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THE CRISIS OF CHURCH
AND STATE 1050-1300

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3. Boniface VIII & Phillip IV: The First Dispute

The struggle between Pope Boniface VIII and King Philip the Fair of France was the first medieval conflict of church and state which can properly be described as a dispute over national sovereignty. France was indeed still far from being a centralized nation state in the modern sense, but the idea of the state was in the air and the administrative machinery to make it a reality had already begun to develop. Meanwhile the Roman see was becoming ever more explicitly committed to a doctrine of universal papal lordship whose realization in practice would have rendered the rise of national states impossible.

A dramatic clash of personalities accompanied the conflict of theories. Philip IV was a man of cold ambition. He worked behind a screen of extraordinarily efficient and ruthless royal servants, so that we know more about the motives and attitudes of his chief ministers—men like Pierre Flotte and Guillaume de Nogaret—than about Philip's own personal convictions. Many of the men who served him most prominently were trained in Roman law. They were for the most part hard, worldly minded administrators, totally unperturbed by the spiritual censures that Boniface heaped on them. Philip's own personality has always been something of a mystery. Some historians have regarded him as little more than a tool in the hands of his powerful servants, but it seems most improbable that a mere nonentity would ever have surrounded himself with such formidable counselors.

There is little mystery about the personality of Boniface VIII. He was an arrogant, very able ruler, impatient of opposition, given to hot outbursts of rage. By temperament he was a self-confident aristocrat, a member of the Gaetani family of Rome, and by conviction, it seems certain, a sincere believer in the extreme doctrine of papal sovereignty over temporal affairs that had been formulated earlier by the canonists Alanus and Hostiensis and that was being restated in his own day by the theologian Giles of Rome. Already an old man when he was elected pope after a lifetime of service in the Roman curia, he suffered from the very painful disease of "the stone." Often his savage language and bursts of bad temper may have served to mask attacks of intense physical pain, but nonetheless they made enemies for him at the papal court.

So too did the policy of unconcealed nepotism that he used to enhance the power of his own family as princes of the Roman *campagna*. Boniface cared little for the opinion of others; his coarse and careless speech laid him open to charges—certainly unproven and probably untrue—of immorality and even heresy. He said on one occasion, for instance, that he would rather be a dog than a Frenchman, and the supporters of Philip solemnly pointed out that the statement was heretical since it implied that Frenchmen had no immortal souls (*No. 164*).

There is one more point about Boniface which is important for understanding the course of his conflict with Philip. That is the unusual background of his election to the papacy. For nearly two years, from 1292 to 1294, there was a vacancy in the Roman see. The cardinals, hopelessly deadlocked, could not agree on any candidate from among themselves, and at last, in desperation, they elected a holy hermit, one Peter Murrone, who took the name Celestine V. Under Celestine the business of the curia fell into a chaos worse than the actual vacancy had caused. The pope himself, well aware of his total incapacity to fill the office that a weird mischance had thrust upon him, abdicated after a few months. Then the cardinals chose Boniface. But there was no clear precedent in the history of the church for a pope resigning his office, and an academic debate grew up around the question whether such a resignation could be licit. Several treatises considered the point, and the masters of the university of Paris debated it. The eventual consensus was that Celestine's resignation was licit and Boniface's election accordingly valid. But it was an enormous advantage to the pope's enemies that serious doubts about the question had been raised at all.

The first dispute between Boniface and Philip arose over a clear-cut issue—the right of secular kings to tax the clergy of their realms. Innocent III's Fourth Lateran Council of 1215 had decreed that clergy were not to pay tax levies to lay rulers without first consulting the pope. In practice, however, kings had imposed taxes on ecclesiastical property throughout the thirteenth century with papal acquiescence. The usual occasion for such a levy was the financing of a military campaign, and it was considered proper for the clergy to contribute to the expenses of a "just war," such as a crusade. In 1296, however, France and England were engaged in a war over feudal technicalities and commercial rivalries. The Christian king of England was taxing the English church to finance his "just war" against France, and simultaneously the Christian king of France was taxing the French church to finance his "just war" against England. Boniface, convinced of his own right to settle such international disputes as a superior judge set over all kings, found the situation intolerable. His bull *Clericis Laicos* (*No. 97*) attempted to bring both parties to heel by cutting off one of their major sources of revenue. It also denied the principle that kings (even kings supported by representative assemblies as in England) possessed an absolute authority in their

own kingdoms. The heart of the bull was its specific command to the clergy to disobey their kings. There were many ways in which Boniface could have opened up negotiations with France and England about the question of clerical taxation, but he chose to pounce directly on the issue of national sovereignty by declaring that lay rulers possessed no authority over ecclesiastical persons or ecclesiastical goods within their own realms.

Philip did not at this point enter into a theoretical debate on the issue. He responded instead with a practical measure of overwhelming effectiveness. In August, 1296, he issued a royal ordinance forbidding all export from France of precious metals, precious stones, and all forms of negotiable currency. Boniface relied very heavily on revenue from the French church for financing the operations of papal government and the conduct of papal diplomacy.

On September 25 he addressed to the king an indignant letter declaring that he would suffer ruin and death rather than sacrifice any of the liberties of the church, but for all his brave words he became more and more financially embarrassed as the winter wore on, and by February of 1297 he was ready to make major concessions. He wrote to Philip again to point out that the bull *Clericis Laicos* had not been directed against France in particular but was intended to apply to all kings, and in a separate letter he conceded that in an emergency so desperate that there was no time to consult the pope the clergy might pay a tax before obtaining papal consent. Philip was still not satisfied and decided to send his chief minister, Pierre Flotte, to Italy for a personal confrontation with the pope.

Quite apart from his troubles with France the pope had two sets of enemies in Italy who at this point united against him. The powerful Colonna family of Rome, two of whose members were cardinals, had become exasperated by the favors that Boniface showered on his own Gaetani kin in the states of the church. The Spiritual Franciscans, for their part, hated Boniface as the epitome of the clerical worldliness that they despised and denounced. Celestine V had been the only pope who had ever sympathized wholeheartedly with their ideals, and they were profoundly reluctant to accept the fact of his resignation. At the beginning of May an open breach occurred between Boniface and the Colonna cardinals. The Colonnas withdrew to their fortress of Longhezza and were joined there by some of the leaders of the Spiritual Franciscans, including Jacopone da Todi, a famous preacher and poet. They then issued a manifesto declaring that the resignation of Celestine V had been illegal and Boniface's election consequently invalid, and they demanded that a general council be summoned to consider the whole question of the succession to the papacy. In two subsequent manifestoes they accused Boniface of heresy and simony and charged further that he had tricked Celestine into resigning and then had had him murdered. It was the

first public statement of the charges that were to bedevil Boniface for the rest of his reign (*No.* 98).

