having been confirmed by Christ the Truth, not for having been asserted by the pope.¹⁵ For Wyclif, therefore, the pope possesses a purely subsidiary authority as promulgator of the Divine Law already revealed to the Church in Holy Scripture.

At the heart of these questions of authority is the principle of authorship; a text is only as authoritative as its author. Wyclif would rely upon the classic argument made by theologians in asserting their superiority over the canonists: the former study a divinely inspired text whereas the latter read documents authored by men. Directly authorized by God, says Wyclif, Holy Scripture must be of infinitely greater authority than all the papal decretals, since the latter are mere human creations.¹⁶ Exceeding all human traditions in both authority and subtlety, the sacred canons of Scripture thereby form an absolute standard by which all ecclesiastical legislation will have to be judged.¹⁷ No matter what the lawyers may say, Wyclif was confident that the *Decretum* itself supports his case, as he appealed to the canons in Distinction 9 to the effect that Holy Scripture holds a place of unique preeminence in the church. Thus to imagine that papal decrees could achieve the truth and certitude of Scripture would be to exalt their papal authors to the heights of Christ himself. In fact, the inherent instability of papal legislation would appear to undercut its claims to authority: an endless procession of contradictory bulls with each new one revoking the effects of the last.¹⁸

Even if Wyclif does not call for the abrogation of canon law wholesale, all legislation will have to be brought into conformity with the only true law: the Law of Christ (*lex Christi*). So it was that, in the opening years of the Great Western Schism, Wyclif declared that the faithful are not bound to acknowledge either Urban VI or Clement VII except insofar as these claimants legislate in accordance with the Law of Christ. In fact, it would appear that God had ordained the Schism, says Wyclif, precisely in order to demonstrate that the Law of Christ is the sole test of orthodoxy.¹⁹ For Wyclif, the Law of Christ is a distillation of Jesus Christ's own life and teaching, succinctly summed up by Saint Paul: "love is the fullness of the law" (Rom 13:10). Civil and ecclesiastical laws, therefore, are only beneficial to the extent that they promote this perfect law of charity.²⁰ The authority of this law, moreover, is grounded in the Person of Jesus Christ.

Thus one does not first obey the law only then to be drawn up towards its creator. Rather, according to Wyclif, one first loves the law-giver himself and thereupon loves his law, which is the perfect expression of his will.²¹

Wyclif's attacks on the superfluity of papal legislation looked to his opponents like an attempt to stifle the legitimate development of authoritative texts necessary for the governance of the church. If one were to follow Wyclif, so the argument runs, it would seem that the Four Gospels should have sufficed, thus rendering the letters of the Apostle superfluous and even sinful. Indeed, it would seem that all the commentaries of the saints, along with the laws of the church, should likewise be reckoned harmful. For Wyclif, the fatal mistake of such an argument is its assumption that Holy Scripture and canon law might be placed on equal footing, as though the growth of the former justifies that of the latter. The inspired authors of Scripture, says Wyclif, added books little by little for the good of the church in order to explicate previously hidden truths. The Holy Spirit himself determined that the Pauline Epistles, Acts of the Apostles and Apocalypse would complement the Gospels. It belonged to the divine plan, therefore, that books be added progressively to the canonical collection for a defined period of time. The problem now, though, is that Antichrist and his disciples daily fabricate new documents designed to take their place alongside Holy Scripture as co-equal authorities, the implication of which is that Scripture is deficient and thus in need of supplementation.²²

The *Glossa Ordinaria* on the Papal Authority to Dispense

Throughout his later works Wyclif demonstrated not only a familiarity, but even a facility, with canon law and the works of the canonists. Hostiensis and Guido de Baysio, for instance, were frequently cited and often at length. Professional misgivings aside, engagement with the canonists could hardly have been otherwise for a university theologian in the late fourteenth century, for the very fact that canon law reached into virtually every aspect of Christian life. Just as Wyclif read a glossed Bible, so when it came to reading Gratian's *Decretum* he would have turned to Johannes Teutonicus's *Glossa Ordinaria*. If we are to understand Wyclif's responses to Johannes, sometimes presented in abbreviated form, it is best to begin by examining directly those texts from his Gloss that framed the debate over papal authority to dispense against the Apostle (*contra apostolum*).

First of all, with regard to *Si subdiaconus* (D. 34 c. 17), Johannes noted that in this case Pope Martin had permitted the man to remain in minor orders “by way of dispensation, since by common law he should forfeit his clerical privilege.”²³ Then, commenting on *Lector* (D. 34 c. 18), Johannes observed that if anyone in minor orders takes a widow for a wife or has been twice married, he can be promoted to subdeacon by way of dispensation (*ex dispensatione*), although in other cases not. What is of special note, however, is the comment that follows: “So it is that the pope dispenses against the Apostle, as he does here and in the canon *Presbyter*.”²⁴ When commenting on *Presbyter* (D. 82, c. 5) directly, Johannes observed that in the time of the Apostles (*in tempore apostolorum*), clerics were deposed for manifest fornication. Yet the holy fathers gathered at the council of Gangra tempered this line of severe discipline. There they established that a repentant presbyter who freely confessed his crime could be restored to his earlier position following a ten-year penance. According to Johannes, some understand the ruling outlined in this canon as a dispensation (*de dispensatione*) while others take it as a matter of law (*de iure*), such that no one may be deposed for fornication today unless he perdures in that crime.²⁵ As it is, Johannes finds here in *Presbyter* further support for the principle enunciated previously in *Lector*, inasmuch as “the council dispenses against the Apostle in matters of punishment.”²⁶

A central canon in Wyclif’s arsenal supporting scriptural authority over that of papal legislation was *Sunt quidam dicentes* (C. 25 q. 1 c. 6). In fact, this was one of the most pivotal canons to emerge in the debates among theologians and canonists, since it touched directly upon papal authority relative to Holy Scripture and the Church Fathers. This canon begins by affirming that the pope is certainly entitled to make new laws, although it maintains that in those instances where Christ, the apostles, or the holy fathers have already clearly defined something, the pope is obligated to defend those precedents. And, what is more, were the pope to attempt to undermine apostolic doctrine, such an error would deprive his judgment of any force. Salvation consists in not deviating from the statutes of the fathers and thereby preserving the rule of faith.²⁷

It is clear, therefore, that the authority conceded to Holy Scripture and apostolic teaching was regarded as sacrosanct. Indeed, Johannes noted in his Gloss that if the pope attempted to issue a statute that contravened the Gospels, Apostles, or Prophets he would stand convicted as a heretic.²⁸ Yet this basic statement of principle had somehow to be squared with the whole matter of lawful dispensations. For Johannes will then comment: “Here it seems that the pope could not dispense against the Apostle or

the Lord. How, then, did Martin dispense with the twice-married man against the Apostle as we find in the canon *Lector* (D. 34 c. 18)?²⁹ As he continued, Johannes recalled that one reads in *Presbyter* (D. 82 c. 5) that the Council of Gangra had dispensed against the canons of the Apostles that called for the deposition of a fornicating priest. What is more, the pope appears to have dispensed against the Lord (*contra Dominum*) when releasing subjects from their oaths and vows as we see in *Iuratos* (C. 15 q. 6 c. 4), even as Holy Scripture says, “You shall fulfill your vows to the Lord” (Ps 76:11). Given all this, Johannes concluded: “The pope does dispense against the Apostle, but not in matters that pertain to the Articles of Faith. And in the same manner he dispenses with respect to the Gospel, by interpreting it.”³⁰

Perhaps no single issue so defined Wyclif’s reform agenda as the call for clerical disendowment; private property does not befit those who have been called to follow the poor Christ. Does canon law permit clerics to possess private property? This is the first question that Gratian deals with in Case 12; and the answer seems to be that it does not: “That clerics are to possess nothing is commanded by many authoritative sources.”³¹ As one might expect, however, the full answer is more complicated. In his Gloss, Johannes noted that Gratian first proves that clerics should not have property, only later to prove the contrary. Then, having cited sources on both sides of this issue, Gratian had attempted to resolve the matter. But, according to Johannes, he did not do a good job of it (more on this below). In his own introduction to this question Johannes offered some guidance that might help to reconcile the various competing texts. Generally speaking, clerics can indeed possess property. If, however, they have renounced their property, whether tacitly or expressly, then they may no longer keep it. Johannes admits that in the primitive church (*ecclesia primitiva*) all believers, whether clerics or lay, possessed no property of their own; for all goods were held in common. Yet possession of property is lawful today. As such, any canons that would appear to prohibit clerical ownership must either be referring to the time of the primitive church; to those who have renounced their goods; or they are speaking by way of a counsel rather than a precept.³²

Wyclif’s Response to the Gloss of Johannes

Wyclif’s campaign for clerical disendowment was most fully spelled out in his 1376 *De civili dominio*. Arguing that all goods of the clergy should be held in common apart from civil property rights, Wyclif waded into

Case 12 and the discussion surrounding the interpretation of its various canons. Specifically, he addressed his opponents' invocation of the canon *Episcopi de rebus* (C. 12 q. 1 c. 19) that permits bishops to leave their own property to their heirs, while ecclesiastical proceeds remain in the right of the church. Here then, his opponents say, the distinction made between the bishop's own goods and those of the church proves that clerics may possess private property. In response, Wyclif turned to Gratian's attempt to resolve this larger question when commenting on the canon *Praecepimus* (C. 12 q. 1 c. 24), which states that the goods of the church are in the power of the bishop. Gratian determined here that clerical property rights affirmed in various texts may be applied to Eastern bishops who have wives and children; and also to some Westerners, who, as laymen or in minor orders, had families before receiving sacred orders. To these men is conceded the right to have goods of their own. But, says Gratian, those who have been in religious life from childhood are not permitted to possess their own property. This resolution proposed by Gratian was all that Wyclif needed to cement his case that clerical property is limited to use alone, rather than civil ownership.³³

Yet, as we touched on above, Johannes had specifically criticized this attempt by Gratian to harmonize the conflicting canons. In the Gloss on *Praecepimus* (C. 12 q. 1 c. 24) Johannes reminded the reader of his own opening appraisal of Gratian's efforts: "male solvitur." Thus Johannes once again affirmed that clerics can have property; contrary statements must therefore be counsels, refer to the early church, or pertain to those who had renounced their goods.³⁴ Wyclif was sure, however, that no correct reading of the law could allow for clerical civil ownership. Making his case he cited the comments of Guido de Baysio on the aforementioned *Episcopi de rebus* (C. 12 q. 1 c. 19) to the effect that clerics are permitted use alone rather than ownership of ecclesiastical goods. Guido, as Wyclif duly notes, had proceeded to cite many canons to the effect that clerics may not claim goods as their own, but must regard them as communal. Bishops therefore function as dispensers, not owners, of ecclesiastical goods.³⁵

