THE IDEA OF PARADIGM IN CHURCH HISTORY: THE NOTION OF PAPAL MONARCHY IN THE THIRTEENTH CENTURY, FROM INNOCENT III TO BONIFACE VIII

by

MATTHEW EDWARD HARRIS

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School of Historical Studies
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ABSTRACT

The hierocratic theory of papal monarchy is said by some modern historians to have been systematic in character and the dominant way of understanding the papacy in the thirteenth century. As such, the hierocratic theory bears a strong resemblance to how the concept 'paradigm' from Thomas Kuhn's book *The Structure of Scientific Revolutions* has been popularly understood. This apparently harmonious match is used in this dissertation as the means by which both the hierocratic and the popular understanding of papal monarchy are analysed and critiqued. This dissertation argues that in the thirteenth century there was a variety of beliefs concerning the nature of the papal office. In the course of arguing this point, what Kuhn meant by 'paradigm' is clarified, along with showing the difficulties of extending use of his paradigm concept beyond the context of modern science.

FOR MY FAMILY AND FRIENDS

CONTENTS

ABBREVIATIONS

Carlyle: Carlyle, R. W. and A. J. *History of Medieval Political Theory in the West*. Edinburgh and London: William Blackwood and Sons, Ltd, 1903-36. In six volumes.

CCS: Tierney, Brian. *The Crisis of Church and State*. Englewood Cliffs: Prentice Hall, 1964.

La Théocratie: Pacaut, Marcel. *La Théocratie*. Paris: Aubier, 1957.

PL: Migne, J.-P (ed.), *Patrologiae cursus completus, series latina*. Paris 1844ff.

SSR: Kuhn, T. S. *The Structure of Scientific Revolutions*. Chicago and London: University of Chicago Press, 1996 (third edition; first edition published 1962).

INTRODUCTION

The original aim of this dissertation was to test the viability of the concept of 'paradigm' as advanced by Thomas Kuhn as a shorthand summary of the ecclesiological position of the Latin Church in the thirteenth century. Arguably, disputes with the Greek Church and the long-term failure of dialogue stemmed from conflicting ecclesiologies;[1] there was no theory-neutral space between the Latin and Greek ways of understanding the Church and its supreme authority. At the councils Lyons II (1274) and Ferrara-Florence (1438-9), the East and the West spoke from incommensurably different viewpoints. This is where Kuhn's book *The Structure of Scientific Revolutions* comes in,[2] for Kuhn said 'proponents of competing paradigms are always at least slightly at cross-purposes'.[3] 'Paradigm' would encapsulate how the two churches with their different paradigms talked at cross-purposes, problems arising from their entrenched worldviews, and how by logic or argument one could not convince the other of their position. The idea was this dissertation would be an exercise in ascertaining whether the ecclesiology of the Latin Church in the thirteenth century constituted a paradigm.

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Soon after commencing research, it became clear that the paradigm concept is muddled. An aim of this dissertation is to clarify what Kuhn meant by 'paradigm'. The term's apparent vacuity and centrality to Kuhn's work has enabled *SSR* to

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[1] For a succinct introduction to the central issues of the conflict, see John Doran, 'Rites and Wrongs: the Latin Mission to Nicaea, 1234', *Studies in Church History*, vol. 32, 1996, pp. 131-144.

[2] Kuhn, T. S. *The Structure of Scientific Revolutions*. Chicago and London: University of Chicago Press, 1962 (first edition), 1970 (second edition, with Postscript), 1996 (third edition). The Postscript of the second edition of *SSR* will be discussed in Chapter Three, section 'a'.

[3] *SSR*, p. 148.

flourish beyond the physical sciences.[4] Ideas found in Kuhn's book rapidly made their way into politics,[5] social sciences,[6] and the arts. 'Everybody and their aunt'[7] has felt free to cite Kuhn, drawing a negative reaction from *SSR's* author: "But I didn't say that!"[8] Kuhn 'tended to discourage the extension of his ideas to forms of culture other than science'.[9] In fact, Kuhn himself gradually stopped using the term 'paradigm'.[10] Kuhn's fears can be understood by looking at how the paradigm concept has been used in medieval history.

The three works of medieval history most clearly connected with the paradigm concept are Willemien Otten,'s *From Paradise to Paradigm: A Study of Twelfth-Century Humanism* and the essay collections *Paradigms in Medieval Thought Applications* and *Medieval Paradigms*.[11]

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[4] Steve Fuller, *Thomas Kuhn: A Philosophical History for Our Times*, Chicago and London: University of Chicago Press, 2000, pp. 390-1.

[5] *Ibid.*, p. 1.

[6] Above all, in sociology: see esp. Barry Barnes, *T. S. Kuhn and Social Science*, London: MacMillan, 1982, *passim*.

[7] R. Klee, *Introduction to the Philosophy of Science: Cutting Nature at the Seams*, Oxford: OUP, 1997, p. 130.

[8] T. S. Kuhn *et al.*, 'A Discussion with Thomas S. Kuhn. A Physicist who became a Historian for Philosophical Purposes', *Neusis*, vol. 6, 1997, p. 188 (quoted in Hanne Andersen, *On Kuhn*, Belmont, California: Wadsworth, 2001, p. 6).

[9] Barnes, *T. S. Kuhn and Social Science,* p. 15.

[10] Even by 1976 he was able to discuss the history of science without using the concept, such as in his article 'Mathematical Versus Experimental Traditions in the Development of Physical Science'. *The Journal of Interdisciplinary History*, vol. 7, 1976, pp. 1-31. Reprinted in John Rajchman and Cornel West (eds.), *Post-Analytic Philosophy*, New York: Columbia University Press, 1985, pp. 166-97.

[11] Stephanie Hayes-Healy (ed.), *Medieval Paradigms: Essays in Honor of Jeremy duQuesnay Adams*, Basingstoke: Palgrave MacMillan, 2005 (in two volumes). Nancy van Deusen and Alvin E. Ford (eds.), *Paradigms in Medieval Thought Applications in Medieval Disciplines: A Symposium. Medieval Studies*, vol. 3, Lampeter: The Edwin Mellen Press, 1990. Willemien Otten, *From Paradise to Paradigm: A Study of Twelfth-Century Humanism*, Leiden: Brill, 2004.

Otten uses 'paradigm' as the static antithesis of the 'paradise' of twelfth-century

humanism's fluidity. As humanism faded, 'paradise was transformed from a

polyvalent integumentum into a stock-still paradigm'.[12] Elsewhere Otten refers to a

'hermeneutical paradigm',[13] and an 'overarching cultural paradigm'.[14] 'Paradigm' in

these three quotations from Otten seemingly refer—respectively—to (i) a feeling of

intellectual pace (or lack of), (ii) a means of reading a text, and (iii) a universal ethos

of the age. There is no easy way of explaining how uses (i)—(iii) are equivalent or

what root they share.

Confusion concerning paradigm is not limited to Otten's book. With respect to

Medieval Paradigms, some essays, such as Richard Kay's 'Flash of Effulgence?

Mental Illumination in Dante's *Paradiso* 33.141',[15] do not contain a reference to

'paradigm' at all, nor does the index. Elsewhere, paradigm appears to mean—among

other things—'example',[16] 'pattern',[17] and 'custom'.[18] Similarly, in the collection

Paradigms in Medieval Thought Applications, paradigm has no fixed meaning.

Variously it means 'theme',[19] 'motif',[20] 'conceptual background',[21] 'mental

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[12] Otten, *From Paradise to Paradigm,* p. 42.
[13] *Ibid.*, p. 221.
[14] *Ibid.*, p. 283.
[15] Richard Kay, 'Flash of Effulgence? Mental Illumination in Dante's Paradiso 33.141', in Hayes-Healy (ed.), *Medieval Paradigms,* vol. 2, pp. 169-80.
[16] Alexander Murray, 'Beware of Universities: A Cautionary Tale from Paris, 1380-81', in Hayes-Healy (ed.), *Medieval Paradigms,* vol. 1, p. 29.
[17] Elizabeth Haluska-Rausch, 'Widows and Noble Remarriage in Eleventh-and-Twelfth-Century Montpellier', in Hayes-Healy (ed.), *Medieval Paradigms,* vol. 1, p. 99.
[18] Annemarie Weyl Carr, 'Cypriot Funerary Icons: Questions of Convergence in a Complex Land', in Hayes-Healy (ed.), *Medieval Paradigms,* vol. 1, p. 153.
[19] Crerar Douglas, 'The Paradigm of Aristotelian Tragedy in the Theology of Thomas Aquinas', in van Deusen and Ford (eds.), *Paradigms in Medieval Thought Applications*, p. 123; Thomas J. Mathiesen, 'Music, Aesthetics, and Cosmology in Early Neo-Platonism', in van Deusen and Ford (eds.), *Paradigms in Medieval Thought Applications*, p. 39; L. Georgianna, 'The Economy of Salvation in The

images',[22] a new purpose/way of interpreting a discipline,[23] or rival ways of

interpreting and doing something.[24] 'Paradigm' in the title of a collection would

appear to serve little purpose other than for providing a technical-sounding concept to

unify what are otherwise disparate essays.

Moving away for a moment from recent Medieval Studies appropriations of the term,

does 'paradigm' have a more general popular meaning? What Kuhn himself meant by

paradigm 'is not easily discernible'.[25] Nevertheless, Frederick Crews has stated that a

typical reading of *SSR* maintains Kuhn

  'demonstrated that any two would-be paradigms, or regnant major theories, will be

  incommensurable; that is, they will represent different universes of perception and

  explanation'.[26]

Similarly, Dudley Shapere, commenting on the impression gained from reading

Kuhn's first edition, thought that Kuhn regarded paradigms as having 'unity' and

'controlling status', and that they constituted 'a coherent, unified viewpoint, a single

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Canterbury Tales', in van Deusen and Ford (eds.), *Paradigms in Medieval Thought Applications*, p. 149.

[20] Frederick van Fleteren, 'The Ascent of the Soul in the Augustinian Tradition', in van Deusen and Ford (eds.), *Paradigms in Medieval Thought Applications*, p. 93.

[21] Nancy van Deusen, 'The Paradigm of 'Figura' and its Importance for an Understanding of Rhythm', in van Deusen and Ford (eds.), *Paradigms in Medieval Thought Applications*, p. 67.

[22] Birgitta Lindros Wohl, 'Mental Images and Late Medieval Maps of Bonne', in van Deusen and Ford (eds.), *Paradigms in Medieval Thought Applications*, p. 180.

[23] Ezel Kural Shaw, 'Ibn Khaldûn's New Science', in van Deusen and Ford (eds.), *Paradigms in Medieval Thought Applications*, pp. 22-3.

[24] Richard J. Wingell, 'Medieval Music Treatises: Speculatio Versus Institutio', in van Deusen and Ford (eds.), *Paradigms in Medieval Thought Applications*, pp. 159-60.

[25] Alexander Bird, *Thomas Kuhn*, Chesham 2000, p. 67.

[26] F. Crews, 'In the Big House of Theory', *The New York Review of Books*, May 29, 1986 (quoted in Ken Wilber, *The Marriage of Sense and Soul: Integrating Science and Religion*, Dublin: Gateway, 2001, p. 27).

overarching *Weltanschauung*, a disciplinary zeitgeist'.[27] Returning to the Medieval

Studies essay-collections, a number of the essays impose semantic fields of unity

('theme', Otten's 'overarching cultural paradigm') and epistemology ('conceptual

background') onto the paradigm concept. In Chapter Three the true worth of the

epistemological angle on the paradigm concept will be shown. Nevertheless, with the

popular understanding of the paradigm concept there would even appear to be

ambiguity concerning to what the epistemological element refers. Phrases such as

'disciplinary zeitgeist', 'major regnant theories…[which] represent different universes

of perception', and 'pattern' could be construed as if there was a form of

epistemological determinism pertaining to the 'major regnant theory' itself. Thus, on

the popular interpretation, the paradigm concept is a dominant theme, theory, or way

of doing things which is unified and coherent. Somehow, maybe in virtue of its

dominance, it has an epistemologically-determining property which instils its content

into the minds of all those within the empirical proximity, perhaps due to the theory

being deeply entrenched in the culture of a particular place. Acknowledging that there

are differences between themes, theories, and ways of doing things, they will be

subsumed under the term 'theory'.

Kuhn's terminology in *SSR's* first edition helped to encourage this popular view of his

concept's meaning. Talk of a theory becoming a paradigm when it began to

'dominate' its field—for one reason or another (either a theory's usefulness or its

adoption by a powerful agent)—can be found in Kuhn's book. With domination there

is no more debate in the field, foundational first principles now having been

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[27] D. Shapere, 'The Paradigm Concept'. *Science*, vol. 172, 1971, p. 707.

established.[28] The obsession with regnant theories stems from Kuhn's use of major theoretical works, such as Newton's *Principia* and Aristotle's *Physics*, as examples of paradigms.[29] These examples also gave the impression that a paradigm has to be a unified and systematised 'coherent tradition'.[30] As for paradigm's mysterious epistemological quality, Kuhn could, for instance, say that 'Paradigms determine large areas of experience at the same time'.[31] The 'paradigms' are the subjects of this causality, personified as if they had agency themselves. Moreover, whenever there are paradigms they are epistemologically 'determining', either generally/culturally and/or specifically for experts in a discipline.[32]

In contrast to the vague ways in which paradigm has been construed, many historians have described the notion of papal monarchy in the thirteenth century with some confidence. Take, for example, the title of John Watt's book: *The Theory of Papal Monarchy in the Thirteenth Century: The Contribution of Canonists*.[33] Watt's title implies that there was only one theory of papal monarchy in the thirteenth century. From other authors there have been assertions of disjunctive change, either at the beginning or in the middle of the thirteenth century, changes which established homogeneity of belief in a certain view of papal monarchy—the 'hierocratic' or 'papalist' understanding of the papacy—for at least half a century or more. These are opinions to be outlined in Chapter One. It will be argued that there is a great similarity between the popular understanding of what Kuhn meant by a 'paradigm' and this

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[28] *SSR*, pp. 17-20.
[29] *Ibid.,* p. 10.
[30] *Ibid.*
[31] *Ibid.,* p. 129.
[32] This issue will be discussed in Chapter Three, especially section 'c'.
[33] John Watt, *The Theory of Papal Monarchy in the Thirteenth Century*, London: Burns and Oates, 1965, *passim*.

monolithic, disjunctive understanding of papal monarchy. There are two constructions to be tested: i) the hierocratic theory, and ii) the popular understanding of the paradigm concept and its applicability to the non-scientific domain. These two tests are mutually exclusive except insofar as the former is being used to test the latter. Post-1962, *SSR* may have influenced Church historians, but which historians used *SSR* is not a subject for investigation.

Beyond being a triumph for interdisciplinarity, the value of the identification of the popular conception of the paradigm concept with the hierocratic theory would be threefold. Firstly, it would give a clearer meaning to the paradigm concept. Secondly, if the meaning of the paradigm concept was understood, 'the paradigm of thirteenth century papal monarchy' would provide a shorthand for the statement that thirteenth century papal monarchy was a major regnant theory which became dominant at an approximate time and which subsequently, at least for a while, exerted a self-perpetuating determining influence on the minds of all those who came across it. Thirdly, by 'creatively reconstructing and selectively bringing the past to the present, in the light of current questions', today's concepts can be used to analyse the past from 'an external, analytic vantage point'.[34]

Chapter One will outline a *prima facie* convincing match between an interpretation of the popular construal of the paradigm concept as identified here with the modern historiographical construct of the hierocratic theory of papal monarchy and a historio-methodological understanding of the faith of the 'average' Christian. This match will then be tested: Chapter Two will critique the historiographical construct of the

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[34] Mary Fulbrook, *Historical Theory*, London and New York: Routledge, 2002, p. 85.

hierocratic theory of papal monarchy, while in Chapter Three, Chapter Two's findings will be related to the ways in which Kuhn responded to criticisms of vagueness by his attempts to clarify the paradigm concept in the Postscript to the second edition of *SSR*. Furthermore, Chapter Three will be used to analyse the historio-methodological understanding of the faith of the 'average' Christian used in Chapter One. Finally, the findings will be presented in the Conclusion.

CHAPTER ONE: THE HIEROCRATIC THEORY AND THE POPULAR CONCEPTION OF THE PARADIGM CONCEPT

1. <u>INTRODUCTION</u>

The aim of this chapter is to link the most popular conception of the paradigm concept as already outlined with what has often been put forward as the most systematic account of the medieval papacy in the thirteenth century: the 'hierocratic theory'. Structurally, the popular understanding of the paradigm concept will be matched to a strong trend of twentieth-century historiography concerning thirteenth-century papal monarchy which identifies a 'hierocratic theory' of papal monarchy during this period. Having outlined this trend, what is meant by the hierocratic theory will be explained by recreating it, mainly by using original sources cited as evidence for its existence. Before concluding this chapter, the link between the popular understanding of the paradigm concept and the hierocratic theory of papal monarchy will be strengthened by explaining how the latter determined how papal monarchy was understood in the thirteenth century.

2. <u>A HISTORIOGRAPHICAL NOTE CONCERNING THIRTEENTH CENTURY PAPAL MONARCHY</u>

Modern discussions of papal monarchy by historians (more mid-twentieth century than in recent years) often highlight the following three characteristics. Firstly, the discussion is often limited to canon lawyers until the very end of the thirteenth century, where the focus switches to the papal publicists. Secondly, disjunctive change occurred midway through the century when the hierocratic theory (also known as the 'hierocratic doctrine', or the 'papalist' or 'extreme' theory of the papacy,

according to which secular rulers hold their power from the pope, the latter able to

intervene in the former's affairs directly) became the dominant theory over other

alternatives. Finally, this hierocratic theory is seen as 'systematic' in character.

Tierney has said 'after a generation's discussion of Innocent III's legislation, a major

shift…occurred in canonistic thinking from the prevailing dualism of the late twelfth

century to the dominant hierocratism of the mid-thirteenth'.[35] 'Major shift' implies

disjunctive change, and 'dominant' echoes Kuhnian language. The change in question

was Pope Innocent IV (1243-54) drawing conclusions from Pope Innocent III's

(1198-1216) premises which the latter was not willing to draw himself, creating the

hierocratic theory as a 'system',[36] or 'hierocratic system'.[37] Afterwards, canon

lawyers, especially Hostiensis (fl. c.1250-70), continued to build on Innocent IV's

foundations.[38] Papal publicists at the end of the century, such as Giles of Rome and

James of Viterbo, put the hierocratic theory into its most philosophical form.[39]

Finally, Boniface VIII summarised this theory in law with his bull from November

1302: *Unam Sanctam*. As Watt puts it: '*Unam sanctam* enshrined the Hostiensian and

canonistic logic'.[40] Therefore, 'The' theory of papal monarchy in the thirteenth

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[35] Brian Tierney, "Tria Quippe Distinguit Iudicia…' A Note on Innocent III's
Decretal Per Venerabilem', *Speculum*, vol. 37, 1962, p. 58. See also *CCS*, pp. 150,
152-3.
[36] M. Pacaut, 'L'autorité Pontificale Selon Innocent IV', *Le Moyen Age*, vol. 66, 1960,
pp. 87-8. See also Carlyle V, pp. 324, 355.
[37] Michael Wilks, *The Problem of Sovereignty in the Later Middle Ages: The Papal
Monarchy with Augustinus Triumphus and the Publicists*, Cambridge: CUP, 1963, pp.
202, 254.
[38] Carlyle V, p. 337.
[39] C. H. McIlwain, *The Growth of Political Thought in the West*, New York:
MacMillan, 1959 (first published 1932), p. 249. See also Carlyle (V, pp. 318, 355, p.
394) for theoretical continuity from Innocent IV up to and including the publicists.
[40] Watt, *The Theory*, p. 133.

century came from 'The Contribution of the Canonists',[41] but its most forceful and developed form came from the publicists. That canonists from at least the middle of the thirteenth century have been seen as subscribing to substantially the same theory as the publicists of the late thirteenth and fourteenth can be seen by Wilks citing Innocent IV as an 'earlier hierocratic theory' writer,[42] while he styles Augustinus Triumphus—writing early in the fourteenth century—as a 'late hierocratic writer'.[43] Judgements on the chronology vary (some historians have argued Innocent III established the hierocratic theory[44]), but the judgement of wholesale acceptance of the hierocratic theory in the thirteenth century from at least its middle point, and possibly earlier, to its end has been an attractive view.[45] The 'hierocratic theory' which 'dominated' from at least the mid-thirteenth century onwards is very reminiscent of the coherent 'major regnant theories' which are the 'dominant' paradigms of the popular understanding of the Kuhnian conception of science.

