

Introduction

The argument of this book is that radically new ways of discussing questions of power were developed in the period from the end of the thirteenth century to the early fifteenth century – the long fourteenth century of the European Late Middle Ages. This study is particularly concerned with the most fundamental problem of political thought – where does legitimate authority lie? In short, who is in charge? These years saw a remarkably intensive increase in the production of what may be called political thought texts, both in terms of quantity and quality. The works of these authors were characterized by an engagement with political reality and especially with a series of spectacular political and religious crises: they were not theorists writing in relative isolation from the world. The sophistication and depth of their discourses rested on the development of academic disciplines in thirteenth-century universities, but during the course of the fourteenth century, these writers took the elaboration of political ideas to a far higher level than had existed before in medieval political thought. The stimulus for their thinking came from reflection on the demands of reality in a manner and to a degree that was new for the Middle Ages; the rigour and originality of their ideas derived from the education they had received and the creative use they made of it. Historians' treatments of ideas of power in these years have so far tended to be piecemeal. A study like this, focused on ideas of power and authority in this period, has not been attempted before.

In the last thirty or so years, a great deal of research has been done on aspects of the political thought of the long fourteenth century. But largely because of the sheer variety of the sources, approaches have

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tended to be fragmented, following different lines of enquiry. A new overall interpretation has been lacking. Certain grand themes stand out in the work of modern scholars. Great advances have, for instance, been made in examining the origins of republicanism.¹ Our knowledge of constitutionalism in both the secular, political arena and the church has been much advanced.² A flood of light has been shed on the implications of the different languages or forms of discourse used to elaborate political ideas.³ Our understanding of questions of poverty and property has been deepened.⁴ Our appreciation of the nuances of natural law theory has also been greatly increased.⁵ I have learned so much from the work of other scholars, but their approaches and leading concerns have been different from my own. By concentrating on the fundamental questions of power and authority, I have sought to produce a distinctive and integrative

¹ For example, the seminal work of Quentin Skinner has helped to stimulate a whole school of research in this regard: see, for instance, his *The Foundations of Modern Political Thought*, 2 vols. (Cambridge University Press, 1978), vol. 1: *The Renaissance*.

² Brian Tierney has made a matchless contribution in this respect. See, for instance, his *Religion, Law, and the Growth of Constitutional Thought, 1150–1650* (Cambridge University Press, 1982). Francis Oakley has also produced magisterial studies: see, for instance, his *The Conciliarist Tradition. Constitutionalism in the Catholic Church, 1300–1870* (Oxford University Press, 2003). Arthur P. Monahan's wide-ranging works have also greatly advanced our appreciation of the themes of republicanism and constitutionalism: see his *Consent, Coercion and Limit. The Medieval Origins of Parliamentary Democracy* (Leiden: E.J. Brill, 1987) and *From Personal Duties towards Personal Rights. Late Medieval and Early Modern Political Thought, 1300–1600* (Montreal and Kingston: McGill-Queen's University Press, 1994).

³ Antony Black deserves to be singled out as having had great influence in the formulation of this approach: see his *Political Thought in Europe, 1250–1450* (Cambridge University Press, 1992).

⁴ The work of Janet Coleman has been particularly influential in this respect: see, for instance, her 'Property and poverty', in *CHMPT*, pp. 607–48.

⁵ Brian Tierney's huge contribution in this area has been summed up in his *The Idea of Natural Rights. Studies on Natural Rights, Natural Law, and Church Law 1150–1625*, Emory University Studies in Law and Religion, 5 (Grand Rapids, MI: William B. Eerdmans Publishing Company, repr. 2001). For an excellent study, see Annabel Brett, *Liberty, Right and Nature. Individual Rights in Later Scholastic Thought* (Cambridge University Press, 1997).

interpretation which applies to all the various forms of political organization in the fourteenth century.

