

Introduction

This book pursues the research question of how power was justified in fifteenth- and early sixteenth-century Europe. It addresses the arguments that people at the time found convincing. The main focus is on the period from the beginning of the fifteenth century until the eve of the Reformation, although these edges are of necessity fuzzy, especially because material from an earlier period often has to be included. It takes the story of power on from my last book and seeks to develop a more nuanced treatment of ideas of legitimate power and authority.¹

The argument of the book is that it was almost universally assumed in this period that power had to be justified but that there were fundamentally different kinds of justification employed. The fifteenth century witnessed two intellectual movements of genuine creativity: conciliarism in the church and humanism. Both had their roots in the fourteenth century (and earlier) but they came to their peak in the fifteenth. This book studies the justifications of power produced by conciliarists (and their opponents) and humanists. It also discusses juristic ideas because law was the background to so much of ecclesiastical and humanist thought: the church was, to a great extent, understood in legal terms and humanists had so often been trained in Roman law, the greatest legacy of antiquity. The study of a wide range of authors forms the basis of this work, which is meant to be understood as history of political thought in its widest sense. This book presents a new interpretative approach, because viewing the justifications of power through the lenses of conciliarism, humanism and law has not been attempted in this way before.

¹ Joseph Canning, *Ideas of Power in the Late Middle Ages, 1296–1417* (Cambridge: Cambridge University Press, 2011).

2 INTRODUCTION

The writing of this book marks an intellectual journey. My initial intention was to pursue the research question of the construction of ideas of authority. The central focus would be on political ideas with the fundamental assumption that authority was legitimate power. But it became clear that what really interested me was the broader question of the justification, legitimisation and authentication of power. Authority emerged as a central theme within this overall field but one which existed side by side with and in interaction with others. Authority was, in short, only one way of legitimising power: authority was legitimate power but not all legitimate power was a form of authority. Legitimacy was a more fundamental question than authority. But then the concept of legitimacy had its own limitations, as did that of justification, because both were expressed in legal language. Power can be understood as being legitimated by both authority and non-authority arguments. Authority arguments derive from human authors directly or through authoritative texts, all written by human beings (some supposedly by divine inspiration): the authority of God, for instance, of the king, of the people, of the Bible, of philosophers, of theologians and of the law. The kinds of non-authority legitimating arguments that presented themselves were diverse indeed: arguments from nature, necessity, self-preservation, facts and self-authentication. One does not apply authority to these categories. Of these, nature, however, is a complicated concept. At one level, nature could be seen as expressing simply the way things are; at another, it could be viewed in normative terms, which would open the door to the idea of the authority of the law of nature. The limits and ambiguities of both the language of past writers and of our own in attempting to interpret them were increasingly revealed. What questions did these long-dead authors set themselves and what arguments did they find convincing? Who set the terms of the debate and thereby determined the kind of answers which would emerge? At the deepest level, what were their presuppositions about the world, especially their unexamined ones?

The problem of authority itself is all around us. How we perceive the world and how we live our lives are dominated by the demands of authority, whether we realise this or not. Authority has so many different aspects. It is claimed at the legal, political, governmental and state levels. It has an interpersonal usage, in the family for instance or the workplace. Certain texts have authority attributed to them, the Bible, for instance, or the Koran, or, indeed, philosophical or political works. But, of course, in the late Middle Ages the authority of the Bible was understood, in a very important sense, to depend on that of the church, which in turn based its claims to authority on the Bible: a truly circular argument. It was recognised that the authority of God ultimately validated the Bible as his word but that the church, on its authority, had determined which texts to include in the canon of the Bible (and which to exclude) and how they should be interpreted. Indeed, the very authority of the church to interpret the Bible was derived from a reading of the Biblical texts which it had authorised. In addition to such textual authority, purely personal or charismatic authority is recognised. Furthermore, the supposedly greater knowledge of scholars and experts in specific fields, especially scientific, is treated as authoritative. Of course, all these forms of authority are contested in specific cases. But the point remains that society could not exist without some kind of authority and people feel that they cannot operate with total scepticism towards all claims to greater knowledge.

In essence, authority is an exclusionary reason – that which excludes all others in determining whether a statement or proposition is to be accepted or whether a course of action is to be followed. Reference to authority is meant to end the argument. But it has to be admitted that some non-authority arguments are also exclusionary ones (arguments from nature could be in this category) – authority arguments are only one class of exclusionary ones. Authority is content-neutral because an authority statement depends on the status of the person issuing it not on its inherent truth or falsehood.

4 INTRODUCTION

Authority and truth are distinct. A statement may be authoritative but untrue. Such a statement is true only in the sense that the person in authority says that it is, not because it is actually true. Similarly, when a person in authority suggests or commands a line of action, there is no guarantee that this action, sanctioned by authority, is the correct one to follow. An authoritative statement might, however, coincide with the truth, in which case its authoritative status would not be derived from, but might appear to be confirmed by, its truth content. Medieval thinkers, as we shall see, took the argument about the relationship between authority and truth further, tending to maintain that, at the deepest philosophical and theological levels, only truth had authority. This claim, which can appear problematic, illustrated the difference between medieval assumptions and those of our own day, in which it is so widely doubted whether truth is knowable at all. But, then, if truth cannot be known that is another reason for maintaining that authority is content free.