Certainly, there have been historians who have disagreed with this scheme of things. Some, such as the Carlyle brothers, created a picture of unanimity,[46] only to sound caution.[47] Other historians have rejected theory-building altogether in favour of

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[41] The subtitle of Watt's 1965 book.

[42] Wilks, *The Problem of Sovereignty*, p. 362, including n. 1.

[43] *Ibid*., p. 9.

[44] Kenneth Pennington, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries*, Philadelphia: University of Pennsylvania Press, 1984, p. 58. See also Watt, *The Theory*, p. 34.

[45] A. C. Flick, *The Decline of the Medieval Church*, vol. 1, New York 1930 (excerpt in Charles T. Wood (ed.), *Philip the Fair and Boniface VIII: State vs. Papacy*, London: Holt, Rinehart and Winston, 1967, pp. 13-14).

[46] Carlyle V, p. 337.

[47] *Ibid*., p. 440.

incremental development in the history of ideas.[48] In yet more modern times, the

relatively recent general trend in history of focusing on hitherto largely under-

represented voices has been adopted by some scholars of the medieval papacy,

yielding, for example, the 1989 volume edited by Christopher Ryan which focuses

largely on the views of theologians, bishops, cardinals, and the Greeks.[49]

Nevertheless, 'to write…about the medieval papacy without being superficial requires

a strict limitation of the questions to be discussed'.[50] Acknowledging, and

occasionally drawing from, Ryan's compendium, the hierocratic theory will be the

central focus. Following other historians, such as Watt and Wilks, monarchy will be

construed largely as the relation between the ecclesiastical (principally, the pope) and

the secular (the emperor and the kings) powers—the two powers within the Church.

Firstly, though, it is necessary to establish what is meant by 'the Church'.

3. __THE HIEROCRATIC THEORY__

It is not easy to grasp what 'the Church' was in the Middle Ages.[51] Macy admits that

in a narrow sense the ecclesiastical hierarchy can be called 'the Church', but that this

does not take in every meaning of the term.[52] To an extent, the Church was seen as

'the society of the baptised',[53] for baptism was the established initiation rite for

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[48] 'The doctrines of the canonists during the classical period were developed step by step, not through abrupt innovations' (A. Stickler, 'Concerning the Political Theories of the Medieval Canonists', *Traditio*, vol. 8, 1949-51, p. 455).

[49] C. Ryan (ed.), *The Religious Roles of the Papacy: Ideals and Realities, 1150-1300* Toronto: Pontifical Institute of Medieval Studies, 1989.

[50] R. W. Southern, *Western Society and the Church in the Middle Ages*, London: Penguin, 1990, p. 91.

[51] Gary Macy, 'Was there a 'the Church' in the Middle Ages?', *Studies in Church History*, vol. 32, 1996, p. 107.

[52] *Ibid*., p. 113.

[53] John Van Engen, 'Faith as a Concept of Order in Medieval Christendom', in Thomas Kselman (ed.), *Belief in History: Innovative Approaches to European and*

people to enter the Church,[54] normally as a very young child in the West.[55] However,

Christians in the Greek Church were also baptised, yet they were seen as having

disobediently broken away from the Church.[56] A hard term to define, schism is 'the

negation of unity',[57] a rupture of brotherhood (possibly dissension) rather than a

straightforward difference in faith.[58] Nevertheless, like heretics, schismatics are

outside of the Church. From what would the Latins have thought the Greeks had

broken-away which made them schismatic, and why was this important?

The answer to these questions come when the nature of baptism is analysed more

closely. More than simply initiation, it was thought baptism established faith itself.

On this view, faith was not a conscious act of professing belief in anything,[59] but a

substantial thing (*res*) which obligated the initiate to be faithful in terms of quasi-legal

subjection.[60] This subjection was quasi-legal perhaps only in the West, a culture

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American Religion, Notre Dame, Indiana and London: University of Notre Dame Press, 1991, p. 20.

[54] Henri de Lubac, *Catholicism*, London: Burns, Oates, and Washbourne, 1950, p. 35.

[55] J. D. C, Fisher, *Christian Initiation: Baptism in the Medieval West: A Study in the Disintegration of the Primitive Rite of Initiation*, London: S.P.C.K, 1965, pp. 109, 111.

[56] See *PL* 215, 455 (a letter November 1204 to Emperor Baldwin) for Innocent III's explicit statement that the Greeks were schismatic.

[57] S. L. Greenslade, *Schism in the Early Church*, London: SCM, 1964 (2nd edition), pp. 17-18.

[58] *Ibid.*, pp. 18-20. See also James Muldoon, *Popes, Lawyers, and Infidels*, Philadelphia: University of Pennsylvania Press, 1979, p. 3.

[59] Augustine, quoted in the monk Gratian's *Decretum* (the tremendously important and influential canonical collection from c.1140 (although see p. 17, n. 42 of this chapter concerning its date)): 'Paruulum, etsi nondum fides illa, que in credentium voluntate consistit, iam tamen ipsius fidei sacramentum fidelem facit, sicut credere respondentur, ita etenim fideles uocantur, non rem ipsam mente abnuendo, sed ipsius rei sacrementum percipiendo' ('Sacrementum fidei, non ipsa fides paruulum facit fidelem'. *De cons*. D. 4. C. 76. Augustine *Epistolae 98 ad Bonifacium* 9-10: *CSEL* 34.531-2 (quoted in Van Engen, 'Faith as a Concept of Order', pp. 25, n. 27)).

[60] For the post-baptismal obligation to believe, see the Franciscan theologian John Duns Scotus (*In Sent*. 3. 25. 1 (ed. Lyons 1639; repr. 1968), 7. 1. 499 (cited in Van Engen, 'Faith as a Concept of Order', p. 27, n. 42)).

which, from at least the twelfth century onwards, increasingly construed holiness and religion in juridical terms.[61] To whom, or to what, were the baptised obligated? Baptised Christians were obligated both to Christ and to the Church.

It is readily understandable that Christians should be obligated to Christ, but in what way or ways could a baptised Christian be obligated to the Church? The Eucharistic controversies of the late eleventh and early twelfth centuries provide clues. Berengar of Tours (d. 1088) thought Christ is not really present on the altar in his body and blood in the Eucharist, but is present figuratively in spirit and power. While Berengar's opinions were not new, his mocking tone meant he was twice forced to confess the real presence of Christ on the altar (1050 and 1079). Berengar's critics supported the view that Christ must be really present in the sacrament of the altar. Evans mentions that the churchman and theologian Lanfranc (d. 1089), thought Berengar erred because he went against 'auctoritas totius sanctae Ecclesiae',[62] the 'consensus fidelium'.[63]

Berengar attacked Lanfranc for adhering to the opinion of the rabble.[64] However, for the educated of the Latin West, the rabble did not define the *consensus fidelium*. Who *did* outline such a faith becomes clearer from Evans' move from citing the authority of 'totius sanctae Ecclesiae' to that of the 'Roman Church'.[65] Evans points out that at

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[61] In the thirteenth century canonisation, for example, became a 'process' (Jane Sayers, *Innocent III: Leader of Europe 1198-1216,* Harlow: Longman, 1994, p. 135).

[62] *PL* 150, 407 (quoted in G. R. Evans, 'Exegesis and Authority', in D. Jordan and Kent Emery Jr. (eds.), *Ad Litteram: Authoritative Texts and their Medieval Readers*, Notre Dame, Indiana: University of Notre Dame Press, 1992, p. 95).

[63] Evans, 'Exegesis and Authority', p. 95.

[64] *Ibid*. Evans states that Berengar described Lanfranc as holding the view of 'multitudo ineptorum' against him.

[65] *Ibid*.

Lateran IV, a council called by Innocent III which met in 1215, the Roman Church is called 'mater et magistra ceterarum Ecclesiarum'.[66] Innocent III did not think that the Roman Church was the only church, or even 'the Church', but the authoritative teacher of the Universal Church, in effect the head which defines the faith which animates the body. This sentiment was expressed by Innocent III in his letter of November 1199 to the Patriarch of Constantinople: 'Ecclesia Romana non est universalis Ecclesia, sed pars universalis Ecclesiae, prima videlicet et praecipua, veluti caput in corpore'.[67] Therefore Innocent regarded the Roman Church as *mater*, *magistra*, and *caput* of the Church; it was not the Universal Church itself, but the defining authority of what constitutes the Church's universal faith.

Was this "universal' authority residing in the Roman Church…vested in the community as a whole, in councils, or in the person of the pope'?[68] Rousseau highlights Innocent's claims to being, as pope, the bridegroom of the Church, creating the offspring of 'virtues and sound doctrines to help advance the salvation of the faithful'.[69] On this hierocratic view, then, the pope alone holds this authority and plenitude of power (*plenitudo potestatis*) of the Church.[70] This is because the pope

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[66] This is certainly the case, but not in the place referenced by Evans. According to Evans (*ibid*.), this quotation can be found at *PL* 217, 714. However, at *PL* 217, 714 is found Book I, headings 24-6 of Innocent III's work *De Contemptu Mundi*, written prior to his election to the pontifical office when he was Cardinal Lothar of Segni, with no sign of the phrase. In fact, two canons of Lateran IV contain the relevant phrase: II and V (N. P. Tanner (ed.), *Decrees of the Ecumenical Councils*, vol. I, London: Sheed and Ward, 1990, pp., 233, 236).

[67] *PL* 214, 763.

[68] Evans, 'Exegesis and Authority', pp. 96-7.

[69] Constance M. Rousseau, "Pater urbis et orbis': Innocent III and His Perspectives on Fatherhood'. *Archivum Historiae Pontificiae*, vol. 37, 1999, p. 31. Rousseau is citing *PL* 217, 664.

[70] This is a term the meaning of which should hopefully become clearer during the course of the dissertation.

alone is Vicar of Christ. Innocent III made it this clear in a letter to the King of
Armenia (December 1199), in which he states that

'Ecclesia Romana sedes ejus et sessores ipsius Romani pontifices successores Petri
et vicarii Jesu Christi, sibi invicem per successivas varietates temporum singulariter
succedentes, super Ecclesiis omnibus et cunctis Ecclesiarum praelatis imo etiam
fidelibus universis, a Domino primatum et magistrum acceperunt; vocatis sic caeteris
in partem sollicitudinis, ut apud eos plenitudo resideat potestatis'.[71]

Christ said he would be with his Church until the end of the age.[72] While present
sacramentally and through his Spirit, there is no human, physical presence of Christ is
left on earth, although such a presence is expedient for the Church.[73] For the benefit
of the Church, Christ left his vicar, who inherits not his general character but his
'juridical personality'.[74] Before ascertaining what this juridical personality comprised,
the main argument in favour of the pope alone being the Vicar of Christ must be
outlined.

The text which underlay the view that the pope alone was the Vicar of Christ was the
Tu es Petrus text of Matt. 16:16-19 in which Simon-Peter confesses that Jesus is the
Christ, Jesus responding by naming him Peter, calling him a rock, and giving him the
keys to the kingdom of heaven. By itself the text could be, and was, understood in

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[71] *PL* 214, 779.

[72] 'I am with you always, to the end of the age' (Matt. 28:20).

[73] James of Viterbo, *On Christian Government*, R. W. Dyson (trans. and ed.),
Woodbridge: The Boydell Press, 1995, 2. 2, pp. 56-7. James was writing around
1301-2.

[74] Walter Ullmann, 'The Medieval Papal Courts as an International Tribunal',
Virginia Journal of International Law, vol. 11, 1971, p. 359 (reprinted, with the
original pagination, in Walter Ullmann, *The Papacy and Political Ideas in the Middle
Ages*, London: Variorum, 1976). Innocent III in the same letter to the king of the
Armenians: 'praeter vitae sanctitatem et miraculorum virtutes, par est in omnibus
jurisdictio successorum' (*PL* 214, 779).

many different ways: 'the 'Rock' might be either Christ, or Peter, or Peter's faith'.[75]

Similarly, the keys of v.19 could be variously understood. Nevertheless, from at least

the *Decretum*—the twelfth century text (or texts[76]) which revolutionised canon law—

onwards there gradually developed 'an explicit recognition that there were two

different types of authority comprised in the sacerdotal power of the keys: a

sacramental power to remit sins and a power of jurisdiction which was necessary for

the excommunication of a sinner or for the imposition of penance'.[77] As for who held

the keys, Matt. 18:18 depicts all the disciples being granted the same power of

binding and loosing, a passage which could be developed into a collegiate

understanding of the inheritance of Christ's legal personality. However, the

hierocratic reading of the text stated that Peter was the rock and that the keys were

given to him—and his successors, the popes—alone. Lothar of Segni, the future

Innocent III, went far in divorcing exegesis of the *Tu es Petrus* text from other texts—

such as John chapter 20:23 and Matt. 18:18—which suggested that the power of

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[75] Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism*. Leiden: Brill, 1998, p. 24. Christ (Augustine, *Collectanae in 1 Cor. 1:13* (*Divisus est Christus?*), in Peter Lombard, *Sentences. PL* 191: 1538A-B, quoted in W. H. Principe, 'The School Theologians' Views of the Papacy', in Ryan (ed.), *The Religious Roles of the Papacy,* pp. 55-6, n. 41). Peter (Pope Leo I (440-61) (CCL 138, pp. 10-25), quoted in Karlfried Froelich 'St. Peter, Papal Primacy, and the Exegetical Tradition, 1150-1300', in Ryan (ed.), *The Religious Roles of the Papacy*, p. 13, n. 30). Peter's confession (Johannes Teutonicus (c.1170-1245), *Glossa Ordinaria ad Dist*. 19. c.7, quoted in Tierney, *Foundations*, p. 25; also Froelich, 'St. Peter', p. 8, n.12: the Eastern equation of the rock with the confession).
[76] Anders Winroth has said the *Decretum* was made in two stages in the twelfth century (*The Making of Gratian's Decretum*, Cambridge: CUP, 2000, esp. pp. 193-6).
[77] Tierney, *Foundations*, p. 29. For the thirteenth century, see Innocent IV's 1246 encyclical *Eger Cui Levia*, enforcing the deposition of emperor Frederick II (E. Winkelmann, *Acta Imperii Inedita*, II, Innsbruck 1885, pp. 696-8, in *CCS* 83, p. 148). The distinction between the powers of the keys can be traced back at least to Gratian (Dist. 20 *dictum Gratiani ante* c.1, in Tierney, *Foundations,* p. 28).

binding and loosing was given to Peter *and* the other disciples.[78] When Lothar

became pope, he set out the view that, at very least, Peter was the second founder of

the Church.[79]

Even if the pope alone was the Vicar of Christ, why did the pope's power have to

extend to the whole Church? In fact, on the hierocratic view the inheritance of

Christ's jurisdiction extends even *further* than the Church to all humans, based on his

redeeming act: Christ was God and man. Suffering death on the cross, Christ 'offered

Himself as a victim for the redemption of mankind and, overthrowing the enemy of its

salvation, He snatched it from the shame of servitude to the glory of liberty'.[80]

Therefore, Christ was *dominus mundi*—that is, the 'human master of the world'[81]—

because his saving action pertained to each and every human being: 'he bore for the

souls of *all* men'.[82] That this was not merely an abstract piece of theology becomes

clear when Pope Innocent IV mentions this soteriology in a letter (5th March 1245) to

Guyuk Khan, Emperor of the Tartars. Here Innocent stated Christ 'left His vicar on

earth…to lead those in error into the way of truth and gain all men for Him'[83] (a

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[78] *De sacro altaris mysterio* (written as Cardinal Lothar of Segni, before being elected to the papal throne in 1198)*,* 1. VIII *De primatu Romani pontificis*. *PL* 217, 778-9.

[79] See Innocent III in a letter to the Patriarch of Constantinople (November 1199): 'secundum tamen et secundarium Ecclesiae fundamentum est Petrus' (*PL* 214, 759). See also a letter of Innocent III's to the church of Tours (June 1199), *PL* 214, 625.

[80] First Bull of Pope Innocent IV to the Emperor of the Tartars. *Epistolae Saeculi xiii e regestis Pontificum Romanorum selectae*, t. ii, No. 102. *MGH*, in C. Dawson (ed.), *The Mongol Mission Narratives and Letters of the Franciscan Missionaries in Mongolia and China in the Thirteenth and Fourteenth Centuries*, London: Sheed and Ward, 1955, p. 74.

[81] Walter Ullmann, *Medieval Papalism*, London: Methuen, 1949, p, 136.

[82] Muldoon, *Popes, Lawyers, and Infidels*, p. 45. Emphasis added.

[83] First Bull of Pope Innocent IV to the Emperor of the Tartars, *The Mongol Mission*, p. 74.

similar argument was put to the Greeks at the Second Council of Lyons in 1274[84]).

Christ had enabled the salvation of all, and his vicar was meant to ensure that this

saving work was completed by trying to convert the Tartars. Just as Christ's aim was

to save all men, his vicar was placed over all men to ensure their salvation. This

universal authority is the unity of the twofold baptismal obedience to Christ and the

Church. On earth, one is obedient to both of these authorities unified in the person of

the pope: as Vicar of Christ, the pope establishes the *consensus fidelium* which is the

rationale behind the obligation of the baptised to be obedient to the Church.

Therefore, one should be obedient to the pope, and all those baptised Christians who

are not obedient to the pope are outside of the Church.[85]

What was the nature of Christ's juridical personality? It has already been shown that it

was universal in scope and intended for the salvation of souls. However, did it

embrace both the spiritual and the temporal, or just the spiritual? To find out what was

meant by these terms, the so-called 'Gelasian doctrine' can be expounded. Christ's

office was divided in a way which was influenced by the work of Pope Gelasius I

(492-6). Gelasius said Christ governed in the same sort of way as Melchisedech—

both priest and king.[86] However, for the continuation of his flock, Christ

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[84] Canon 2 mentions that the pope is 'the vicar of Jesus Christ, the successor of Peter, the ruler of the universal church, the guide of the Lord's flock' (*Decrees of the Ecumenical Councils*, p. 317). The universal—that is, for all human beings—scope of papal jurisdiction is implied by the comment that electing a pope is to provide 'what is so useful and necessary for the whole world, a fitting spouse for the church' (*ibid*.). For why this opinion would have been unacceptable for the Greeks, see Doran, 'Rites and Wrongs', p. 144.

[85] See Boniface VIII's bull *Unam Sanctam*, couched in abstract terms, although issued at the height of a crisis between the papacy and the French nobility (November 1302): 'Porro subesse Romano Pontifici omni humanae creaturae declaramus, dicimus, diffinimus et pronunciamus omnino esse de necessitate salutis' (*Corpus Iuris Canonici*, vol. 2, E. Friedberg (ed.), Leipzig 1881, col. 1246).

[86] An Old Testament figure who was both priest and king (Ps. 109 (110): 4).