In order to make sense of the content of this book and to justify the starting- and end-points, it is necessary to explain the historical context leading up to the period – both in terms of intellectual life and political developments. The authors considered were late medieval scholastic writers – theologians, philosophers and jurists. Typically, they elaborated their ideas in terms of intellectual authorities, largely through the application of Aristotelian logic. Indeed, in the period between the 1120s and the 1270s the whole corpus of Aristotle's philosophy had been rediscovered in the west. As regards Aristotle's political thought, fragmentary translations of the *Ethics* into Latin were produced in the twelfth and early thirteenth centuries, but Robert Grosseteste translated the work in its entirety by about 1246/7. The *Politics* was translated into Latin in a literal manner by William of Moerbeke, in an incomplete version in c.1260 and in a complete form in 1265. This acquisition of Aristotelian philosophy contributed to a growing intellectual ferment, notably at the universities of Paris and Oxford. The problem was whether it was possible to reconcile traditional medieval Christian theology and philosophy (based on the Bible and the fathers of the church), which may loosely be termed Augustinian (because of its debt to St Augustine), with the pagan philosophy of Aristotle. The results produced a very broad spectrum of interpretations indeed. But there is some value in distinguishing between Augustinian and Aristotelian approaches in broad-brush terms, although so many writers combined both. As far as political ideas were concerned, the medieval Augustinian tradition saw rulership and government as existing within the overall context of a Christian community, whereas Aristotelian ideas provided a systematic model for the treatment of the natural order, including the state, government and political life. It should however be said that Augustine's mature political thought was different from the medieval interpretation. He removed justice from his definition of the state, which he kept separate from the church. But there were ambiguities in Augustine's writings: he was interpreted in the Middle Ages as meaning that true justice was only achievable in a Christian society

understood as an existing body of baptized Christians. Individual late medieval writers could use both Augustinian and Aristotelian forms of discourse eclectically. In jurisprudence the authoritative texts were the Roman law (the *Corpus iuris civilis*) and the canon law (*Corpus iuris canonici*). The writers covered in this book drew on these complicated traditions of thought. The question of course is whether it was possible for them to argue in an innovative or original way in interpreting authoritative texts. It certainly was, although the novelty could be masked in the process. Such innovation resulted from the way in which authorities were used to produce arguments to accommodate changing, contemporary reality and to provide answers to questions unforeseen by those who wrote the original authoritative sources.

What was new about fourteenth-century political thought when compared with that of the thirteenth century? The difference may be summed up in terms of the realistic turn taken by fourteenth-century writers. Their prime motivation was to provide solutions to problems presented by the realities of political life, and especially questions of power. This is to talk in general terms and, of course, thirteenth-century writers did to some degree reflect contemporary reality in their contributions to political thought. Indeed, Aquinas, for instance, in his political thought did primarily employ a metaphysical and theoretical approach to political questions with a tendency to argue from first principles, although his writings did show some limited reflection on the political life of his own day. But the intellectual orientation towards confronting the real world of politics and power became the dominant characteristic of fourteenth-century political thinkers. This was a trend which had its roots in the earlier period but which became intensified. In Roman law studies, the juristic school of the Glossators was in the first place concerned to explicate the meaning of the text of the *Corpus iuris civilis*, but with the growing sophistication of their method from the late twelfth century increasingly produced interpretations reflecting the requirements of the society of their own times. Similarly, the first task in dealing with Aristotle's *Ethics* and *Politics* was to try to understand the meaning of the texts translated into

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Latin and then to apply Aristotelian concepts in the development of philosophy and theology. In the fourteenth century the school of the Commentators sought above all to accommodate the text of the Roman law to interpret their contemporary reality. In this they were building on the work of the Glossators and late thirteenth-century jurists. Canon law did not present the same problems because its growth in the thirteenth century was the result of the huge production of papal decretals dealing with legal problems as they arose. Obviously, the realistic turn was not a characteristic of all fourteenth-century political thought. There was much evidence of writers using purely deductive arguments from first principles in a theoretical way. But the dominant trend was for writers to employ both inductive and deductive reasoning in applying authoritative texts to the interpretation of political reality.

In particular, the fourteenth century witnessed great originality and creativity in the development of ultimately Augustinian political ideas, with truly diverse results which were new for the Middle Ages. At one extreme, some writers maintained that legitimate rulership depended on sanctifying grace. But it became possible to hold the polar opposite view: that God was the ultimate source of legitimate power and authority, whether pagan or Christian. This meant that a form of Augustinian argument was used to justify the autonomy of secular rulership and of political communities. These arguments are considered in this book. Whereas Aristotelian ideas continued in the fourteenth century to provide a justification for the autonomy of the political order on a naturalistic basis, an innovative interpretation of Augustinian ideas (closer to the master's own views) could now also serve the same purpose, but on a theological basis. This means that a new model for interpreting late medieval political thought is required to take account of the way in which, in the fourteenth century, both Aristotelian and Augustinian languages were used to justify secular power and authority.

