

## POLITICAL THEORIES OF THE MIDDLE AGE.

### I. *The Evolution of Political Theory.*

THE development by Legists and Canonists of a Theory of Corporations came into contact at many points with the efforts of the Medieval Spirit rationally to comprehend Church and State in their entirety, and therefore scientifically to conceive the nature of all Human Society. For the first beginnings of this movement we may look as far back as the great Quarrel over the Right of Investiture, but not until the thirteenth century did it issue in a definite Theory of Public Law. From that time onwards the doctrines of the Publicists, doctrines which were being steadily elaborated and unfolded, became no mere doctrines of Public Law, but were also the exponents of an independent Philosophy of State and Law such as had not previously existed. And just because this was so, they introduced a quite new force into the history of legal ideas.

This result was due to the co-operation of various sciences. Theology and Scholastic Philosophy, Political History and practical arguments touching the questions of the day, here encountered both each other and

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professional Jurisprudence in one and the same field. Their starting-points, their goals, their equipments might be different; still here as elsewhere Medieval Science preserved a high degree of unity and generality. In the first place, though a war of opinions over the great questions of Public Law might be loudly raging, still all men shared one common concept of the Universe, the supreme premisses being regarded by medieval minds as no discoveries to be made by man, but as the divinely revealed substratum of all human science. Secondly, men readily borrowed on all sides whatever they needed, so that there was an always increasing store of intellectual treasure amassed by co-operative labour and common to all.

Diversity  
of mate-  
rials.

In this manner elements that derived from the most diverse sources were fused into a system. Holy Writ and the expositions thereof, Patristic Lore and more especially the *Civitas Dei* of Augustine, these furnished the medieval Doctrine of Society with its specifically Christian traits. Genuinely Germanic ideas flowed into it from the tales of medieval historians and from the popular thought which those tales had influenced. The resuscitation of the Political Philosophy of the Antique World, and above all the exaltation of the Politics of Aristotle to the position of an irrefragable canon, had from the first dictated at least the scientific form of the whole doctrine. And then to all that was obtained from these various sources Jurisprudence added the enormous mass of legal matter that was enshrined in Roman and Canon Law, and, to a smaller degree, in the ordinances of the medieval Emperors, for Jurisprudence regarded what these texts had to say of Church and State, as being not merely the positive statutes of some one age, but rules of eternal validity flowing from the very nature of things.

*The Course of Development.*

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Then again, in the method of handling this wealth of material the tendencies of the different sciences supplemented each other. The deepest speculative penetration falls to the share of the theologian and philosopher; the keenest practical appreciation of newly-won ideas falls to the share of politicians with an eye on the question of the hour; still Jurisprudence, albeit with some hesitation, yielded to the impulses that were thus given. Conversely, it was professional Jurisprudence which by its assiduously detailed work brought the aerial scheme of thought into combination with the actual public life of great and small societies, and by so doing both started a science of Positive Public Law<sup>1</sup> and provided the philosopher and the speculative politician with a series of legal concepts serviceable for the construction of a system. Moreover, at this point the other writers adhered as closely as was possible to the Legists, Canonists, and Feudists, and by so doing began to give to their abstractions and their postulates a stable formulated shape and a more solid basis among realities.

Diverse methods.

Thus, notwithstanding the diversity of its sources and its confluents, the Medieval Doctrine of State and Society flowed along one single bed. Within that bed were commotions that shook the world. But all this conflict between opinions, ecclesiastical and secular, absolutistic and democratic, only accelerated the speed of a current which as a whole swept onwards in but one direction.

Unity of the movement.

Beneath this movement, however, there was an internal contest, which in the history of ideas was of more importance than all the external differences between partizans: namely, the contest between Properly Medieval and 'Antique-Modern' Thought.

Medieval and Antique-Modern Thought.

Throughout the Middle Age and even for a while

Medieval Thought.

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longer, the outward framework of all Political Doctrine consisted of the grandiose but narrow system of thoughts that had been reared by the Medieval Spirit. It was a system of thoughts which culminated in the idea of a Community which God Himself had constituted and which comprised All Mankind. This system may be expounded, as it is by Dante, in all its purity and all its fulness, or it may become the shadow of a shade; but rudely to burst its bars asunder is an exploit which is but now and again attempted by some bold innovator.

Antique-  
Modern  
Thought.

None the less, this Political Doctrine, even when it was endeavouring contentedly to live within the world of medieval thoughts, had from the first borne into that world the seeds of dissolution. To the cradle of Political Theory the Ancient World brought gifts: an antique concept of The State, an antique concept of Law. Of necessity these would work a work of destruction upon the medieval mode of thought. As a matter of fact the old system began internally to dissolve. The several elements that were thus set free began to combine with the antique ideas, and from these combinations new mental products issued. So much of Medieval Thought as was in this wise completely fused with the Antique Tradition came down with that Tradition into the Modern World, and became the specifically modern factor in the scheme of Natural Law. All the more irreparable was the downfall of the Medieval System.