On his way south to join the papal curia at Orvieto, Pierre Flotte discussed the whole situation with representatives of the Colonnas, and when he came to negotiate with Boniface his hand was greatly strengthened by the possibility that Philip might support the cardinals' appeal to a general council against the pope. Under that threat Boniface finally capitulated. In the bull *Etsi de statu* (*No.* 99) he clearly conceded the principle that the king alone, without the consent of the pope, could decide when a state of necessity existed in his own kingdom which made it expedient to tax the clergy. Philip had won an easy victory.

Clericis Laicos

97. The bull *Clericis Laicos* (February 1296), trans. H. Bettenson, *Documents of the Christian Church* (New York, 1943), pp. 159-61.

Boniface Bishop, servant of the servants of God, for the perpetual record of the matter. That laymen have been very hostile to the clergy antiquity relates; and it is clearly proved by the experiences of the present time. For not content with what is their own the laity strive for what is forbidden and loose the reins for things unlawful. Nor do they prudently realize that power over clerks or ecclesiastical persons or goods is forbidden them: they impose heavy burdens on the prelates of the churches and ecclesiastical persons regular and secular, and tax them, and impose collections: they exact and demand from the same the half, tithe, or twentieth, or any other portion or proportion of their revenues or goods; and in many ways they try to bring them into slavery, and subject them to their authority. And, we regret to say, some prelates of the churches and ecclesiastical persons, fearing where there should be no fear, seeking a temporary peace, fearing more to offend the temporal majesty than the eternal, acquiesce in such abuses, not so much rashly as improvidently, without obtaining authority or license from the Apostolic See. We therefore, desirous of preventing such wicked actions, decree, with apostolic authority and on the advice of our brethren, that any prelates and ecclesiastical persons, religious or secular, of whatsoever orders, condition or standing, who shall pay or promise or agree to pay to lay persons collections or taxes for the tithe, twentieth, or hundredth of their own rents, or goods, or those of the churches, or any other portion, proportion, or quantity of the same rents, or goods, at their own estimate or at the actual value, under the name of aid, loan, relief, subsidy, or gift, or by any other title, manner, or pretext demanded, without the authority of the same see:

And also whatsoever emperors, kings, or princes, dukes, earls, or barons, powers, captains, or officials, or rectors, by whatsoever names they are called, of cities, castles, or any places whatsoever, wheresoever situate, and all others of whatsoever rank, eminence or state, who shall impose, exact, or receive the things aforesaid, or arrest, seize, or presume to take possession of things anywhere deposited in holy buildings, or to command them to be arrested, seized, or taken, or receive them when taken, seized, or arrested, and also all who knowingly give aid, counsel, or support, openly or secretly, in the things aforesaid, by this same should incur sentence of excommunication. Universities, too, which may have been to blame in these matters, we subject to ecclesiastical interdict.

The prelates and ecclesiastical persons above mentioned we strictly command, in virtue of their obedience, and on pain of deposition, that they in no wise acquiesce in such things without express leave of the said see, and that they pay nothing under pretext of any obligation, promise, and acknowledgment whatsoever, made in the past, or in existence before this time, and before such constitution, prohibition, or order come to their notice, and that the seculars aforesaid do not in any wise receive it; and if the clergy do pay, or the laymen receive, let them fall under sentence of excommunication by the very deed.

Moreover, let no one be absolved from the aforesaid sentences of excommunications and interdict, save at the moment of death, without authority and special leave of the Apostolic See, since it is part of our intention that such a terrible abuse of secular powers should not be carried on under any pretense whatever, any privileges whatsoever notwithstanding, in whatsoever tenors, forms or modes, or arrangement of words, conceded to emperors, kings and the others aforesaid; and we will that aid be given by no one, and by no persons in any respect in contravention of these provisions.

Let it then be lawful to none at all to infringe this page of our constitution, prohibition, or order, or to gainsay it by any rash attempt; and if anyone presume to attempt this, let him know that he will incur the indignation of Almighty God, and of his blessed apostles Peter and Paul.

The Colonna Cardinals

98. Third manifesto of the Colonna cardinals against Boniface (June 1297), ed. H. Denifle, *Archiv für Literatur- und Kirchengeschichte*, V (Leipzig, 1889), pp. 519-24.

James of S. Maria in Via Lata and Peter of S. Eustachio, by the mercy of God cardinal deacons, to the venerable chancellor and the

venerable college of masters and scholars of the university of Paris, greetings and sincere love in the Lord.

Hear the voice of our prayer, we beseech you, O cultivators of justice, masters and disciples of the truth, that you, together with the kings and princes and peoples of the world, may weigh accurately in the balance of your judgement with the truth accompanying your decision the justice of our cause or rather that of the spouse of Christ and the iniquity of Benedict Gaetani, no bishop of the universal church but a tyrant, who holds the Roman church that he has occupied only by an iniquitous act. . . . By evil advice and false arguments he and his accomplices persuaded our lord pope Celestine V of happy memory to renounce the apostolic office, though this was contrary to the rules and statutes of divine, human and canon law and a cause of scandal and error to the whole world. Then, when Celestine had resigned the papacy *de facto*—for he could not do so *de iure* since it is clear to all who are willing to investigate the matter carefully that the Roman pope cannot resign or give up the papacy or be released from it except by God alone—he did not fear to put himself *de facto* since he could not do it *de iure* in the place of the same lord Celestine who was still alive, and this under the eyes of ourselves and the other cardinals then present who were deceived by the suddenness of such an unheard-of act. . . . Conscious of the evil origin of his dignity and fearing the truth he savagely pursued the above-mentioned holy man [Celestine] who sought in every way to escape his tyranny, and when he had finally captured him cruelly imprisoned him at the castle of Fumone in the Campagna, which is not far from Anagni, and there caused him to die miserably. . . .

Who could be silent about such things with a clear conscience, when we saw the state of the church and the honor due to prelates constantly diminished. For he summoned to appear personally prelates from the most remote parts of the world whom he believed to be wealthy, not only to extort money from them but to strip them altogether, and this on pain of deprivation which they incurred automatically if they did not obey, and without even a pretended reason let alone a true one. As soon as he heard that churches were vacant he reserved the appointments to the judgement of his own disordered will, forbidding the electors to exercise their right of election and, what is more revolting, he did this in the case of many cathedral churches while their prelates were still alive. . . . It was as though, conscious of his evil conduct and always fearful of falling from his dignity, he wanted to institute prelates everywhere throughout the world by his own hand so that, when the question of his illegal entry was raised, they would not dare to speak against him, being afraid for their own positions. . . . And so in his time the church has become corrupt. No one receives any favor without handing over a gift.

Again, even a true pontiff is accustomed and even bound to seek the

advice of the cardinals and to obtain their consent in certain arduous affairs, especially in alienating the goods of the church, but this pseudo-pontiff does not deign to seek their counsel or await their consent. Rather if we or any of our brothers put forward any word that is contrary to his own opinion, he attacks the speaker with scathing words and, boasting that he rules over kings and kingdoms even in temporal affairs, he does not fear to assert that he can do anything of his own will by virtue of his plenitude of power, although no legitimate papal authority inheres in him. . . .