'distinguished between the offices of both powers according to their own proper
activities and separate dignities...so that Christian emperors would need priests for
attaining eternal life and priests would avail themselves of imperial regulations in the
conduct of temporal affairs'.[87]

Gelasius made clear that there were spiritual things (such as administering the
sacraments, excommunicating people, caring for the souls of the flock of believers)
and temporal things (such as collecting money, killing people, waging war), as well as
dual jurisdictions—the priestly and the kingly—to deal with these two different kinds
of things. Even if 'spiritual' and 'temporal' were later extended to the non-Christian
world,[88] originally the Gelasian distinction between spiritual and temporal powers had
most relevance to Christian society. In its practical, working sense, this often
amounted to Western Christendom, the 'assemblage de pays incorporés soit par
conquête progressive soit par décision de souverain',[89] identified with 'l'Europe'.[90]

For all 'Gelasianism' divided the powers of the juridical personality of Christ between
two people, another trend of Middle Ages kept these powers unified in one person,
what Ladner calls the 'Carolingian' trend,[91] so-called because it has been historically
attributed in the West to the Carolingian kings from Charlemagne in the ninth century

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[87] Gelasius on the bond of anathema: E. Schwartz (ed.), *Publizistische Sammlungen zum Acacianischen Schisma*, ('Abhandlungen der Bayerischen Akademie der Wissenschaften, Philosophisch-Historische Abteilung'. Neue Folge X, Munich 1934), p. 14, in *CCS* 4, p. 14).
[88] Muldoon, *Popes, Lawyers, and Infidels*, p. 14.
[89] Gabriel Le Bras, *Institutions ecclésiastiques de la chrétiénté médiévale Préliminaires et Ire partie* 1. Augustin Fliche et Victor Martin (eds.), *Histoire de l'Église* 12. i , Paris: Bloud and Gay, 1959, pp. 22-3.
[90] *Ibid*., p. 23.
[91] Gerhart B. Ladner, 'The Concepts of 'Ecclesia' and 'Christianitas' and their Relation to the Idea of Papal 'Plenitudo Potestatis' from Gregory VII to Boniface VIII', *Miscellanea historicae pontificiae*, vol. 18, 1954, pp. 55-6, 59, 69-73, 75.

onwards.[92] On this view, the emperor is God's viceregent on earth, channelling the divine will of God,[93] legislating on matters both religious and secular.[94] However, from the time of Gregory VII (1073-85), the unification of the powers in one person—or at least sole headship of Christian society—was claimed for the papacy as well as for the emperor. From at least Innocent III popes regularly referred to themselves as sole Vicar of Christ.[95] During the thirteenth century,[96] the language of Christendom was increasingly connected with the *corpus christi* which is the Church.[97] If the Church is Christ's body, it must have one head, not two: 'How could *unum corpus* have *duo capita*?'[98] Two heads would be monstrous.[99] Against both thoroughgoing Gelasianism and the conception of the emperor as alone Vicar of Christ, only the pope—on the hierocratic view—could be the head of the body which is the Church, for he alone is the successor of Peter.

If Christ governed as priest and king, and given that this legal personality was passed on to Peter and his successors (the popes), and because the hierocratic theory says this jurisdiction cannot be separated, did the popes wield both priestly (spiritual) and kingly (temporal) power? Matters are made more complicated by the notion of the

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[92] Walter Ullmann, *A History of Political Thought: The Middle Ages*, Harmondsworth: Pelican, 1965, p. 69.

[93] Walter Ullmann, *The Growth of Papal Government in the Middle Ages*, London: Methuen, 1955, p. 107.

[94] *Ibid*., p. 108.

[95] Wilks, *The Problem of Sovereignty*, p. 354.

[96] See Henri de Lubac, *Corpus Mysticum*, Gemma Simmonds (trans.), London: SCM, 2006, *passim*, esp., p. 107 for the thirteenth century.

[97] I Cor. 6: 16; 12:12, 27; Eph. 4: 16, 25; 5: 30; Col. 2: 19.

[98] Wilks, *The Problem of Sovereignty*, p. 77.

[99] 'Igitur ecclesiae unius et unicae unum corpus, unum caput, non duo capita, quasi monstrum' (Boniface VIII, *Unam Sanctam*, in *Corpus Iuris Canonici,* vol. 2, col. 1245).

two swords. Originally a biblical image,[100] its place in medieval political thought

stems from the eleventh century, originally referring to the two ways in which

somebody could be punished (spiritually by excommunication or interdict, or

temporally by torture, maiming, or death[101]). By the end of the twelfth century the

two swords imagery was mostly being used as an exposition of the Gelasian doctrine

which was capable of more nuances (as shall be seen): the two swords were symbols

of the two Gelasian powers.[102]

Even with the complication of the swords, if Christ was priest and king, should not

the pope as his vicar have both swords? In the encyclical letter *Eger Cui Levia*, issued

in 1246 in order to enforce the deposition of Emperor Frederick II, Innocent IV puts

forward the notion that the Church has both swords and gives the material sword to

the emperor for the protection of the Church.[103] Importantly, this sword can be

retracted, which is a metaphor for the deposition of the secular ruler. The pope, then,

creates an emperor who is thought to be a suitable candidate for the protection of the

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[100] 'They [the disciples] said, 'Lord, look, here are two swords'. He replied, 'It is enough'' (Luke 22:38).

[101] 'poiché sia il *gladius* come la potestas *gladii* appaiono mezzi di repressione, coazione, soppressione violenta materialae di uomini criminali, strumento di una *coercitio* che può andare fino in fondo, fino all'annientamento cioè del facinoroso, fino all'uccisione' (A. Stickler, 'Il 'Gladius' Nel Registro di Gregorio VII', *Studi Gregoriani*, vol. 3, 1948, p. 83).

[102] Late in the twelfth century, the canonist Huguccio (c.1188) shows that this conferral of authority in the crowning of the emperor by the pope was seen as giving the emperor his 'sword'. Huguccio himself did not agree with this view, but he states that 'Ego autem credo quod imperator potestatem gladii et dignitatem imperialem habet non ab apostolico, set a principibus et populo per electionem'. This text is quoted in Watt (*The Theory*, p. 23). Sadly, Watt does not reference this quotation. However, a French translation is found in *La Théocratie*, XV D, p. 254. Pacaut uses Vatican MS C. 114, fol. 1-340 for Huguccio's *Summa*. The place within the *Summa* is D. XCVI. Pacaut's French translation is as follows: 'je dis que l'empereur tient le pouvoir du glaive et la dignité impériale non pas du pape, mais des princes et du peuple par l'élection'.

[103] *Eger Cui Levia,* in *CCS* 83, pp. 148-9.

Church—the conferral of authority taking place in the crowning of the emperor by the pope—and he could take away this power (removing the sword is something which will be discussed shortly). Watt says this notion is found in Innocent III's (1202) decretal *Venerabilem* (Innocent puts forward the view that the pope is able to choose a suitable imperial candidate to protect the Church),[104] but there is no mention of a sword. The sword is an important detail, for by it was implied all temporal power. It could be objected that the sword is given only to the emperor, not to all the other kings, some of whom considered themselves outside of the empire (Spain),[105] others being born into dynasties (France). In the decretal *Per Venerabilem*, Innocent III mentions that Philip Augustus, King of France, thought he had no temporal superior.[106] Innocent III makes no further comment, but Innocent IV states that while this is the case *de facto*, *de iure* the pope is the King's temporal superior.[107] Should it be objected that the papacy had rights to the *imperium* alone, this word *imperium* was not univocal.[108] While it could refer to the emperor alone or the empire (this itself was an elusive concept),[109] an etymological strand connected the empire to all legitimate

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[104] *Corpus Iuris Canonici,* vol. 2, col. 80.

[105] 'Sic enim regimen mundi, excepto regimine hyspanie, translatum est ad teutonicos' (a margin comment, attributed by Gaines Post to Vincentius Hispanus c.1234, in the gloss of Johannes Teutonicus on the decretal *Venerabilem* in Innocent III's *Compilatio Tertia*. Paris, BN, MS. lat. 12542, fol. 21. Quoted in Gaines Post, "Blessed Lady Spain'—Vincentius Hispanus and Spanish National Imperialism in the Thirteenth Century', *Speculum*, vol. 29, 1954, p. 205).

[106] 'Insuper quum rex [of France] superiorem in temporalibus minime recognoscat, sine iuris alterius laesione in eo se iurisdictioni nostrae subiicere potuit *et subiecit*' (*Corpus Iuris Canonici,* vol. 2, col. 715).

[107] 'de facto, nam de iure subest imperatori romano, ut quidam dicunt. Nos contra, imo papae' (Innocent IV, *In Quinque Libros Decretalium*, Venice 1610, 4. 17. 13, col. 574).

[108] James Muldoon, 'Extra ecclesiam non est imperium: The Canonists and the Legitimacy of Secular Power', *Studia Gratiana*, Vol. 9, 1966, p. 557 (reprinted, with original pagination, in James Muldoon, *Canon Law, the Expansion of Europe, and World Order,* Aldershot: Ashgate Variorum 1998).

[109] *Ibid*., p. 558.

temporal power 'by implication'.[110] Thus the giving of the material sword may well

have been a symbol of the pope being the *de iure* holder of all temporal power. On

this view, secular rulers held their rule by the pope's will, the pope being able to

depose them should they fail in performing their function of protecting the Church

and upholding justice.

Certainly, other adherents to the hierocratic theory equated the 'material' (or

'temporal') sword with all legitimate temporal power. Boniface VIII made this

connection in *Unam Sanctam*, stating there are two swords, both held by the Church,

although the 'temporal' sword is held for the Church by secular authorities (kings and

soldiers).[111] It is implied by Boniface that the swords were more than coercive

measures because he states: 'Oportet autem gladium esse sub gladio, et temporalem

auctoritatem spirituali subiici potestati'.[112] How could one coercive force be under the

other? 'Swords', then, should be taken as 'powers'. Boniface VIII's publicists thought

along similar lines. Giles of Rome stated that 'the Church possess both swords',

although 'only one sword was drawn',[113] the other one being given to the secular

powers.[114] The material sword is legitimate temporal power, and 'every power which

is in the Church Militant is derived from the Supreme Pontiff'.[115] Elsewhere Giles

claims 'The disciples…possessed both swords, and [so] the *Church* possesses both

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[110] *Ibid*., p. 561.
[111] *Corpus Iuris Canonici,* vol. 2, col. 1245.
[112] *Ibid*.
[113] Giles of Rome, *On Ecclesiastical Power*, R. W. Dyson (trans. and ed.), Woodbridge: The Boydell Press, 1995, 2. 4. 8, p. 51. James of Viterbo (*On Christian Government*, 2. 11, p. 131) makes it clear that every legitimate power (given by God) is given via the pope's power.
[114] Giles of Rome, *On Ecclesiastical Power*, 2. 4. 9, p. 52.
[115] *Ibid*., 3. 3. 3, pp. 153-4.

swords'.[116] McIlwain, commenting on Giles' treatise, wrote 'the Church, that is the Pope',[117] but the above quotation calls the equation Church = Roman Church = Pope into question. However, it is not clear how persons other than the pope could have created secular rulers. Giles' reference to the disciples might be a stylistic slip on his part, which is hinted at by Giles stating at the end of his treatise that the pope is 'the embodiment of' the Church,[118] and earlier that all legitimate power derives from the Vicar of God (the pope).[119]

If, then, the hierocratic theory's notion—that the pope as Vicar of Christ created legitimate temporal power—is accepted, 'the pope had a supreme authority in temporal affairs…because of the authority inherent in the papal office itself'.[120] Normally temporal matters are under the jurisdiction of secular rulers.[121] Nevertheless, occasionally the pope can intervene in this sphere by his *plenitudo potestatis*. An example of the pope acting directly in the temporal sphere is in legitimating bastards. Legitimisation could be seen as a 'spiritual' act,[122] but, as shall be seen, it was seen by Innocent III as belonging normally to the jurisdiction of the secular authority.[123] In 1204, Innocent III sent the decretal *Per Venerabilem* to Count William of Montpellier in response to the latter's request that the pope legitimise his bastards. Innocent stated that normally such requests should be given to secular

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[116] *Ibid*., 2. 4. 7, p. 51. Emphasis added. Cf. *ibid*., 3. 3. 1, p. 153: 'the Supreme Pontiff possesses both swords'.
[117] McIlwain, *The Growth of Political Thought*, p. 254.
[118] Giles of Rome, *On Ecclesiastical Power,* 3. 12. 10, p. 206.
[119] *Ibid*. 3. 2. 14, p. 150.
[120] William D. McCready, 'Papal Plenitudo Potestatis and the Source of Temporal Authority in Late Medieval Papal Hierocratic Theory', *Speculum*, vol. 48, 1973, p. 655.
[121] *Ibid*., p. 656.
[122] Jane Sayers, *Papal Judges Delegate in the Province of Canterbury: 1198-1254*. Oxford: OUP, 1971, pp. 208-9.

temporal superiors, implying that this is a temporal matter; in William's case, he

should appeal to Philip Augustus. William had been encouraged to appeal to the pope

by Philip's recent success in receiving legitimation for his bastards. However,

according to Innocent, normally the jurisdiction is split between the pope and secular

leaders, but occasionally, on the inspection of certain causes for difficult or

ambiguous cases, the pope can intervene in the temporal.[124] As Tierney has pointed

out, there is no mention of the pope acting 'indirectly' in the temporal.[125] The

implication is, then, that the pope has *de iure* power to intervene in the temporal,

although he delegates regular jurisdiction to secular rulers to facilitate a more

practical administration. This is the view found later in the century. Thus Hostiensis

claimed that, although normally the temporal is overseen by secular rulers,[126] the

pope is the 'one lord of spiritualities and temporalities' with two keys, 'one which

opens and closes, binds and looses in spiritual affairs, the other which is used in

temporal affairs'.[127] Even more than the canonists, the publicists built on Innocentian

hierocratic foundations. Again, while acknowledging that regular administration of

the temporal is the responsibility of secular rulers,[128] 'the Church', Giles states,

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[123] *Corpus Iuris Canonici,* vol. 2, col. 714.

[124] 'quod non solum in ecclesiae patrimonio, super quo plenam in temporalibus gerimus potestatem, verum etiam in aliis regionibus, certis causis inspectis, temporalem jurisdictionem causaliter exercemus' (*Corpus Iuris Canonici,* vol. 2, col. 716).

[125] Brian Tierney, 'The Continuity of Papal Political Theory in the Thirteenth Century: Some Methodological Considerations', *Medieval Studies*, vol. 27, 1965, p. 237 (reprinted, with original pagination, in Brian Tierney, *Church Law and Constitutional Thought in the Middle Ages*, London: Variorum, 1979).

[126] Hostiensis, *Decretales*, 4. 17. 13, *Per Venerabilem. Summa Domini Henrici Cardinalis Hostiensis*, Lyons 1537, fol. 215-16, in *CCS* 87, p. 156.

[127] *Ibid*., p. 157.

[128] Giles of Rome, *On Ecclesiastical Power*, 2. 13. 12, p. 110.

'always has a superior and primary jurisdiction directly over temporal things…', a view which is echoed by James of Viterbo.[129]

The hierocratic theory can be summarised in the following sentences. Each member of the society of the baptised which is the Church has an obligation in virtue of their baptism to obey Christ. As Christ is no longer physically present, and because the increasingly juridical Church needed somebody with his authoritative and legal powers to direct it towards its goal of salvation, Christ left his vicar to represent him on earth. The Vicar of Christ—the pope, on the hierocratic view—has the lord's legal personality and thus should be obeyed in the same way as one would obey Christ. Spiritual and temporal supremacy are elements of Christ's legal personality, held by the pope for the cure of souls. Using his spiritual power, the pope oversees such matters as the sacraments and ensures that the correct prelates are in office. As for his temporal power, the pope loans out the material sword to the emperor, kings, and princes, permitting them their authority, power, and jurisdiction in order to protect the Church within from dissenters and without from infidels. Where temporal powers fail to perform this function or no secular temporal superior can be found, the pope has the right to overstep the normal jurisdictions to act directly in the temporal by his *plenitudo potestatis* in order that justice should be upheld. This, then, is the hierocratic theory, which became dominant from at least the middle of the thirteenth century—possibly earlier—until its end.

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[129] *Ibid*., 3. 7. 4, pp. 176-7. Also, see James of Viterbo: 'The Vicar of Christ is…said to have fulness of power…priestly and royal, spiritual and temporal' (*On Christian Government*, 2. 11, p. 131). The pope's power 'can act both through the agency of other powers and without their agency when it appears expedient' (*ibid*., p. 132).

4. THE EPISTEMOLOGICALLY-DETERMINING QUALITY OF PAPAL MONARCHY

Having outlined the view that the hierocratic theory was dominant in the thirteenth century in section two and the hierocratic theory's content in section three of this chapter, the hierocratic theory still has to be linked more closely with the popular notion of paradigm. At the start of section two it was mentioned that papal monarchy had affinity to the paradigm concept for a number of reasons, one being the sense of epistemological determinacy associated with the dominance of the theory. To an extent this angle has already been covered in noting the disjunctive change which is said to have occurred in the middle of the thirteenth century when the hierocratic theory was 'systematised' and achieved dominance. Nevertheless, its subsequent dominance could have been restricted merely to canonists or a handful of intellectuals. However, an argument could be made to extend the dominance of the theory to the rest of Christendom. This could be done by seeing the hierocratic conception of papal monarchy as an article of faith. Certainly the Tartar Mongols openly rejected this papalist conception of papal monarchy when it was put to them. The Khan's reply to the letters mentioned earlier[130] was unequivocal: 'come in person to serve us'.[131] Lands invaded by the Mongols had been overrun because they had not adhered to the Khans, and 'Who could do this contrary to the command of God?'[132]—Guyuk Khan, like Innocent IV, clearly thought of himself as viceregent of God on earth. The Khan's reply placed the Mongols firmly outside of the Church. Indeed, Boniface VIII said in the bull *Unam Sanctam* that obedience to the pope was a

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[130] See p. 18 of this chapter.
[131] Letter in *The Mongol Mission*, pp. 85-6.
[132] *Ibid*., p. 86.

necessary condition for remaining *inside* the Church, the ark of salvation.[133]

Arguably, it could be said that faith is a necessary condition for salvation (whether it

is sufficient is highly debatable). Papal monarchy, then, was elevated to an article of

faith.

Those with faith must 'believe whatever the church believes',[134] even if reality

appeared to the contrary. It was thought that if an 'average Christian' sincerely

believed that the Church taught that the Trinity comprised three different gods, then

this was pardonable, for they really believed what the Church believed but did not

have the language to express such convictions.[135] Now, the popes themselves, at least

the Innocents III and IV and Boniface VIII, are said to have been adherents to, and

shapers of, the hierocratic conception of papal monarchy. If the faith, which is

universal throughout the Church,[136] is defined by the pope and the pope is a hierocrat,

then all the faithful are hierocrats. In the Church, therefore, the hierocratic conception

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[133] 'Una nempe fuit diluvi tempore arca Noe, unam ecclesiam praefigurans' (*Corpus Iuris Canonici,* vol. 2, col. 1245). For this view being found as early as Innocent III, see Walter Ullmann, 'The Significance of Innocent III's Decretal Vergentis', *Etudes d'histoire du droit canoniques dédiées à Gabriel le Bras*, Paris Sirey 1965, p. 738 (reprinted, with original pagination, in Ullmann, *The Papacy and Political Ideas*).
[134] Van Engen, 'Faith as a Concept of Order', p. 41. Van Engen (*ibid*., p. 65, n. 121) quotes the theologian William of Auxerre (d.1231): 'Credere autem implicite est credere in hoc universali: quicquid credit ecclesia, credere esse uerum' (*Summa Aurea* 3.12.5, Spicilegium Bonaventuriam 18A (Paris-Grottaferrata 1986), p. 212). See also John Van Engen, 'The Christian Middle Ages as an Historiographical Problem', *The American Historical Review*, vol. 91, 1986, p. 545 (reprinted, with original pagination, in John Van Engen, *Religion in the History of the Medieval West*, Aldershot: Ashgate Variorum, 2004).
[135] Van Engen, 'Faith as a Concept of Order', p. 43. Van Engen (*ibid*., p. 65, n. 124) quotes Hostiensis in support of this view: 'Sed quid prodest laicis fides implicita? Respondeo, si talis ratione motus dicat quod pater filio maior est uel quod tres persone sunt res distantes a se adinuicem uel aliquid aliud simile, dummodo sic credat quia credit ecclesiam sic credere, et suam opinionem fidei ecclesie supponat, nec suum defendat errorem sed paratus sit credere sicut credit ecclesia catholica, nunquam hereticus iudicatur…' (*Commentaria*, Venice 1581; repr. 1965, 1. 5).
[136] Evans, 'Exegesis and Authority', pp. 95-7.

of papal monarchy was dominant and hence a paradigm. The view that one understanding of the papacy was found in the thirteenth century has appealed to modern historians. 'Faith in the divinity of the papacy as a governmental institution',[137] Ullmann said, was 'taken for granted and was a self-evident condition and basis of private and public life'.[138] This creates the sense of a homogeneous mass of Christians adhering to one view of the papacy in the thirteenth century.[139] Hence the hierocratic theory again resembles the popular notion of 'paradigm', for the former, as an article of faith, appears to have been acting like the latter in the sense of 'determin[ing] large areas of experience' as a 'self-evident condition and basis of private and public life'.[140] Just as science is embedded in the modern way of looking at the world due to the success and reliance upon science today and science being taught in school, reflections on the papacy was embedded in the culture of Western Christendom in the thirteenth century.