Advance  
of An-  
tique-  
Modern  
Thought.

If from the point at which we have placed ourselves we survey the Political Doctrine of the Middle Age, we see within the medieval husk an 'antique-modern' kernel. Always waxing, it draws away all vital nutriment from the shell, and in the end that shell is broken. Thus the history of the Political Theories

*The Course of Development.* 5

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of the Middle Age is at one and the same time a history of the theoretical formulation of the System of Medieval Society and the history of the erection of that newer edifice which was built upon a foundation of Natural Law. As might be expected, we may see great differences between the different writers and manifold fluctuations. Still, if we look at the whole movement, there is a steady advance all along the line. We may say that the first forces to tread the road that leads away from the Middle Age are the champions of Papal Absolutism, though to a first glance they seem so genuinely medieval. Then the study of Roman Law and the arguments for Imperial Absolutism with which it supplies the Hohenstaufen really march in the same direction. New forces were marshalled by the scholastic students of the Aristotelian Philosophy, and even Thomas of Aquino unconsciously laboured in a work of destruction and innovation. A new and powerful impulse was given by the literary strife that broke forth in France and Germany when the fourteenth century was young: strife over the relation between Church and State, in the course whereof many of the ideas of the Reformation, and even many of the ideas of the French Revolution were proclaimed, though in scholastic garb, by such men as Marsilius of Padua and William of Ockham. Then along very various routes the writers of the Conciliar Age forwarded, whether they liked it or no, the victorious advance of the Antique-Modern forces. Finally in the fifteenth century Humanism broke with even the forms of the Middle Age and, in its desire to restore the purely classical, seemed for a while to be threatening those medieval elements without the retention of which the Modern World could not have been what it is. The drift towards Antiquity

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pure and undefiled, whether it takes with Aeneas Sylvius the turn to absolutism or with Patricius of Siena the turn to republicanism, did as a matter of fact wholly repulse for a season the Germanic notions of State and Law. Yet was the medieval tradition held by the many, and on the other hand the thoughts of the German Reformation were being prepared. Revolutionary thoughts they were, but harmonious in their innermost characteristics with the work of the Germanic Spirit. Isolated, it is true, and in the shape that he gave it fruitless, appears the effort of Nicholas of Cues. The genius of his powerful mind endeavoured to unify two ages, and, as it were, to bring to a new birth and to modern vigour the medieval system of ideas. But fundamental Germanic thoughts which lay in that system lived on, doing a mighty work both among the political ideas of the Reformation and also in the construction of the 'nature-rightly' Doctrine of the State.

Influence  
of Cor-  
poration  
Law upon  
Political  
Theory.

As to the relation between the development of Political Theory and that Doctrine of Corporations upon which Legists and Decretists had laboured, we shall see that it was just this lore of Corporations which furnished Political Theory with genuinely legal elements. Not only were the Jurists themselves acquiring a Theory of Church and State which, at least in part, was obtained by a direct application of the ideas and rules of Corporation Law to the largest and highest Communities, but the Philosophers and Speculative Politicians, though they might hold that a mere corporation was unworthy of their attention, borrowed from this quarter a wealth of ideas and rules that could be employed in the scientific construction of Church and State.

Conversely, Political Theory necessarily reacted

*Macrocosm and Microcosm.*

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upon the Doctrine of Corporations. For one thing, the latter was from the very first, and as a matter of course called upon to represent the fundamental thought of the world-embracing Medieval Spirit touching the highest and widest of all Communities. And, on the other hand, every advance of the 'antique-modern' idea of The State was a preparation for the negative and destructive influence which modern modes of thought have brought to bear upon the medieval lore of corporations.

Influence  
of Political  
Theory  
upon  
Corpora-  
tion Law

Having thus indicated the main tendencies and combinations that will deserve our attention, we may now more closely examine those leading thoughts which find a theoretical formulation in the Political Doctrine of the Middle Age.

II. *Macrocosm and Microcosm.*

Political Thought when it is genuinely medieval starts from the Whole, but ascribes an intrinsic value to every Partial Whole down to and including the Individual. If it holds out one hand to Antique Thought when it sets the Whole before the Parts, and the other hand to the Modern Theories of Natural Law when it proclaims the intrinsic and aboriginal rights of the Individual, its peculiar characteristic is that it sees the Universe as one articulated Whole and every Being—whether a Joint-Being (Community) or a Single-Being—as both a Part and a Whole: a Part determined by the final cause of the Universe, and a Whole with a final cause of its own.