Displeased as Wyclif may have been with Johannes's curt "male solvitur," he was positively furious with his gloss on *Dilectissimis* (C. 12 q. 1 c. 2) wherein Pope Clement I, determining that the clergy were to have only the common use of goods, said "we command you to obey the teachings and examples of the apostles."³⁶ Here Johannes had reduced Clement's "precept" (*precipimus*) to a word of advice (*id est monemus* ...), thereby loosening its strictures for future generations. Allowing for

historical development in matters of ecclesiastical discipline, Johannes granted that this may have indeed been a precept in the early church, just as continence was also commanded. But to demand clerical disendowment today, said Johannes, would amount to deforming the state of the universal church (*deformare statum ecclesiae universalis*).³⁷

Wyclif was aghast at this accommodation; never has he heard such an erroneous claim! Rather than introducing deformity, as Johannes believes, the observation of this precept would conform the church to the life of Christ and the apostles, and thus would constitute a beautiful expression of moral conduct (*non foret deformitas, sed morum formositas*). Perhaps, opines Wyclif, it is best to leave such matters to the theologians, who have been taught by Christ, when it comes to preserving the “status ecclesiae.” That Johannes may have been a great doctor (*magnus doctor*) in his own discipline notwithstanding, Wyclif continues, one should not trust him in matters of theology unless what he says is founded upon Holy Scripture. The allowance of clerical civil property is clearly not so founded; hence Wyclif’s appeal to comments of Guido de Baysio on a separate canon, *Nolite timere* (C. 11 q. 3 c. 86): “However great the doctor, I am not obliged to believe him unless his statement be proven through authoritative Scripture.”³⁸

Yet, in an effort to forge some consensus, Wyclif looked for ways that Johannes’s gloss could be salvaged. Of note here is that Wyclif seems less concerned with what Johannes intended than with what the text itself might be construed to support. Here is a case where authorial intention appears to be of secondary interest. “Whatever Johannes may have been thinking” (*quicquid senserit*), says Wyclif, on closer inspection his comments might not imply the lawfulness of clerics as civil owners after all. Rather, this gloss may mean that they are permitted to have certain goods in their private ministry for the sake of distributing them to needy members of the church. A little further on Wyclif actually conceded Johannes’s point that the holy doctors spoke of the renunciation of goods as an evangelical counsel. But this does not derail Wyclif’s argument, due to the fact that he reckons that all clerics—not just those in religious orders—are obliged to observe the divine counsels across the board, most especially poverty. “Every counsel of our abbot Jesus Christ,” according to Wyclif, ought to be received by his fellow secular clerics as nothing less than a precept. As Wyclif sees it, therefore, if one is discussing the “state of the Church,” it is more precisely the state of the primitive church (*secundum statum primeve ecclesiae*) that must be preserved; this is the sole standard

for clerical life into the present age.”³⁹ A few years later, in his *De veritate sacrae scripturae*, Wyclif similarly contended that neither historical development nor papal dispensation (*temporis variacio nec papalis dispensatio*) can release priests from their obligation to follow the example of Christ’s way of poverty. Wyclif has already, he says, proven this from Holy Scripture, the testimony of the saints, and from multiple laws which state that the goods of the church belong to the poor and are not subject to clerical dominion.⁴⁰

Within the debate over clerical property Wyclif’s opponents had also appealed to the canon *Auctoritatem* (C. 15 q. 6 c. 2), the central purpose of which was to confirm the pope’s authority to nullify an illicit vow. His opponents, however, were primarily interested in another aspect of this case. Clerics held captive had been forced to make vows alienating ecclesiastical goods to their captors. Having released them from the coerced vows, Pope Nicholas thereupon urged these churchmen to recover the forfeited goods by means of both the spiritual and material sword. Wyclif, in keeping with his bedrock principles of clerical poverty and disendowment, was not moved by this precedent. Clerics, he said, should not seek such civil restitution in the law courts; instead, they ought to be content to live by natural and evangelical law alone. Indeed, they should be willing to suffer injury with patience. Thus, even as his opponents had appealed to the freedom granted clerics under canon law to recover lost goods, Wyclif looked to the words of the Apostle Paul: “Take heed lest your freedom become a stumbling block to the weak” (1 Cor 8:9). And it is here that Wyclif ran up against the Gloss on *Auctoritatem*, wherein Johannes took the opportunity to assert the pope’s right to dispense against the Apostle. Having canvassed a range of opinions regarding dispensations from vows, Johannes concluded: “I say that [the pope] can indeed dispense against natural law, although not against the Gospel or against the Articles of Faith. Yet he does dispense against the Apostle [evinced in] Distinction 34, *Lector* and Distinction 82, *Presbyter*.”⁴¹

Reckoning this a dangerous principle articulated by “the glossator,” as he refers to Johannes here, Wyclif called upon his fellow theologians to resist such sweeping claims advanced by the canonists on behalf of papal prerogative. The foundation upon which Wyclif’s objection stands is the plenary inspiration of Scripture, which brooks no chasm between different portions of the New Testament; they are all equally authoritative. It is the Christological nature of Holy Scripture that guarantees full authority to all of its parts; the whole of Scripture is replete with the voice of Christ.

Wyclif regarded the Apostle's determinations inviolable, precisely because Jesus Christ himself was speaking through Saint Paul (*in quo Christus loquitur*). Having raised the stakes in this way, Wyclif argued that if these Pauline injunctions can be overturned, the Catholic faith itself will be imperiled. Furthermore, to dispense against the Apostle, whose Epistles belong to the biblical canon, would be tantamount to dispensing against Holy Scripture itself. And that, in turn, would automatically invalidate the papal dispensation. For it would then be proven false by virtue of its opposition to Scripture, which is itself the indefectible source of divinely revealed truth.⁴²

In this same vein, as Wyclif observes further on, the Apostle Paul himself declares that Christ is speaking through him (2 Cor 13:3). Christ the Eternal Word speaks not only in the Gospels, therefore, but also in the Apostle. Actually, according to Wyclif, the Apostle can claim equal authority with the Four Gospels on the strength of the divine revelation he received when taken up into the third heaven (2 Cor 12:2). Here again, therefore, if the pope could issue dispensations against the Apostle's directives, there would be no end to his authority over Scripture. Soon he would be discounting the authenticity of the Epistles on the grounds that the pope alone determines the canonical authority of the biblical books. From there, surmised Wyclif, it is but a short leap to the pope dispensing from Articles of Faith and declaring previous Catholic truths heretical. No matter the exception Johannes makes for the Gospel and Articles of Faith, therefore, once the pope is allowed to dispense against the Apostle the entire garment of biblical and Catholic truth unravels.⁴³

As Wyclif proceeded to critique Johannes's argument, he turned to the two aforementioned canons cited in support of the papal right to dispense against the Apostle: *Lector* (D. 34 c. 18) and *Presbyter* (D. 82 c. 5). Wyclif does not, in fact, find in these canons any contradiction of the apostolic texts. This is an interesting turn of events, as Wyclif sets out to secure in these instances canon law's agreement with Scripture. In so doing he will thereby weaken the case for the papacy's right to dispense against the Apostle, precisely by eliminating the apparent contradiction. Wyclif observes that in the Epistles to Timothy and Titus, the Apostle's law pertaining to the orders of deacon and bishop (and presbyter) are not the subject of the canon *Lector* (D. 34 c. 18), which allows for promotion only to the level of subdiaconate. Of greater import, however, is the case to be made on the basis of historical development. Even if Saint Paul had claimed it is necessary for every cleric in each of the seven orders to

be the husband of one wife—which, Wyclif notes, we do not have in our codices—this dispensation would still not be contrary to the Apostle. Granted that at the time of the apostles (*pro tempore apostolorum*) such stipulations may well have been fitting, indeed even best practice. Yet later on, as the church progressed (*in processu ecclesiae*), came the realization that in cases of necessity it would be permissible to dispense with clerics in these orders. Wyclif concludes that such a dispensation is not contrary to, but actually consonant with, the words of the Apostle himself: “Let all things be done honestly and according to order” (1 Cor 14:40). In other words, such a dispensation would still be in keeping with the Apostle’s teachings. Yet, as Wyclif knew, Johannes remarked in his gloss on *Lector* that Pope Innocent III had determined that it is not lawful to dispense with the twice-married (*Nuper a nobis*, X. 1.21.4) as had Pope Martin in *Si quis viduam* (D. 50 c. 8). Wyclif, though, countered that Innocent was referring to clerics in higher orders (*supple quoad superiores*), and so too Pope Martin in *Si quis viduam*. The point being that, since these two papal prohibitions did not apply to lower orders such as lector, there was never any dispensation against the Apostle’s own rule. Thus, proclaims a triumphant Wyclif, when it comes to the interpretation of *Lector*, Johannes’s comments have been revealed as baselessly incompetent (*infundabliter inhercia*).⁴⁴

And so too with the canon *Presbyter* (D. 82 c. 5) on the matter of clerical fornication. Although the “canons of the Apostles” do say that a fornicator ought to be deposed, while Pope Sylvester (according to the text) determined that he may be reinstated after a ten-year penance, Wyclif sees no contradiction. For it is always the case that when a priest commits an act of fornication he must be deposed from the state of the priesthood. The only question is whether he can be reinstated following a suitable penance. Thus the decision, allowing for reinstatement after the fact, does not thereby contradict the original apostolic ruling.⁴⁵

It is interesting to note that some years later in his 1382/83 *Trialogus*, Wyclif declared that in the primitive church (*ecclesia primitiva*) two orders of clerics were sufficient, namely presbyter and deacon. Moreover, in the time of the Apostle (*in tempore Apostoli*) presbyter and bishop were one and the same; all of which Wyclif believes is made clear in 1 Timothy and Titus. Indeed, that “profound theologian” Saint Jerome backs this up in his commentary on Titus as recorded in the canon *Olim* (D. 95 c. 5). So it is that by the faith of Scripture (*ex fide scripturae*) presbyters along with the deacons who serve them seem to be sufficient. It was only Caesarean pride that introduced all these other orders. Had they been necessary for

the church it is rather strange, therefore, that Christ and the apostles never made any mention of them. As it is, though, this multiplication of orders is just another example of the exaltation of papal laws (*papalia iura*) above Jesus Christ himself.⁴⁶

Conclusion

Committed as he was to securing the authority of Holy Scripture against papal encroachments, it is not surprising that Wyclif staked a lot on the aforementioned canon *Sunt quidam dicentes* (C. 25 q. 1 c. 6). Here is proof, he says, that neither the pope nor an angel from heaven (cf. Gal 1:8) could dispense against Holy Scripture. For if Scripture really is an infallible and necessary rule of truth, no one could possibly be authorized to abrogate its determinations.⁴⁷ Wyclif thus converts to his own purposes the general principle of the decretists, that the right to interpret the canons belongs to the one who has the authority to make them. Yet, as the pope is not himself the author of the Scriptures, he does not have the power to interpret them anyway he likes. In fact, he must be resisted in any attempt to distort their original divinely intended meaning.⁴⁸

Wyclif knew, of course, that Johannes's extensive gloss on *Sunt quidam dicentis* ends up allowing for the pope to dispense against the Apostle. In this case, therefore, Wyclif appealed over the head of the gloss to the canon in its own right, which bears the true authority in this matter. If the pope cannot proceed against the sacred canons, as this text makes clear, then by that rationale neither can he dispense against the Apostle. Hence the canon itself makes the case against the very action that Johannes was advocating in his Gloss. As Wyclif pressed his point, this university theologian's basic disdain for the lawyers was barely concealed. "Having set their scythe in another man's field," these canonists (*doctores decretorum*) are again revealed to be out of their league.⁴⁹

NOTES

¹ Wyclif, *De veritate sacrae scripturae*, 7, 1:152.