Consider then with faithful discernment God and his holy church so that, when the illegitimate usurper has been deposed and cast out, a true and legitimate pastor may rule truly, legitimately and canonically over the church his mother, the bride of Christ, redeemed by the blood of her spouse. Lest the sacraments of the church be further profaned, let all the acts of the same Benedict be suspended since he has been justly denounced by us, and let care be taken that a universal council be swiftly assembled which, laying aside all error, will declare the truth concerning the iniquity, nullity and injustice of the process he has presumed to institute against us. And meanwhile let no one obey or heed, especially in matters touching the safety of the soul, this man who does not possess the authority of a supreme pontiff although *de facto* he rashly holds the place of one.

The Capitulation of the Pope

99. The bull *Etsi De Statu* (July 1297), ed. G. Digard, M. Faucon, and A. Thomas, *Les Registres de Boniface VIII*, I (Paris, 1884), col. 941-42.

. . . Recently, discharging the duty of our pastoral office, we enacted a decree by apostolic authority in favor of the churches and of ecclesiastical liberty, laying down that prelates and ecclesiastical persons of any state, rank or dignity should not pay taxes to emperors, kings, princes or other rulers without the authority of the apostolic see, whether under the name of an aid, loan or gift or any other name; and that emperors, kings, princes or other rulers should not presume to demand, exact or receive them from the same prelates and ecclesiastical persons. . . .

We add to this our declaration that if some dangerous emergency should threaten the aforesaid king [Philip] or his successors in connection with the general or particular defence of the realm, the above mentioned decree shall by no means extend to such a case of necessity. Rather the same king and his successors may demand and receive from the said

prelates and ecclesiastical persons a subsidy or contribution for such defence and the said prelates and persons can and must pay it to the aforementioned king and his successors whether under the name of a quota or some other name, even when the Roman pontiff has not been consulted, and this notwithstanding the above mentioned decree and notwithstanding any kind of privilege or exemption obtained from the apostolic see, in whatever form of words it is drawn up. And the declaration of a state of necessity may be left to the consciences of the aforesaid king and his successors. . . .

4. Boniface VIII & Philip IV: The Second Dispute

In 1300 Boniface declared a year of Jubilee to celebrate the centennial of the church. By that time his fortunes were beginning to revive after the humiliation of 1297. His health improved, his diplomacy went well, and he was encouraged by the unexpectedly vast numbers of pilgrims, tens of thousands of ordinary folk from all over Europe, who flocked into Rome to pray at the tombs of the apostles and to win the special papal indulgences that were offered during the Jubilee celebrations. When news began to reach him of new encroachments by Philip on the privileges of the French church Boniface again adopted a reproachful tone in his letters to the king. Philip seems to have been entirely confident of his own position and to have wilfully provoked another crisis in order to assert once and for all his mastery over his own kingdom. In 1301 he ordered the arrest of a French prelate, Bernard Saisset, bishop of Pamiers, on charges of blasphemy, heresy, and treason. Saisset was taken to Paris as a captive, put on trial in the king's own presence, declared guilty, and thrown into prison. Now, a fundamental principle of canon law required that a bishop be tried only by the pope. At the urging of the archbishop of Narbonne, Philip sent an account of his proceedings to Boniface with a demand that the pope approve his condemnation of Saisset. To have done so would have amounted to a recognition of the king's unlimited power over the French episcopate.

Perhaps Philip expected another quick capitulation by the pope. He set out the alleged offenses of Bernard Saisset at length and spiced them with the additional charge that the accused bishop had maintained "that our very holy father Boniface is the devil incarnate." Saisset was an old acquaintance of the pope, and Boniface knew very well that the man had an unruly tongue and might well have been indiscreet in referring to both the pope and the king. But he did not allow himself to be deflected from the central issue of the case—and from the papal point of view this was not the question of whether the bishop happened to be guilty or not, but rather the gross presumption of the king in daring to lay hands on him at all. A sudden shower of papal bulls descended on France, demanding the release of Saisset, revoking all papal privileges that had recently been granted to Philip, and commanding all the bishops

of France to attend a council in Rome a year later in November 1302. The declared purpose of the council was to consider the whole state of religion in the kingdom of France. Philip subsequently forbade his bishops to attend it, and the issue became an important test of strength between pope and king.

Together with all the peremptory bulls, Boniface sent to Philip a long personal letter which had been carefully considered and approved by the College of Cardinals. It began with the words *Ausculat feli*, "Listen, son . . .," and, continuing in the tone of a rebuke from a superior to an erring subordinate, it accused Philip of subverting the whole state of the church in France by his abuse of clerical patronage (No. 100). The letter was apparently not intended to assert new political claims for the papacy, but it contained the words, "Let no one persuade you that you have no superior or that you are not subject to the head of the ecclesiastical hierarchy, for he is a fool who so thinks. . . ." Boniface did not explain any further the nature of this "subjection," but Philip seized on the words as the basis for a propaganda campaign against the pope. The papal letter itself was burned, and royal agents put into circulation in Paris a crude forgery which attributed to Boniface the flat assertion, "You are subject to us in spiritualities and in temporalities." They also circulated a still cruder forgery purporting to be Philip's reply, which began with the words, "Let your great fatuity know that in temporalities we are subject to no-one. . . ." (No. 101).

Boniface had set out to defend the French church against the king. Philip's ingenious maneuver ensured that in Paris the central issue would seem to be the defense of the French state against the pope. In April of 1302 a great assembly of clergy, nobles, and people met at Paris in the cathedral of Notre Dame. It was the first meeting in French history of a representative Estates-General—the institution was called into existence specifically to mobilize national opinion for Philip's antipapal policy. Pierre Flotte addressed the assembly and apparently told it that the pope had claimed feudal lordship over France. In truth, he declared, France was held from no one but God alone, as all right-thinking people knew, and anyone who declared the contrary must be accounted a heretic. The nobles and the commons then each addressed a letter to the cardinals in Rome, refusing to acknowledge Boniface as pope and demanding the support of the cardinals against him. The clergy, deeply embarrassed, wrote to Boniface, addressing him as pope but explaining that they were much perturbed at his "unheard-of statements" and asking to be excused from attendance at the council in Rome.

When messengers bearing these letters arrived at Rome in June 1302, Boniface received them in a full consistory of cardinals and delivered an address explaining further his own position. He was particularly incensed at the suggestion that he had claimed to be feudal overlord of France. A man like himself, skilled in the law for forty years, he said,

could not possibly have uttered such a fatuity. But, he went on, his predecessors had deposed kings of France in the past, and he would do the same in the future if it became necessary. Boniface really was claiming a kind of lordship over Philip, as over all kings, but it was not a technically feudal relationship that he was trying to establish. The whole incident is rather reminiscent of the affair at Besançon a century and a half before, except that this time the king quite certainly made a willful misrepresentation of the pope's ambiguous language.