5. CONCLUSION

The popular understanding of the paradigm concept is of a dominant theory and/or way of doing things that somehow determines the way in which things are seen ('world-view') for the duration of its dominance. This fits in well with the modern historical construct of the hierocratic theory as the major regnant theory dominating thirteenth century understanding of papal monarchy. The view shared by popes from Innocent III to Boniface was not just 'une doctrine', but also 'une conception du

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[137] Ullmann, 'The Medieval Papal Courts', p. 361. See also Walter Ullmann, *Principles of Government and Politics in the Middle Ages*, London: Methuen, 1966, p. 95.
[138] Ullmann, 'The Medieval Papal Courts', p. 361.
[139] Le Bras, *Institutions ecclésiastiques*, p. 329.
[140] 'determin[ing]…' (*SSR*, p. 129). 'self-evident…' (Ullmann, 'The Medieval Papal Courts', p. 361).

monde',[141] the *Weltanschauung* of a paradigm.[142] The hierocratic theory's dominance

was not only among the intellectuals, but among the whole community of the faithful

because of a property of 'faith' itself. The epistemologically-determining aspect of

paradigms finds a correlate in notion that the hierocratic theory was part of a

universal, uniform faith throughout the whole of the Church, where the Church is

identified with the Western Church.

[141] H.-X. Arquillière, *L'Augustinisme Politique*, Paris: Vrin, 1972 (2nd edition), p. 35.
[142] Shapere, 'The Paradigm Concept', p. 707.

CHAPTER TWO: THE COHERENCE OF THE HIEROCRATIC THEORY

1. **<u>INTRODUCTION</u>**

The close match between the paradigm concept and the notion of papal monarchy in the thirteenth century depends on how the paradigm concept is understood and on the validity of the hierocratic theory. The latter is the subject for analysis in this chapter. To do this, the important dispute at the end of the thirteenth century between Boniface VIII and Philip the Fair, King of France, will be used as a case study to highlight how much the notion of the hierocratic theory smoothes over differences in order to present a picture of greater uniformity than actually existed. Firstly, the dispute will be outlined. Details from this picture of events will then be used as starting-points for discussions pertaining to key issues raised by the hierocratic theory described in Chapter One.

2. **<u>THE CONFLICT BETWEEN BONIFACE VIII AND PHILIP THE FAIR</u>**

Problems began on the issue of clerical taxation in France and in England. In both countries the clergy were used to being taxed, usually at a rate of an annual—or sometimes more frequent—tenth of their income. The French clergy had been taxed in this way for the papally approved war against Aragon in the 1280s. However, in the 1290s things changed. In 1294 Philip the Fair needed more funds to, according to Philip, defend the realm against the English. At the time there was no pope, and so Philip took the unprecedented step of calling councils to negotiate a royal tax on the clergy. Given that the defence of the realm was perceived to be a necessity, the

French clergy consented to the taxation.[143] At the same time in England, Edward I

was trying to tax the English clergy for the same reason (defence of the realm, but

against the French). The tax levied on the English clergy in 1294 was a massive half.

Late in 1295 the English clergy consented to another tenth being levied upon them by

Edward, and in 1296 Philip announced that he was going to ask for another tenth from

the French clergy. *Clericis Laicos* was issued (February 1296) by Boniface before

Philip's negotiations with the French clergy could commence. Boniface castigated

those who exercised 'unlawful' power over 'ecclesiastical persons…without obtaining

authority or license from the Apostolic See', threatening excommunication and

deposition for continuing dissent, obedience to the Apostolic See being demanded.[144]

Concerning the reasons for issuing the bull, Boniface might have thought the kings

had 'decided to bypass the pope' in levying taxes on the clergy,[145] something which

was not canonical.[146] This may have been the case, but sometimes—as in 1294—

there simply was not a pope to consult. Alternatively, complaints to the pope from

French Cistercians and/or from Archbishop of Canterbury Robert Winchelsey from

around the time *Clericis Laicos* was issued may have induced Boniface to issue the

bull.[147] Nevertheless, did such appeals merit the bull's strong tone? A third possible

reason for the bull's issuance was that increased taxation—Edward's late-1295 tax

was the first in Boniface VIII's pontificate—meant that the kings envisaged the

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[143] Jeffrey H. Denton, *Philip the Fair and the Ecclesiastical Assemblies of 1294-1295*. *Transactions of the American Philosophical Society*, vol. 81, part 1, 1991, pp. 19, 24.

[144] *Clericis Laicos*, H. Bettenson (trans.), *Documents of the Christian Church*, New York 1943, pp. 159-63, in *CCS* 97, p. 175.

[145] J. R. Strayer, *The Reign of Philip the Fair*, Princeton, NJ: Princeton University Press, 1980, p. 149.

[146] T. S. R. Boase, *Boniface VIII*, London: Constable and Co., 1933, p. 132, n. 1.

[147] Jeffrey H. Denton, *Robert Winchelsey and the English Crown: 1294-1313*. Cambridge: CUP, 1980, pp. 91-2.

continuation of a war of which the papacy did not approve. Thus perhaps the matter was felt sufficiently sinful to justify a strong papal intervention. The reality could have been a combination of these factors. It has been said that the bull was ignored in England,[148] but it in fact interfered with the king's financial planning for his war for it made the pope the sole judge of instances when clerical taxation was 'necessary'.[149] As for France, Philip placed an embargo on the export of precious metals (17 August 1296). This may well have been because Philip was 'just beginning to tinker with the currency',[150] rather than a deliberate slight to the papacy (which the act did affect financially), especially as the embargo 'came almost four months after Boniface had ordered publication of the bull (21 April)'.[151] Nevertheless, Boniface *did* take this as a slight, sending *Ineffabilis amor* to, and against, Philip, threatening him with excommunication**.** The French reacted strongly against this bull. The dispute may have escalated further were it not for Italian politics forcing Boniface's hand. Boniface had angered the rival Colonna family, including two members who were cardinals. As Boniface needed French support against the Colonna, he backed-down mid-way through 1297.

Relations between Boniface and Philip were not strained again until 1301 when Philip arrested Bernard Saisset, bishop of Pamiers, on suspicion of inciting rebellion in the Languedoc region of France. Bernard was a relatively insignificant bishop, who was

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[148] 'The bull failed to achieve its purpose. Edward I continued to tax the English clergy without papal consent' (William E. Lunt, *Financial Relations of the Papacy with England to 1327*. Studies in Anglo-Papal Relations During the Middle Ages, I, Cambridge, Massachusetts: The Medieval Academy of America, 1939, p. 363).
[149] Denton, *Robert Winchelsey*, pp. 97-9.
[150] Strayer, *The Reign*, p. 251.
[151] *Ibid.*

alleged to have said relatively insignificant things.[152] However, Bernard was in a very significant place: the Languedoc, an area which both crown and papacy thought was a tinderbox.[153] The smallest hint of insurrection prompted Philip to act, and Philip's actions provoked a violent reaction from Boniface due to the region's fragility.[154] Boniface VIII stated that the arrest of a bishop by a secular ruler violated Church law and so sent a number of bulls to Philip in December 1301, including *Ausculta fili*. This accused Philip of usurping Boniface's rights. As well as accusing Philip of usurping papal jurisdiction, Boniface stated that he could deprive Philip of his own for his actions.[155] Furthermore, Boniface said to Philip:

'Quare, fili carissime, nemo tibi suadeat, quod superiorem non habeas et non subsis summo jerache ecclesiastice jerarchie, nam desipit qui sic sapit, et pertinaciter hoc affirmans convincitur infidelis, nec est intra boni pastoris ovile'.[156]

It is time now to see how Boniface's statement that he was Philip's superior was variously interpreted.

3. <u>THE DISPUTE AND THE HIEROCRATIC THEORY</u>

i) INTERVENTION IN THE TEMPORAL

The French clergy and nobility 'interpreted the combined acts and utterances of Boniface as a demand for a direct temporal authority in France'.[157] This jurisdiction

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[152] *Ibid*., p. 262.
[153] *Ibid*., p. 260.
[154] *Ibid*., p. 261.
[155] 'quos qui acceperit et se denegat accepiss, eis per ingratitudinem est privandius, et etiam ille qui permissa vel concessa abubitur potestate, et qui contrarium tibi suadet est contrarius veritati' (*Les Registres de Boniface VIII*, vol. III, G. A. L. Digard, M. Faucon, A. Thomas and R. Fawtier (eds.), Paris 1921 col. 330).
[156] *Ibid*., col. 329.
[157] McIlwain, *The Growth of Political Thought*, p. 244.

had two aspects. One aspect is the view that the French king holds his legitimate

secular power directly from the pope, a theme which shall be dealt with shortly, but a

notion which was rejected by the French in the first meeting of the French Estates in

1302.[158] More pertinent, however, is the opinion that will be treated presently: that the

pope can act directly in the temporal, parodied by individuals close to Philip in *Deum*

Time, a forged bull created as an exaggerated summary of *Ausculta Fili*. This forgery

made Boniface claim: 'We want you to know that you are subject to us in

spiritualities and temporalities'.[159]

Did *Ausculta Fili* admit of such an interpretation? Even in recent times there has been

scholarly difference of opinion concerning what the bull means. Dyson has stated that,

from the context, *Ausculta Fili* plausibly was concerned only with the pope's spiritual

jurisdiction, the pope acting on reason of sin (*ratione peccati*).[160] The French king had

handled Saisset badly,[161] and it was the pope's right to deal with this sin. It was

mentioned in Chapter One that Innocent III thought that the pope can intervene in the

temporal having examined certain causes, which does not appear 'indirect'.

Nevertheless, Innocent III also showed elsewhere in the decretal *Novit* (issued in

1204, during a dispute between the kings of England and France) the different,

although, importantly, not incompatible view that the pope acts in the temporal

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[158] 'il est contenu, que du royaume de France, que notre sire li roi et li habitans du royaume ont toujours dit estre soubget en temporalité de Dieu tant seulement' (*Letter of the Nobles to the Cardinals*. In G. Picot (ed.), *Documents relatifs aux États Generaux et Assemblées réunis sous Philippe le Bel*, Paris 1901,VI, in Carlyle V, p. 389, n. 1).

[159] P. Dupuy, *Histoire du différend d'entre le pape Boniface VIII et Philippe le Bel*, Paris 1655, p. 44, in *CCS* 101, p. 187.

[160] Dyson (ed.), *On Christian Government*, xii.

[161] Strayer, *The Reign*, p. 266.

ratione peccati.[162] It could be argued that Innocent III thought that the pope can act in the temporal *ratione peccati*, after having examined certain causes. Innocent III's decretal *Licet* contains a general list of such occasions, while Innocent IV in his commentary on this decretal made a more particular list.[163] Listing implies a non-hierocratic respect for the duality of jurisdictions,[164] the pope being permitted only on a non-regular basis to intervene in the temporal for the good of the Church with respect to its corporate *telos* of salvation. With acting *ratione peccati*, 'Nous sommes en présence d'une doctrine essentiellement spirituelle',[165] a 'very different thing from an outright theory of universal temporal sovereignty'.[166] The pope inherited Christ's juridical personality as universal judge,[167] his universal jurisdiction pertaining to sin. Whether the sin be related to spiritual or temporal affairs, sin itself is a matter which falls within the spiritual sphere. Thus Boniface VIII in *Ausculta Fili*, perhaps also with *Clericis Laicos*, may well have been referring only to his superiority in spiritual affairs where he is universal judge, which includes his right to act in the temporal *ratione peccati*.

However, Strayer has pointed out that Boniface, perhaps deliberately, created ambiguity by not adding 'in spiritual affairs' to *Ausculta Fili's* claim of superiority.[168]

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[162] 'Non enim intendimus iudicare de feudo…sed decernere de peccato' (*Corpus Iuris Canonici,* vol. 2, col. 243).

[163] <u>Innocent III</u>: *ibid.*, cols. 250-1. <u>Innocent IV</u>: *In Quinque*, 2. 2. 9, cols. 238-9.

[164] Colin Morris, *The Papal Monarchy: The Western Church from 1050 to 1250*, Oxford: OUP, 1991, p. 433.

[165] H.-X. Arquillière, 'Origines de la Theorie des Deux Glaives', *Studi Gregoriani*, vol. 1, 1947, p. 518. Arquillière links acting *ratione peccati* very closely with the two swords imagery (*ibid.*, pp. 517-18).

[166] Geoffrey Barraclough, *The Medieval Papacy*, London: Thames and Hudson, 1972, p. 114.

[167] 'papa iudex ordiuarius est omnium' (Innocent IV, *In Quinque*, 2. 2. 17, *Dilecti fili*, col. 241).

[168] Strayer, *The Reign*, p. 268.

The French, then, could have interpreted Boniface as claiming regular governance of the temporal jurisdiction as his right. Nevertheless, positive evidence would need to be found to prove Boniface's intentions with respect to him construing his regular jurisdiction as encompassing temporalities. Other statements of his appear to show Boniface respected the distinction of jurisdictions. In the bull *Unam Sanctam* Boniface concerns himself with judgement, seemingly of sin.[169] Furthermore, in a letter to the French Estates Boniface claims explicitly that his jurisdiction in the temporal is only *ratione peccati*.[170] Acting *ratione peccati* would appear to have been Boniface VIII's main justification for intervening in the temporal. However, it has been said that acting *ratione peccati*, such as put forward by Boniface, was 'a position which…the canonists had left far behind in the latter half of the thirteenth century'.[171] To what extent was this the case? Supporting Boniface VIII was Giles of Rome, who construed papal jurisdiction in the temporal as 'primary', 'immediate,' and 'far more ample than is that regular jurisdiction which the secular lord has'.[172] 'Primacy' and 'immediacy' imply 'directness' and that Giles was a hierocrat. James of Viterbo, too, stated that the pope can act in the temporal without intermediary,[173] and thus implicitly directly. While some of Philip's officials, such as Pierre Dubois, might have portrayed Boniface in a bad way to further French ends,[174] Boniface's

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[169] 'si deviat terrena potestas, iudicabitur a potestate spirituali; sed, si deviat spiritualis minor, a suo superiori; si vero suprema, a solo Deo, non ab homine poterit iudicari' (*Unam Sanctam*, in *Corpus Iuris Canonici,* vol. 2, col. 1246).

[170] 'the king cannot deny that, like all the faithful, he is subject to us by reason of sin' (Address of Boniface to the ambassadors of the French Estates (June 1302). Dupuy, *Histoire du différend*, pp. 77-9, in *CCS* 102, p. 188).

[171] McIlwain, *The Growth of Political Thought*, p. 247.

[172] Giles of Rome, *On Ecclesiastical Power*, 3. 7. 4: Primary (p. 177); immediate (*ibid.*); 'more ample…' (*ibid.*).

[173] James of Viterbo, *On Christian Government*, 2. 11, p. 132.

[174] J. R. Strayer, 'The Laicisation of French and English Society in the Thirteenth Century', *Speculum*, vol. 15, 1940, p. 85.

supposedly highly arrogant manner,[175] combined with his apparent patronage of these

publicists,[176] could have been interpreted as tacit endorsement of their positions.

Against the publicists, a French Dominican, John of Paris, wrote *Tractatus de potestate regia et papali* (1302) in favour of the French cause. John entertained the idea that Christ *might* have held both temporal and spiritual power, but then drew a thoroughgoing Gelasian conclusion that Christ separated the powers.[177] As for judging in temporal matters, the pope can excommunicate the followers of a negligent and/or heretical prince, but he cannot depose the prince for this is the right of the people.[178] In other words, the pope cannot act directly in the temporal, but only use the spiritual power of excommunicating the followers of a wicked or negligent ruler, provoking them into overthrowing him. Nevertheless, should it be thought that alleged hierocrats thought they could deprive secular rulers of their office, this is not altogether obvious. In depriving Sancho II of Portugal of his kingdom (1245), Innocent IV stated that he could only deprive a king of the administration of his kingdom, not his status as king.[179] Sancho appears to have been an incompetent, not a bad, king.[180] Nevertheless, incompetence itself is a sin when the incompetent has so much responsibility; sin should encompass uselessness, not being an entirely separate

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[175] Flick (excerpt in Wood (ed.), *Philip the Fair and Boniface VIII*, p. 17).

[176] Dyson, (ed.), *On Christian Government*, xviii.

[177] 'popes have pronounced that spiritual and temporal powers are distinct, not dependent one on the other, as in D. 10 c. Quoniam idem (D. 10 c. 8), D. 96 c Cum ad verum (D. 96 c. 6), c. Duo sunt (D. 96 c. 10)…just as the spiritual power derives immediately from God, so does the temporal' (John of Paris, O*n Royal and Papal Power*, J. A. Watt (trans.), Toronto: The Pontifical Institute of Medieval Studies, 1971, 10, p. 121. See also 14, p. 166).

[178] *Ibid*., 13, p. 156.

[179] Edward Peters, *The Shadow King: Rex Inutilis in Medieval Law and Literature*, New Haven and London: Yale University Press, 1970, p. 156. Peters is discussing the decretal *Grandi* issued by Innocent IV July 24 1245 (see *Corpus Iuris Canonici,* vol. 2, cols. 971-4).

category as hinted by Peters.[181] Thus Innocent should be seen as inheriting and

redistributing the administration of the kingdom of Portugal, as acting *ratione peccati*,

extraordinarily by his *plenitudo potestatis*.[182] However, Innocent IV also claimed

jurisdiction over all human beings, including infidels.[183] These *de iure* rights, then,

must refer to something other than straightforward temporal power. The alternative

which presents itself is the unlimited spiritual jurisdiction to judge spiritualities and

temporalities *ratione peccati* which the pope inherits as Vicar of Christ. From this it

can be deduced that Innocent IV—at least in his *Apparatus*—did not conceive of a

'direct', unqualified papal jurisdiction pertaining to the temporal sphere. This finding

undermines the judgement that the thought of Innocent IV instituted a disjunctive

change from the view of the prominence among intellectuals of a belief in papal

indirect action *ratione peccati in temporalibus* to the 'dominant hierocratism',

characterised by 'directness' of papal action in the temporal which was to be found in

the latter half of the thirteenth century.

That John of Paris could have written what he did militates against seeing the

hierocratic theory as dominant in the latter half of the thirteenth century. Nevertheless,

already it has been seen that both Innocent IV and Boniface VIII did mainly construed

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[180] Peters, *The Shadow King*, p. 139.

[181] 'the general canonist theory that the papal authority to depose or otherwise correct temporal rulers extended not only to those guilty of *quolibet peccatum* but to those who were *minus utilis* as well' (*ibid*., p. 159). The text Peters cites to make this point—Johannes Teutonicus' ordinary gloss—appears to subsume 'uselessness' under the general umbrella of 'sinfulness': 'Sed pro quo peccato potest Imperator deponi? Pro quolibet: si est incorrigibilis unde deponitur, si est minus utilis, ut 15 q. 6 alius' (*Glo. Ord*. D. 40 c. 6 *Si papa, ad vv.a fide devius*, quoted in Peters, *ibid*., p. 159, n. 50). Peters himself (*ibid*., p. 162) says that Sancho II was 'guilty of no sin except ignorance and inadequacy'.