² *De veritate*, 20, 2:134–35; and *De veritate*, 22, 2:203.

³ C. 1 q. 7 p. c. 5; in *Corpus Iuris Canonici*, ed. Friedberg, 1:420.

⁴ Brys, 74–79. C 25 q. 1 d. a. c. 16; Friedberg, 1:1011.

⁵ Brys, 138–141. For the Gloss: C. 1 q. 7 c. 5, v. *plerisque*, in *Corpus juris canonici emendatum et notis illustratum*, 793–94. Hereafter cited: Gloss (Rome: 1582). Note that the Glossa Ordinaria originally compiled by Johannes in 1215 was put into final form by Bartholomew of Brescia in 1245.

⁶ D. 25 p. c. 3; Friedberg, 1:92–93.

⁷ D. 34 c. 17; Friedberg, 1:129.

⁸ D. 34 c. 18; Friedberg, 1:130.

⁹ D. 50 c. 8; Friedberg, 1:179–80.

¹⁰ See Kuttner's thoroughgoing essay, and also Ferme's more recent treatment, which relies heavily on Kuttner's work.

¹¹ Pennington, *Popes and Bishops*, 13–42.

¹² Ullmann, *Medieval Papalism*, 50–55; and also Hackett's essay, "The State of the Church."

¹³ *De veritate*, 15, 1:402–404.

¹⁴ *De veritate*, 24, 2:268.

¹⁵ Wyclif, *De civili dominio*, 3.17; 347. The *locus classicus* in canon law for the possibility of papal heresy is *Si papa*, D. 40 c. 6; Friedberg 1:146. See also: Levy, "John Wyclif on Papal Election, Correction, and Deposition."

¹⁶ *De veritate*, 15, 1:395.

¹⁷ *De veritate*, 24, 2:268. See also: Levy, *Holy Scripture and the Quest for Authority at the End of the Middle Ages*, 72–91.

¹⁸ *De veritate*, 15, 1:407–8. See especially D. 9 c. 7–10; Friedberg, 1:17–18.

¹⁹ Wyclif, *De potestate papae*, 10; 248.

²⁰ *De veritate*, 7, 1:156.

²¹ *De veritate*, 20, 2:129.

²² Wyclif, *Sermones*, 32, 3:264–66.

²³ Gloss (Rome: 1582), 230: "Hoc ex dispensatione, sed de iure communi perdit privilegium clericale."

²⁴ Gloss (Rome: 1582), 230: "Sic ergo papa dispensat contra Apostolum, ut hic et 82 dist. Presbyter."

²⁵ Gloss (Rome: 1582), 529–30; Friedberg, 1:292–93.

²⁶ Gloss (Rome: 1582), 530: "Hic concilium dispensat contra Apostolum in poenis." The canon itself attributes the decision to reinstate repentant clerics to "the authority of Blessed Pope Sylvester." Johannes, noting that this is not found in the collection of the canons of Sylvester, ascribes the decision to the Council of Gangra, although it is not among its statutes.

²⁷ C. 25 q. 1 c. 6; Friedberg, 1:1008.

²⁸ Gloss (Rome: 1582), 1899: "Nam si vellet aliquid statuere contra Evangelium, vel contra Apostolos, vel prophetas: haereticus esse convinceretur."

²⁹ Gloss (Rome: 1582), 1899: "Hic videtur quod Papa non possit dispensare contra Apostolum vel Dominum. Qualiter ergo Martinus dispensavit cum bigamo contra Apostolum, ut 34 dist. lector?"

³⁰ Gloss (Rome: 1582), 1899: "Satis potest sustineri, quod Papa contra Apostolum dispensat: non tamen in his quae pertinent ad articulos fidei. Eodem modo dispensat in Evangelio interpretando ipsum."

³¹ C. 12 q. 1 Pars 1; Friedberg, 1: 676: "Clericos nihil possidere, multis auctoritatibus iubetur."

³² Gloss (Rome: 1582), 1275.

³³ Wyclif, *De civili dominio*, 3.14; 247–49. C. 12 q. 1 c. 19; Friedberg, 1:684; and C. 12 q. 1 c. 24; Friedberg, 1:685.

³⁴ Gloss (Rome: 1582), 1302.

³⁵ Guido de Baysio, *Rosarium Decretorum*, 464: “... usus tantum et non proprietas.”

³⁶ C. 12 q. 1 c. 2; Friedberg, 1:676–77.

³⁷ Gloss (Rome: 1582), 1278: “Id est monemus ... videtur tamen quod hoc fuit praeceptum quia primitiva ecclesia hoc potuit praecipere sicut continentiam. Sed si hoc hodie praeciperetur deformare statum ecclesiae universalis.”

³⁸ *De civili dominio*, 3.14; 247–49. C. 11 q. 3 c. 86; Friedberg, 1:667. For Guido’s comment see *Rosarium Decretorum*, 453.

³⁹ *De civili dominio*, 3.14; 256.

⁴⁰ *De veritate*, 7, 1:153. See also: Levy, “Texts for a Poor Church: John Wyclif and the Decretals.”

⁴¹ *De civili dominio*, 15, 270–72. C. 15 q. 6 c. 2; Friedberg, 1:755–56; Gloss (Rome: 1582), 1442: “Dico enim quod ius naturale potest dispensare, dum tamen non contra Evangelium, vel contra articulos fidei; tamen contra Apostolum dispensat. 34 dist. lector. 82 dist. presbyter.” On the authority of the pope to dispense against natural law, see Brys, 128–33; 202–3.

⁴² *De civili dominio*, 3.15; 272–74. See also *De veritate sacrae scripturae*, 15, 1:391–92.

⁴³ *De civili dominio*, 3.17; 330.

⁴⁴ *De civili dominio*, 3.15; 274–75. X 1.21.4; Friedberg, 2:147.

⁴⁵ *De civili dominio*, 3.15; 275–76. Note that Wyclif, following the text of the canon, ascribes the decision to Pope Sylvester rather than the Council of Gangra.

⁴⁶ Wyclif, *Triologus*, 4.14, pp. 296–97. D. 95 c. 5; Friedberg, 1:332–33. For Wyclif’s ideal version of papal governance see: Levy, “John Wyclif and the Primitive Papacy.”

⁴⁷ *De veritate*, 24, 2:259–60.

⁴⁸ *De civili dominio*, 3.17; 331.

⁴⁹ *De civili dominio*, 3.17; 328–29.

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**For private and
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Henri Louis Charles Maret (1805–1884)

Last of the Conciliarists?

Francis Oakley

FOR A FELLOW MEDIEVALIST LONG PREOCCUPIED WITH THE COUNCILS OF CONSTANCE (1414–1418) and Basel (1431–1449), and with the enduring conciliarist tradition, one of Tom Izbicki's most interesting contributions to our understanding of that tangled stretch of ecclesiological history has been his willingness to reach out beyond the conciliar epoch itself in order to track down the present papalist reactions to Constance and to its historic superiority decree *Haec sancta* (April 6, 1415). By so doing, he was able to highlight the impact across time of the constantly changing theopolitical climate on the way in which the conciliar epoch and the conciliarist tradition have been understood.¹ In the context of a *Festschrift*, then, what better way of celebrating his achievement as an historian than to follow his example and share his willingness to step outside the perimeter of the species of home turf familiar to the late-medieval specialist?

In an effort to do precisely that, the step I propose to take is a rather long one. It will take me forward beyond the silver age conciliarism of the early-sixteenth century, beyond the renewed flurry of conciliarist writing evoked by the Venetian Interdict of 1606 and the contemporaneous imposition of an oath of allegiance on English Catholic recusants, beyond the traditional Gallicanism of Bossuet and Tournély in the late seventeenth and eighteenth centuries as well as the flowering in the Germanies of Febronian and Josephinist ideas, not to mention the contemporaneous Anglo-Gallicanism prevalent in English Catholic recusant circles affiliated with the Cisalpine Club, all the way down, indeed, to nineteenth-century France and the theopolitical strife that punctuated the decades leading up to the assembly in 1870 of the First Vatican Council.² When, in his *View of the State of Europe during the Middle Ages*, the English historian Henry Hallam had come in 1818 to write about the ending of the Great Schism at the Council of Constance by the deposition of the rival claimants, he spoke of “the Whig principles of the Catholic church”

embodied in the decree *Haec Sancta* (asserting the jurisdictional superiority under certain circumstances of council to pope), and described that decree as one of “the great pillars of that moderate theory with respect to papal authority which ... is embraced by almost all lay men and the major part of ecclesiastics on this [the northern] side of the Alps.”³ Within little more than a quarter of a century, however, what he had had to say was no longer true even of France, the traditional center of theological Gallicanism, the country where the four articles of the 1682 Declaration of the Gallican Clergy, with their unambiguous affirmation of the Constance decrees, had long loomed so large. Napoleon had embedded those articles in the “organic articles” that he appended to his 1801 concordat with Pius VI along with the stipulation that they be subscribed to by all French teachers of theology.⁴ And in many of the theological and canonistic textbooks used in French seminaries down into the 1850s adherence to those articles was treated as a matter, at least, of “free opinion.”⁵ But things ecclesiological had begun to change already during the years of Bourbon restoration. At that time, reacting sharply against the old-style *political* Gallicanism of the French bishops of the day, the abbé Felicité de Lamennais had struck out in a different direction. Increasingly liberal in his politics, emerging as one of the leading intellectual voices of his day, and anxious to guarantee the freedom of the church from state control, he sought for a while to attain that end by evoking the balancing power of the papacy and embracing the ultramontane views that he propagated with some success among the lower clergy.⁶ Ultramontane sympathies notwithstanding, however, his theopolitical views proved not to sit well with Gregory XVI (1831–1846) and, in the encyclical *Mirari vos* (1832), they were to be condemned. That prompted Lamennais in the following year to relinquish all his ecclesiastical functions and led him thereafter to abandon at least the public profession of the Christian faith.

