William of Auvergne was an immensely significant figure in the institutional development of the University of Paris in its first decades. He also played a crucial, though often underappreciated, intellectual role because he was one of the earliest Parisian theologians to make substantial use of newly translated Aristotelian works and related Arabic texts. All that is known of his early life is that he was born around 1180 or in the 1180s, and that he probably came from Aurillac. He was a secular cleric, rather than belonging to any religious order; by 1223 he was a canon at the cathedral of Notre Dame, and by 1225 a master of theology in Paris. When Bishop Bartholomew died in 1227, there was a disputed election and William went to Rome to appeal against the appointment that had been made. Pope Gregory IX resolved the issue by appointing William as bishop in 1228, which he remained until his death in 1249.

William continued to write prolifically while playing significant roles in secular and ecclesiastical politics. A prominent figure at the Capetian court and frequently acting on the pope's behalf, he was nevertheless highly independent and willing to stand up to both royal and papal power when he judged it necessary. His relationship with the growing University of Paris was highly fractious, not least because he sided with the royal authorities in 1229 when their heavy-handed response to student violence led to a strike and many students and masters departed from Paris, a dispute that was only resolved when Gregory IX issued the bull Prens scientiarum in 1231, granting the university privileges that significantly diminished the powers of the bishop of Paris. William nevertheless did much to shape the future of the university by giving crucial support to the friars just as they were seeking to establish themselves in the university. During the strike, while the secular masters were largely absent, the friars did not suspend their studies and even taught some secular students who had not joined the strike, and William made Roland of Cremona a master of theology,
thus creating the first Dominican chair in theology. William was also responsible for the first Franciscan chair in theology when a secular master, Alexander of Hales, joined the Franciscans and William let him remain a master.\(^1\)

William’s *De legibus*, paired with a treatise *De fide*, and his *De universo* were parts of a vast work that William called his *Magisterium divinale et sapientiale*.\(^2\) The *De legibus* sought to explain and compare Jewish, Christian and Muslim laws.\(^3\) Especially in his discussion of Old Testament precepts, he had much to say about animals. The *De universo* was a wide-ranging discussion of the created universe, both material and spiritual, and animals featured in many different places.\(^4\)

William’s writing is not always easy to follow. His use of images to

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\(^3\) For discussion of the purpose of the *De legibus*, see Smith, ‘William of Auvergne and the law of the Jews and the Muslims’, pp. 126–8.

argue by analogy can seem imprecise. Lengthy digressions can make it hard to be sure of any coherent structure. His Latin is idiosyncratic, with the subject of successive verbs often changing without being specified, though his way with words is often highly imaginative. Writing about his work leaves the historian caught between offering a clarity that William did not himself present and replicating apparent confusion. Nevertheless, the breadth of his interests and his capacity to make surprising connections make the effort thoroughly worthwhile.

De legibus

Many of the Old Testament precepts that William of Auvergne sought to explain in the De legibus concerned animals, so he necessarily discussed the relationship between humans and animals in considerable detail, and he consistently assumed or implied a hard boundary between them. In the first chapter, he stated very clearly that the law of Moses was elevated by having God as its author and maker. There was therefore nothing useless, pointless or absurd in it, and nothing in it, whether precept, prohibition, statute or story, that did not have rational cause and sufficient reason, whether hidden or manifest. William then set out the main purposes that the laws served. Some laws were obviously useful because they honoured God or established the framework for human life. Others prevented bad things happening or ensured peace. Still others permitted but did not require various practices which were not in themselves desirable, thus ensuring that


worse practices were avoided. William then turned to what might have seemed like discrepancies or inconsistencies, and in so doing, he came to discuss the use and value of animals. He began by considering why some lesser evils were to be punished more severely than greater evils, and it soon became clear he had in mind that severe punishments were established for the theft of animals and not for theft of gold. According to William, the apparent discrepancy was doubtless because, although less serious, lesser evils occurred more frequently, and thus did more harm to the tranquillity of the people by their frequency than by their magnitude, and they were more difficult to stop because of the numbers involved. Furthermore, they were more easily committed because there were more opportunities; for example, it was easier to steal a sheep than the equivalent gold because a sheep was more easily found while gold was more closely guarded.