The position of Philip was temporarily weakened in the summer of 1302 by a major defeat of his armies in Flanders at the battle of Courtrai, in the course of which Pierre Flotte was killed. The king adopted for the moment a more conciliatory tone toward the pope, but he used the excuse of a national emergency to forbid his bishops to attend Boniface's council. The pope still insisted that they must come to Rome. When the council finally met as planned at the beginning of November less than half of the French bishops appeared—36 out of 78—and none came from the north of France. Boniface could have taken little comfort from such a response to his repeated commands. Moreover, the council took no effective steps toward the reform of the church in France which Boniface had originally announced as the whole purpose of the meeting.

Immediately after this abortive council Boniface promulgated the bull *Unam Sanctam*, probably the most famous of all the documents on church and state that has come down to us from the Middle Ages (No. 103). The bull made no reference to the political crises of the preceding years. It presented rather a series of general theological propositions about the nature of the church and the position of the pope within it. From its first words, "There is one Holy Catholic and Apostolic Church," the document treated above all the divinely willed unity of the Christian church and the role of the Roman see as guardian of that unity. Philip and his supporters regarded the bull as a dangerous novelty, an unprecedented attempt at a usurpation of temporal power by the papacy. In fact, however, a close reading of the text will show that it was almost entirely a patchwork of extracts from earlier sources. Apart from scriptural quotations it contained, for instance, passages from St. Bernard, Hugh of St. Victor, and Thomas Aquinas. The only phrases of the bull that constituted a formal, dogmatic definition were those of the final pronouncement: "We declare, state, define and pronounce that it is altogether necessary to salvation for every human creature to be subject to the Roman Pontiff." The words are resounding enough, but they seem to refer quite clearly to the pope's spiritual supremacy and have no obvious relevance to the problems of church and state. They were in fact borrowed from a treatise of Thomas Aquinas called *On the Errors of the Schismatic Greeks*. Again, in an earlier part of the bull, rather irrelevantly it might seem, Boniface rebuked the Greeks for failing to acknowledge the authority of Peter. This intense preoccupation with the

inner unity of the church—which after all no one had denied in principle—seems strange in a letter written at the climax of a political controversy that really turned on the nature of the pope's temporal claims. An explanation may be found in the circumstances of the bull's preparation just a few days after the pope's disappointing council in Rome. In drafting *Unam Sanctam* Boniface was of course wholly preoccupied with the French crisis, but for the moment perhaps the disloyalty of the absent bishops stood uppermost in his mind rather than the misdeeds of the erring king. The pope may well have realized that the direct conflict in the commands that he and Philip had issued to the French prelates had in fact raised the issue of the unity of the church in a particularly serious fashion. If bishops, when pressed to choose, would obey their king rather than their pope in an ecclesiastical matter, the church could hardly remain a truly international body with its own autonomous center of government and discipline. It would become a cluster of national churches, each looking to its king for leadership in times of crisis. Developments of this kind did indeed take place during the next two centuries. *Unam Sanctam* may be read as an early protest against such tendencies in the ecclesiastical polity of Europe.

The fact that so much of the bull was concerned with the theological question of church unity has led some modern commentators to argue that it had virtually no significant political content at all. However, in his discussion on the unity of the church Boniface did deal very thoroughly with the subordination of the temporal jurisdiction to the spiritual as one aspect of that unity. The old imagery that had been used to assert papal supremacy in the past emerged for the first time in an official pronouncement stripped of all its ambiguity. Boniface's view that to deny the pope's rule over temporal affairs was to imitate the heresy of the Manicheans—who believed that all the material world was a creation of the Devil, not of God—provides an eccentric climax to a whole tradition of thought that can be traced back at least to Cardinal Humbert. Again, while it is possible to argue about the meaning St. Bernard attached to the allegory of the two swords, in *Unam Sanctam* the symbolism was used quite explicitly to prove that "temporal authority should be subjected to spiritual." It is the same with the words of Hugh of St. Victor, "The spiritual power has to establish the earthly power." Whatever they may have signified in the twelfth century, by Boniface's day they had certainly acquired the meaning that the power of kings was delegated to them by the papacy, and they were clearly used in that sense in *Unam Sanctam*. Boniface's views on the nature of papal authority were perhaps no different from those of several of his predecessors, but he expressed them more plainly than any previous pope had done.

After *Unam Sanctam* there was never any hope of a compromise between Boniface and Philip. The king did not reply by theological

counterarguments. He resolved on an attack of extraordinary brutality on Boniface personally. In March of 1303 his new minister, Guillaume de Nogaret, denounced Boniface before a council of French bishops and nobles as a usurper, a heretic, and a notorious criminal and demanded that a general council be assembled to judge and depose the pope. The charges were repeated in much greater detail at another assembly held in June (No. 104), but by then Nogaret had left Paris for Italy in an attempt to settle the whole issue by physical force. During the summer Boniface departed from Rome for his native city of Anagni and there prepared a decree of excommunication against Philip. A few days before the sentence was due to be promulgated the little town was seized by an army of several hundred mercenaries led by Nogaret and Sciarra Colonna (a brother of Cardinal Peter Colonna). After an afternoon's fighting they broke into the papal chambers and found the old pope waiting for them arrayed in pontifical robes and holding a crucifix in his hands. They insulted him and perhaps struck him as well. It is not clear whether Nogaret hoped to compel Boniface to renounce the papacy there and then or whether he intended to carry him off to France to stand trial before a council. Sciarra Colonna wanted to kill him on the spot (No. 105). The two leaders fell into a quarrel about their next move and continued arguing through the following day. They hesitated too long. By the third day the whole district was roused against the invaders. Nogaret had lost any chance there might have been of snatching away the pope and was lucky to escape alive. Boniface returned to Rome, but he never recovered from the shock of the outrage and died a few weeks later.

The next pope, Benedict XI, promptly excommunicated Nogaret but sought to reach an understanding with Philip. This pope, however, lived for only a few months after his election. The king's final triumph came in the reign of Benedict's successor, Clement V (1305-14). Clement was himself a Frenchman, and throughout his reign he was subjected to incessant threats and harassment by Philip. At the beginning of his pontificate he renounced the principle of *Clericis Laicos* and promulgated a bull *Meruit* declaring that *Unam Sanctam* was not to be interpreted as asserting any new claim by the papacy to lordship over France (No. 106). Finally, in 1311, after years of persistent pressure from Philip, Clement released Nogaret from the sentence of excommunication he had incurred for his part in the Anagni affair and publicly commended Philip for the piety and zeal he had shown in his dealings with Boniface (No. 107).

The problem of sovereignty had two aspects. There was first the issue of "external sovereignty"—whether a king was bound to recognize the jurisdiction of any lord outside his own kingdom. Boniface VIII asserted that kings were so bound, but Philip was able to rally all the influential opinion of France behind his indignant denial of the pope's claim. The

other issue was that of "internal sovereignty"—whether the king was really master in his own kingdom or whether the clergy formed a people apart, a kind of state within a state exempt from royal jurisdiction and royal taxation. On this question Philip was able to exact from Boniface himself an admission that whenever the king so willed reason of state took precedence over clerical privilege.