In the decades that followed, then, it was not to be Lamennais who stood at the epicenter of the ecclesiological and theopolitical strife that rumbled on in France down into the mid and late nineteenth century. Instead it was a churchman who was destined to be overshadowed, historically speaking, by such French leaders of the anti-infallibilist Minority at Vatican I as Bishop Dupanloup of Orléans and Archbishop Darboy of Paris. As a result, his name is largely forgotten today.⁷ Staunch affirmer of the principles of 1789 (rooted ultimately, he believed, in the verities of the Gospel), liberal in his understanding of church no less than civil society, critical participant in the conflicted process that eventuated in the publication of the Syllabus

of Errors in 1864⁸ and in his politics an advocate eventually of Christian democracy, Mgr. Maret, the man in question, was the author of what has well been described as “the sole French work that counts in matters ecclesiological since the time of Lamennais” and again, indeed, as “the most significant work of Gallicanism in the nineteenth century.”⁹ And the man himself is certainly deserving of greater attention than our general church histories, at least, have seen fit to accord him.¹⁰

Henri Louis Charles Maret, then. He was born in 1805, pursued his seminary studies at Saint-Sulpice in the 1820s, was ordained priest in 1830, appointed a professor of dogma in the Sorbonne Faculty of Theology and as Dean of that Faculty in 1853, but was to find his nomination to the bishopric of Vannes blocked by Pius IX, who was wary of his liberal views and Gallican proclivities. Maret’s appointment instead as titular bishop of Sura *in partibus infidelium*, no more than a consolation prize, proved however to be an important one in that it was to make him eligible, some nine years later, to participate as a voting member in the proceedings of the Vatican Council. And at that assembly he was to be the leading French theologian in the ranks of the anti-infallibilist Minority. In preparation for that council, moreover, and after a long period of study, he submitted to the pope in 1869, and as a species of preparatory memorandum, his major piece of ecclesiological writing, the *Du concile général et de la paix religieuse*. It was immediately greeted by a storm of hostile commentary and, in the same year by way of response, he published also his *Le Pape et les Évêques: Défense du livre sur le concile général et la paix religieuse*.¹¹ It is on what Maret has to say in these two works that I propose to dwell here. I should note, however, that in the wake of the total rout of his Gallican views at the council, the final definition of papal infallibility, and the triumph of the view that “Ultramontanism,” as Cardinal Manning was to put it, is nothing other than “Catholic Christianity,”¹² he had to accede in 1871 to the pope’s demand that he back down from his earlier commitments. That is to say, he had publicly to retract anything in his *Du concile général* that might be contrary to the conciliar constitution *Pastor aeternus* with its twin definitions of the pope’s primacy and his infallible teaching authority.

Though by that retraction Maret was able to avoid the fate of Döllinger and of extrusion into the outer darkness of heterodoxy, he was more or less consigned henceforth to the ecclesiastical shadows. His admiring friend and long-time secretary, Gustave Bazin, sought in a three-volume biography published in 1891 to preserve his memory, including

helpfully in its pages many a pertinent unprinted document. But the work itself is basically hagiographical in tone, and it is one that, by dint of tactical omissions and a careful minimizing of Maret's Gallican proclivities, contrived to position the man as nothing other than what would be viewed in the post-Vatican I era as a sound and devoted son of the church.¹³ And while, in 1927, É. Amann's profile of Maret in the *Dictionnaire de théologie catholique* is more balanced in its interpretation, it is interesting that Amann clearly seemed to feel it necessary to devote considerable space to the five propositions which Deschamps, archbishop of Malines, had extracted from the *Du concile général* and drawn attention to as perhaps worthy of censure.¹⁴

It was only in the late twentieth century, stimulated largely by the rediscovery in 1959 of the bulk of Maret's papers and also by the convocation of Vatican II, that more sympathetic studies began to appear.¹⁵ One should not miss the fact that if the shadow of Vatican I had fallen athwart Bazin's earlier biographical efforts, that of Vatican II falls across some of the more recent studies.¹⁶ And not always helpfully so. Evident in some of their pages is a misleading (if understandable) tendency to align Maret's stance with the teachings of that subsequent council. Speaking of Maret's "consistent objective of promoting conciliation between the Church and contemporary society," Aubin exclaims: "Shades of Vatican II!"¹⁷ While, more improbably, Bressolette goes so far as to attempt to assimilate to Paul VI's establishment in 1965 of the Synod of Bishops Maret's affirmation of the Constance decree *Frequens* mandating the regular assembly of general councils and providing for their automatic assembly should the pope fail to comply with that mandate.¹⁸ Strained parallels are also drawn between Maret's much more radical understanding of the pope–episcopate relationship and the teaching on episcopal collegiality embedded in *Lumen gentium*, Vatican II's Constitution on the Church. So far as ecclesiology goes, indeed, there is a tendency to position Maret as, for his own day, something of an *avant garde* figure, a man born before his time.¹⁹ Thus Aubin can speak of "strains" of "theological Gallicanism ... [being] heard again only a century later and then preferably camouflaged in contemporary terms of collegiality."²⁰ Elsewhere, it is true, she exhibits some caution about the matter of any alignment of Maret's views with those of Vatican II. Her caution is warranted. After all, *Lumen gentium* itself explicitly reaffirmed Vatican I's twin definitions of papal primacy and infallibility. It also made it clear that, as head of the episcopal college, the pope alone could "confirm certain acts which are in no way within the competence of the bishops,"

could proceed, “taking into consideration the good of the church” and “according to his own discretion” in the setting up, encouraging and approving of collegial activity, and, “as supreme pastor of the church [could] exercise his power at all times as he ... [thought] best.”²¹ Such a point of view would have been wholly unacceptable to Maret. That being so, if we are to understand the true significance of Maret’s ecclesiological commitments, it seems clear that we need to be very careful about permitting twentieth-century concerns to supervene too directly on our interpretative endeavor. In effect, and as we read *Du concile général*, we need above all to identify what Maret’s purpose was in writing that work, what, specifically, were the ecclesiological commitments that gave it its driving force, and what were the basic presuppositions that sustained those commitments.

Though Maret in 1869 submitted his two-volume work to Pius IX as a memorandum intended to help forward the deliberations of the upcoming Vatican council, the *Du concile général* itself is far more than an occasional piece whose composition had been evoked by the convocation of that council. As far back as 1848 Maret had begun to make the case for the assembly of such a general council, one that, like its fifteenth-century predecessors, would be charged with reforming the church “in head and members.” He had long since become convinced of the need to reconcile “the faith and the Church with everything that is true and legitimate in science and modern society.” To that goal, he tells us in an unprinted autobiographical manuscript found among his papers, he had “consecrated his life.”²² Confronted in the 1850s with the intensification of Ultramontane pressures and by increasing Roman centralization and the interference by the papal nuncio in the affairs of individual French dioceses,²³ he had committed himself across the course of eight to ten years of study in the pertinent sources to the effort that was to eventuate in writing of *Du concile général*. “Little by little,” he says, he had come to arrive at a doctrinal position that occupied middle ground between “orthodox Gallicanism” and “Ultramontanism,” a position that would encompass all that was true in the two systems, one that envisaged, in fact, a “tempered” or “moderate” papal monarchy. The government of the church, he felt, had become “too exclusive, too absolute, too Italian.” To remedy such defects a reforming council was called for that would reestablish not only “the full exercise of episcopal rights,” but also “the periodicity of councils.” It was, he believed, the achievement of that goal that should properly be the task of the upcoming council. And, in order to promote that end, he had concluded that it was now time to publish his treatise which, by 1868, when Pius IX

finally convoked the council, he had already succeeded in putting into its “definitive form.”²⁴ In so doing, he had not had to depart in any dramatic way from the pattern of thought that had long since begun to crystallize in his mind. He had simply had to give it expression in a more simple, more explicit, more rightly-focused, more fully-elaborated and better-documented form. The type of argumentation he deployed was one that derived less from the older, scholastic, theological mode still dominant at Rome. Instead, it was more akin to the type of historically grounded reasoning favored before him by such as Bossuet and Febronius. It was also a mode of argument, however supple, that was not always informed by the most recent findings of German “scientific” historical scholarship.²⁵ And, perhaps because of that, Döllinger was to characterize the treatise, not without condescension, as “a companion piece to Bossuet’s *Defensio*.”²⁶

Dependent on Bossuet (he refers to him as “that sublime genius”) Maret of course was, and he had certainly absorbed much of the spirit of that great bishop with whom the school of Paris, faithful to “the good traditions of Constance,” had reached, he said, its state of “immortal brilliance.”²⁷ During the decade prior to the publication of *Du concile général*, indeed, he had made a systematic study of the *Defensio*, and he often relied on it as a guide to the sources. But, as Thysman’s careful analysis of the texts makes very clear, Maret often pursued his historical investigations beyond the witness of Bossuet’s book, reaching back directly to the sources, and sometimes deploying them more accurately and effectively than had Bossuet himself. It is obvious that he was directly familiar with the conciliar writings of Pierre d’Ailly (1350–1420) and Jean Gerson (1363–1429), as well as with those of such early-sixteenth-century conciliarists as Jacques Almain. And it is clear that he had done his reading of those authors in the first two volumes of Louis Ellies Dupius’s edition of the works of Gerson, where the conciliarist works of Almain and his teacher John Mair (the latter of whom Maret does not cite) are also printed.²⁸ Dale Van Kley has properly pointed out that the French “constitutional patriots” of the previous century, men like Claude Mey and Gabriel Nicholas Maultrout, had relied less in their Gallican moments on the 1682 Declaration of the Gallican Clergy than on the older Parisian conciliarists.²⁹ And while one cannot quite say the same of Maret, there is no doubt that he did reach back to Francisco Zabarella (writing in the era of Constance) and to the fifteenth- and sixteenth-century “divines of Paris”—i.e., d’Ailly, Gerson, and Almain. He also reached further back to the conciliar writings of William Durand of Meade at the time of the Council of Vienna (1311),

as well as, after that, to the works of Nicholas of Cusa and Panormitanus (Nicholas de Tudeschis), written in the era dominated by the Council of Basel (1431–1449).³⁰ In 1867, moreover, hoping to be appointed as official French ambassador to the upcoming council, he wrote to Lavigerie that it was his wish to follow in the footsteps of Gerson, to be

Gerson's successor to the School of Paris ..., like him, ambassador to the general council, [in which capacity] my only aim would be to maintain those doctrines that great and holy man upheld successfully at Constance.³¹

Further than that, and notwithstanding Maret's characteristically Gallican reverence for "the great bishop" Bossuet, there are also clear differences between the forms of Gallicanism the two men espoused.