There were still more significant differences between animals and gold, however. First, William compared animals and gold in terms of the sacrifices that God demanded. The laws required that some oxen and sheep be sacrificed to God, so that it was as if God owned part of flocks and herds. There was no precept, however, demanding that gold be offered, although it was used in the making of the tabernacle, the temple and its vessels. It was not surprising if God wanted more severe punishment for the theft of something of which part was necessarily owed to him than for the theft of something of which nothing was owed but was only offered voluntarily. Second, William considered
the question of utility. Herds and flocks were not only useful but in themselves actually necessary for food and clothing, whereas gold was superfluous and useless in this regard. The theft of herds and flocks was therefore justly to be punished by more severe measures. Third, William invoked what was to be a familiar theme throughout the De legibus, God’s desire to establish practices that were very different from those of the Egyptians. The Egyptians believed that oxen and sheep should be treated as if they were sacred animals and almost worthy of divine honour, and maintained them because of the gods whom they worshipped, namely Seraphis and Ammon, who first appeared in the form of an ox and a ram respectively. God therefore wanted to show that these animals should be used very differently. He also despised the gold and all the superfluous riches of the Egyptians, and he reviled their avarice and cupidity through his laws.

William then sought to explain why the laws seemed to value some animals more highly than others. Why was it that in Exodus 22:1 five oxen had to be given in restitution for the theft of a single ox, whereas only four sheep had to be given for the theft of a single sheep? Some believed the cause to be that a sheep had four uses, divided into two pairs: hide and flesh, offspring and fruit (meaning milk, cheese and butter), whereas the ox had these four uses plus an additional fifth, namely labour, either agricultural work or the transport of loads. Someone who stole an ox had therefore to answer for five losses, whereas for the thief of a sheep it was only four. William, however,
considered it unlikely that God took account of the number of uses in drawing up his precept. Since another essential use for oxen was discovered in the promised land, namely the threshing of grain, God would have commanded that six oxen be given in restitution for the theft of a single ox if he had cared about the number of uses. It might be said that God did not regard the threshing of grain as distinct from agricultural labour, and since threshing was linked to agriculture, this was not unlikely. William considered it more probable, however, that here God took account of greater temerity rather than greater loss: there was greater temerity and improbity in the theft of an ox than in the theft of a sheep, so the former was to be punished more severely. William noted, however, that these penalties were not inflicted unless the animals were eaten or otherwise consumed by the thieves. As Exodus 22:4 indicated, if the animals were found alive, the thieves were only obliged to restore double. This was because the consumption and eating of someone else’s property were either new sins, that is to say new thefts, or at least great aggravations of the theft, and thus added penalties were deserved.

12 De legibus, 1, p. 25B: ‘Quod autem quinque boves pro furto unius, et quatuor tantum oves pro una restitui praecepit? Exod. 22. Illa creditur esse causa videlicet, quia quatuor commoda, sive utilitates habet ovis duas, scilicet pelles, et carnes, at alias duas, scilicet fructus, et foetus. Fructum autem intelligimus lac, caseum, et butirum. Has vero quatuor utilitates habet bos, et insuper quintam, videlicet laboris, sive agricolationis, sive evectionis onerum. Quia igitur quinque damna irrogat qui bovem furatur, quatuor vero tantum qui ove, merito quinque boves pro uno restitui, et quatuor tantum oves pro una reddi praecepisset, si huiusmodi utilitatum numerum attendisset. Si quis tamen dicat, quia utilitatem triturae segetum et ita sex boves pro uno restituit domino, merito quinque boves pro uno restitui, et quatuor tantum oves pro uno reddi praecepto dominus, verisimilius autem videtur non hoc attendisse domino, quod diximus de numero utilitatum in hoc praecepto. Quoniam et inventur alia utilitas bosjem in terra promissionis valde necessaria, videlicet tritura segetum, et ita sex boves pro uno restitui praecepisset, si huiusmodi utilitatum numerum attendisset. Si quis tamen dicat, quia utilitatem triturae segetum non reputavit aliam dominus ab utilitate agriculturae. Quoniam annexa est tritura agricolationi non improbabiler dicit. Probabilitus tamen videtur dominum in ista constitutione respectum habuisse ad majoratatem audaciae atque damni. Majoris enim audaciae, et improbitatis est bovem furari, quam ove; ideo severius puniendum.’