Boniface VIII's defeat marks the end of the road that Innocent III had marked out for the papacy a century earlier. Innocent's dream of a universal society of ordered peace may command our respect. Perhaps it never became a reality because in reaching out for worldly power the popes were going against the intrinsic nature of the religion that they claimed to represent. Certainly the combination of an exalted theory of papal overlordship with a persistent practice of using the spiritual authority of the popes to serve local political ends sapped the prestige of the Roman see to a degree that made possible the victory of Philip the Fair.

The Reopening of the Quarrel

100. The bull *Ausculta Fili* (December 1301), ed. G. Digard, M. Faucon, and A. Thomas, *Les Registres de Boniface VIII*, III (Paris, 1921), col. 328-32.

Listen, beloved son, to the precepts of a father and pay heed to the teaching of a master who holds the place on earth of Him who alone is lord and master; take into your heart the warning of holy mother church and be sure to act on it with good effect so that with a contrite heart you may reverently return to God from whom, as is known, you have turned away through negligence or evil counsel and conform yourself to His will and ours. . . . You have entered the ark of the true Noah outside of which no one is saved, that is to say the Catholic church, the "one dove," the immaculate bride of the one Christ, in which the primacy is known to belong to Christ's vicar, the successor of Peter, who, having received the keys of the kingdom of heaven, is acknowledged to have been established by God as judge of the living and the dead; and it belongs to him, sitting in the seat of judgement, to abolish all evil by his sentence. The Roman pontiff is indeed the head of this bride who descended from heaven, made ready by God like a bride adorned for her husband; nor does she have several heads like a monster for she is without stain or wrinkle or anything unseemly.

Moved by our conscience and urgent necessity we will explain to you more clearly, O son, why we are writing these things to you. For, although our merits are insufficient, God has set us over kings and king-

doms, and has imposed on us the yoke of apostolic service to root up and to pull down, to waste and to destroy, to build and to plant in his name and according to his teaching (*cf.* Jeremias 1:10) . . . wherefore, dearest son, let no one persuade you that you have no superior or that you are not subject to the head of the ecclesiastical hierarchy, for he is a fool who so thinks, and whoever affirms it pertinaciously is convicted as an unbeliever and is outside the fold of the good shepherd.

. . . It is quite clear and a matter of established law that the Roman pontiff has supreme and effective power over ecclesiastical dignities, offices and benefices, canonries and prebends whether they become vacant at the Roman curia or elsewhere and that the bestowal of churches or of dignities, offices, benefices and canonries does not and cannot belong to you, nor can anyone acquire any right in them from your bestowal except by the authority and consent, tacit or expressed, of the apostolic see. One who receives this authority [from the pope] and then denies that he has received it deserves to be deprived of it for ingratitude as does one who abuses a power conceded or permitted to him, and anyone who persuades you to the contrary speaks against the truth. Notwithstanding all this you irreverently over-step the bounds and limits appointed for you and rashly and unjustly impede the same see and do not permit its collations, canonically made, to be executed, but oppose them even when they are known to have preceded your collations, however made. . . .

You drag before your tribunal prelates and other clerics of your kingdom, both regular and secular, in personal actions or cases involving rights or properties that are not held from you as fiefs; you cause them to be detained and inquests to be held although no power over clerics or ecclesiastical persons is conceded to laymen. Moreover you do not permit prelates and ecclesiastical persons to use freely the spiritual sword that is theirs against those who injure and molest them. . . . You devour unjustly and without moderation the revenues and incomes of the vacant cathedral churches of your realm which you and your servants call regalia, so that churches whose guardianship was entrusted to kings in the first place for their protection now undergo the evil of disastrous depredations and are exposed to dangerous abuses.

. . . Having deliberated fully with our brothers concerning these things we have summoned to our presence by letters patent the archbishops, bishops . . . abbots and cathedral chapters of your realm, together with masters of theology and of canon and civil law, and other ecclesiastical persons of the said realm and we have commanded them to present themselves in our sight next year on the first of November . . . that we may consider the more carefully and ordain the more profitably what shall seem fitting for the reform of the above-mentioned matters and for your guidance and peace and health and for the good government and prosperity of that realm.

101. The forgeries of 1302, ed. P. Dupuy, *Histoire du différend d'entre le pape Boniface VIII et Philippe le Bel* (Paris, 1655), p. 44.

(Philip's supporters circulated these forged letters in Paris, claiming that the first had been sent by Boniface to Philip, the second by Philip to Boniface.)

Boniface, bishop, servant of the servants of God to Philip, king of the French. Fear God and keep his commandments. We want you to know that you are subject to us in spiritualities and temporalities. The collation of benefices and prebends does not belong to you at all and if you have the custody of any vacant churches you are to keep their revenues for those who succeed to them. If you have conferred any such benefices we declare the collations null and void and we revoke any that you have made *de facto*. Given at the Lateran on the fifth of December in the seventh year of our pontificate.

Philip, by the grace of God king of the French, to Boniface who acts as though he were pope, little or no greeting. Let your great fatuity know that in temporalities we are subject to no-one; that the collation of vacant churches and prebends belongs to us by royal right and that their revenues are ours; that the collations we have made in the past or shall make in the future are valid and that we shall strongly defend their holders against anyone. All who think otherwise we hold for fools and madmen. Given at Paris.

102. Address of Boniface to the ambassadors of the French Estates (June 1302), ed. P. Dupuy, *op. cit.*, pp. 77-79.

We hope that this Peter Flotte, this Achitophel, will be punished temporally and spiritually and we pray that God will reserve the punishing of him for us as is just. For this Peter falsified our letter to the king, our letter which was not written in haste but only after repeated deliberations of the whole college and with the counsel and consent of our brothers. . . . He falsified it or made up falsehoods about it, for we do not know for certain that he tampered with our letter since that letter has been concealed from the barons and prelates, and he attributed to us a command that the king should recognize that he held his kingdom from us. We have been expert in the law for forty years and we know very well that there are two powers ordained by God. Who can or should believe then that we entertain or will entertain such a fatuous and foolish opinion? We declare that we do not wish to usurp the jurisdiction of the king in any way, and so our

brother the cardinal of Porto has said. But the king cannot deny that, like all the faithful, he is subject to us by reason of sin. . . . Our predecessors deposed three kings of France; they can read it in their chronicles and we in ours, and one case is to be found in the Decretum; and although we are not worthy to tread in the footsteps of our predecessors, if the king committed the same crimes as they committed or greater ones we would depose him like a servant with grief and great sorrow. . . . As for our summons to the prelates, we answer to you who have come on their behalf that we do not suspend the summons. Rather we confirm, strengthen and renew it. . . .