In the first place, the regalism of the *ancienne régime* and its expression in the form of the *political* Gallicanism then regnant was obviously alien to the liberal sympathies and (increasingly) democratic sensibilities that eventually led Maret to embrace a species of separation between church and state. Bossuet himself, of course, had been a leading spokesman for divine right kingship. Much of his *Defensio*, in fact, had been devoted to vindicating the first of the four Gallican articles that, while accepting the power of the pope in spirituals, had denied to him any temporal power over kings. It had devoted much attention, therefore, to the matter of the proper relationship between the two powers, spiritual and temporal. Of those sections of Bossuet's work Maret made little use. Although he had hoped to produce a third volume of his own devoted to such matters, he never did so, and the two volumes he actually produced focused exclusively on matters pertaining to the church's internal constitution.³²

In the second place, it is true that the Constance superiority decree *Haec sancta* (1415) was at the center of Bossuet's conciliar thinking. And that decree had declared that the Council of Constance was a legitimate general council, that it derived its authority immediately from Christ, and that all Christians, including the pope himself, were bound on pain of punishment to obey it *and all future general councils* on matters pertaining to the faith, the ending of the schism, and the reform of the church.³³ But its companion decree *Frequens* (1417), which sought to make general councils a regular and reformatory part of the universal church's governance, does not loom large in his thinking. For Bossuet, general councils were to be no more in fact than extraordinary occurrences in the life of the Church. While doubtless necessary, they were for him only *relatively* necessary.³⁴

For Maret, however, it was otherwise. The conciliarist thinking of the Parisian theologians of the Constance era whom he cites, as also that of Zabarella, reflected the momentary weaving together into a coherent, meaningful, and historic pattern of three broad strands, distinct in their origins and, in some measure, in their subsequent careers. One of those strands, envisaging the church's constitution in quasi-oligarchic terms, its government ordinarily in the hands of the curia, claimed that the pope was in some measure limited in the exercise of his power by the cardinalate, with whose advice he had to rule.³⁵ That strand in the conciliarist pattern understandably found no resonance in Maret's thinking. But the other two strands did—not only the strict conciliar theory itself (with its assertion that under certain specified conditions the general council possessed an authority superior to that of the pope), but also the call for reform of the church in head and members, along with the conviction that the frequent and regular assembly of general councils was the constitutional instrumentality essential to the achievement of that goal. Hence his insistence on the importance and continuing validity of *Frequens*.³⁶ In this combination of the strict conciliar theory with the (older) reforming strand in conciliarist thinking, Maret stood somewhat closer in spirit to the great conciliarists of the fifteenth century than he did to his immediate Gallican forebears, Bossuet himself included.³⁷

The same is, I think, true—and in the third place—of the marked degree (as Bressolette claims)³⁸ to which his can properly be called a “political ecclesiology.” In common with most ecclesiologists, it is true, Maret clearly felt called upon to stress the danger of pushing too far (as had Joseph de Maistre) analogies between the ecclesiastical and secular polities. The church's mode of governance, divinely instituted, is *sui generis*; it is not to be assimilated to the modalities of any merely human government rooted in the natural order.³⁹ At the same time, making a move very similar to that made in the early sixteenth century by his Parisian predecessor, Jacques Almain,⁴⁰ he parts company again with Bossuet in his willingness to deploy precisely such analogies, doing so in his *Du concile général*, indeed, with a comparative lack of diffidence.

That work he organized into five books, moving from the ecclesiological generalities of the first, via his central analysis of the church's monarchical constitution, to which books two and three are devoted, to the currently pressing issue of papal infallibility in the fourth, and on to a final attempt in the fifth to justify his own rejection of the impending move to endow the pope with a “personal, absolute, and separate prerogative of infallibility.”

For that, he was convinced, would amount to nothing less than a fundamental change in the church's constitution. My concern here being with Maret's conciliar views, my principal (though not exclusive) focus will be on what he has to say in Books two and three. And here the political nature of his ecclesiology is certainly foregrounded.

Embedded in human society at large, the church, he argues, does not endure through time in some sort of lonely isolation. Instead, between the ecclesiastical and temporal polities a process of reciprocal influence has to be acknowledged. "Public powers are the very bases of civil and political societies in that they confer upon those societies order, justice, and peace." And, in that respect, "the spiritual society established by Jesus Christ" is not to be seen as altogether an exception.⁴¹ Maret was moved, it seems, by the serene assumption that the relationship of the two spheres, temporal and spiritual, should properly be one of harmony and analogy. Both spheres, he thought, should be infused by the sort of "wise liberalism" that had led him long since to proclaim the need for a general council to reform the internal life and government of the church. While analogies between temporal and spiritual societies can, of course, be "false and deceitful," they can also be helpful and, believing this, he opts for the view that, although "the constitution of the Church is truly *sui generis*," in its "mixed" and "tempered" nature it clearly comes close to "the best forms of human government" and can readily be compared with "constitutional and representative monarchy." And that can undoubtedly help us better to understand how it is that "the bishop can at the same time be submitted to the pope and [yet be with him] a member of the sovereign."⁴²

Maret sought, then, to identify in the church's constitution a liberal element that could open the way to his longed-for "reconciliation of the Church with the modern notion of freedom."⁴³ Conceding the presence in the ecclesiastical constitution of a "democratic" element, in that any member of the faithful could be called to the episcopal state and that it was the original practice of Christian communities to elect their bishops, he insists, nonetheless, that "democracy cannot claim sovereignty in the Church." But neither does that sovereignty reside in any sort of absolute monarchy. It belongs, instead, to monarchy tempered with aristocracy—in one place he calls it "monarchy essentially aristocratic and deliberative." What is involved, in effect, is what is sometimes called a mixed government, one framed along the same lines as "constitutional and representative monarchy" in the world of modern secular regimes.⁴⁴

Even without determining the precise relationship between pope and bishop, this much, Maret concludes, can be said. But attempt that determination and one comes up against the difficult challenge of having to decide between two long-standing and well-established schools of thought, both competing for one's allegiance. The first is the Italian school, which he describes as "celebrated and worthy," the great representative of which is Cardinal Robert Bellarmine. "In the system of this school," he says, "the pope possesses a monarchical power that is pure, indivisible, absolute, and unlimited. To that power, rhetorical gestures to the contrary notwithstanding, no counter weight is conceded—other than that furnished by the Christian virtues" and "shared doctrine of the faith."⁴⁵ The competing school, that of Paris, with Bossuet, "the incomparable doctor," as its great representative, asserts to the contrary that while the pope is indeed monarch of the church, that monarchy is "truly and efficaciously tempered by [the] aristocracy of the bishops." For the bishops are not merely vicars-delegate or advisers to the pope but, by divine right, co-judges and legislators with him, constituting in union with him "the ecclesiastical sovereignty."⁴⁶

Between these two competing schools one has to decide. And in order to do so, he suggests, one has to put them to the test of both Scripture and tradition. So far as the Scriptures are concerned, the crucial cluster of texts (notably Matthew 16 and 18) that together constitute what he calls the very "constitutional charter of the Catholic church," certainly seem to suggest that sovereign power was given by Christ not to Peter alone, but to the "collective unity of Peter and the other apostles," excluding from the government of the church, therefore, any sort of "pure, absolute, and undivisible monarchy."⁴⁷ But, for the "authentic commentary" on and "legitimate interpretation" of that fundamental and scriptural "constitutional charter," it is to the acts of the general councils down through the centuries that one must turn. From them, he says, "it is easy to grasp the vital play of the Church's constitution."⁴⁸

To that "authentic commentary," then, Maret wastes no time in turning; devoting half as many pages to the forty-year period dominated by the fifteenth-century councils from Pisa to Florence as he had devoted to the entire thousand years stretching from the Council of Nicaea (325) to that of Vienne (1311). And more space to Constance, and especially its fourth and fifth sessions, than he does to any other general council, Trent itself not excluded.⁴⁹ That he does so is no accident. He himself tells us that in the crucial and conflicted issue of the pope–bishop relationship

the decrees emanating from the Councils of Constance (1514–1518) and Ferrara-Florence (1438–1445) are “the most weighty and celebrated.” And, in so doing, he makes it clear that the enactments he has in mind are the Constance decrees *Haec sancta* and *Frequens* and the Florentine decree *Laetentur coeli*, the first conciliar definition of the Roman pontiff’s primacy.⁵⁰ Perhaps because of the intensity of his focus on these fifteenth-century councils, Maret succeeds in constructing a more coherent, complete, and consistent account of unfolding events than do many of the standard early-to-mid-twentieth-century accounts. For, post-dating Vatican I, those accounts tend to bear the imprint of an unacknowledged ultramontane orientation, assuming the legitimacy of the Roman line of papal claimants, the legitimacy of Constance as a general council only, therefore, after Gregory XII (the Roman claimant) was permitted, prior to his resignation, to reconvoke it, thereby defanging the neuralgic provisions of the superiority decree *Haec sancta*, which had been voted on earlier in the fifth session.⁵¹ But the Council of Pisa (1409), often brushed aside as having done little more than deepening the crisis by adding a third line of doubtful papal claimants to the mix,⁵² Maret himself treats with the utmost seriousness. “Legitimate in its convocation,” he says, “it was general in its composition because it represented the universal Church.” Testimony to that is the fact that Alexander V, the pope of unity whom it elected, “has always been counted among the legitimate popes.”⁵³ That being so, Maret was attempting to close the door to the claim that, even among historians of distinction, proved to be alive and well on into the late twentieth century—and that despite the difficulties posed for it by the very text of *Haec sancta*. Namely, the claim embedded in the “emergency measure” argument, which goes back, it seems, to one of Juan de Torquemada’s subsidiary arguments,⁵⁴ but was revived in the 1920s by Johannes Hollnsteiner and, of more recent years, was deployed with force and ingenuity by Hubert Jedin and Walter Brandmüller. That argument pivots on the assumption that the fathers assembled at Constance did not recognize as a true pope John XXIII, Alexander V’s successor, and believed themselves, therefore, to be confronting an extraordinary emergency situation in which there were three contenders for the papal office, *all* of them claimants of doubtful legitimacy. It was under such emergency conditions, or so the argument goes, that Constance framed the provisions of *Haec sancta*, which is therefore (or so Jedin argued for a while) no “universal as it were free-floating definition of belief,” but to be understood, rather, as an “emergency measure [intended] to meet a quite exceptional case.”⁵⁵

With any such “emergency measure” argument, however, Maret *avant le propos* would have nothing to do. Having affirmed the legitimacy of the actions taken at Pisa to depose the Roman and Avignonese claimants alike, he had gone on to note that while at Constance the claims of Gregory XII and Benedict XIII to the papal office were certainly viewed as doubtful, that of John XXIII, the pope who had convoked the council, was not. Instead, it was recognized as valid both by the Roman church and by “an immense majority” of the faithful at large.⁵⁶ Like Pisa before it, Constance was, therefore, and right from the outset, a legitimately assembled council and *Haec sancta* the valid decree of such a council. Nor, he went on to add, should any particular weight be given to the extension to Gregory XII, prior to his resignation, of the privilege of reconvoking the council. For Maret, that was no more than an “act of admirable indulgence and Christian wisdom,” a pragmatic diplomatic move to help secure his resignation. It was also, he was at pains to note (and it is something that the twentieth-century accounts tend to pass over in silence), a privilege extended also to the Avignonese claimant, Benedict XIII, in an effort to secure his resignation too.⁵⁷