The political world of late medieval Europe was complicated indeed. By the end of the thirteenth century, a variety of political entities, many with attributes of territorial states, existed. The forms of government varied. Monarchy remained the dominant kind, as,

for instance, in the cases of the established realms of France, England and the Spanish kingdoms. But a range of sovereign and autonomous city-regimes also existed, as in the case of the Italian city-republics, such as Florence, Venice and Milan, and the great German cities, including many in the Hanseatic League. There were also principalities and feudal lordships with varying levels of independence. Forms of representative institutions could also be found in some monarchies, as in the case of England, for instance, and Aragon. The universal title of Roman Emperor had been borne by a succession of German rulers since Otto I in 962 but, in reality, central Europe, and Germany in particular, had become increasingly fragmented politically in the thirteenth century, and certainly since the death of Frederick II in 1250. The idea and title of Roman Emperor persisted but the reality fell far short. Italy was also divided between the city-republics and lordships in the north, the papal lands in the centre and the kingdom of Sicily in the south of the peninsula and in the island of Sicily itself. Furthermore, the church, and the papacy in particular, played a central role both through its claims to power and through its elaboration of the language to describe it.

This book begins and ends with two crises which were crucial in stimulating the development of political ideas – both involved the church. The first featured the disputes between King Philip IV of France and Pope Boniface VIII. This beginning has been chosen because it marked the commencement of the prolonged late medieval series of conflicts over the papacy's claims to power and authority. The opposed positions and actions of Philip and Boniface can only be understood in the context of the history of the relations between the papacy and secular rulers from the mid-eleventh century onwards. The reform papacy, especially from the pontificate of Gregory VII (1073–85), had sought to achieve liberty of the church (*libertas ecclesiae*), that is, the freedom of the church from lay control and its subjection to papal control. This resulted in a conflict with a series of German rulers, a conflict known as the Investiture Contest, which lasted from 1075 until 1122. What was at issue was sovereignty in the Christian community. The long-term result was the

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rapid development of the papal monarchy, which made universalist claims to superiority over secular rulers and which was consolidated by the growth in canon law in the twelfth and thirteenth centuries. The papacy was involved in major conflicts with the empire, in the twelfth century with Frederick I and in the thirteenth century with Frederick II. The disputes between Boniface VIII and Philip IV marked a watershed on two levels. In the first place they marked a change because it was now the French king rather than the emperor who was involved: the highly developed governmental entity of the papacy came into collision with the concentrated power of the French monarchy, rather than with the relatively diffuse power of the empire. Secondly, the terms in which the conflicts were conducted were different. The political, juristic and theological languages used were far more sophisticated than those employed previously and reflected the level of elaboration of political life in the thirteenth century. The second crisis was the Great Schism (1378–1417), which was without doubt the worst time of troubles for the church and the papacy in the Middle Ages. This was the most profound test for the papacy and raised issues about the very nature of papal monarchy.

Why did this period provide such stimulus for the development of political ideas about power and legitimate authority? It was through a combination of factors. The issues thrown up by deep-seated conflicts and profound political change were so challenging that they resulted in a radical questioning of inherited fundamental presuppositions. The intellectual armoury for coping with these problems was already available and was put to use in producing innovative solutions.