Unam Sanctam

103. The bull *Unam Sanctam* (November 1302), ed. E. Friedberg, *Corpus Iuris Canonici*, II (Leipzig, 1881), col. 1245-46.

That there is one holy, Catholic and apostolic church we are bound to believe and to hold, our faith urging us, and this we do firmly believe and simply confess; and that outside this church there is no salvation or remission of sins, as her spouse proclaims in the Canticles, "One is my dove, my perfect one. She is the only one of her mother, the chosen of her that bore her" (Canticles 6:8); which represents one mystical body whose head is Christ, while the head of Christ is God. In this church there is one Lord, one faith, one baptism. At the time of the Flood there was one ark, symbolizing the one church. It was finished in one cubit and had one helmsman and captain, namely Noah, and we read that all things on earth outside of it were destroyed. This church we venerate and this alone, the Lord saying through his prophet, "Deliver, O God, my soul from the sword, my only one from the power of the dog" (Psalm 21:21). He prayed for the soul, that is himself, the head, and at the same time for the body, which he called the one church on account of the promised unity of faith, sacraments and charity of the church. This is that seamless garment of the Lord which was not cut but fell by lot. Therefore there is one body and one head of this one and only church, not two heads as though it were a monster, namely Christ and Christ's vicar, Peter and Peter's successor, for the Lord said to this Peter, "Feed my sheep" (John 21:17). He said "My sheep" in general, not these or those, whence he is understood to have committed them all to Peter. Hence, if the Greeks or any others say that they were not committed to Peter and his successors, they necessarily admit that they are not of Christ's flock, for the Lord says in John that there is one sheepfold and one shepherd.

We are taught by the words of the Gospel that in this church and in

her power there are two swords, a spiritual one and a temporal one. For when the apostles said "Here are two swords" (Luke 22:38), meaning in the church since it was the apostles who spoke, the Lord did not reply that it was too many but enough. Certainly anyone who denies that the temporal sword is in the power of Peter has not paid heed to the words of the Lord when he said, "Put up thy sword into its sheath" (Matthew 26:52). Both then are in the power of the church, the material sword and the spiritual. But the one is exercised for the church, the other by the church, the one by the hand of the priest, the other by the hand of kings and soldiers, though at the will and suffrance of the priest. One sword ought to be under the other and the temporal authority subject to the spiritual power. For, while the apostle says, "There is no power but from God and those that are ordained of God" (Romans 13:1), they would not be ordained unless one sword was under the other and, being inferior, was led by the other to the highest things. For, according to the blessed Dionysius, it is the law of divinity for the lowest to be led to the highest through intermediaries. In the order of the universe all things are not kept in order in the same fashion and immediately but the lowest are ordered by the intermediate and inferiors by superiors. But that the spiritual power excels any earthly one in dignity and nobility we ought the more openly to confess in proportion as spiritual things excel temporal ones. Moreover we clearly perceive this from the giving of tithes, from benediction and sanctification, from the acceptance of this power and from the very government of things. For, the truth bearing witness, the spiritual power has to institute the earthly power and to judge it if it has not been good. So is verified the prophecy of Jeremias [1.10] concerning the church and the power of the church, "Lo, I have set thee this day over the nations and over kingdoms" etc.

Therefore, if the earthly power errs, it shall be judged by the spiritual power, if a lesser spiritual power errs it shall be judged by its superior, but if the supreme spiritual power errs it can be judged only by God not by man, as the apostle witnesses, "The spiritual man judgeth all things and he himself is judged of no man" (1 Corinthians 2:15). Although this authority was given to a man and is exercised by a man it is not human but rather divine, being given to Peter at God's mouth, and confirmed to him and to his successors in him, the rock whom the Lord acknowledged when he said to Peter himself "Whatsoever thou shalt bind" etc. (Matthew 16:19). Whoever therefore resists this power so ordained by God resists the ordinance of God unless, like the Manicheans, he imagines that there are two beginnings, which we judge to be false and heretical, as Moses witnesses, for not "in the beginnings" but "in the beginning" God created heaven and earth (Genesis 1:1). Therefore we declare, state, define and pronounce that it is altogether necessary to salvation for every human creature to be subject to the Roman Pontiff.

The Attack on Boniface

104. Charges against Boniface presented by Guillaume de Plaisans before a royal council in Paris (June 1303), ed. P. Dupuy, *op. cit.*, pp. 102-6.

He does not believe in the immortality or incorruptibility of the rational soul but believes that the rational soul undergoes corruption with the body. He does not believe in an eternal life to come . . . and he was not ashamed to declare that he would rather be a dog or an ass or any brute animal than a Frenchman, which he would not have said if he believed that a Frenchman had an immortal soul. . . . He does not faithfully believe that, through the words instituted by Christ, spoken by a faithful and properly ordained priest in the manner prescribed by the church over a Host, it becomes the true body of Christ. . . . He is reported to say that fornication is not a sin any more than rubbing the hands together is. . . . He has often said that he would ruin himself and the whole world and the whole church to lay low the king and the French people if he could not do it otherwise. . . . He has had silver images of himself erected in churches to perpetuate his damnable memory, so leading men into idolatry. . . . He has a private demon whose advice he takes in all matters. . . . He has publicly preached that the Roman pope cannot commit simony, which is heresy. . . . He is guilty of the crime of sodomy. . . . He has caused many clerics to be murdered in his presence, rejoicing in their deaths. . . . He has compelled certain priests to reveal mens' confessions and then, without the consent of those who confessed, has made them public to their shame and confusion. . . . He does not fast on fast days or in Lent. . . . He has depressed and debased the rank and status of the cardinals. . . . He is openly called a simonist or rather the fount and origin of simony. . . . He is publicly accused of treating inhumanly his predecessor Celestine, a man of holy memory and holy life, being aware perhaps that he could not resign and that accordingly he (Boniface) could not legitimately enter upon his see—imprisoning him in a dungeon and causing him to die there swiftly and secretly, and this is notorious throughout the whole world. . . . He does not seek the salvation of souls but their perdition.

105. An eyewitness account of "the outrage at Anagni." Letter of William Hundleby to the bishop of Lincoln (September 1303), trans. H. G. J. Beck, *Catholic Historical Review*, XXXII (1947), pp. 200-5.

Behold, Reverend Father, at dawn of the vigil of the Nativity of the Blessed Mary just past, suddenly and unexpectedly there came upon Anagni a great force of armed men of the party of the King of France and of the two deposed Colonna cardinals. Arriving at the gates of Anagni and finding them open, they entered the town and at once made an assault upon the palace of the Pope and upon that of the Marquis, the Pope's nephew. . . .