What, then, does Maret conclude on the central matter of the pope–bishop relationship? First, that notwithstanding the “legitimate subordination of bishop to pope,” Scripture, tradition, and conciliar history alike preclude any attribution to the pontiff of a “pure, indivisible and absolute monarchy.”⁵⁸ Precluded also, however, is the opposite extreme, namely, the attribution to the general council of any “absolute and unlimited superiority over the pope.” But, then, he correctly insisted, and contrary to Ultramontane claims, neither the council fathers at Constance who framed *Haec sancta* nor the French clergy who approved the Gallican Declaration of 1682 (and, among them, least of all Bossuet) had advanced any such extreme position.⁵⁹ The conciliar superiority which all of them had in mind was one limited to the ending of schism, matters of faith, and reform in head and members. And what emerged from Constance (itself a legitimate assembly from the moment of its first assembly)⁶⁰ was the mediating position expressed quintessentially in *Haec sancta* itself. And while Maret conceded that that decree did indeed “touch on matters of faith” and pertained to “the domain of faith,” he did not take it to have proclaimed “a dogma of faith, rigorously defined.”⁶¹ Instead, it was properly to be viewed as a “constitutional law” having for its objective the regulation of the use of ecclesiastical power, and it was one deserving of the “most profound respect.”⁶²

Subsequent history was to show, or so he went on to argue, that that profound respect was indeed accorded to it. Recognized in practice by successive popes from John XXIII and Martin V onwards, reaffirmed more than once by the Council of Basel (Eugenius IV himself approving), and in no way qualified by the ecclesiological decrees of councils of Florence and Lateran V (1512–1517),⁶³ *Haec sancta* was a decree that simply stated “more clearly and solemnly” than heretofore what had in fact been “the constant and universal law of the Church,” grounded in Scripture itself, affirmed by fifteen centuries of tradition, and of continuing validity all the way down to the present.⁶⁴ In accordance with the position it affirmed, the church’s constitution was to be understood as a mixed one, “a monarchy ... essentially aristocratic and deliberative,” one in which the pope, while possessing by divine authority the plenitude of power, was no pure, absolute, and unlimited monarch, but a ruler who, in the exercise of his power, was limited by the aristocratic element which the bishops constituted. The latter were, he added, “true princes” possessing by divine right a share in the church’s sovereign power.⁶⁵ That power they were to wield in general councils regularly assembled as *Frequens* had stipulated, working to eliminate the abuses that centuries of over-centralization had spawned, and forming a permanent part of the church’s constitutional machinery. And, as *Haec sancta* had specified, in certain extraordinary cases—schism, matters pertaining to the faith, and reform in head and members—those bishops assembled in council, acting alone or in opposition to the pope, could stand in judgment over him. In so doing, via a determinative judicial process, an “act of jurisdiction over the pope” and not merely (as some have supposed) via some sort of “declaratory” judgment, it can punish him and, if need be, proceed even to depose him.⁶⁶ In reaching that conclusion, Maret (except possibly on one point)⁶⁷ is nothing if not precise. Thus he is careful to reject the claim of Alfonso Muzzarelli and other members of the (high papalist) Italian school to the effect that the provisions of *Haec sancta* represented emergency measures applicable only to the time of schism and limited to popes of doubtful legitimacy. In driving that point home, moreover, he was at pains to cite the authority of Jean Gerson’s *Au liceat in cansis fidei appellare*, a tract written in 1418 just after the end of the Council of Constance. There, having rejected the notion of papal self-deposition or *ipso facto* loss of office, Gerson had insisted, speaking specifically of the judicial process leading up to the deposition of John XXIII, that what Constance had effected was nothing less than the trial and deposition of a legitimate pope (*verus papa*).⁶⁸

All in all, then, what Maret gives us in the *Du concile général* is an impressively robust and precise reaffirmation of the age-old tradition of conciliarist constitutionalism in the Latin Church, one in which the conciliarists of the classical era would certainly have recognized not only the broad outlines of their own ecclesiology but also, in its very specifics, something even more familiar than that. Maret has more than once been described as the last of the Gallicans and his *Du concile général* as “the swan song of Gallicanism.” But, given the faithfulness with which he evoked once more the conciliarist position set forth in the early fifteenth century by such Parisian predecessors as Pierre d’Ailly and Jean Gerson, he could also (his own acceptance of the Gallican label notwithstanding) be dubbed, and perhaps more accurately, as the last of the conciliarists. In his self-conscious adherence to a fundamentally Gersonian formulation of the strict conciliar theory, there is a sense in which he looked backwards, beyond the Gallican orthodoxies of Tournély and Bossuet, to the “classical” fifteenth-century age of conciliar theory. If his irenicism and his calm embrace of a dawning modernity can well be seen as looking forward to views that came to qualified fruition in the documents of Vatican II,⁶⁹ his unambiguously conciliarist commitments look back, rather, to a very distant past. And in the late nineteenth and twentieth centuries the seeds of those commitments were destined to fall on unreceptively stony ecclesiological ground.

NOTES

¹ Izicki, “Papalist Reaction,” 7–20.

² For a reasonably succinct overview of these manifestations of an enduring conciliarist tradition, see Oakley, *The Conciliarist Tradition*, 111–207.

³ Hallam, *View of the State of Europe*, 3:243–45.

⁴ Leflon, *La crise révolutionnaire*, 194–95.

⁵ See below, n. 23.

⁶ “It was to be the Abbé de Lamennais who was to achieve the conversion of the French clergy to ultramontanism.” Aubert, *The Church between Revolution and Restoration*, 104–15 at 110. See also Aubert, “La géographie ecclésiologique,” 11–20.

⁷ Thus, one hears surprisingly little about him in Aubert, *The Church in the Age of Liberalism*.

⁸ For the confusing counterpoint of consultation and independent pontifical initiative that led up to the bull *Quanta cura* and its appended Syllabus of Errors, and for the somewhat oblique role Maret played in the whole process, see Riccardi, *Neogallicanism*, 153–77. Compare Owen Chadwick’s crisp commentary in *History of the Popes*, 168–81.

⁹ Thus Aubert, in Nédoncelle, “La géographie ecclésiologique,” 49; Schneider, *Der Konziliarismus*, 178–79.

¹⁰ Thus, though Aubert certainly mentions Maret in his contribution to Becker, *The Church in the Age of Liberalism*, he oddly devotes no space to the work in question. Chadwick, *History of the Popes*, though he refers to Maret (at 162) as a “fine scholar,” is similarly parsimonious in what he has to say about him.

¹¹ Both works were published in Paris by Henri Plon. For Maret’s career and his theological writings, see Bazin, *Vie de Mgr. Maret*; Amman, “Maret, Henri-Charles-Louis;” Thysman, “Le Gallicanisme de Mgr. Maret,” 401–65; Palanque, *Catholiques libéraux*; Aubin, *Evolution of a Gallican Ecclesiology*; Riccardi, *Neogallicanismo*; Schneider, *Der Konziliarismus als Problem*, 178–84; Bressolette, *L’Église et l’état*; Bressolette, *Le Pouvoir dans la société*; Bressolette, “Ultramontanisme et gallicanisme,” 3–25; Sieben, *Katholische Konzilsidee*, 72–100.

¹² Pereiro, *Cardinal Manning*, 255.

¹³ Aubin, *Evolution of a Gallican Ecclesiology*, 3–4.

¹⁴ Amman, “Maret, Henri-Charles-Louis,” col. 2036–37.

¹⁵ Thus Palanque, Aubin, Riccardi, Bressolette—see above, n. 11.

¹⁶ It is true that Thysman’s fine article (1957) predates that era, but Palanque, in the preface to his *Catholiques libéraux et Gallicans*, vii, notes that it was only the convocation of Vatican II that persuaded him (gave him the confidence?) to publish that book, which he had written in 1919 at a time when anti-Modernist feeling still rode high in the church.

¹⁷ Aubin, *Evolution of a Gallican Ecclesiology*, 228. For further evocations of Vatican II in connection with Maret’s views, see also *ibid.*, 10–12, 29–30, 114, 413–14; Bressolette, *Le Pouvoir dans la société*, 7–8.

¹⁸ For *Frequens* and its companion piece of legislation *Si vero* providing, if need be, for the automatic assembly of future councils, see Oakley, *The Conciliarist Tradition*, 47–51. To that legislation, Maret devoted a full (and very approving) chapter of *Du concile général*, ii, Book 5, chapter 5, where he affirmed that that decree of Constance “est l’acte de la parfait conciliation des droits de l’épiscopat et de ceux du Sainte Siège. En vertu de cet acte, le gouvernement de l’Église atteint le plus haut degré de perfection qu’il puisse réaliser.” Of the *motu proprio Apostolica Sollicitudo*, with which Paul VI established the episcopal synod in the 1960s, John O’Malley has said, on the other hand, that it was “an expression of papal primacy not of collegiality, a word never mentioned in the text. It was a preemptive strike by the center ... With one stroke of the pen the text cut collegiality off from grounding in the institutional reality of the Church.” O’Malley, *What Happened at Vatican II*, 252–53. A far cry, indeed, from *Frequens*.

¹⁹ E.g., Aubin, *Evolution of Gallican Ecclesiology*, 4.

²⁰ *Ibid.*, 221 (*italics mine*).

²¹ *Lumen gentium*, cap. 3, §§ 21–23 in Alberigo and Tanner, *Decrees of the Ecumenical Councils*, 2:865–67.

²² Here and in what follows I cite the crucial excerpt from the “autobiography” printed in Riccardi, *Neogallicanismo*, 81–82, and Bressolette, *Le Pouvoir dans la société*, 134.

²³ Leading, among other things, to the placing on the Index of theological and canonistic textbooks widely used in French seminaries. The ground for so doing was in part because they acknowledged adherence to the Gallican Articles of 1682 to be a matter of “free opinion.” Sieben, *Katholische Konzilsidee*, 80; Aubert, *Le Pontificat de Pie IX*, 270–73. Writing later on (1869) is his *Le Pape et les Évêques*, 4, Maret himself was to note that ultramontanism had by that time gained such an ascendancy that “notre livre [i.e., his just-published *Du concile général*], bien qu’il porte le caractère de la modération et de la conciliation devait être en butte à ses plus violentes attaques.”

²⁴ “Autobiographical statement” excerpted in Riccardi, *Neogallicanismo*, 81–82, and Bressolette, *Le Pouvoir dans la société*, 134.

²⁵ Thysman, “Le Gallicanisme de Mgr. Maret,” 419 ff, notes that Maret made no use of such classic sources as Von der Hardt or Mansi, or of the volumes of Hefele’s new history of the general council, which had begun to appear in 1855.

²⁶ Schneider, *Der Konziliarismus als Problem*, 130 and n. 116. The reference is to Bossuet’s voluminous *Defensio Declarationis Conventus Cleri Gallicani A.D. 1882*, the lengthiest of his writings which takes up 1,243 pages in vols. 21 and 22 of the *Oeuvres complètes*.

²⁷ For the words quoted, see Maret, *Du concile général*, 2:139–40.

²⁸ Thus, for his citations of d’Ailly and Gerson, see *ibid.*, 2:133–35, 351, and for his citations of d’Ailly and Gerson along with other fifteenth-century conciliarists, see *ibid.*, 1:379, 390–92, 403–4, 432. Maret is drawing these texts from Jean Gerson, *Opera omnia*, vols. 1 and 2.

²⁹ Van Kley, *Religious Origins of the French Revolution*, 196.