[182] *Ibid*., p. 157.

papal intervention in the temporal not as direct, but *ratione peccati*. Such a view can even be found in Giles' own works. Practically, Giles thought the pope had total power in the temporal because 'Giles' list of occasional or special cases really excludes nothing'.[184] Was action in such cases, though, a direct jurisdiction, or spiritual *ratione peccati*? For all Giles stated that the pope has a 'primary' jurisdiction in the temporal, Giles also thought that the pope cannot normally 'concern himself with temporal power'.[185] Only 'according to a special law', that is, 'in special circumstances', can the Church ('the pope', in this case) act in the temporal.[186] In the next chapter of his treatise Giles clearly states this law holds that the pope can only act in the temporal for spiritual reasons.[187] For Giles, then, the pope both does and does not have a right to act directly in the temporal. For a political theorist often talked of without reserve as a hierocrat, there were tensions in his thought. Either that, or the label 'hierocrat' constructs artificial barriers and divisions to the understanding of writings of the past.

ii) DERIVATION OF THE SECULAR

How can the pope's 'primary' and 'immediate' jurisdiction pertaining to the temporal be reconcilable with Giles' view that the pope should intervene in the temporal only for spiritual reasons? Giles may have only been dealing with a *de facto*, not *de iure*, exposition of papal jurisdiction in the temporal. However, the existence of vocabulary such as 'ought' implies that Giles was not necessarily thinking in terms of the

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[183] 'bene tamen credimus, quod Papa, qui est vicarius Iesu Christi, potestatem habet non tantum super christianos, sed etiam super omnes infideles' (Innocent IV, *In Quinque*, 3. 3. 8, col. 514).
[184] Dyson (ed.), *On Ecclesiastical Power*, xxiii. See *ibid*., 3. 7. 11-15, pp. 179-182.
[185] *Ibid*., 3. 2. 17, p. 152.
[186] *Ibid*., 3. 2. 17-19, p. 152.
[187] *Ibid*., 3. 3. 1, p. 153.

aforementioned dichotomy. Rather, Giles' notion of an 'immediate' or 'primary'

jurisdiction in the temporal may refer to the derivation of the secular power from the

papal, and the resultant obligation of the secular rulers to defer to papal mandates and

act in such a way beneficial to the Church. Indeed, Giles states that 'the material

sword receives its power from the Supreme Pontiff, since every power which is in the

Church Militant is derived from the Supreme Pontiff'.[188] This is the second way in

which the French may have felt Boniface VIII was subordinating secular rule to the

papacy. While Innocent IV thought that the pope could not deprive rulers of their

office, he was focusing on the negative, not positive, relation between popes and

secular rulers. On the positive side of the issue, did hierocrats think the papacy created

all legitimate temporal power?

This question will be answered initially by remaining with the complaints of the

French against Boniface VIII. Boniface did not crown any kings, so he could not have

directly instituted their power this way. Nevertheless, Boniface thought that the

Church, and ultimately, it could be argued, the pope held both swords and so could

have had the power to withdraw the sword, taking away a secular ruler's power.[189]

From *Unam Sanctam*, it is possible that the basis for this view was the pope's office

as Vicar of Christ.[190] However, Boniface also expresses the opposite opinion. In an

address to the ambassadors of the French Estates (June 1302), Boniface, perhaps

being diplomatic, said 'we know very well that there are two powers ordained by

God',[191] a phrase of great ambiguity. Furthermore, elsewhere where Boniface had the

opportunity to elaborate on the nature of, and basis for, the papal origin of legitimate

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[188] *Ibid*., 3. 3. 3, pp. 153-4.
[189] *Ausculta Fili*, in *Les Registres de Boniface VIII*, vol. III, col. 330.
[190] *Corpus Iuris Canonici,* vol. 2, col. 1245.

secular power, he did not take it. In crowning Albert of Habsburg as Emperor of the

Romans (30 April 1303), Boniface claimed that the papacy translated the *imperium*

'de Grecis per Sedem Apostolicam in persona magnifici Caroli in Germanos',[192]

creating him Emperor on Christmas Day 800. This was done to protect the Church;

Leo III, the pope, did not think that the Greek emperor was doing a sufficiently decent

job in this respect, so he translated the empire to the Carolingnians. Now, on what

grounds did the popes claim that they could effect this change? Was it because it was

thought that all power resided in the papal office on the basis of the pope being the

Vicar of Christ? What else could have been the ground for this power over the

imperial office? There was the eighth-century forgery *The Donation of*

Constantine.[193] In this forgery, Emperor Constantine gave land to Pope Silvester I

after the latter cured the former of leprosy during his baptism some time between 312

and 338. True, Boniface VIII did not mention this document in the crowning of

Albert. Boniface appears to have thought that the land given by Constantine was only

Rome itself, the Donation justifying the feudal temporal control exercised by the

papacy there and possibly in the surrounding Papal States.[194] Nevertheless,

antipapalists at the end of the thirteenth century thought the Donation was a

significant document worth arguing against, both on Boniface's understanding of it

concerning the Papal States and on a more far-reaching interpretation.[195] What was

this latter interpretation?—that the donation was of all the empire. Innocent III

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[191] Dupuy, *Histoire du différend,* pp. 77-9, in *CCS* 102, p. 187.
[192] *Les Registres de Boniface VIII*, vol. III, 864-5. 5349 (XXI).
[193] James of Viterbo (*On Christian Government,* 3. 3, p. 61) puts forward this exact view, and rejects it.
[194] The decretal *Fundamenta. Liber Sextus Decretalium Bonifacii VIII*, Venice 1634, 1. 6. 17, cols. 131-2.
[195] *Quaestio Disputata in Utramque Partem*, XIII-XIV, R. W. Dyson (trans. and ed.), *Three Royalist Tracts 1296-1302*, Bristol: Thoemmes Press, 1999, pp. 102-107. The

alluded to this interpretation,[196] while Pope Gregory IX used it in a letter (October 1236) to Emperor Frederick II.[197]

'Certes, la pape a été gratifié par Constantin de la domination temporelle sur la moitié occidentale de l'Empire',[198] but was this Donation limited to the empire, rather than being an equivalent to the right to all secular power? Should the donation have been the empire alone, and not all legitimate secular power, then this means the papacy had a special relationship with the empire, explaining how Innocent IV was able to depose Emperor Frederick II at the First Council of Lyons in 1245 for a variety of charges (from heresy to negligence),[199] while only being able to remove the administrative power, not title, of wicked, negligent, or unjust kings. However, it was shown in Chapter One that *imperium* could denote all secular power, especially when identified with the material sword.[200] It is interesting, then, that an identification of the Donation with the material sword can be found in the works of the canonist Huguccio late in the twelfth century:

''d'autres tirent que le pape a l'un et l'autre glaives, à savoir le spirituel et le

matériel, et que l'empereur tient du pape la puissance du glaive…De même,

Constantin aurait abandonné le glaive royal au bienheureux Pierre, montrant qu'il

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tract in question is probably from the 'late spring or early summer of 1302' (Dyson (ed.), *Three Royalist Tracts*, xxxiii).

[196] In a sermon on St. Silvester's feast day (*PL* 217, 481), it would appear that Innocent thought Constantine gave Pope Silvester all of the West to govern.

[197] Gregory IX wrote to Frederick II that 'the Emperor Constantine humbled himself by his own vow and handed over the Empire to the perpetual care of the Roman Pontiff…the Apostolic See transferred the judgement-seat of the Empire to the Germans' (Letter of Gregory IX to Frederick II (October 1236), in *Church and State Through the Ages*, S. Z. Ehler and J. P. Morrall (trans.), London 1954, p. 77, in *CCS* 80, p. 143).

[198] Marcel David, *La Souveraineté et les Limites Juridiques du Pouvoir Monarchique du Ixe au Xve Siècle*, vol. 2, Paris: Librarie Dalloz, 1954, p. 192.

[199] *Decrees of the Ecumenical Councils*, pp. 278-83.

n'exerçait pas légitimement le pouvoir du glaive et qu'il ne le possédait pas

légitimement, puisqu'il ne l'avait pas reçu de l'Eglise…''[201]

Huguccio did not agree with this view of things,[202] but it shows the extent to which

the model of the donation could be used as a justification for papal claims over all

secular rulers, at least Christian ones.

Innocent IV, however, put forward a very different view of the Donation. According

to *Eger Cui Levia* (the encyclical sent in 1246 to reinforce the deposition of Frederick

II), the donation did not confer upon the pope any right he did not have previously.

Rather than giving any gift to Pope Silvester, Constantine was submitting to him,

receiving back the material sword from the pope for a legitimate secular rule rather

than 'the inordinate tyranny that he had formerly exercised' before he was baptised.[203]

On this view, the pope had all power 'inherent in the apostolic see naturally and

potentially beforehand',[204] because there is a history of salvation—symbolised by the

image of Melchisedech—of which the papacy is a part, going back to Christ and even

further, into the Old Testament. Priestly and kingly power are inherent in this lineage

of the agents of salvation, reaching its apex in Christ but carrying on through the pope

as his Vicar.[205] Elsewhere in his *Apparatus* on Gregory IX's decretal collection the

Liber Extra (1234), Innocent IV put forward a different view, holding that the

donation may only apply to the West: 'ecclesia non habet Imperium nisi in

occidentam'.[206] Perhaps Innocent IV was not referring to the rights the papacy had

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[200] Chapter One, section three, p. 23.
[201] *Summa*, D. XXII, C.I. *La Théocratie* XV D, p. 254.
[202] 'Pour moi, je pense autrement' (*ibid.*).
[203] *Eger Cui Levia*, in *CCS* 83, p. 148.
[204] *Ibid.*
[205] *Ibid.*
[206] Innocent IV, *In Quinque*, 3. 3. 8, col. 514.

over the empire, but to the *de facto* reality. However, at this time the papacy was in
control of the Eastern Empire, or significant parts of it, having established the Latin
Eastern Empire in 1204 when the Fourth Crusade ended in the capture of
Constantinople from the Greeks. Thus Innocent was outlining the papacy's *de iure*
rights conferred by *The Donation of Constantine*. Among supposed hierocrats, then, a
variety of opinion is found concerning *The Donation of Constantine* and the more
general issue of the derivation of the secular from the Church, and, more particularly,
the pope.

iii)   THE CARDINALS

Even if the pope did have *de iure* rights to all secular power, what is meant by the
'pope'? Does the term 'pope' refer to just one person, or many people? This is the
third issue related to the dispute between Philip the Fair and Boniface VIII. The latter
restricted the meaning of the term to the person of the pope alone. *Openly* questioning
the cardinals' status in this way was a bold move from Boniface, for from the
Gregorian Reform in the latter half of the eleventh century the term cardinal was
'understood as expressing the participation of its bearers in the primacy of Peter'.[207]

Boniface's opinion may have been built on purely intellectual considerations.
Certainly hierocratic logic would point in such a direction: papal power was given to
the Vicar of Christ, the successor of Peter. Peter alone was the rock upon which the
Church was built (or, at least, was its second founder after Christ), and so only one
person could be his successor and inheritor of the juridical personality of Christ. This

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[207] Stephan Kuttner, 'Cardinalis: The History of a Canonical Concept', *Traditio* 3,
1945, p. 176.

argument was, in fact, Boniface's stated justification for his position.[208] Nevertheless,

there is another reason why Boniface could have chosen to limit the papal *plenitudo*

potestatis to the person of the pope alone. This has been alluded to already, and it

concerns the opposition of the Colonna family in Italy to Boniface. Two prominent

members of this family were cardinals. Furthermore, Zacour mentions that other

cardinals were going behind Boniface's back, talking with Philip the Fair.[209] Boniface

would not have wanted to share the fullness of ecclesiastical power with his sworn

enemies, for it would have considerably weakened his position.

From the point of view of a cardinal, however, a very different understanding of papal

power can be found. Some years before the dispute between Boniface VIII, the

Colonna, and the French, Cardinal Hostiensis, 'the foremost thirteenth century

canonist'[210] and alleged hierocrat, advocated a collegiate construal of papal headship.

Hostiensis stated 'there is only one head, namely the pope…[the] one lord of

spiritualities and temporalities'.[211] The keys (Matt 16:19) and the two swords

symbolism (Luke 22:38) were employed by Hostiensis to enforce this point.[212] From

these premises Innocent III drew the conclusion that others were called to a part, but

the pope alone to the fullness, of power.[213] In a sense this is what Hostiensis held, but

in a radically different way. Hostiensis, Watt stated, thought it was fitting, but not

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[208] See Norman Zacour, 'The Cardinals' View of the Papacy, 1150-1300', in Ryan (ed.), *The Religious Roles of the Papacy*, pp. 435-6.
[209] *Ibid*., p. 436.
[210] John A. Watt, 'The Use of the Term 'Plenitudo Potestatis' by Hostiensis', *Proceedings of the Second International Congress of Medieval Canon Law*, 1965, p. 162. Watt also describes Hostiensis as 'a truly representative product of the canonist tradition' (*ibid*.).
[211] Hostiensis, *Decretales*, 4. 17. 13, *Summa*, fol. 215-16, in *CCS* 87, p. 157.
[212] *Ibid*.

necessary, for the pope to consult with the cardinals on an important issue.[214]

However, Tierney argues that Hostiensis went much further, seeing the pope and

bishops together comprising a collegial headship of the Universal Church.[215]

Tierney's view is corroborated by the texts, where collegial headship is expressed in

terms of the cardinals being members *of the body of the pope*,[216] sharing his plenitude

of power and a say in the significant issues which affected Christendom.[217]

Did Hostiensis' collegiate approach to headship destroy the inner logic of the

hierocratic theory? Firstly, as has been mentioned, Hostiensis agreed with other

hierocrats that Christ gave the keys to only one person—Peter—and that the keys are

inherited by Peter's successors: the successive popes. 'Pope' for Hostiensis, though,

referred not only to the person called the pope, but also to the cardinals who were part

of the body of the pope. The language of the body, if taken in a literal or quasi-literal

fashion, could not be used in one sense (that the pope is the head of the body of the

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[213] 'sic et in ecclesiastico corpore caeteri episcopi vocati sunt in partem sollicitudinis, sed supremus pontifex assumptus est in plenitudinem potestatis' (Sermo In Festo D. Gregorii Papae. *PL* 217, 517).

[214] John A. Watt, 'Hostiensis on Per Venerabilem: the role of the College of Cardinals', in Brian Tierney and Peter Linehan (eds.), *Authority and Power: Studies on Medieval Law and Government Presented to Walter Ullmann on His Seventieth Birthday*, Cambridge: CUP, 1980, p. 110.

[215] Brian Tierney, 'Hostiensis and Collegiality', *Proceedings of the Fourth International Congress of Medieval Canon Law*, 1976, p. 403.

[216] 'Cardinales…sunt membra capitis: caeteria prelati sunt membra corporis' (Hostiensis, *Comm. ad Decret.* 5. 6. 17). The cardinals were part of the pope's bowels: 'cardinales tanquam sibi [pape] inviscerati' (*ibid*. 5. 33. 23). Both quotations are found in Zacour, 'The Cardinals' View of the Papacy', p. 418.

[217] '…multo magis et multo excellentius maior est unio inter papam et collegium romanae ecclesiae quam etiam inter aliquem patriarcham et capitulum suum…et tamen patriacha non debet ardua expedire sine consilio fratrum…Multa fortius ergo decet papam consilia fratrum suorum requirere…Unde et dicti sunt cardinales a cardine quasi cum papa mundum regentes…unde et dictum est non iudicabis in singulari sed iudicabitis in plurali, ut non solum papa sed et cardinales includerentur etiam in expressione plenitudinis potestatis' (Hostiensis, *Lectura ad* IV. xvii. 3 fol. 38va; cited in Tierney, *Foundations*, 137).

Church) and another (the cardinals are the body of the pope). Concerning the latter, 'it is senseless to suppose that a man could literally be part of another man's body'.[218] Moreover, the Melchisedech imagery was employed in the hierocratic theory deliberately to restrict diffusion of power to more than one person. The plenitude of power should reside in the pope, the cardinals being the agents, although sometimes consulted by the pope, who implemented papal orders.[219] That this is not merely an alternative construal of the hierocratic theory but a fundamentally different understanding of papal monarchy becomes clear when it is noted that by allowing headship to be divided beyond the pope it would become arbitrary to stop the sharing of the headship, and therefore *plenitudo potestatis*, at the cardinals. Hostiensis reasoned that the plenitude of power should not reside in the pope alone for, if he died, the plenitude of power necessary for the Church to continue would be gone.[220] However, what if the cardinals who shared in this power died as well? Surely, then, the power should extend beyond the cardinals to the rest of the Church. By not restricting ecclesial headship to one person, Hostiensis was essentially opening the door to a completely different conception of papal monarchy.[221]

4. **CONCLUSION**

Although it is hard to gauge the personal opinion of Philip the Fair, for he seldom spoke publicly for himself,[222] criticism from thinkers such as John of Paris—not alone

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[218] Michael Dummett, 'Biblical Exegesis and the Resurrection', *New Blackfriars*, vol. 58 (681), 1977, p. 62.

[219] See Boniface VIII's decretal *Fundamenta*: the pope acts through his brothers, the cardinals, who assist him, who do not have the same power in the temporal sphere as the pope has (*Liber Sextus*, cols. 132-3).

[220] Zacour, 'The Cardinals' View of the Papacy', p. 431.

[221] 'Hostiensis' view opened the way to all kinds of difficulties and complexities' (Tierney, *Foundations*, p. 99).

[222] Strayer, *The Reign*, p. 259.

in his critique of extreme claims of papal power—casts doubt on the 'dominance' of the hierocratic theory of papal monarchy from the latter half of the thirteenth century until the end of Boniface VIII's pontificate, especially as less cogent criticism also came from civil lawyers and other tracts from late in the thirteenth century.[223] More importantly, on aspects of the hierocratic theory no uniformity of opinion can be found among the extant writings of alleged hierocratic theorists. The worries of the French concerning papal claims amounted to fear of the consequences of a policy based on hierocratic premises. However, not thoroughgoing hierocraticism, but only half-formed papalist elements, are found in the writings of Boniface VIII. Apparent patronage of the publicists by Boniface might indicate his tacit approval of the hierocratic theory, highlighting the methodological problem of assigning adherence to theories solely on the basis of written sources. Nevertheless, even among the publicists it is difficult to pick out one coherent theory, especially one which consistently matches the hierocratic theory as created by modern historians. Inconsistency is far more noticeable when Boniface VIII is compared to earlier hierocrats such as Innocent IV and Hostiensis. The overall impression gained is that the papacy was described in increasingly exalted terms as the thirteenth century progressed, although this development was neither disjunctive nor uniform, and was often in response to conflict, such as against Frederick II and Philip the Fair.

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[223] Civil lawyers: Carlyle V, pp. 355-73. Antipapalist tracts: *Three Royalist Tracts*,

CHAPTER THREE: THE SECOND EDITION OF *SSR* AND THE NOTION OF PAPAL MONARCHY

a) THE DISCIPLINARY MATRIX

Maybe the attempt to ascertain a unified theory of papal monarchy in the thirteenth century has suffered from equating unity with uniformity. Kuhn rejects this equation in the second edition of *SSR*. Realising *SSR* needed clarification (Masterman was able to count at least twenty-one different uses of 'paradigm' in *SSR*[224]), Kuhn kept an almost entirely unchanged original text, adding a thirty-seven page Postscript.[225] In this Postscript Kuhn introduced the notion of the Disciplinary Matrix: 'the entire constellation of beliefs, values, techniques and so on shared by the members of a given community'.[226] Within a community, values and beliefs will vary with the individual differences of its members. Chemists in the nineteenth century, for instance, commonly used the 'fundamental tools—constant proportion, multiple proportion, and combining weights…as a result of Dalton's atomic theory',[227] although 'it was quite possible for chemists…to base their work on these tools and to disagree, sometimes vehemently, about the existence of atoms'.[228] While the metaphysical element of paradigms is 'shared commitments to such beliefs',[229] there is flexibility: 'the strength of group commitment varies' concerning these beliefs,

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pp. 2-45 (see also Carlyle V, pp. 420-1).
[224] Margaret Masterman, 'The Nature of a Paradigm', in I. Lakatos and A. Musgrave (eds.), *Criticism and the Growth of Knowledge*, Proceedings of the International Colloquium in the Philosophy of Science, vol. 4, Cambridge: CUP, 1970, p. 61.
[225] *SSR*, pp. 174-210.
[226] *Ibid.*, p. 175.
[227] *Ibid.,* p. 180.
[228] *Ibid*.
[229] *Ibid*., p. 184.