13 De legibus, 1, pp. 25B–26A: ‘Debes autem scire, quia istae poenae non infligebantur, nisi cum animalia haec ab ipsis furitoribus vel comesta, vel aliter consumpta erant. Si enim inveniebantur apud eos viva, non nisi duplum restituere cogebantur, sicut legitur in praememorato capitulato, et hoc est, quoniam et consumptio et comestio res alienae, aut nova peccata erant, videlicet nova furta, cum essent novae contractiones rer alienae invito domino, aut saltem magnae aggravationes furtorum, et ideo merito ex superadditione addebarat, et poena.’
requirement to restore double when stolen goods were recovered undamaged, but this discussion did not bear upon animals in particular. He concluded with the general point that the overall aim was the avoidance of quarrels and homicides which easily arose in these circumstances.14 In these early sections William treated animals as useful property for humans.

Having discussed the uses served by the laws given to Moses, William considered the nature of judicial discipline, and in calling for the utmost severity he compared humans and animals. Heresy had grown in his time and everything possible had to be done to destroy it. Those who held that children should not be corrected, at least with light flogging, abandoned them to all sins and insanities, and took less care of them than of dogs, asses and horses since such discipline was administered to animals of this kind. They sought the improvement of other animals through discipline, but neglected the punishment of their sons, thus abandoning them to deteriorate in every way.15 Furthermore, humans were animals, and they were not spared discipline because they were animals, since on this basis no animals would be disciplined. The argument therefore had to be that humans should not receive discipline simply because they were humans. Humans were therefore neglected and valued less than other animals in this regard. It was manifest, however, that humans were ‘incomparably more noble and more precious than other animals’, and should therefore receive more instruction, and more care with every sort of protection and discipline.16 William thus clearly stated his view of the relative

14 De legibus, 1, p. 26A: ‘Et hoc est, ut rixae, et homocidia, quae occasione hujusmodi factorum evenire facile poterant, declinarentur.’


16 De legibus, 1, p. 26A: ‘Cum homines etiam animalia sunt, non ideo quia animalia sunt, extra disciplinam erunt, quoniam ex hac causa nulli animalium
standing of humans and other animals, and it involved a hard boundary, with humans fundamentally superior.

William continued to argue in favour of disciplining humans, using animals to make his case. Who doubted that the physical death of humans, both children and adults, should be prevented, even if they were unwilling to be saved, and that they should be dragged out of water and fire, even if they threw themselves in? People made great efforts to save brute animals, hauling them out of wells and pits, so obviously even more vigorous actions should be taken to save humans from physical death. When it came to the spiritual death of humans, moreover, still more vigorous action had to be taken. To avoid physical death, humans should be removed and turned away from dangers, even when they were unwilling and however much they resisted. To avoid spiritual death, they should be incomparably more firmly removed and turned away from spiritual dangers. It was therefore obvious that humans should not only be removed from vices and sins, but even kept away and thrust back from wicked crimes with zeal and force.17 William continued to labour his point. If your ass fell into mud, surely it should be driven out with whips and goads? Surely it should be dragged out with ropes if it refused to come out otherwise and however much it resisted? How much more vigorously therefore should a human be dragged from the lake of misery, from the mire of...
dregs, from deep slime with all zeal and force. William concluded that discipline must indeed be administered to humans, and he continued to justify the use of force and violence in the process. The validity of his argument depended on tacit acceptance of the lesser worth of animals.

William resorted again to the use of animals in his arguments when he justified the killing of heretics specifically. The comparison was now between heretics and particular kinds of animal. If corporeal beasts, namely wolves, lions, serpents and dragons, were to be exterminated by sword and fire and every kind of warfare to save human bodies which they ate and killed, how much more vigorously were ‘spiritual beasts’ to be exterminated with every sword and by war to save souls which they spiritually devoured and killed by seducing and subverting them, separating them from God who was the life of souls? William stressed that the comparison between material and spiritual beasts was ‘most fitting’ and appropriate in view of the savage power of heretics and the poisonousness of pseudo preachers. Furthermore, the

18 De legibus, 1, p. 26B: ‘Si asinus tuus in lutum cecidit, nunquid non flagellis, et stimuliurgendus est, ut inde exiliat? Nunquid non funibus si aliter inde exire noluerit quantumcumque renitatur, erit inde extrahendus? Quanto fortius igitur homo de lacu miseriae, et de luto faecis, de limo profundi, cui non est substantia, erit totis studiis, ac viribus extrahendus?"