³⁰ Thysman, “Le Gallicanisme de Mgr. Maret,” 3. For the reference to Durand, see Maret, *Du concile général*, 2:153 and n. 2.

³¹ Letter to Lavigerie, August 22, 1867, in the *Papiers Lavigerie*, but printed in Bazin, *Vie de Mgr. Maret*, 2:406–7. Aubin, *Evolution of a Gallican Ecclesiology*, 219, points out that Bazin (perhaps not untypically) manages to present this letter as if the ideas it contains were other than Maret’s.

³² Bressolette, *Le Pouvoir dans la société*, 18–19. Some sense of the direction such an additional volume might have taken can be gleaned from the record of a course on the subject that Maret gave at Paris in 1850–1851. See Maret, *L’Église et l’état*.

³³ In Alberigo and Tanner, *Decrees of the Ecumenical Councils*, 1:409.

³⁴ See Duchon, “De Bossuet à Febronius,” 382–83, 406.

³⁵ These three strands of conciliarist thinking are delineated in greater detail in Oakley, *The Conciliarist Tradition*, 66–81.

³⁶ Maret, *Du concile général*, 2:389–412.

³⁷ Bressolette, *Le Pouvoir dans la société*, 94, 101–2; Palanque, *Catholiques libéraux et Gallicans*, 31.

³⁸ Bressolette, *Le Pouvoir dans la société*, 106–12, 133, makes a good case for so doing.

³⁹ Maret, *Du concile général*, 1:541; 2:38, 283. Similarly, *ibid.*, 2:259–60, where he claims that Jean Richer's (alleged) attack on the authority of pope and bishops stemmed from his assimilation of the church to "the image of political society." Compare Bressolette, *Le Pouvoir dans la société*, iii; Thysman, "Le Gallicanisme de Mgr. Maret," 401.

⁴⁰ For Almain, see Oakley, "Conciliarism in the Sixteenth Century," 111–32.

⁴¹ Maret, *Du concile général*, 2:76–77.

⁴² *Ibid.*, 1:60, 541; 2:283.

⁴³ Sieben, *Katholische Konzilsidee*, 100.

⁴⁴ Maret, *Du concile général*, 1:117–19, 129–30, 536–41.

⁴⁵ *Ibid.*, 1:129–30.

⁴⁶ *Ibid.*, 1:131.

⁴⁷ *Ibid.*, 1:131–42.

⁴⁸ *Ibid.*, 1:142.

⁴⁹ Maret devotes the whole of books 2 and 3 of the work (*ibid.*, 1:145–504) to the exploration of the "authentic commentary" provided by conciliar history. The discussion of Constance alone runs from pages 386 to 432.

⁵⁰ *Ibid.*, 1: 379. For the text of *Laetentur coeli*, see Alberigo and Tanner, *Decrees of the Ecumenical Councils*, 2:528.

⁵¹ For the contours of the traditional constitutive narrative see Oakley, "The Conciliar Heritage," 82–97. For the growing tendency from the mid-nineteenth century onwards to treat the Roman popes as the sole legitimate claimants and the Avignonese claimants simply as antipopes, see Izbicki, "Papalist Reaction." It was only in 1947 that Angelo Mercati, in what has since become the quasi-official listing of the popes, demoted the Pisan claimants Alexander V and John XXIII to the rank of antipopes. In Maret's day, their legitimacy was not questioned.

⁵² Even Alberigo and Tanner, *Decrees of the Ecumenical Councils*, a work of revisionist stamp, treats Constance as from its inception a legitimate general council and reproduces its decrees in their entirety. But it gives no place at all to the Council of Pisa.

⁵³ Maret, *Du concile général*, 1:380–81.

⁵⁴ Izbicki, "Papalist Reaction," 19.

⁵⁵ Thus Jedin, *Bischöfliches Konzil oder Kirchenparlament*, 11–13. In a post-script to the second edition, however (37–39), he confessed second thoughts about the argument because *Haec sancta's* claim that the council possessed an authority superior to that of the pope was one advanced, not simply for Constance, but also for "any other legitimately assembled general council." For other versions of the "emergency measure" argument, see Hollnsteiner, "Das Konstanzer Konzil, 295–420; Brandmüller, "Besitzt der Konstanzer," 1–17.

⁵⁶ Maret, *Du concile général*, 1:383–84.

⁵⁷ Ibid., 1:393–94.

⁵⁸ Ibid., 1:337–38; where he notes, too, that “certes, s’il y a quelques chose de clair, de certain dans l’histoire de ces neufs siècles que nous venons d’étudier, c’est que le Pape avec les évêques est plus grand, plus respecté, que lorsqu’il est seul.”

⁵⁹ Ibid., 1:342, 417–19.

⁶⁰ Ibid., 1:386.

⁶¹ Ibid., 1:408–12. On this point he invokes the criteria which Melchior Cano (d. 1560) had stipulated if one were to classify a conciliar enactment as a dogmatic definition.

⁶² Ibid., 1:408–12. In classifying *Haec sancta* as a constitutional law, Brian Tierney comes very close to Maret’s position but, unlike Maret, qualifies the import of the decree in relation to a pope of unquestioned legitimacy in the introduction to the revised edition of his *Foundations of the Conciliar Theory*, xxiii.

⁶³ In relation to Lateran V and its alleged abrogation of *Haec sancta* via the bull *Pastor aeternus*, Maret endorses the point made by Bossuet and Tournély to the effect that that bull was concerned with a different issue and that the glancing and rather general words some had interpreted as an abrogation of *Haec sancta* were merely incidental to the bull and susceptible of a different and more restricted reading. See Maret, *Du concile général*, 1:493–98; compare Oakley, “Conciliarism at the Fifth Lateran Council,” 461–63, for the point at issue.

⁶⁴ Maret, *Du concile général*, 1:387–504. The words cited appear at 425.

⁶⁵ Ibid., 1:536–41.

⁶⁶ For the pertinent texts, see *ibid.*, 1:379–468; 530–47 (esp. 415–17, 423–24, 540); 2:201–7. Also, Maret, *Le Pape et les Évêques*, 20, 26.

⁶⁷ The moment of unclarity in his thinking concerns the *nature* of the conciliar judgment on an erring pope. While he seems to brush to one side the distinction between judgments that are determinative and those that are merely declaratory, he still regards the council’s judgment as an act of true jurisdictional authority over the pope, views the notion of *ipso facto* loss of office by a pope who falls into heresy as “full of danger,” evokes approvingly Cajetan’s teaching to the fact that a pope was not deposed by the sole fact of his heresy but by the general council that carried out his deposition, and cites approvingly Gerson’s rejection in *An liceat* of the notion of *ipso facto* deposition and his insistence that John XXIII was “true pope” until the very moment of his deposition (for which, see below, n. 68). And yet, in a fleeting passage in his *Le Pape et les Évêques*, 80, perhaps because of an infelicitous choice of words, Maret seems to wobble on this very matter of *ipso facto* papal deposition. Noting that the canonical procedures leading up to the conciliar deposition of a pope do indeed involve the exercise of a jurisdictional authority superior to that of the pope, he then seems to veer off course by adding confusingly: “mais sur un Pape qui cesse de l’être devant Dieu; sur un Pape qui ne serait plus Pape en réalité. Et cependant il ne pourrait être dépouillé de sa dignité suprême que par la sentence du concile.”

⁶⁸ Jean Gerson, *An liceat in causis fidei a Papa appellare*, in *Oeuvres complètes*, 6:283–90 at 286: “Unde et in toto processu usque post sententiam definitivam suae depositionis reputatus est ab eodem concilio [Constantiensis] verus papa.”

⁶⁹ Thus, his sensitivity to the elements of truth he saw embedded in the beliefs of the separated Christian brethren, his quest to harmonize Christianity and science, his heartfelt desire to reconcile the church with the great achievements of the modern world and to promote the recovery of a more liberal and participatory regime within that church—all of that can be seen to look forward to powerful trends that surfaced in the Catholic life of the late twentieth century.

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Part 5

Appendices

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Thomas M. Izbicki

A Personal and Intellectual Appreciation

Gerald Christianson

THE CONTOURS OF THOMAS M. IZBICKI'S CAREER, the subject of this tribute volume, are suggested in the title: *Inventing Modernity in Medieval European Thought*. His work builds on, and extends, the scholarship of the late medieval/early modern period in the past seventy-five years and more. The history of ideas is his bedrock, but closely connected are institutions as attempts at community-building and centers of power. These general principles are then related to the history of the era and to Western culture. Mix these principles and methods together with a large helping of scholarly research and the result is a very large number of books and articles. I will not attempt to describe them all, but rather look at what shaped Izbicki and how he has shaped what we know about the "edge of modernity."

An always-intriguing issue that continues to stimulate historians is whether the Late Middle Ages (including the Renaissance and Reformation) is the source of modernity or a break with the past that has little or nothing to contribute. Within this general framework, Izbicki is a bit of a paradox. He holds both together at the same time. As he sees it, the medieval/early modern period—broadly conceived—rests along a continuum roughly between the twelfth and seventeenth centuries. Within this continuum, shifts and nuances point forward and backward at the same time. This is especially true of the fifteenth century—a period not unlike our own so-called "Post-Modern" times. Tom has made his mark here—by examining how exemplary figures, events, movements and institutions retain something of the old when adapting to the new.

We can illustrate this point with one prominent example. Tom was schooled in the origins of conciliarism, which celebrated the links between the Middle Ages and the early fifteenth century. At the same time, he expanded his vision into the later fifteenth and early sixteenth centuries where the conflict between consent and authority, representation and hierarchy, makes it even clearer that the picture was not all one-sided. In this

pursuit, Tom benefited, as so many of us have, from a generation of scholars who came to prominence after the Second World War, the shock of which brought renewed dedication to the origins and goals of Western values and institutions. The likes of Paul Oskar Kristeller, Heiko Oberman, F. Edward Cranz, Charles Trinkaus, Francis Oakley, and Brian Tierney were responsible for this “renaissance” and for setting an agenda to be addressed by younger students.

For Tom, this was not just a general inheritance. He studied at Cornell with Tierney, a scholar to whom many others, whether in support or opposition, are indebted. In *Foundations of the Conciliar Theory*, Tierney argued that the conciliar movement, which taught that the pope was a constitutional ruler susceptible to correction, was far from a radical affront to traditional institutions, but arose from a solid tradition of Scripture and canon law.

With this “foundation,” Tom has focused on those controversial years following the Great Schism of the West (1378–1417), during which the papacy was divided among two and then three “obediences.” The recurring issue that he addresses is how the challenges of Schism and conciliarism caused jurists, theologians, and humanists to rethink accepted norms of church government, piety, and sacraments and to balance the need for reform and representation with the need to preserve order in the visible church.

From the beginning, however, Tom did not stop here. Even in recent times some historians treated the Council of Basel (1431–1447) as a kind of pariah. Those who acknowledged papal supremacy thought the assembly an aberration. Even those sympathetic to the idea of a conciliar church tended to stop at its gates because conciliarism seemed to fall apart. Izbicki, on the other hand, took this reticence as a challenge. He immersed himself in the later Council of Basel and beyond, where lines shifted and parties became polarized, and where leaders of conscience were sometimes compelled to make life-altering decisions. By adding his voice to the debate, and without a polemical agenda, he brought greater balance to the conciliar element in the rough and tumble of late medieval church politics.