'along the spectrum from heuristic to ontological models'.[230] Some chemists, for

instance, would have believed atoms to have had an ontological reality, while other

chemists would have regarded atoms only as useful postulates.

If variation is permitted within the community, how is a 'given community' defined in

the first place? Furthermore, how does the 'Disciplinary Matrix' relate to the

paradigm concept? The two questions are related. Kuhn was not interested so much in

theories, but in what held scientific communities together. Therefore, in his first

edition Kuhn used the term 'paradigm' to pinpoint what is shared by a scientific

community. However, when it came to defining 'paradigm' and 'community', Kuhn

in the Postscript feared circularity: 'A paradigm is what the members of a scientific

community share, *and*, conversely, a scientific community consists of men who share

a paradigm'.[231] Instead, Kuhn thought 'Scientific communities can and should be

isolated without prior recourse to paradigms',[232] by such methods as 'attendance at

special conferences…the distribution of draft manuscripts or galley proofs prior to

publication, and above all to formal and informal communication networks'.[233] As for

what holds such groups together, the term 'theory' is not rejected by Kuhn, but it is

too narrow to account for all the aspects covered by the Disciplinary Matrix.[234] The

flexibility permitted by the Disciplinary Matrix, Kuhn thought, is better than positing

a major regnant theory behind or above this Matrix, for such a theoretical monolith

would govern the community with more rigid rules than all the members of the

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[230] *Ibid.*
[231] *Ibid.*, p. 176.
[232] *Ibid.*
[233] *Ibid.*, pp. 177-8.
[234] *Ibid.*, p. 182.

community could be expected to know and adhere to. In the Postscript, then, the Disciplinary Matrix appears to supplant 'paradigm'.

While the introduction of the Disciplinary Matrix is useful for acknowledging and permitting unity without uniformity, it is 'far from clear what [Kuhn's] view in the 'Postscript' is'.[235] Indeed, some logic is needed to hold Kuhn's view together. Kuhn moved towards jettisoning a body of theory placed above (or behind) the Disciplinary Matrix.[236] However, on this view the Disciplinary Matrix would not make sense. Elements of the Disciplinary Matrix such as symbolic generalisations have to be generalisations of *something*, of a body of theory *prior* to its sociological working-out. For example, concerning an element of the Disciplinary Matrix—'values'—Kuhn mentions how,

'The man who builds an instrument to determine optical wave lengths must not be satisfied with a piece of equipment that merely attributes particular spectral lines…he must show, *by analysing his apparatus in terms of the established body of optical theory*, that the numbers his instrument produces are the ones that enter theory as wave lengths. If some residual vagueness in the theory or some unanalysed component of his apparatus prevents his completing that demonstration, his colleagues may well conclude that he has measured nothing at all'.[237]

Regular values concerning the correct way to create and use optical apparatus derive from optical theory. Again, in discussing suggestions by eighteenth-century scientists who had failed to apply Newton's laws to derive the observed motion of the moon to

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[235] Shapere, 'The Paradigm Concept', pp. 708-9.
[236] Kuhn (*SSR*, p. 182) expresses a desire to use the term 'theory' for 'paradigms', but thinks the term, in modern times, 'connotes a structure far more limited in nature and scope than the one required here'.
[237] *Ibid.,* p. 39. Emphasis added.

replace the inverse square law with a similar law, Kuhn says that to have done so

'would have been to change the paradigm, to define a new puzzle, and not to solve the

old one'.[238] From this it would appear that 'it is the theory that is doing the job of

posing problems, providing criteria for selection of data, being articulated, and so

forth'.[239] Enforcing this reading of *SSR*, Kuhn wrote:

> 'A new *theory* is always announced together with applications to some concrete
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> range of natural phenomena; without them it would not be even a candidate for
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> acceptance. After it has been accepted, those same applications or others accompany
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> the theory into the textbooks from which the future practitioner will learn his
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> trade'.[240]

On the back of this quotation, the primacy of theory seems assured. Again, 'Scientific

knowledge is embedded in theory and rules; problems are supplied to gain facility in

their application'.[241] In short, the systematic theory is yet more fundamental than the

Disciplinary Matrix governs, and is shared by, the community which is more

deserving of the title 'Global'.[242]

So far, Kuhn's notion of the paradigm concept is comprised of the Global Paradigm

(the underlying body of theory) and the Disciplinary Matrix (the sociological

expression, and variation, of the same paradigm). Are John of Paris' and Giles of

Rome's different understandings of papal monarchy merely variations on one and the

same Global Paradigm of papal monarchy, discrepancies between their views

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[238] *Ibid.*

[239] D. Shapere, 'The Structure of Scientific Revolutions', in *Paradigms and Revolutions: Appraisals and Applications of Thomas Kuhn's Philosophy of Science*, Gary Gutting (ed.), London: University of Notre Dame Press, 1980, p. 31 (originally published in *Philosophical Review*, vol. 73, 1964, pp. 383-394).

[240] *SSR*, p. 46. Emphasis added.

[241] *Ibid.*, p. 187.

attributable to broadly sociological factors and individual differences? Take, for example, the two swords imagery. 'The Church has two swords' could conjure up in the mind the idea that the Church has two sharp, bladed objects. Words have literal meanings which vary according to context. Only those with prior linguistic expertise—the ability to recognise context given at least implicit prompting in the surrounding language—will understand what is being said without a significant amount of explanation.[243] The first, artefact-based ,understanding of sword pertains to the widest linguistic community. The second, power-referring, meaning of sword implies a more specialised community with its own linguistic norms. In sharing this latter understanding, John of Paris and Giles of Rome, for all their differences, would appear to have been communicating within the same system, jointly holding an understanding which would have been unintelligible to those without education in this area; they were members of the same community of interpretation.[244] This mutual understanding between John and Giles appears to corroborate McCready's belief that 'Our categorisation of thinkers as either papalist or antipapalist should not be allowed to obscure the fact that to a large extent they shared the same world-view'.[245] Like papalists, antipapalists were 'Possessed of a spiritualised conception of society (society as an *ecclesia*)', as is shown by their adoption of two-swords terminology, John of Paris' talk of a Christian commonwealth being further evidence.[246] In view of

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[242] *Ibid*., p. 182.

[243] Stanley Fish, *Is There a Text in This Class: The Authority of Interpretative Communities*, Cambridge Mass. and London: Harvard University Press, 1980, pp. 305-6.

[244] *Ibid*., p. 304. John of Paris on the two swords: *On Royal and Papal Power*, 10, p. 121. For Giles of Rome on the two swords, see Chapter One, p. 24.

[245] William D. McCready, 'Papalists and Antipapalists: Aspects of the Church/State Controversy in the Later Middle Ages', *Viator*, vol. 6, 1975, p. 273.

[246] John of Paris, *On Royal and Papal Power*, 22, p. 234.

this acceptance, many of the antipapalists were 'ultimately forced to accept the fact that in its main substance much of papal hierocratic theory is undeniable'.[247]

Does a shared system of vocabulary, for all their differences, show that the respective views of John and Giles on papal monarchy were expressions of the same Global Paradigm of papal monarchy? Conceptual distinctions need to be made before any draw conclusions can be drawn. It is necessary to distinguish between a system which is a worldview and 'a system of intelligibility'.[248] The latter is the aforementioned community of interpretation, being a member of which facilitates understanding of the literal meaning of certain terms used in the group-licensed way according to communal norms.[249] The swords imagery is part of the system of intelligibility concerning papal monarchy.[250] As for the worldview, it is a 'group-licensed way of seeing',[251] comprised of shared aims, goals, values, and beliefs about its subject matter. 'Worldview' is a catch-all term which is the sociological middle-point between the Global Paradigm and the individual, essentially the Global Paradigm internalised by somebody through the medium of the Disciplinary Matrix as internalised by a single person. A worldview includes values, standards, goals, and beliefs, all of which admit of variation, although not to the extent that it contradicts the fundamentals of the Global Paradigm. Internalisation of the Global Paradigm as a worldview allows the community member to recognise and solve problems pertaining to the Global Paradigm displayed in forms which pertain to the underlying theory as well as extending this theory to tackle problems the member has not yet

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[247] McCready, 'Papalists and Antipapalists', p. 242.
[248] Fish, *Is There a Text*, p. 304.
[249] *Ibid*., p. 306.
[250] Chapter One, section three, pp. 21-5.
[251] *SSR*, p. 189.

encountered.[252] A worldview-system necessarily incorporates a system of intelligibility, but not vice-versa. A system of intelligibility can be the language through which adherents to different worldviews communicate.

Why, though, are 'worldviews' important? As has been mentioned already, Kuhn's aim was to explain the coherence of scientific communities. While the Disciplinary Matrix describes the elements shared by the community, deeper explanations of how the members of the community come to hold these elements in common in the first place are needed. How do the members of the community come to work together for a common purpose, not differing between each other with respect to the fundamentals of the Global Paradigm?[253] In short, the answer is because the members of the community share the same worldview.

A worldview is acquired by working through exemplars. Exemplars are 'concrete problem [usually 'puzzle', for Kuhn] solutions',[254] the presence of which does the most to determine the 'community fine-structure of science'.[255] The inclined plane, the conical pendulum, and Keplerian orbits[256] are all exemplars. Exemplars are textbook examples, pen-and-paper exercises, and practical experiments which not only provide substance to otherwise abstract symbols (a sociologist would not be able to understand to what a physics equation referred without having undergone physics

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[252] *Ibid.*

[253] Wes Sharrock and Rupert Read, *Kuhn: Philosopher of Scientific Revolution*, Cambridge: Polity Press, 2002, p. 33.

[254] T. S. Kuhn, 'Second Thoughts on Paradigms', in T. S. Kuhn, *The Essential Tension: Selected Studies in Scientific Tradition and Change*, Chicago: University of Chicago Press, 1977, p. 298. Originally in , F. Suppe (ed.), *The Structure of Scientific Theories*, Urbana 1974, pp. 459-482.

[255] *SSR*, p. 187.

[256] *Ibid.*

training[257]), but enable the initiate—the potential member of the community—to acquire the worldview pertaining to the Global Paradigm which informs the exemplar exercises. It is necessary for the initiate to acquire this worldview to become a member of the community. In this way, then, a scientific community

 'consists…of the practitioners of a scientific speciality. Bound together by common elements in their education and apprenticeship, they see themselves and are seen by others as the men responsible for the pursuit of a set of shared goals, including the training of their successors. Such communities are characterised by the relative unanimity of the group's judgement in professional matters. To a remarkable extent the members of a given community will have absorbed the same literature and drawn similar lessons from it [as shared source materials]'.[258]

Through identifying attendance at the same conferences, writing for the same journals, and peer review of each other's works, it is possible to identify a community from the outside. Nevertheless, Kuhn's main focus was to account for this professional unanimity *within* such communities. Identical educational initiation through engaging with exemplars, entailing the acquisition of the worldview pertaining to the Global Paradigm, is Kuhn's answer.

Kuhn thought the exemplar is the 'deeper' of the two senses of paradigm he uses (Disciplinary Matrix and the exemplar),[259] and vague allusions to the 'priority' of paradigms to 'various concepts, laws, theories, and points of view'[260] cast doubt on the extent to which Kuhn thought theory and rules matter. However, by itself the exemplar cannot provide the initiate with the *Weltanschauung* of the Global

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[257] *Ibid.*, p. 188.
[258] Kuhn, 'Second Thoughts on Paradigms', p. 294.
[259] *SSR*, p. 175.

Paradigm.[261] Without prior knowledge of the laws of physics, a pendulum is merely a weight swinging on a piece of string in the air, and a pen and paper exercise is a meaningless puzzle. Nevertheless the combination of learned theory and practical exemplars do not just give meaning to symbolic phrases such as f=ma, but to *how the world is*. The initiate needs the whole package: the theory—and its attendant symbols, phrases, and rules—*and* its concrete examples. By acknowledging the threefold interaction between the Global Paradigm, Disciplinary Matrix, and the exemplar, the first and second editions of *SSR* can be held together. While the first edition encouraged advocates of the book to emphasise the regnant theoretical and methodological dimensions of the paradigm concept to the exclusion of Kuhn's intended sociological focus, the Postscript brings the sociological dimension to the fore almost to the exclusion of the theoretical. Carlo Ginzburg has even seen the Postscript as proposing a completely different conception of paradigm.[262] In fact, the Postscript is simply an over-zealous counterbalancing exercise, one which can succeed in holding together the theoretical and sociological through the modifications which have been made in this subsection.

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[260] *Ibid*., p. 11.

[261] See Shapere, 'The Paradigm Concept', p. 707.

[262] Carlo Ginzburg, *Clues, Myths, and the Historical Method*, John and Anne C. Tedeschi (trans.), Baltimore and London: The John Hopkins University Press, 1989, p. 96, n. 1.

b) APPLICATION OF KUHNIAN TERMINOLOGY TO PAPAL

   MONARCHY

i)   PAPALISTS AND ANTIPAPALISTS

Deeper investigation of the paradigm concept has shown the fundamental significance

of the notion of worldviews, as well as the importance of a balance of the communal

and theoretical in the paradigm concept, insights which should facilitate an

understanding of the similarities and differences between papalists and antipapalists.

Returning to John of Paris and Giles of Rome, it has been shown that they appeared to

share a system of intelligibility. Did they, however, as McCready implied,[263] also

share the worldview of papal monarchy? Certainly their respective understandings of

papal monarchy differed, but difference *per se* is not a sufficient reason for rejecting

grouping them as adherents to one and the same Global Paradigm. Nevertheless, by

isolating one constituent element of the concept of a worldview—'goals'—it can be

argued that John and Giles were not members of the same community, at least not

pertaining to the worldview of the dominant notion of papal monarchy. 'Different

perceptions of fundamentals may exist', states Church historian Robert Swanson, 'but

still permit adherence, no matter how unconvincingly, to the overall system, possibly

because the differences between discourses do not affect the system's ultimate

goals'.[264] Similarly, it has been shown that Kuhn expressed the view that

disagreement was permissible so long as it did not touch upon the theoretical

fundamentals of the Global Paradigm shared by the community.[265] For Kuhn,

fundamental elements of the Global Paradigm conferred by exemplar-based training

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[263] McCready, 'Papalists and Antipapalists', p. 273.

[264] R. N. Swanson, 'Unity and Diversity, Rhetoric and Reality: Modelling 'the
Church'', *The Journal of Religious History*, vol. 20, 1996, p. 164.

include 'the pursuit of a set of shared goals'[266]—identical, or very similar, goals must be part of the community member's worldview, of what is conferred by having undergone training via the same exemplars.

Given that both Giles and John subscribed to a spiritualised conception of society, they would have had a nearly identical goal for this commonwealth: all its members should achieve salvation. The fundamental difference between these thinkers concerns *who* they thought should be steering this commonwealth towards its goal, something which itself generates goals, such as the king's wish for total sovereignty in his territory, or, on the other hand, the pope's desire for the universal obedience of the faithful to him as the head of Christian society. Giles of Rome stated that this society should have one head of spiritualities and temporalities: the pope.[267] On the other hand, John of Paris thought there should be a dual headship of this society with spiritualities pertaining in the main to the pope and temporalities to the king, the jurisdictions being kept mutually exclusive.[268] It is difficult to see how these differing construals of Christian political theory could be merely varying expressions of one and the same major regnant theory, for there was open disagreement on important points. Therefore, papalists and antipapalists did not share the hierocratic theory, as McCready thought,[269] but a system of intelligibility and an underlying political conviction that there was a spiritualised and, more particularly, Christian society, a commonwealth, which needed correct governance in accordance with the will of God.

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[265] Sharrock and Read, *Kuhn,* p. 33.
[266] *SSR*, p. 177.
[267] 'the Supreme Pontiff possesses both swords, and…the earthly and heavenly kingdoms and the laws of the empire have been entrusted to him together by none other than Christ' (Giles of Rome, *On Ecclesiastical Power,* 3. 3. 1, p. 153).
[268] John of Paris, *On Royal and Papal Power*, 10, p. 21.
[269] McCready, 'Papalists and Antipapalists', p. 273.

If John and Giles did not have the same worldview, how can their shared system of

intelligibility be accounted for? Arguably, the two swords imagery was an expression

both of the political reality of priestly and kingly powers and of the fundamental

medieval political principle, at least from the ninth century onwards, of duality within

unity. Medieval politics in general based itself around plurality within unity. Why,

then, should this duality within unity be interpreted as being an element of the

particular area of medieval politics of the theory of papal monarchy? This principle of

duality within unity was obtained not by working through the exemplars of a theory of

papal monarchy, but from such texts as those canons attributed to Gelasius which

were part of the *Decretum*.[270] Through the *Decretum's* influence, the Gelasian texts

would have been well established by the thirteenth century. As lectures on the

Decretum were necessary to become a canonist,[271] anyone with canonical training

would have had the basic Gelasian principle instilled within them, whether they were

'papalist' or otherwise. These Gelasian canons were so well-known that even non-

canonists such as James of Viterbo and John of Paris could freely cite them.[272] This

Gelasianism was interpreted in contradictory ways. James of Viterbo thought that

although kingly power might have been given to man from God as part of the natural

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[270] Watt (*The Theory*, pp. 11-12) picks out the following as being the most influential: D. 96. c. 10 (*Duo sunt*); C. 15 q. 6 c. 3 (*Alius item*); D. 96 c. 6 (*Cum ad verum*); D. 10 c. 8 (*Quoniam*).

[271] James A. Brundage, 'The Rise of the Professional Canonists and Development of the Ius Commune', *Zeitschrift der Savigny-Stiftung Für Rechtgeschichte, Kanonistische Abteilung*, 81, Vienna 1995, p. 60 (reprinted, with original pagination, in James A. Brundage, *The Profession and Practice of Medieval Canon Law*, Aldershot: Ashgate Variorum, 2004).

[272] James of Viterbo: *On Christian Government*, 2. 3, pp. 61, 70 (D. 96. c. 10: *Duo sunt*). John of Paris, *On Royal and Papal Power*, 10, p. 121. Carlyle V, p. 425 n. 2): D. 10 c. 8 (*Quoniam*); D. 96 c. 6 (*Cum ad verum*); D. 96. c. 10 (*Duo sunt*).

order of the world, a different, more exalted, kind, comes *supernaturally* from God.[273]

This second kind is—as with Melchisedech—found with priestly power in the

pope.[274] John of Paris, on the other hand, thought the priestly and the kingly were

separate jurisdictions.[275] Again, it is found that there was a shared system of

intelligibility interpreted in contradictory ways: both writers knew approximately

what was meant by 'priestly' and 'kingly', but, due to significantly differing goals and

purposes, construed them in mutually contradictory ways.

ii)   **UNDERSTANDING PAPALISTS AS A COMMUNITY SHARING A**

         WORLDVIEW OF AN INCLUSIVE NOTION OF PAPAL

         MONARCHY

What, though, of those who could be seen by this inclusive view (that of unity, not

uniformity) to have been adherents to the hierocratic theory? Were Innocents III and

IV, Hostiensis, Boniface VIII, the publicists, and others—despite their differences—

adherents to broadly the same notion of papal monarchy and thus paradigm? Kuhn's

notion of paradigm permits flexibility on specifics, providing sufficient leeway to

include a variety of expressions of one and the same Global Paradigm.[276] Rather than

positing disjunctive change from the 'dualist' position (the Church does not have both

swords) of the twelfth and early thirteenth centuries to the 'dominant hierocratism' of

the thirteenth, the plurality of views could all have been expressions of the same

theory. This way other thinkers, such as Huguccio and the two Spaniards Laurentius

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[273] James of Viterbo, *On Christian Government,* 2. 3, p. 64.
[274] *Ibid*., pp. 65, 70-1.
[275] John of Paris, *On Royal and Papal Power*, 10, p. 21.
[276] 'Lack of a standard interpretation or of an agreed reduction to rules' does not mean that something is not a paradigm (*SSR*, p. 44).

and Vincentius, often seen as 'dualists'[277] could be included. From the variety of opinion, an inclusive 'papalist' (in a very broad sense of people who did not write against exalted claims of papal monarchy) notion of papal monarchy could be picked out: the pope alone (which may include his cardinals) is above secular rulers as head of Christian society. The pope is charged with overseeing that all humans achieve salvation. For this end, the pope can act in the temporal (either *ratione peccati* and/or occasionally-directly). There will be variations on this theme. For example, Huguccio, it would seem, did not think that the pope creates the emperor through crowning him, while Innocent III did.[278] Arguably, though, a variation such as this is does not constitute a conflict concerning fundamentals.