Medieval  
Thought  
and the  
Universe

This is the origin of those theocratic and spiritualistic traits which are manifested by the Medieval Doctrine of Society. On the one side, every ordering of a human community must appear as a component

The idea  
of Theo-  
cracy.

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part of that ordering of the world which exists because God exists, and every earthly group must appear as an organic member of that *Civitas Dei*, that God-State, which comprehends the heavens and the earth. Then, on the other hand, the eternal and other-worldly aim and object of every individual man must, in a directer or an indirecter fashion, determine the aim and object of every group into which he enters.

The  
 Divine  
 Harmony.

But as there must of necessity be connexion between the various groups, and as all of them must be connected with the divinely ordered Universe, we come by the further notion of a divinely instituted Harmony which pervades the Universal Whole and every part thereof. To every Being is assigned its place in that Whole, and to every link between Beings corresponds a divine decree. But since the World is One Organism, animated by One Spirit, fashioned by One Ordinance, the self-same principles that appear in the structure of the World will appear once more in the structure of its every Part. Therefore every particular Being, in so far as it is a Whole, is a diminished copy of the World; it is a *Microcosmus* or *Minor Mundus* in which the *Macrocosmus* is mirrored. In the fullest measure this is true of every human individual; but it holds good also of every human community and of human society in general. Thus the Theory of Human Society must accept the divinely created organization of the Universe as a prototype of the first principles which govern the construction of human communities<sup>2</sup>.



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[More information](#)*Unity in Church and State.* 9III. *Unity in Church and State.*

Now the Constitutive Principle of the Universe is <sup>The principle of Unity.</sup> in the first place Unity. God, the absolutely One, is before and above all the World's Plurality, and is the one source and one goal of every Being. Divine Reason as an Ordinance for the Universe (*lex aeterna*) permeates all apparent plurality. Divine Will is ever and always active in the uniform government of the World, and is directing all that is manifold to one only end.

Therefore wherever there is to be a Particular or <sup>The Unity of Mankind.</sup> Partial Whole with some separate aim and object subordinated to the aim and object of the Universe, the Principle of Unity (*principium unitatis*) must once more hold good. Everywhere the One comes before the Many. All Manyness has its origin in Oneness (*omnis multitudo derivatur ab uno*) and to Oneness it returns (*ad unum reducitur*). Therefore all Order consists in the subordination of Plurality to Unity (*ordinatio ad unum*), and never and nowhere can a purpose that is common to Many be effectual unless the One rules over the Many and directs the Many to the goal. So is it among the heavenly spheres; so in the harmony of the heavenly bodies, which find their Unity in the *primum mobile*. So is it in every living organism. Here the Soul is the aboriginal principle, while Reason among the powers of the Soul and the Heart among the bodily organs are the representatives of Unity. So is it in the Whole of inanimate nature, for there we shall find no compound substance in which there is not some one element which determines the nature of the Whole. Not otherwise can it be in the Social Order of Mankind\*. Here also every

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Plurality which has a common aim and object must in relation to that aim and object find source and norm and goal in a ruling Unity, while, on the other hand, every of those Parts which constitute the Whole, must, in so far as that Part itself is a Whole with a final cause of its own, itself appear as a self-determining Unit<sup>4</sup>. Unity is the root of All, and therefore of all social existence<sup>5</sup>.

Mankind  
as one  
Com-  
munity.

Then in the Middle Age these thoughts at once issue in the postulate of an External, Visible Community comprehending All Mankind. In the Universal Whole, Mankind is one Partial Whole with a final cause of its own, which is distinct from the final causes of Individuals and from those of other Communities<sup>6</sup>. Therefore in all centuries of the Middle Age Christendom, which in destiny is identical with Mankind, is set before us as a single, universal Community, founded and governed by God Himself. Mankind is one 'mystical body'; it is one single and internally connected 'people' or 'folk'; it is an all embracing corporation (*universitas*), which constitutes that Universal Realm, spiritual and temporal, which may be called the Universal Church (*ecclesia universalis*), or, with equal propriety, the Commonwealth of the Human Race (*respublica generis humani*). Therefore that it may attain its one purpose, it needs One Law (*lex*) and One Government (*unicus principatus*)<sup>7</sup>.

Separation  
of Church  
and State.

Then however, along with this idea of a single Community comprehensive of Mankind, the severance of this Community between two organized Orders of Life, the spiritual and the temporal, is accepted by the Middle Age as an eternal counsel of God. In century after century an unchangeable decree of Divine Law seems to have commanded that, corresponding to the doubleness of man's nature and destiny, there must be