Typical of those who faced this dilemma and contributed to the re-establishment of papal hegemony were three figures who have benefited from Tom’s research: Juan de Torquemada (Turrecremata), Nicholas of Cusa and Aeneas Sylvius Piccolomini (Pope Pius II). Because all attended, then abandoned, the Council of Basel he saw opportunity for moving into under-explored territory.

While writing a review of Tom's first book, *Protector of the Faith: Cardinal Johannes de Turrecremata*, I met him for the first time in Kalamazoo. This was some time ago, and the case he made for moderating the traditional picture of this supposedly high papalist struck me as fresh and persuasive. To put the pretensions of conciliarists to rest, Torquemada had felt it necessary to teach himself canon law. Here he found that councils had resisted popes who had fallen into heresy and consequently showed himself more nuanced and guarded than other papal champions of the time.

If Juan de Torquemada was a theologian who became immersed in canon law, Nicholas of Cusa was a canon lawyer who turned to theology. Scholars usually divide their attention between the early, conciliar Cusanus, author of *The Catholic Concordance* (*De concordantia catholica*) with its doctrine of consent, and the later "Hercules of the Eugenians" who abandoned Basel, supported the pope, and wrote a series of brilliant philosophical-theological treatises. Izbicki, however, bridges the two sides by demonstrating, from both these tracts and lesser-known works, that Cusanus had not abandoned the fundamental principles of the *Concordance*, but in changing circumstances found it necessary to emphasize hierarchy over consensus.

Aeneas Sylvius Piccolomini, the future Pope Pius II, may not have been as theologically profound or canonically astute as Torquemada and Cusanus, but he championed Basel longer than either, and then repudiated it even more emphatically. He did this by revising his earlier histories of Basel which he now portrayed as a largely rowdy and radical assembly. When Aeneas became Pius, he intended to deal the conciliar movement a death-blow with the decree *Execrabilis*, which prohibited appeals to a council. He soon realized, as Izbicki has shown, that the life and growth of conciliarism still possessed a potent political punch. And while Aeneas, the revisionary historian, was often taken at face value, Izbicki's translations have given modern scholars a chance to compare the two Aeneases.

Each of these three leaders chose a different path than Basel. Each one had to navigate uncertain territory that began in the shadow of Schism and witnessed the restoration of papal authority. Thanks to Tom's dedicated labor, we now have greater clarity about how these council fathers had to contend with shifting alliances, conflicts of interest, and careerism, and at the same time how each had to rethink concepts of church and councils, collegiality and authority, hierarchy and consensus while still preserving their dedication to reform.

Beyond this all-too-brief summary of Tom's scope, what also sets Tom apart is the special set of skills he possesses and how he has marshalled them in fresh and meaningful ways. His publications prove that he is well grounded in history, theology, philosophy, and political theory. Most scholars possess many or all such skills, but Tom's range includes areas few have mastered. He became immersed in the intricacies of canon law, as well as manuscripts and their transmission, while studying with Tierney at Cornell, but went the second mile when Stephan Kuttner enlisted him in his research program at the School of Law in Berkeley. These studies inform all Tom's publications, especially those on specific jurists, but have taken on new life with his investigation of canon law and the sacraments which, I suspect, reflects Tom's role as an Episcopal lay minister, and promises to draw revealing inferences about "ordinary" life in parish practice.

Moving on from these years of apprenticeship, and after a bit of wandering in the world of lectureships and research fellowships, he settled on a career as a research librarian. This has made him a distinguished and helpful bibliographer whose resources grace chapters on "Nicholas of Cusa in English" in books published under the umbrella of the American Cusanus Society and in the rich and rewarding lists in the Society's *Newsletter*.

Since those early days with Torquemada and canon law texts, Tom has flourished as a Latinist. He translates rapidly and with a limpid style that settles somewhere between literal and colloquial. This makes the result readable but still sounding like the original. His writing is also a matter of envy. Careful preparation is followed by an original draft that flows smoothly and quickly. Usually it needs no more than a single re-write.

On that day in 1983 when I first met Tom, the American Cusanus Society was reborn with the election of Morimichi Watanabe, its president for many years. This was sheer coincidence but in no way detracts from the fact that Izbicki has remained an anchor of this vibrant community of scholars ever since. He has also taken a leading role in a related activity, the "working conferences" at Gettysburg Lutheran Seminary, and has served as an intrepid editor of its publications more often than anyone else.

Tom Izbicki's legacy (happily, we can add "to date") is extensive and useful. He has published widely in his field. He has addressed topics that engage us and are of lasting value. He has illumined the creative mix between conciliarism and papalism. And he has enhanced the on-going dialogue over the boundary between medieval and modern.

This list can only hint at the range of Tom's career, at the independence and originality of his research, and at an inner consistency that arises out of his respect for the value of human creatures and their communities. When I read Thomas Izbicki, I get the feeling that we are important to him. He doesn't simply write; he writes something to us. Many walls have tumbled; others arisen. But Tom builds bridges, and not just bridges between people. Tom builds bridges from the past to the present and back again; and certainly also, as he invites us to reflection, into the future.

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Afterword

Thomas M. Izbicki

BEGINNING WITH MY UNDERGRADUATE YEARS, the relationship of theory to practice has intrigued me. Whether the sources employed are texts written by theologians, lawyers or men of letters, their ideas of how things should be can be assessed against accounts of the things which happened. In some cases, there is a wide gap. In others, ideas percolated down to the local level and entered practice. This can be traced in canon law. Ideas born in the medieval universities reached the diocese and the parish through received texts, whether decrees of general councils, local enactments by provincial and diocesan synods, papal letters, or practical advice given to pastors by learned men. The enforcement of these norms can be tracked by reading the records of official visitations by bishops and archdeacons. Lapses are revealed, of course, as are measures taken to impose discipline on the many priests and lesser clergy. In other cases, the visitors were satisfied with what they found. The *consilia* or legal opinions of the university-trained jurists also were aimed at practical matters although rooted in the received texts of the Corpus Juris Civilis. They might be part of the documentation of a practical case or hypothetical considerations of issues which could arise in the courts. The jurists might even be consulted about political issues, including dynastic succession and the status of local regimes, even those governed by tyrants.

This line of inquiry requires engagement with a wide variety of sources. In turn, this involves use of both printed and manuscript texts. The study of paleography and the use of the skills acquired allows finding and employing sources not otherwise available, broadening the scholar's reach. It also becomes possible to read older printed texts and newer editions critically, finding nuances even in the most familiar written works. These inquiries also require serious engagement, especially empathy, applied to persons whose ideas, beliefs and acts differ from those accepted at the present time. The historian's task, after all, is to understand before attempting any critical assessment of past ideas, persons, institutions, and developments.

This effort is outlined in the Appreciation by Gerald Christianson, the colleague who best knows my interests and their wellsprings.

Nearly fifty years have passed since I undertook these inquiries. There is no greater tribute to the labors of a half century than to have colleagues engage with such issues. Bettina Koch and Cary Nederman have brought together several colleagues to address relevant topics. The focus of these essays is on the years 1100–1450, which has been identified as the period which invented ideas of modernity. These ideas emerged in part from conflicts over religious issues which contributed to increasing secularization, but they also granted humanity much greater dignity than had Augustine's disciples with their emphasis on curbing sinfulness. My own research having focused most intensely on the early fifteenth century, a time when the Italian Renaissance, often identified with the emergence of the modern, was flourishing, these essays advance areas of research which I value even when I have not pursued them myself.

Many of these studies show how the medieval Church gradually lost unity even before it was fractured by the Reformation. The Dominican theologians who defended papal privileges against secular apologists like Jean de Pouilly caused confusion over the coherence of the Church's history and validity of authoritative sources. This opened the way for dissidents like Marsilius of Padua to rewrite the ecclesiastical polity by using the received texts in new ways. John Wyclif was able to find texts in the *Decretum* of Gratian to use against the canonists on issues like clerical property and papal dispensations. The Great Western Schism (1378–1417) fractured unity, but it also made ecclesiastical statesmen like Pierre d'Ailly aware of the need for personal, as well as institutional, reform. However, it also generated heated debates over the Church's divisions, language which evoked ideas of tyranny and tyrannicide. This language was echoed in the defense of the murder of Louis of Orléans by minions of his rival, John duke of Burgundy, during France's contemporaneous civil strife. The effort of the Council of Constance (1414–1418) to reunite the Church was coupled with a defense of orthodoxy. The trial of the Czech reformer Jan Hus turned not only on the canon law of heresy but the belief that heresy arose from contumacy, intellectual stubbornness carried to the extreme. The conciliar arguments arising from the Schism were used to reestablish unity, but they also were used to support royal control of churches. These conflicting uses endured to the time of the First Vatican Council (1870) at which even the most temperate conciliarism was rejected by the Ultramontanes. An irony is that the liberal and secular

currents we identify with modernity were met at the Vatican Council with an affirmation of papal primacy and infallibility.

Authoritative texts could be used in creative, not just destructive, ways. Ptolemy of Lucca, using Classical writings, described ancient Rome as inspired by providence in preparation for the coming of Christ while also pursuing the common good through virtue. Marsilius of Padua, however, used Cicero and other ancient authorities to create a “naturalistic” idea of social order far apart from the pretensions of the papacy. Marsilius was received in the Reformation context but not as he would have expected. An abridged translation of the *Defensor pacis* into German done for a Protestant claimant to the Palatine Electorate omitted anything not supportive of princely power, including lay power over ecclesiastical property, an early step toward secularization. The Platonist strain of the twelfth century, found in writings of Thierry of Chartres and Peter Abelard, was reflected in the works of Anselm of Havelberg and, much later, in the unique thought of Nicholas of Cusa (1401–1464). Cusanus, a polymath, is often seen as a transitional figure from medieval to modern. The *De venatione sapientiae*, his intellectual autobiography, treats all the neologisms he coined in his intellectual development, engaging in dialog with Plato, Proclus and Pseudo-Dionysius as he broke out of the Aristotelian framework of late medieval Scholasticism. Cusanus and Lorenzo Valla both were dissatisfied with Scholastic precision, wanting to attain something more practical. The cardinal expected the monks of Tegernsee to have a shared experience when gazing at the icon, while Valla wanted his readers to expand responsible participation in life. Cusanus had a view of the larger world. His vision encompassed non-Christians, but he expected them to conform more closely to Christianity in a concord of peoples. This vision of concord was replaced in the New World with a papal effort to establish spheres of influence for European powers enabling protection for missionaries dealing with peoples who never had heard of Christ while princes persuaded their own interests. This time of discovery, contemporaneous with the Reformation, forced Western Europe to confront a wider world not versed in either Classical or Christian texts, a modern world facing issues of cultural clash and adaptation to entirely new contexts.

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