This book studies concepts of authority and other arguments justifying power in a period of intense crisis over legitimacy in the church. Political thought in this period included much to do with the church and religion. Issues of legitimate authority were certainly raised in my earlier book on ideas of power in the long fourteenth century. But I am conscious that questions remained to be answered which this book seeks to address. Authority does of course figure in the works of other scholars of political thought in this period but it is by no means a main focus of attention. It is instructive, for instance, to note how little reference to authority there tends to be in the indexes of such works. Clearly, this book inhabits the borderlands of history of political thought and political philosophy: as always, in such cases, it is involved in a dialogue with the past – our notions of authority inform the heuristic tools we use to understand the works of long-dead writers; their notions in their historical context help us to re-evaluate our own.

The concept of authority is so deeply embedded that it can come as a surprise to learn that it is not a necessary one. The Greeks of the

fifth and fourth centuries BC operated with neither a term for 'authority' nor the concept itself. The term *exousia*, in the sense of authority, does appear in the New Testament, as when Christ was described as teaching with authority. The development of notions of authority was pre-eminently a Roman one, with a connection being made between an *auctor*, or originator, and *auctoritas*. But the Christian church and Christian writers greatly developed ideas of authority in late antiquity and the Middle Ages. The writers studied in this book formed part of an intellectual family steeped in knowledge of a shared classical (and above all Roman) and Christian inheritance. Authority was a central concept in their mental world. Radical disagreements of interpretation arose among them, but they were all essentially speaking the same intellectual language – theirs was a shared culture.

It may be helpful to mention, at this point, that certain other terms with a Roman law pedigree also figured prominently in the sources considered in this book; these terms either derived from that law directly or from canon law which was heavily influenced by Roman law in its development. The use of *potestas* was ubiquitous. It is rightly translated as 'power' but that can be misleading. It meant a form of legitimate or legal power, to be distinguished from power in the sense of force or coercion. In the Middle Ages, the language of power expressed in terms of *potestas* was developed pre-eminently by the church, as for instance in the claim of the papacy to plenitude of power (*plenitudo potestatis*). In philosophical and theological writings *potestas* could, of course, mean a capacity. *Jurisdictio* poses more of a problem for modern readers. In the Middle Ages it had a far more extensive meaning than its modern usage which is largely limited to the legal competence of a judge, court or state. Then it indicated the possession of legally based power, as in the case of papal claims which were expressed in terms of jurisdiction. The notion of law in its widest sense as legitimating governmental power lay behind this usage. In antiquity, jurisdiction had originally 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

6 INTRODUCTION

jurisdiction and sovereignty were synonymous. The term *dominium* can even appear as a false friend if it is translated as 'dominion'. Its meaning in Roman law was legal ownership and it was used in this way by jurists, civilian and canonist. But, in the late Middle Ages, some theologians came to apply *dominium* to both ownership and jurisdiction. Thus, government and rulership could be described as *dominium*. *Maiestas* was a term which originally designated the dignity of the *populus Romanus* or *respublica* but which came to be applied to the emperor (or *princeps*). Following this model, certainly from the fourteenth century, treason (*laesa maiestas*) could be committed against a republic or a monarch. The pervasive use of *auctoritas*, *potestas*, *iurisdictio*, *dominium* and *maiestas* by the sources studied in this book illustrated the legal conceptual framework of their ideas.

Two strands wind their ways through this book as constantly recurring themes. To a great extent, authors were arguing from intellectual authorities, from the Bible, for instance, or the fathers of the church (most notably Augustine); from Roman and canon law; from ancient philosophers (with Aristotle having pride of place); from Roman and Greek historians; and from ancient poets (like Virgil). Theirs was a culture derived from the ancient world but of course it was profoundly different. The problem was how did they manage to formulate new ideas within forms of discourse which owed so much to the past? How did they innovate, which they certainly did? But a highly significant fact is that for these authors the works of the past were normative and had to be addressed, even when they came to be rejected.

The second strand expresses the truth that authority has to be accepted by those subject to it, in order for it to be authority at all. If such acceptance is lost, then authority becomes mere power and coercion. A fundamental theme of this book is, therefore, the construction of authority from below. There can be a difference of perception between persons in authority and those subject to them. The person in authority may think that their status is not derived

from those below them but, in reality, effective authority is the product of and reliant on the acquiescence of those they govern or command. The concept of the construction of authority includes the consent, customs and beliefs of the ruled. Thus, in any historical situation, the essentially content-free nature of authority would appear to those subject to it as being based on truth, if it expressed the shared beliefs of the ruled, which would, of course, in turn strengthen the power of the ruler.