This book is divided into six chapters, which fit into a chronological progression through the period. The chapters are, as it were, windows onto the problem of legitimate authority in the late Middle Ages and reveal differing and innovative approaches to it. Chapter 1 deals with the political thought produced during the disputes between Philip IV and Boniface VIII, and looks at the large range of greater and lesser tracts written. Chapter 2 studies the approach of Dante Alighieri, specifically from the point of view of his highly

original contribution to political philosophy. It is especially concerned with his arguments about the right and the wrong use of knowledge. Chapter 3 is devoted to the thought of Marsilius of Padua, the most thoroughgoing critic of the papacy, and considers his discussions of where legitimate authority did and did not lie. Chapter 4 addresses issues of power and authority raised by the poverty debate. The question of poverty was the major problem facing the church in the first part of the fourteenth century and highlighted fundamental issues of power and powerlessness. The ramifications for legitimate authority were huge and, indeed, systemic. This chapter focuses on the prime theological and philosophical exponent of the poverty ideal – William of Ockham. Chapter 5 covers juristic discourse and is focused on the two greatest fourteenth-century jurists – Bartolus of Sassoferrato and Baldus de Ubaldis. It addresses the question of how useful notions of sovereignty and state are for interpreting juristic ideas of legitimate authority, and explores the unique test case of papal temporal power in the papal states. Chapter 6 looks at two sets of ideas which had their origins before the Great Schism but had their main development during it. They were different in kind but both posed a considerable threat to papal claims. The first was the notion of grace-founded *dominium*. Particular attention is given to John Wyclif's elaboration of this thesis. The second was the set of theories elaborated by exponents of the conciliar movement in the church. Both raised fundamental issues concerning legitimate authority. These six chapters serve to reveal the sheer variety and sophistication of late medieval political thought. The different writers shared a common culture in that they could draw on a rich treasury of biblical, theological, philosophical, literary and juristic sources. Their approaches varied in the ways in which they used these authorities. Thus, for instance, theologians, highly critical of canonists, would themselves make great use of canon law. Aristotle's political and ethical concepts were used both by writers seeking to undermine papal claims and by those supporting them. Aristotle could be used to produce thoroughly this-worldly political ideas but, equally well, his works could be drawn upon in support of arguments in favour of the

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most extreme pro-papal claims. As we shall see, Augustine's ideas about power and authority were susceptible to a range of interpretations. The Bible, of course, could be used in support of divergent political positions. But the point was that all these writers could engage with one another – they were sharing a mental world. There were no fixed boundaries between disciplines. The exponents of theology, philosophy, church history and jurisprudence (of both Roman and canon law) all drew on one another's authorities. What is revealing to a modern historian is to discover what questions these late medieval authors thought important and how they sought to answer them.

Clearly, the thought world of the late Middle Ages was radically different from our own and in the course of this book I have endeavoured to be especially sensitive to the language of medieval scholastic discourse. The differences in language will become clear in the course of the book. But there is one area where misunderstandings can arise and which it may be helpful to highlight at the start. In the medieval sources there is constant reference to jurisdiction (*iurisdictio*). In modern usage the term is largely restricted to a legal sense, as, for instance, to the legal competence of a judge, court or state. *Iurisdictio* had a far wider meaning in the late Middle Ages. It could be synonymous with power and authority, albeit understood with legal overtones. Thus, papal power and authority were expressed in terms of jurisdiction. The notion of law in its widest sense as legitimating governmental authority lay behind this usage. In its original application in antiquity, jurisdiction had derived from the capacity to declare the law (*ius dicere*); by the late Middle Ages it had developed into the capacity to govern and rule in a legitimate way. Supreme jurisdiction was synonymous with sovereignty. Certainly, the role of the concept of jurisdiction shows the fundamental importance of juristic notions in late medieval ideas of government and rulership. Jurists produced the most sophisticated discussions of the concept of jurisdiction and its ramifications, but everyone used it.

This book confronts the problem of what was new and important about late medieval political thought. In so doing, it also raises the question of the nature of politics and political ideas. It is important

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not to unthinkingly project back modern presuppositions about the content of politics onto the late Middle Ages. Thus, for instance, there was strong evidence for notions of state and a this-worldly approach in the works of many late medieval writers, but this should not be seen as any form of anachronistic ‘advance’ in political thought and should not be privileged as the most salient development in political ideas in this period. This book argues that the most important contribution of these writers was to the elaboration of notions of power and authority in a new way, and, specifically, to the sophisticated analysis of the question of legitimate authority. If their ideas are approached in this manner, then a more accurate assessment of their contribution is possible: ultimately theological approaches can then be seen as possessing a validity side-by-side with overtly this-worldly discourse, framed in ultimately Aristotelian and juristic terms. The question of the location and nature of legitimate authority is the right one to ask in order to do full justice to the rich range of late medieval political thought.