After a time, however, the Marquis, nephew of the Pope, realizing that defense was no longer possible, surrendered to Sciarra and the captain, so that they spared his own life and those of his son and companions. In this fashion were the Marquis and one of his sons taken and thrown into prison, while another son escaped by means of a hidden passage. When the Pope heard this reported, he himself wept bitterly, yet not even the Pope was in a position to hold out longer. Sciarra and his forces broke through the doors and windows of the papal palace at a number of points, and set fire to them at others, till at last the angered soldiery forced their way to the Pope. Many of them heaped insults upon his head and threatened him violently, but to them all the Pope answered not so much as a word. And when they pressed him as to whether he would resign the Papacy, firmly did he refuse—indeed he preferred to lose his head—as he said in his vernacular: "E le col, e le capel!" which means: "Here is my neck and here my head." Therewith he proclaimed in the presence of them all that as long as life was in him, he would not give up the Papacy. Sciarra, indeed, was quite ready to kill him, but he was held back by the others so that no bodily injury was done the Pope. Cardinal Peter of Spain was with the Pope all through the struggle, though the rest of his retinue had slipped away. Sciarra and the captain appointed guards to keep the Pope in custody after some of the papal doormen had fled and others had been slain. Thus [were] the Pope and his nephew taken in Anagni on the said vigil of the Blessed Mary at about the hour of vespers and it is believed that the Lord Pope put in a bad night.

The soldiers, on first breaking in, had pillaged the Pope, his chamber and his treasury of utensils and clothing, fixtures, gold and silver and everything found therein so that the Pope had been made as poor as Job upon receiving word of his misfortune. Moreover, the Pope witnessed all and saw how the wretches divided his garments and carted away his furniture, both large items and small, deciding who would take this and who that, and yet he said no more than: "The Lord gave and the Lord taketh away, etc." And anyone who was in a position to seize or to lay hold upon something, took and seized it and carried it off, while no one then paid any more attention to the person of the Pope than he did to Godfrey Ceco of Lincoln or to Peter Stall. . . .

Epilogue

106. Clement V, decree of February 1306, ed. E. Friedberg, *Corpus Iuris Canonici*, II (Leipzig, 1879), col. 1300.

The full and sincere affection that our son Philip, illustrious king of the French, bears toward us and the Roman church has merited—and the outstanding merits of his forefathers, together with the sincerity and purity of the devotion of the people of his kingdom have also merited—that we show benevolent favor to both king and kingdom. Hence it is that we do not wish or intend that anything prejudicial to that king or kingdom should arise from the declaration of our predecessor of happy memory Pope Boniface VIII, which began with the words "Unam sanctam"; nor that the aforementioned king, kingdom and people should be any more subject to the Roman church on account of it than they were before. But everything is understood to be in the same state as it was before the said definition, both as regards the church and as regards the aforementioned king, kingdom and people.

107. Clement V, decree of April 1311, *Regestum Clementi Papae V* (Rome, 1887), p. 414.

. . . Finally, having inquired diligently into the matter we find that the said assertors, objectors and denouncers [of Boniface] . . . and the said king . . . were not impelled by any preconceived malice but were actuated by an estimable, just and sincere zeal . . . and by apostolic authority we pronounce and with the council of our brothers we decree and by these presents declare that they were and are guiltless of malicious accusation and that they acted out of an estimable, just and sincere zeal and from the fervor of their Catholic faith.

5. The Growth of Political Thought

There was a new richness of texture in the greater works of political theory, inspired by the conflict of Boniface VIII and Philip the Fair, a complexity of argumentation in which many earlier strands of theological, philosophical, and juristic thought were woven together into fresh patterns. Often enough the original spinners of individual threads might have been startled at the finished designs to which they had unwittingly contributed. We can only guess what St. Bernard or Hugh of St. Victor (let alone Aristotle!) might have thought of the uses to which their texts were put by contending philosophers like Giles of Rome and John of Paris. The violence of the struggle between pope and king was reflected in writings that set out their rival claims more explicitly and in more extreme terms than ever before. But some of the most distinguished works of the period were produced by writers of the middle way, who achieved a new sophistication and precision in their attempts to defend the integrity of the state and the integrity of the church and to define with due discrimination the proper sphere of action of each.

The most systematic and thoroughgoing defense of papal theocracy came from Giles of Rome. His treatise *De Ecclesiastica Potestate* formulated the ideology that lay behind Boniface VIII's pronouncements just as Cardinal Humbert's work had provided the theoretical basis for the decrees of Gregory VII. Giles, moreover, started from exactly the same premise as Humbert—the intrinsic superiority of spiritual being to material being. The originality of his work lay in his application of this old doctrine to a very personal conception of *dominium*, a term which might be translated as "rightful lordship." Giles himself used the word to mean both political authority and property ownership.

In the first book of his treatise Giles discussed the pope's *dominium* in the former sense. He argued that the pope could be identified with the "spiritual man" referred to by the apostle Paul in 1 Corinthians 2:15, "The spiritual man judgeth all things; and he himself is judged of no man," and that such a spiritual ruler was necessarily the lord of all temporal kings. He maintained, indeed, that this conclusion was im-

plicit in the whole order of the universe. The practical outcome of the argument was an assertion that all legitimate political authority was derived from the pope and subject to his control (No. 108).

In his second book Giles dealt with *dominium* as property ownership. It would have been difficult in the days of Boniface VIII to defend the vast possessions of the church on the purely pragmatic ground that they were essential for its spiritual mission or charitable activities. Giles of Rome preferred to deploy again his favorite philosophical argument about the intrinsic superiority of spiritual being. For more moderate thinkers an obvious difficulty about this approach was to set any reasonable limits to its application. If the ownership of material property by the church was to be justified by the argument that in principle temporal goods ought to be subject to spiritual power, then why should not all temporal goods be so subject? Far from seeking to evade this conclusion, Giles enthusiastically accepted all its implications and maintained that the pope was indeed the ultimate owner of all the material goods in the world. His first statement of this position had an audacious simplicity about it. Souls were governed by the pope, he pointed out; bodies were subject to souls; temporal goods existed to serve the needs of the body; therefore all temporal goods were subject to the pope. Giles' second argument on the same point was more complicated. Dominion over the whole universe belonged to God; therefore men who were alien to God could not exercise any rightful dominion; but all men were sinners and could be reconciled to God only through the church; therefore they could only acquire the right to own property justly from the church—which implied that the church had a general lordship over all earthly goods. Giles added that he did not intend to dispossess existing owners of the rights they actually possessed. It was only a kind of eminent domain that he claimed for the church (No. 109).

His third book dealt with the distinction between immediate control and ultimate lordship in the sphere of political authority. Giles here considered Alexander III's view that "according to the rigor of the law" there was no appeal from a secular court to an ecclesiastical one (No. 57), which seemed opposed to his own theory of papal authority. Giles asserted, however, that temporal rulers and temporal courts had been established not because of any defect in the spiritual power but because it was inconsistent with the dignity and excellence of that power to concern itself with mundane affairs as a matter of normal routine. Where any kind of spiritual issue was involved the pope did exercise jurisdiction in temporal affairs and could judge any case whatsoever if he chose to exercise his plenitude of power. In the ordinary course of events, however, it would be appropriate for him to leave temporal cases to temporal rulers, and the saying of Alexander III was to be understood as meaning nothing more than this (No. 110). Giles's utmost concession to the secular power was this acknowledgment that on the whole it was

fitting for the pope to allow existing rulers to retain their jurisdiction so long as he saw no particular reason for depriving them of it.