I Conciliarism and Changes of Mind

The linked issues of power, legitimacy and authority were of especial importance in any consideration of the late medieval church. This was so because of the kind of institution it was – an organised collection of members. At one level the term ‘church’ was, indeed, used in the purely spiritual sense of the body of believers, but it was also a corporate body with a hierarchical structure of government. This means that the church, understood in a spiritual sense, is a subject for theology, but in its this-worldly presence is an apt topic for the history of political thought. Neither approach captures it in its entirety. This chapter, and Chapter 2, will look at the church in the fifteenth century through the lenses of power and jurisdiction and their associated justifications of authority and legitimacy.¹

The great event against the background of which ideas of the nature of the church and its government must be seen was the Great Schism (1378–1417) – the most profound crisis which the medieval church had ever faced, when at any one time there were two people who claimed to be pope and, after 1409, three. The schism, while it lasted and in its prolonged aftermath, stimulated intensive discussion of the nature of the government of the church; it also, through the scandal which it caused, provided proof to those who rejected the structures of the existing church that they were right to do so.

This was the period of the conciliar movement in the church and its papalist opponents. Although the roots of conciliarism went back a long way, its moment in the sun was provided by the schism

¹ I was particularly helped by the intense discussions at the Medieval Studies and Intellectual History research seminars at the University of St Andrews, and at the History of Christianity research seminar of the Divinity Faculty in the University of Cambridge, when I delivered to them a paper based on part of this and Chapter 2.

because it produced a solution to the almost intractable crisis. The question is where to begin. Because of the huge, if not exponential, growth of papal claims since the reform papacy of the eleventh and twelfth centuries, the conciliar movement can appear like a radical alternative to the hierarchical view of the church with the pope at its apex. Papal monarchy could appear the norm against which conciliar ideas have to be assessed. But this was not how the conciliarists saw themselves. They thought that they were conservatives elaborating the original ideas of the nature and government of the church against the papacy's innovations which had led to the disastrous schism. The papacy in short had let the church down. The conciliarists believed in Christ's promise that his church would survive and were convinced that the church was justified in taking whatever measures were necessary to secure that survival.

To talk of the conciliar movement is to employ a modern category and apply it backwards to cover a diverse group of thinkers and activists. It is very much an umbrella term because it can be applied to a wide range of people with different intellectual formations: jurists, theologians and philosophers. The conciliar movement can also usefully be divided into three phases: the first up to and including the Council of Constance (1414–18); the second, the post-Constance period, especially the Council of Basel (1431–49); and the third, the time after Basel, culminating in the abortive Council of Pisa-Milan (1511–12). There were therefore great differences of emphasis and nuances of expression among conciliar writers. But it is possible to discern a common theme of argument. They held that ultimate authority in the church lay with the whole congregation of the faithful as represented by a general council of the church. Christ had granted indefectibility to the whole church. The ecclesiastical hierarchy with the pope at its apex was also a divine institution. The pope was seen, in normal circumstances, to be an integral part of the general council. But that council as a whole was superior to any of its parts including the pope. The pope, although he possessed plenitude of power in the church, was as a part still subject to the

10 CONCILIARISM AND CHANGES OF MIND

council as a whole and could therefore be deposed by it. The pope had the greatest power in the church but was subject to the power of the church as a whole as represented by a general council. The conciliarists argued on the basis of interpretation of certain biblical passages but, because they were conceiving of the church as a kingdom (*regnum*), they also argued in terms of canon and Roman law, and, in some cases, used the categories of Aristotelian political thought. They used the arguments that came to hand to make their points.

The conciliarists were in essence retaining the office of the pope but were trying to limit his powers. For this reason, some modern scholars have understood the conciliar movement as a contribution to the development of constitutionalism. The pro-papalist argument was simple in the extreme. Through his commission to Peter in Mt 16:18–19, Christ had entrusted the government of the church to him – a trust expressed by the imagery of the keys and the powers of binding and loosing. The structure of government of the church was thus divinely and immutably established as monarchical. The pope was at the apex of the ecclesiastical hierarchy. This was however only one possible interpretation of this passage. There was a venerable interpretation, stretching back for instance to Augustine, which maintained that the ‘rock’ on which Christ founded the church was not Peter but Christ himself and that the commission to Peter was made to him as representative of the church. In many ways the conciliarists were putting forward an episcopal interpretation of the church’s structure. It had already been an issue fought out in the conflict between the regular and mendicant clergy as to whether the bishops derived their powers of jurisdiction directly from Christ (as in Mt 18:18–20) or from the pope, as the mendicants maintained. The central issue was over the model of the structure of government of the church. The papalists held that the pope as the vicar of Christ had been established as the medium between God and man, with the church having been committed to his care. The conciliarists in contrast believed that the pope operated his office within the church; that this office was the most superior within the church but only a part of