Creating one unified body of theory to which all 'papalists' adhered, however, runs into problems. In trying to create an inclusive notion of papal monarchy in the thirteenth century not only is there a problem in establishing what constitutes the theory's fundamentals, but there is a danger of ignoring the purposes of those thinkers who supposedly adhered to this theory. Some thinkers—such as Hostiensis and Innocent IV—were canonists, while others were publicists. It is necessary to remember that 'The problems that most interested the canonists were practical rather than speculative ones'.[279] Hostiensis, for example, was not trying to create an alternative theory of papal monarchy, but was dealing with the practical reality of papal government in which the cardinals—such as he himself—had a crucially

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[277] Ullmann, *Medieval Papalism*, p. 146. However, see Stickler, 'Concerning the Political Theories', p. 457 for the view that Huguccio was not simply a 'dualist'.
[278] 'je dis que l'empereur tient le pouvoir du glaive et la dignité impériale non pas du pape, mais des princes et du peuple par l'élection' (Huguccio, *Summa,* D. XCVI. *La Théocratie* XV D, p. 254).
[279] Brian Tierney, 'Some Recent Works on the Political Theories of the Medieval Canonists', *Traditio*, vol. 10, 1954, p. 608.

important part to play in papal decision-making. The seemingly theoretical problem about what happened to the *plenitudo potestatis* when the pope died was really a practical problem, for who had a right to take charge should there be an emergency in between popes? Hostiensis was writing not too many years after a gap of eighteen months and fifteen days between Celestine IV and the next pope, Innocent IV. For another example, take Innocent IV and Giles of Rome. Innocent IV 'was a trained medieval canonist mind: he was not a 'publicist' or a philosopher of the law—an Aegidius Romanus [Giles of Rome] looking for a good job—but a serious jurist'.[280] Unlike the publicists' abstractions,[281] the ideas of Innocent IV 'were hewn out of a brutal and sorrowful reign',[282] which included, among numerous other things, the drawn-out battle with Frederick II.[283] Thus some of Innocent IV's ideas, such as those found in *Eger Cui Levia*,[284] were derived from his practical canonistic mind and the practical problems which shaped the direction of canon law. Other, less extreme, ideas of his were made in the calmer setting of his *Apparatus* on the *Decretals* of Gregory IX.[285]

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[280] John A. Kemp, 'A New Concept of the Christian Commonwealth in Innocent IV', *Proceedings of the Second International Congress of Medieval Canon Law*, 1965, p. 156.

[281] 'Giles never departs from a purely abstract treatment of the broad issue at hand: the proper relation of secular to spiritual authority. He names no names, and he does not address any specific point of contemporary controversy' (Dyson (ed.), *On Ecclesiastical Power,* xiv).

[282] Kemp, 'A New Concept', p. 156.

[283] 'It is certainly not an accident that the radical terms and phrases mentioned are to be found in Innocent IV's great encyclical against Frederick II [*Eger Cui Levia*], which was the Pope's reply to the encyclical issued by the Emperor after his deposition. They reflect the strain of the struggle and perhaps, also the urge to crush the imperialist theory' (Ladner, 'The Concepts', p. 72).

[284] See Chapter One, section three, pp. 17, 22; Chapter Two, section three (ii), p. 44.

[285] 'In his canonistic work, the *Apparatus* to the decretals of Gregory IX, Innocent IV does not go quite so far' (Ladner, 'The Concepts', p. 72).

Cantini even thought *Eger Cui Levia* was written by somebody other than Innocent IV, for the views there expressed contradict Innocent's opinion elsewhere that infidels could have legitimate government.[286] Given that an inclusivist line concerning what could count as adherence to the dominant thirteenth-century theory of papal monarchy (which may be still called 'hierocratic' in a token way to imply its dominance) is now being taken, and also that a lot is known about Innocent IV, this is not too much of a problem. However, take Giles of Rome. In his *De Ecclesiastica Potestate*, Giles appears to be a sincere advocate of the papalist position. However, twenty-one years previously he wrote *De Regimine Principum*, written as an instruction manual for the young Philip the Fair, including 'no assertion of ecclesiastical rights and prerogatives'.[287] The treatises are so different 'it is often not easy to remember that the same author is responsible for both'.[288] Furthermore, after serving Boniface VIII, Giles went over to write for Philip the Fair. Historically, could it be known whether Giles was an adherent to the paradigm of papal monarchy, another paradigm, or none at all (if this is possible)? It is not possible. If there was a dominant Global Paradigm of Christian government, Giles could not have so freely changed between different theories within a relatively short space of time. Paradigms, it would seem, are useful mainly for delineating groups in the present. By scanning lists of attendees at conferences, people undertaking experiments/conducting research, and taking higher degrees in a subject, membership of a scientific community can be ascertained. Some of the same uncertainty of adherents to papal monarchy holds true when membership of a scientific community is investigated historically. Did person X—in their 70s in

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[286] J. A. Cantini, 'De autonomia judicis saecularis et de Romani Pontificis plenitudine potestatis in temporalibus secundum Innocentium IV', *Salesianum*, vol. 23, 1961, p. 413 (cited in Muldoon, 'Extra ecclesiam non est imperium', p. 575).

[287] Dyson (ed.), *On Ecclesiastical Power*, iv.

the 1950s—adhere to the same paradigm as Y, living in the present day? X was never a professional scientist and nothing much was written about or by him as a person during his lifetime. Were X living in the present, Y could test his adherence by talking to him about science and going through practical experiments. From written sources by people no longer living, were there not a good deal of third party contemporary evidence nor a personal memory of a person it is highly problematic to say with certainty whether a person had a particular worldview or not.

A second point relating to the Global Paradigm concerns using this concept in an inclusive way to unite disparate thinkers, seeing them as representatives of a broad system. In trying to systematise the works of the lawyers there is a risk of 'imposing on them categories of thought that have little relation to the real sources and content of their work'.[289] The publicists' work appears systematic and theoretical in character, but problems are encountered when attempts are to made see it as advocating the same theory as that of Innocent IV and Hostiensis,[290] for the latter two figures *did not have* a systematic theory. McCready seemingly limited the 'hierocratic theory' to the works of the publicists, although admitting canonical influence upon them.[291] It is

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[288] *Ibid*., v. See also Carlyle V, pp. 402-3. Compare, however, McIlwain, *The Growth of Political Thought*, pp. 257-8.

[289] Tierney, 'Some Recent Works', p. 608.

[290] Ullmann (*A History of Political Thought,* ch.4: 'The Hierocratic Doctrine in its Maturity') associates—among other thinkers—Giles of Rome and Innocent IV, giving the impression that they both adhered to the same 'hierocratic doctrine'. At one point in the second part of this chapter Ullmann states that 'Giles had an important model in Innocent IV a generation earlier, who had declared that every creature was to be subjected to 'the vicar of the Creator'' (*ibid*., p. 125). See also Carlyle (V, pp. 318, 355, 394) and Tierney (ed.), *CCS*, pp. 150, 152-3. See Chapter One, section two.

[291] 'late medieval papal hierocratic theorists…follow Innocent IV and maintain that [*The Donation of Constantine*] should not be considered a donation at all but rather a restitution to the papacy of what it already possessed by right' (McCready, 'Papal Plenitudo Potestatis', p. 655, n. 7). The distinction between 'late medieval hierocratic theorists' and 'Innocent IV' implies that the latter should not be considered a

possible that the publicists influenced some of Boniface VIII's statements, although

Boniface never went as far as some of Giles' or James' comments. Furthermore,

Innocent IV and Hostiensis were likely influences on the publicists, but the latter

picked up on isolated phrases of both of these thinkers and others besides, leaving

others which did not fit their theses. Therefore the works of Innocent IV and

Hostiensis should not be seen as part of the same construal of the papacy as those of

the publicists, but as the occasional indicators—retrospectively—of the direction

taken later by the publicists. Stickler warned against positing disjunctive change in the

works of the canonists,[292] an insight applicable to the development of thought on

papal monarchy in general. In the thirteenth century it would seem there was a

tradition of canonistic thought which was built up by uneven gradual development

and the separate, but loosely related, later spate of writing by a number of publicists.

On some points these two sets of writers agreed, on others they disagreed.

Moving on to the issue of papal monarchy in relation to exemplars, how could a

broad, inclusive, notion of papal monarchy become a worldview for potential

initiates? Presumably, via exemplars. What candidates for exemplars could be found

for this even should there actually have been such a theory? Perhaps the papalist

reading of the *Tu es Petrus* text, the two swords theory, and the figure of

Melchisedech could all be included. The problem is that political-religious beliefs and

opinions are not epistemologically the same as those pertaining to scientific theories.

If there are political-religious worldviews at all, arguments in favour of these opinions

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hierocratic theorist, although this conclusion is not explicitly drawn-out. Nevertheless,
on the reading of *The Donation of Constantine* the publicist hierocrats followed
Innocent IV, although Innocent's opinion of the value of this text varied at different
times in his life.
[292] Stickler, 'Concerning the Political Theories', p. 455.

are often put *posterior* to the worldview as held by someone, whereas for scientific disciplines the worldview—something not easily, if at all possibly, shaken—is *conferred by engaging with* exemplars. One chooses to be a scientist, then engages with exemplars to obtain the skills to identify, solve, and evaluate solutions to, problems in the ways licensed by the community. Admittedly, some people without prior political-religious beliefs could be won-around to, say, Innocent III's position by listening to his arguments. Nevertheless, Innocent's arguments could be accepted on the basis of greed, fear, ignorance, or any other factor of this kind, that is, without necessarily holding Innocent's construal of the papal office as a worldview. For example, there is the case of Thomas of Marlborough. A monk of the abbey of Evesham, Thomas was representing his abbey at the curia to prevent Mauger, bishop of Worcester, from obtaining the right to make a visitation of the abbey. At one point in this difficult case Thomas wrote that he addressed Innocent III thus: 'Holy father, you have been called to fullness of power, and all things therefore are permitted to you'.[293] This exalted language may have been sincere on Thomas' part, or it may not have been—it is very hard to tell one way or the other. However, given the circumstances it is very probable that Thomas was trying to flatter the pope in order to win the case. Indeed, Brundage says that 'To lie like a lawyer' was a proverbial phrase in the thirteenth century.[294]

On occasions it was not a question of people lying, but of simply not internalising the propositions they had learned. One issue raised during disputes between secular

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[293] *Chronicon abbatiae de Evesham ad annum 1418.* W. D. Macray (ed.), London 1865, 191 (quoted in Pennington, *Pope and Bishops*, p. 46).
[294] James A. Brundage, 'The Ethics of the Legal Profession: Medieval Canonists and their Clients', *The Jurist*, vol. 33, Washington D. C. 1973, p. 240 (reprinted, with

masters and mendicants at the university of Paris in 1256 was whether mendicant preaching was legitimate. Aquinas argued that the pope, with his plenitude of power, could allow new orders to preach in dioceses without permission of their bishops. Horst has said 'No representatives of the secular clergy…denied the authority of the pope', yet 'The Parisian professors…were not willing to accept the consequences this position entailed'.[295] Although clearly understanding and accepting papal *plenitudo potestatis*, the doctrine was not part of their worldview, otherwise they would have followed the argument through to its conclusion, even if they did not like the consequences of doing so, that is, of letting the mendicants preach with the permission of the pope, although not from the others bishops. There are external ways to test whether somebody is a medical doctor or a physicist, for if they cannot recognise, solve, or evaluate problems pertaining to their discipline then they do not have the worldview training in that discipline is meant to confer. However, there is no way to test conclusively whether the statements expounded by an apparent adherent to the notion papal monarchy reflect an interior worldview.

c) A METHODOLOGICAL PROBLEM

Acknowledging a plurality of views concerning papal monarchy and the possibility that people might not have been telling the truth when they spoke or wrote things down surely does not matter if the faith of the Church was the same for all the faithful? In Chapter One it was shown that even seemingly open contradictions to the faith did not matter so long as the person uttering them sincerely wanted to believe

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original pagination, in Brundage, *The Profession and Practice of Medieval Canon Law*).
[295] Ulrich Horst, *The Dominicans and the Pope: Papal Teaching Authority in the Medieval and Early Modern Thomist Tradition*, James D. Mixon (trans.), Notre Dame, Indiana: University of Notre Dame Press, 2006, p. 9.

what the Church believed. Thus, irrespective of differences, the same notion of papal

monarchy—whether hierocratic or otherwise—was believed everywhere. Therefore

there was one dominant notion of papal monarchy, instilled as a worldview in the

minds of all through their faith in Christ and the Church, with all the faithful working

together with a common goal of the salvation of all in the Church. How, then, could

the notion of papal monarchy in the thirteenth century have been anything other than a

paradigm?

There are two problems with this view. One concerns the nature of paradigms, the

other pertains to the historiography of belief. On the first difficulty, the investigation

into Kuhn's focus on scientific communities casts doubt on the extent, and manner, of

a paradigm's determining influence. In the Introduction and Chapter One, allusions to

paradigm's determining quality made it appear like an all-embracing cultural

phenomenon. Shapere's 'disciplinary zeitgeist' could mean apply either to a specialist

community or to the general public learning how the world works through culture and

basic formal education.[296] This chapter's look at Kuhn's Postscript has made it clear

that he was referring to relatively small professional communities: a paradigm

determines a person's thoughts and judgements only after having engaged with

exemplars in a structured course of study. A worldview, rather than half-understood

scraps of knowledge, is gained in this way.

Concerning the historiography of belief, it is necessary to understand that assumptions

of a universal faith were based on *a priori*, not empirical, arguments. This is implied

in the analysis in Chapter One based on *Unam Sanctam*. Obedience to the pope was

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[296] Shapere, 'The Paradigm Concept', p. 707.

declared *by* the pope to be an article of faith, and then it is inferred that all the non-excommunicated baptised within Christendom must think obedience to the pope is an article of faith too. Implicit in 'obedience' is acceptance of papal claims (it will be shown later that this issue is more complicated). Average Christians, then, have had articles of faith—such as of papal monarchy—imposed onto them, and the popes themselves did not attempt to ascertain whether the actuality of lived faith corresponded to the imposition placed on the faithful. In a letter of 25 February 1204, Innocent III asked Joannitsa, leader of the Bulgarians, to 'confirm your kingdom in subjection and devotion to the Apostolic See'.[297] While this request could be taken to mean that Joannitsa should ensure that everybody was Christian, the word 'confirm' suggests that all that Innocent required was Joannitsa's word that his kingdom was Christian to convince him that everybody within his kingdom *was* Christian. In fact, for Innocent, even mere conquest itself was deemed to facilitate the conversion of the conquered. After the Fourth Crusade ended in the conquest of Constantinople in 1204, Innocent III wrote to Baldwin, the Latin Emperor of Constantinople, that the Greeks:

 'donec a superbis ad humiles, ab inobedientibus ad devotos, a schismaticis ad

 Catholicos justo Dei judicio est translatum'.[298]

Again, in another letter (30 March 1205, when Innocent III ordained the elect of

Constantinople), Innocent says of the Greeks that,

 'although the same church departed from the obedience of the Apostolic See in the

 past…it has humbly returned to her through the grace of God'.[299]

The Bulgarians' leader spoke for all his people—they were not consulted. As for the

Greeks, mere conquest of baptised Christians appears to have brought Innocent III to

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[297] *The Deeds of Pope Innocent III by an Anonymous Author*, James M. Powell (trans.), Washington D.C.: The Catholic University of America, 2004, LXXIII, p. 109.
[298] *PL* 215, 455. November 1204 to Emperor Baldwin.

regard them henceforth obedient to the Apostolic See, even if this illusion was
shattered shortly after.[300] The point is that Innocent III assumed that a nation's
geographical incorporation into Christendom entailed the adherence to the
ecclesiastical hierarchy's papalist position (which itself wrongly assumes there was
only one) in the minds and hearts of each and every member of that nation.

What was the basis for believing that the faith of all within Christendom was
identical? In Chapter One it was mentioned that baptism obligated the baptised to be
obedient towards both Christ and the Church.[301] What baptism conferred also was the
predilection to this obedience.[302] In other words, baptism conferred the faith itself at
the minimal level. There was some debate in the thirteenth century concerning
whether this minimal faith was sufficient for salvation, learning more about the faith
being one way of ensuring salvation.[303] Nevertheless, the will to believe what the
Church believed conferred by the minimal, substantial faith baptism provided enabled
there to be a universal faith. The assumption of a single, universal faith, then, was

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[299] *The Deeds of Pope Innocent III*, XCVIII, p. 179.

[300] 'Quodmodo enim Graecorum Ecclesia, quantumcunque afflictionis et
persecutionibus affligatur, ad unitatem ecclesiasticam et devotionem sedis apostolicae
revertetur, quae in Latinis non nisi perditionis exemplum et opera tenebrarum aspexit,
ut jam merito illos abhorreat plus quam canes' (*PL* 215, 701. A letter of July 1205
from Innocent III to Marcellus, presbyter-cardinal and legate). See also decrees four
and five of Lateran IV, especially 4, entitled: 'On the pride of the Greeks towards
Latins'. According to this decree, the Greeks should 'conform themselves like
obedient sons to the holy Roman Church, their mother, so that there may be 'one
flock and one shepherd' (John 10: 16)' (*Decrees of the Ecumenical Councils*, p. 236).

[301] Chapter One, section three.

[302] For the post-baptismal propensity to believe: '…character est quoddam signaculum
quo anima insignitur ad suscipiendum [baptism, confirmation] uel aliis tradendum
[ordination] ea quae sunt diuini cultus' (Aquinas, *Summa theologiae* III q. 63 a. 4,
quoted in Van Engen 'Faith as a Concept of Order', p. 27, n. 40). See also a
Franciscan contemporary of Aquinas', Bonaventure: *In Sent. IV* d. 6 p. 1 a. 1 q. 2 and
d. 3 p. 1 a. 1 q. 1 ed. in *S. Bonaventurae Opera Omnia* (Quaracchi, 1889), 4. 140-1
and 66. Both cited in Van Engen, 'Faith as a Concept of Order', p. 26, ns. 34 and 36).