19 De legibus, 1, pp. 26B–27A. On William here arguing for ‘the legitimacy of capital punishment for heretics’ and defining ‘as heretical the very denial of the legitimacy of such executions’, see Sean Murphy, ‘Pagans past and present: righteousness and idolatry in academic discussions of ancient religion c.1130–c.1230’, in Susanne Knaeble and Silvan Wagner (eds.), Gott und die Heiden: Mittelalterliche Funktionen und Semantiken der Heiden (Berlin, 2015), pp. 147–67 at 167. On William’s hostility to the Cathars, see Alan E. Bernstein, ‘William of Auvergne and the Cathars’, in Franco Morenzoni and Jean-Yves Tilliette (eds.), Autour de Guillaume d’Auvergne (Turnhout, 2005), pp. 271–89; at 274 Bernstein suggests that ‘his major work, the De universo, may be considered an encyclopedic refutation of Catharism, because the purpose of this huge review of creation is to explain the right relationship of the visible to the invisible world’.

20 De legibus, 1, p. 28A: ‘Si bestiae corporales, seu materiales, videlicet lupi, et leones, serpentes, et dracones ferro, et igne, omnisque genere debellationis exterminandae sunt pro salute corporum humanorum, quae devorant, et occidunt; quanto fortius bestiae spirituales pro salute animarum, quas seducendo, et subvertendo spiritualiter devorant, et occidunt separantes eas a Deo, qui vita est animarum, omni gladio, et bello exterminandae sunt. Et attende comparationem bestiarum materialium, et spiritualium, quia convenientissima est ac propria, si saevitiam potestatum haereticorum, si venenositatem pseudo praedicatorum attenderis.’
incorrigible blasphemy of blasphemous preachers in the Church of God was like a contagious and diseased sheep in a flock, and like a cancerous limb in a body, the cancer being incurable and continually spreading. The word for spreading was *serpens*, creeping like a snake, so the animal imagery was maintained. William’s point was that the same thing must be done with the blasphemous preachers to save the whole Church as had to be done with diseased sheep or a cancerous limb to save the whole flock or body; they had to be cut off or burned, removed by any means that was necessary.\(^1\)

William continued to justify the extermination of heretics at length, invoking animals again at the end of the chapter. He was especially exasperated by those who wished to spare heretics in the hope that they might be corrected and become good Christians again. His view was that the conversion of heretics was difficult and rarely seen, whereas they very easily and often subverted the faithful. It was to convey the improbability of heretics’ changing that William turned to animals. To argue that heretics should be spared in the hope of their conversion was like saying that a few wolves in the middle of a flock which they incessantly tore to pieces and devoured should be spared because perhaps God would make them sheep or lambs. It was as if to say that a few burning torches in the middle of a budding wood that they constantly set on fire should be ignored because perhaps God would turn them into fruiting trees. It was also as if to say that a few lepers in the middle of a healthy people which they infected unremittingly should be left alone because perhaps God would save them. Those who argued like this did not realise that it was easier for a wolf’s rage to consume a flock than for the gentleness of a sheep to transfer to wolves, that fire spread more easily from torches to trees than fertility from trees to torches, and that the contagion of leprosy passed more easily from lepers to the healthy than health from the healthy to lepers.\(^2\) In these passages, William characterised certain animals as

\(^1\) *De legibus*, 1, p. 28A: ‘Quia blasphemus incorrigibilis blasphemiarum praedicator sic est in ecclesia Dei, sicut ovis contagiosa et morbida in grege, et sicut membrum cancerosum in corpore, cancerosum dico cancro incurabili, et jugiter serpente, ergo idem facienda est de eo pro salute totius ecclesiae, quod facienda esset de ove, et membro hujusmodi, pro totius gregis, et corporis salute. Quare resecandi, aut urendi, aut exurendi, modisce omnibus ex necessitate de medio tollendi.’

\(^2\) *De legibus*, 1, p. 29A: ‘Hoc enim est ac si diceretur, ut paucis lupis in medio gregis existentibus, gregemque incessanter lacerantibus, ac devorantibus...’