[303] Van Engen, 'The Christian Middle Ages', p. 347.

based upon theological, not historical, argument: 'the Christian faith, like the universal Church, exists only as a theological concept'.[304]

Is there any reason to assume that the views of the average Christian on papal monarchy *were* different from those who wrote in complex fashion on papal monarchy such as the popes who defined the faith? The access the 'average' Christian would have had to developed conceptions of papal monarchy has to be taken into consideration. Instruction manuals were one of the main ways in which the faith was taught to the clergy, although they sometimes filtered down to literate laymen.[305] The emphasis was not upon instruction in the theory of papal monarchy, but largely on preparing clergy to teach on topics such as sin and salvation. These manuals proliferated in the wake of the reforming momentum generated by Lateran IV. Up to around 1260 the emphasis was upon the priest teaching the laity *how* to confess their sins.[306] After 1260, such manuals broadened out to include advice on changing one's character and lifestyle in an attempt to reduce sinfulness in the first place.[307] Thus the bulk of instruction given to the laity was moral, sacramental, and practical. When the laity were taught on more doctrinal aspects of Christianity, they were expected to know only the absolute basics of the faith: 'the Creed, the Paternoster, and the Ave; a list often supplemented by adding the *Salve Regina* in praise of the Virgin'.[308] The problem with these articles of faith and others besides is that they may have been only

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[304] Gavin I. Langmuir, 'The Faith of Christians and Hostility to Jews', *Studies in Church History*, vol. 29, 1992, p. 78.
[305] R. N. Swanson, *Religion and Devotion in Medieval Europe c. 1215-c.1515*, Cambridge: CUP, 1995, p. 59.
[306] Leonard Boyle, 'The Fourth Lateran Council and Manuals of Popular Theology', in *The Popular Literature of Medieval England. Tennessee Studies in Literature*, Thomas J. Heffernan (ed.), vol. 28, Knoxville: The University of Tennessee Press, 1985, p. 34.
[307] *Ibid*., pp. 34-5.

memorised, not internalised. There appear to have been examinations on these basics

of the faith—and perhaps others—of every Christian at the annual confession made

mandatory by Lateran IV in 1215.[309] Such examinations could have been useful for

teaching the laity about Christian beliefs and practices, or they could have been seen

as necessary evils to pass with the knowledge one had previously acquired. However,

the emphasis appears to have been on the aforementioned basics of faith and on

Christian conduct, more specialist areas such as the notion of papal monarchy were

unlikely to have been touched upon in any depth, if at all (this was also the case with

parish visitations[310]). Furthermore, how the laity reacted to confession (or

examination) is unknown, nor of how much, or how deeply, it taught the laity about

Christianity.[311]

Did sermons given in the thirteenth century instil the worldview of papal monarchy in

the minds of the average Christians? Probably not, for at least three reasons. Firstly,

there is a problem with the content of surviving sermons. Secondly, the nature and

intention of sermons pose difficulties. Thirdly, it is unclear how sermons were

received. Concerning the first problem, 'les sermons ne reflètent pas les même

préoccupations que les oeuvres proprement théologiques ou canoniques'.[312] 'Summus

pontifex' and other such generic expressions were by far the most prevalent in

thirteenth-century sermons.[313] Even though the pope as the Vicar of Christ was so

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[308] Swanson, *Religion and Devotion in Medieval Europe*, p. 63.

[309] See Canon 21 of Lateran IV (*Decrees of the Ecumenical Councils*, p. 245).

[310] Noël Coulet, *Les Visites Pastorales*, *Typologie des Sources du Moyen Âge Occidental*, fasc. 23, Turnhout: Brepols, 1977, p. 31.

[311] John H. Arnold, *Belief and Unbelief in the Middle Ages*, London: Hodder Arnold, 2005, p. 22.

[312] J. G. Bougerol, 'La Papauté dans les Sermons Médiévaux Français et Italiens', in Ryan (ed.), *The Religious Roles of the Papacy*, p. 273.

[313] *Ibid*., p. 253.

important to thirteenth-century thought on papal monarchy, the title does not appear frequently in sermons of the period.[314] From preaching, too, it would seem as though there was a lack of substantial teaching of academic material on papal monarchy to the laity by the friars in the thirteenth century (unlike in the fifteenth).[315] As for the second problem, even if sermons are found containing motifs pertaining to more theoretical aspects of thirteenth-century papal monarchy, 'One is always at least one degree removed from the sermon that a congregation would have heard'.[316] It is likely that 'sermons' written in Latin were model sermons centrally distributed to various regions.[317] In each region, a preacher may well have selected some information from the template and not others, interspersing the generic Latin sermon with his own material. Furthermore, it is not even clear whether some 'sermons' were ever read out.[318] Moving on to the third difficulty, 'although the popularity of sermons is clear…often there is no concrete evidence, of either audience or reactions'.[319] It is not always obvious whether the audience for sermons was educated or uneducated. If they were the latter, the problem remains of ascertaining the level of understanding of papal monarchy among uneducated people, for the degree to which preachers spoke over the heads of this audience cannot be determined.

In view of the existence of a gap in knowledge of articles of faith between educated and uneducated which in all probability was exceptionally large, does a 'two-tier' level of understanding have to be posited? Talking of the consequences of the

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[314] *Ibid.*, pp. 255 and 274.
[315] David L. d'Avray, 'Papal Authority and Religious Sentiment in the Late Middle Ages', *Studies in Church History*, vol. 9, 1991, p. 407.
[316] David L. d'Avray, *The Preaching of the Friars*, Oxford: The Clarendon Press, 1985, p. 103.
[317] *Ibid.*, p. 95.
[318] Swanson, *Religion and Devotion in Medieval Europe*, p. 64.

Gregorian Reform of the latter half of the eleventh century, André Vauchez states that there was such a society, one of the reasons for which was that clerics had a level of access to learning which the laity did not have.[320] Historians who have advocated the 'two-tier' approach have not applied it without subtlety. Vauchez recognises that the gap between the two cultures grew less in the twelfth century as a result of popular religious movements.[321] Nevertheless, other historians who have not subscribed to this 'two-tier' view have pointed out more fundamental binding elements shared between the educated and uneducated:

'In medieval Christendom, religious culture rested ultimately on 'faith' or 'belief', meaning professed assent to certain propositions as well as inner conviction. Those propositions were articulated in the Apostles' Creed, or, as it was most commonly called in medieval Latin, 'the articles of the faith', and those articles were binding on all alike from peasant to pope'.[322]

The Creed indeed was a point of contact between educated and uneducated. Was there a similar point of contact concerning papal monarchy? Acknowledgement of papal primacy may have united the educated and uneducated (the 'Papa' or 'Summus pontifex' of the sermons). Ullmann also thought that knowledge of the *Tu es Petrus* text would have been a common uniting point between all Christians within Western Christendom.[323] However, the Greeks and John of Paris acknowledged papal primacy and knew of this text, but interpreted it in ways not remotely acceptable to papalists of the thirteenth century. It is unrealistic to believe with Ullmann that every average

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[319] *Ibid.*
[320] André Vauchez, *The Laity in the Middle Ages,* M. J. Schneider (trans.), Notre Dame, Indiana: University of Notre Dame Press, 1993, p. 43.
[321] *Ibid.*
[322] Van Engen, 'The Christian Middle Ages', p. 545.
[323] Ullmann, The Medieval Papal Courts', p. 360.

Christian would have adhered to the 'papal interpretation' of this text,[324] for they might not even have known it, let alone understood or agreed with it. Therefore, while a thoroughgoing 'two-tier' model would be inaccurate on concerning some areas of the Christian faith in the thirteenth century, to a significant extent it is a helpful historical model to portray the reality of the difference between educated and uneducated understandings of the papal office. If paradigms are held by communities, and acceptance of papal monarchy was seen by the papacy as an article of faith in the thirteenth century in the community of Christian believers which was the Church, construing acceptance of the broad notion of papal monarch as cognitive propositions articulated by thinkers such as Hostiensis and Giles of Rome would have placed the vast majority of average Christians outside the Church.

The papacy may well have understood 'acceptance' differently in a non-cognitive way. According to *Unam Sanctam*, 'obedience' to, not 'understanding' of, the pope was required.[325] Such obedience could be interpreted as 'tacit faith' in the notion of papal monarchy. Ullmann thinks there was such a tacit faith, the evidence for which being that the papacy achieved success without having a permanent army or militia.[326] Away from the purely negative obedience of not attacking the papacy (which is not entirely accurate because, periodically, the people of Rome would rise up against the pope, as in 1227 when Pope Gregory IX stated that he intended to excommunicate

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[324] *Ibid.*

[325] *Corpus Iuris Canonici,* vol. 2, col. 1245.

[326] Ullmann, The Medieval Papal Courts', p. 363. Ullmann's statement is not entirely true—even if the papacy did not actually have a regular army at its command, it sometimes claimed it had one, such as Innocent III stated to the Bulgarian king, Joannitsa, in 1205: 'When in 1205 Innocent chose to coerce Joannitsa to make peace…he did not resort to ecclesiastical sanctions…but to the physical threat of a non-existent army' (James Ross Sweeney, 'Innocent III and the Bulgarian Coronation: A Study in Medieval Diplomacy', *Church History*, vol. 42, p. 334).

Emperor Frederick II[327]), there were positive ways in which the average Christian was obedient to the papacy. Payment of taxes—tithes (by the laity), tenths (by the clergy), and other fiscal burdens—was one way. There were dissenting voices, such as the Berkshire Rectors who protested about being taxed for the papal war effort against Emperor Frederick II (1240). However, the Rectors' objection was as much against the risk involved in crossing imperial territory when delivering the money as against the tax itself.[328] For the most part taxes were paid, even if sometimes reluctantly and often late.

As well as the payment of taxes, another case of positive obedience to the papacy was in using the papal court to arbitrate in disputes. The case of Thomas of Marlborough has already been described. Also noteworthy is the case of the bishopric of Winchester which fell vacant in the 1230s. Henry III sent for papal approval of the translation of William Raleigh from the see of Norwich to that of Winchester. Business was conducted slowly, allowing the king to accrue £20, 000 in revenue from the vacant see of Winchester. Henry of Susa—the king's lawyer—became famous and more successful as a result of handling the case, contributing to a reputation which saw him being made Cardinal-Bishop of Ostia (hence Hostiensis). As the translation was eventually approved, Raleigh got his job, the monks of Winchester getting their man. Most importantly, 'the papal primacy had been vindicated'.[329] Everything worked out because 'Everyone was happy'.[330] The papal system was not a burden on

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[327] Ernst Kantorowicz, *Frederick the Second 1194-1250*, London: Constable and Co., first published 1931, p. 174.

[328] C. H. Lawrence, 'The Thirteenth Century', in C. H. Lawrence (ed.), *The English Church and the Papacy in the Middle Ages*, London: Burns and Oates, 1965, pp. 129-30.

[329] Southern, *Western Church and Society*, p. 129.

[330] *Ibid*.

anyone in this situation. For some people then, at least, the papal system of government was a way of getting what one wanted. Again, Master Walter, archdeacon of Norfolk, won a case (10 June, 1249, at Lyons) heard by a papal auditor against the prior and convent of Wymondham concerning visitation rights and 'exercise of archidiaconal jurisdiction in the churches of Wymondham and Happisburgh'.[331] Appeal to the papal auditor was a shrewd move, for Walter was chaplain of Pope Innocent IV. It could be presumed that Walter thought loyalty and connections would help him with his case.

Not only ecclesiastics, but also the laity could benefit from appeals to papal courts. Summer 1200, Otto of Brunswick—an imperial candidate—wanted his seven year old daughter Maria to marry Duke Henry of Brabant. Financial and military assistance for Otto would have resulted from the marriage. However, by canon law Maria and Henry were too closely related, so an appeal was made to Innocent III. At this time, Innocent was trying to strengthen Otto's position, so he granted him a dispensation.[332] In general terms, the papal court offered an alternative to the secular courts; one's case might stand a better chance in one court or in another, and one would choose whichever court gave one the best chance.[333] Therefore, in some cases at least, obedience was not a matter of having a worldview of a certain notion of papal monarchy, but of using a system in which everyone tried 'to make themselves comfortable'.[334] This system may have disguised mere toleration of, or even

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[331] Sayers, *Papal Judges Delegate*, pp. 171-2.
[332] Constance Rousseau, 'A Papal Matchmaker: Prince and Pragmatism During Innocent III's Pontificate', *Journal of Medieval Studies*, vol. 24, 1998, p. 261.
[333] James A. Brundage, *Medieval Canon Law*, London: Longman, 1995, p. 2.
[334] Southern, *Western Society and the Church*, p. 129.

resistance, to the papacy. However, so long as people could get what they wanted, the system was upheld.

Where the system did not suit, it broke down, as was shown in Chapter Two with the case of clerical taxation. The system worked in the 1280s when Philip the Fair petitioned Pope Nicholas IV for a grant to tax the French clergy for a war of which the pope approved against the Aragonese. When Philip knew that Boniface VIII would probably not grant him the privilege for taxation to fund the war against the English, perhaps at least for the very fact of it being used for warring, he bypassed the pope in 1296. This was not necessarily a rejection of papal authority in the same way that Philip's request to the pope in the 1280s was not necessarily an affirmation of it. In the latter circumstance the system suited, in the former it did not. Of course, it was better all round if the system could be played, for then egos were not hurt and alliances were not broken.

d) CONCLUSION

Jettisoning uniformity by introducing the Disciplinary Matrix potentially permitted understanding a far wider range of popes, theologians, and canonists as adhering to the same view of the papacy, so long as they did not conflict over fundamentals. Ascertaining what counts as 'fundamental' is a problem. Nevertheless, critics of Papalism such as John of Paris can be seen as having been outsiders to this hierocratic community. Although John—like the hierocrats—construed society in a spiritualised way, this was a basic principle of politics in general, not just papal monarchy in particular. While both John and the hierocrats had the good of the Christian commonwealth as a goal, this was vague enough to accommodate their respective—

and conflicting—Royalist and Papalist goals. Even within the ranks of the so-called

hierocrats there are problems in understanding them all as having been part of the

same community, for the 'communal' is the emphasis of Kuhn's Postscript. Publicists

clearly borrowed arguments and imagery from the canonists, especially Innocent

III.[335] However, lawyer-popes and canonists wrote for practical purposes and each of

them would sometimes present different views, sometimes even contradicting

themselves, depending upon the context. Burdened with less responsibility, the

publicists attempted to put forward thoroughly abstract and theoretical works. Were it

possible to overcome the problem of differing purposes, there would remain the

difficulty of judging *who was* a hierocrat. The importance of having a worldview

militates against accepting as Papalist at face value anybody who could repeat

hierocratic formulas. Unlike in science, there is no adequate way of testing whether

somebody has got a politico-religious worldview. Recourse should not be had to

thirteenth-century claims—taken up by some modern historians—that everybody

within Christendom had faith in the papacy. Such claims were based on *a priori*

theological assumptions, not historical evidence. The reality was that the 'average'

Christian probably knew of the pope and that he was an important figure, but this

basic understanding of the papal office could accommodate Greek or antipapalist

construals of papal power and authority just as easily as papalists interpretations

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[335] Giles of Rome, *On Ecclesiastical Power*, 3. 4. 1-16, pp. 157-64: discussion of
Innocent III's decretal *Per Venerabilem.*

CONCLUSION

At first, Kuhn's paradigm concept appears as a good shorthand for the nature of the notion of papal monarchy in the thirteenth century. Either from the time of Innocent III or Innocent IV, the hierocratic theory is said by many modern historians to have dominated thought on the subject until the end of the century. This hierocratic conception of the papacy was meant to have been embedded in culture, determining the populace's way of conceiving the world in a way which conforms to the paradigm. A hallmark of the hierocratic theory is understanding the pope as being the mediating source between man and God of all legitimate power and authority, secular rulers holding and/or being permitted to hold their power from the pope. In view of this exalted position as Vicar of Christ, the pope could act directly in the temporal on the inspection of certain causes to protect the interests of the Christian commonwealth.

Were this understanding of 'paradigm' a good match with thirteenth-century papal monarchy, it would be beneficial. Kuhn's fears of 'paradigm' being employed outside modern science would be unjustified. Furthermore, it would mean a term— 'paradigm'—would encapsulate not only the dominance of the hierocratic theory in the thirteenth century, but also the view that the hierocratic theory 'was a self-evident condition and basis of private and public life'.[336] However, this match has been shown to be inexact, both from reservations concerning the validity of the phrase 'hierocratic theory' and due to Kuhn's clarifications of the paradigm concept in *SSR's* second edition Postscript.

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[336] Ullmann, 'The Medieval Papal Courts', p. 361.

Concerning the difficulty of the validity of the term 'hierocratic theory', it has been shown how aspects of this theory can only be found occasionally in the writings of its supposed adherents. There was no uniformity on whether the pope could act directly or indirectly in the temporal sphere, on whether the pope holds rights to all secular power intrinsically in his office or only via a donation, or even whether the term 'pope' referred solely to the person elected 'pope' or included also the college of cardinals. Practically, many of these differences may not have mattered too much. However, if 'paradigm' means 'major regnant theory', there would appear to have been no coherent, dominant hierocratic theory to class as a paradigm.

The fact that—for the most part—the differences in the positions between the supposed adherents to the hierocratic theory were not great in practice leaves the door open to seeing them as part of the same community adhering to one view of papal monarchy, diversified through the sociological filter of the Disciplinary Matrix. If unity was not construed in terms of uniformity then this could have been the case. Kuhn's interest was in accounting for such plurality in unity, and in the second edition Postscript for *SSR* Kuhn expounded ways to account for it. The Disciplinary Matrix allows plurality within unity, although Kuhn's position has required modification by introducing a Global Paradigm behind the Disciplinary Matrix to enable his theory to hold together.

There are, however, problems in positing a 'papalist' community. Some of the supposed adherents were canonists, others were publicists. These two groups (if even they themselves constituted groups) were writing for very different purposes and in markedly different ways. Furthermore, some of the supposed members of this

community lived at very different times—the best part of one-hundred years separated Innocent III from Giles of Rome when the latter wrote *De Ecclesiastica Potestate* (c. 1301) . There is a danger of creating a hierocratic/papalist community when there never was one. Certainly the canonists influenced the publicists and vice-versa, but this was in the form of incremental development, not of one theoretical position expressing itself in manifold ways. There is also the difficulty of establishing membership of this community. Did Giles of Rome have a papalist/hierocratic worldview or not? Unlike modern science there are no formal tests to prove whether a person has a politico-religious worldview. A scientific worldview is gained through the standard educational procedure of engaging with exemplars. This is not so for politico-religious worldviews, which could be could be gained in a variety of ways. Politico-religious positions could also be expressed by somebody with the apparent conviction of somebody who held these beliefs as part of a worldview, although the person was not being sincere.

Finally, there is a problem of ascertaining the boundaries of the hierocratic theory now that unity is not construed in terms of uniformity. If diversity is permitted, where does diversity become unacceptable? John of Paris' views appear to have been beyond what would have been acceptable to hierocrats, for he greatly limited papal power, authority, and jurisdiction, positing dual headship of Christian society. What, though, about the 'average' Christian who did not express in words antipapalist opinions such as John's? The mistake is to interpret 'silence' as 'acceptance'. The average Christian did not have the education to express any opposition they may have harboured against the pope. Universal acceptance of the papalist position was a theological assumption, not an historical fact. While in general there was obedience to

the pope in the thirteenth century, this may have been as much acquiescence in a system which benefited a good number of people as acceptance of the papalist theory. Papal monarchy, then, was not a paradigm which determined the mindset of the populace of Western Christendom. Rather, it determined the mindset only of some of those who engaged with Papalist arguments. Others may have engaged with such arguments for the purposes of pragmatism or personal gain. Yet others still would not have understood such arguments and/or did not have those arguments presented to them. While culturally the pope would have been a well-known figure, the complexities regarding the nature of his office were variously interpreted and/or little heard of or understood.

There were, then, a plurality of beliefs concerning papal monarchy in the thirteenth century, both among the educated and between the educated and the uneducated. Terms such as 'Paradigm' or 'hierocratic theory' disguise such variety. As for the paradigm concept in particular, it is not simply a 'major regnant theory', but a theory based on an influential text (such as Newton's *Principia*) which has become the basis for a professional community. The community is held together because, for all their diversity, they have undergone a similar professional initiation by working through exemplars.

It would appear that the paradigm concept does not admit of extension to political-religious groups, especially those in a past with no immediate connection to the present. From both actions and words it is very difficult to establish whether people from a historical past adhered to one or another worldview, which consequently militates against seeing a community of this sort as a potential Global Paradigm. As

for future research on the paradigm concept, it might be fruitful to test its application

in terms of recognised non-scientific academic disciplines, ones where community

membership is externally testable; it would be a challenge to ascertain whether

membership of such disciplines *could* be historically established. If 'paradigm' should

have a life in Medieval Studies, 'The medieval science of canon law'[337] may be a

good candidate for investigation.

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[337] Stephan Kuttner, 'Harmony from Dissonance: An Interpretation of Medieval Canon Law', *Wimmer Lecture X, 1956, St. Vincent College*, Latrobe, Pennsylvania 1960, p. 7 (reprinted, with original pagination, in Stephan Kuttner, *The History of Ideas and Doctrines of Canon Law in the Middle Ages*, London: Variorum, 1980).

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