The work of Giles of Rome has been much admired by historians of political philosophy for its formidable combination of complexity of thought with coherence of argument. Equally striking, however, was its total failure to convince the contemporary critics of the papacy against whom it was directed. No king ever acknowledged that all temporal power was held from the pope; no representative assembly of towns and nobles ever accepted such a view; no hierarchy of bishops in any country urged it on their ruler; no synod of clergy endorsed it. The idea of a superiority inherent in the papacy because of its total commitment to spiritual values had become too far removed from the reality of the bureaucratic, worldly minded Roman curia to carry any conviction. Giles of Rome had described a platonic vision that was becoming ever more remote from the real world of affairs.

The extreme vulnerability of his whole system of thought to plain, common-sense criticism is strikingly exposed in the *Disputatio inter Clericum et Militem*, written before Giles's own work but concerned with the same basic premise about the superiority of the spiritual order to the temporal. It was cast in the form of a lively dialogue between a cleric and a knight who disclaimed all pretension to sophisticated learning. The cleric threw up one by one the arguments in favor of papal theocracy; the knight shot them down with well-aimed texts of Scripture. It was the kind of argument that any French noble or merchant could understand and relish, and the work enjoyed a very wide circulation at the time of the dispute between Philip and Boniface (No. 111).

Although the author of the *Disputatio* upheld the right of Philip to tax the church, he set out primarily to defend lay power and lay property against clerical encroachments. Pierre Dubois presented a much more radical thesis on the royal side in his *De Recuperatione Terrae Sanctae*. Dubois proposed the wholesale expropriation of ecclesiastical estates as a part of a general reorganization of Europe under the hegemony of the French monarchy. According to his plan the king of France was to bribe the German electors to make him emperor, his brother was to seize Constantinople, and the pope was to reside in France and become in effect a sort of chaplain to the French royal house. The pope would be required to hand over the temporal possessions of the Roman church to the king of France, who could then appoint a French prince to govern in Italy and himself assume the overlordship of England, Aragon, and Majorca as successor to the feudal jurisdiction of the papacy (No. 112). All this was fantasy, as much so as Giles of Rome's vision of a universal papal monarchy, but Pierre Dubois typified in his radical anticlericalism and chauvinistic French patriotism some of the new forces that were stirring to life in the age of Boniface VIII.

Perhaps the greatest of all the works of political theory written at

this time is the *De Potestate Regia et Papale* of the French Dominican friar John of Paris. Giles of Rome was subtle and logical but perverse in his extremism; the author of the *Disputatio* was sensible but unsubtle; Pierre Dubois was a dreamer of dreams—or nightmares. John of Paris, more than any of them, brought to his task all the qualities needed for a dispassionate analysis of church-state relations in an age of crisis and conflict: a spirit of moderation, a full cargo of theological, philosophical and juristic learning, and a great talent for lucid and orderly exposition.

His book had two major themes: the right relationship of spiritual to temporal power and the right relationship of rulers to their subjects in church and state. A preliminary discussion on church property introduced both themes. There were two major errors current in his day, John maintained: the error of those who taught that it was not licit for the church to hold any property, and the error of those who believed that all temporal possessions were subject to the spiritual power. (He called this second view the error of Herod who, when he heard of the birth of the Savior, believed that Christ was to be an earthly king—a hard blow this at Giles of Rome). The truth, according to John, lay between these two extremes. The church did lawfully hold property, but not because spiritual rulers had an intrinsic right to dominate all temporal goods; it was rather that the church had licitly received endowments from princes and other laymen who had the power to make such gifts from their own possessions. Moreover, John asserted, ownership of these endowments of the church was vested in the whole Christian people. The pope was not lord over them but rather an administrator or steward who acted on behalf of the community. As for laymen, they had the right to possess their own goods as individuals. The pope had no normal rights of administration over such goods, and the function of the temporal ruler in regard to them was merely to act as judge when disputes arose (No. 113).

Closely following Aquinas, John argued that civil government had its origin in man's own nature, while the priesthood was instituted to guide men to their supernatural end in the world to come. Of these two powers the priesthood was indeed greater in dignity, but this did not at all imply that secular power was subordinate to ecclesiastical within its own proper sphere or that the royal dignity was derived from the priestly (No. 115). There remained then the problem of explaining what kind of power a pope could licitly exercise over a prince or a prince over a pope in a Christian society. John's conclusion was that the only authority the pope could exercise was that of spiritual censure, though he might use this power in such a way as to encourage the people to depose an unworthy ruler. So too, the prince might use his power of physical coercion to assist the cardinals in deposing an evil pope. But

the pope had no authority to depose a prince directly, nor the prince to depose a pope (No. 115).

The idea that a king's authority might be subject to constitutional restraints was well established by this time; an important feature of John's work is his application of the same idea to the government of the church. Like all men of his time he adhered to the conventional view that all legitimate authority came from God, but, he pointed out, God left to human choice the designation of particular individuals who were to bear authority. John not only maintained that the prince in the state and the pope in the church existed to promote the welfare of the whole community in their different ways, but also that they were in a real sense responsible to the community. The withdrawal of consent by the people could be just as effective in deposing an evil ruler as the giving of consent was in establishing a good one. The pope, for instance, was steward of all the goods of the church and defender of the church's faith, but if he misappropriated the goods of the church or betrayed the faith of the church he was liable to rebuke and in the last resort to deposition by a general council or by the cardinals acting on behalf of all the people. John did not regard the authority inherent in the community as a merely latent power to be called on only at a time of desperate emergency. He maintained that the best form of government for both church and state would be one in which all the people regularly participated through duly chosen representatives, for, he said, "all the people love and preserve such a government" (No. 114).

From the beginning of the discussions on church and state, writers who rejected both royal theocracy and papal theocracy had been concerned especially with the problem of avoiding tyranny. According to Pope Gelasius, Christ had instituted a separation of powers in the first place in order to promote a "healthful humility" in rulers. The actual course of the various controversies greatly encouraged the growth of constitutional ideas. Papal writers had to stress the principle of canonical election in the church to counter the practice of lay investiture. Imperialists, when faced with the claim that the emperor's power was bestowed by the pope, often fell back on the Roman law argument that such power was derived from the community. Moreover, popes had repeatedly called on subjects to oppose their rulers in the name of a "higher law," and secular princes had appealed against popes to general councils representing the whole church. John of Paris was the first writer on political theory who combined in a mature and harmonious synthesis the ancient principle that the two powers should be distinct, with all the constitutionalist elements of thought that had grown up around that idea. One of the most important of all the results of the conflict between Boniface VIII and Philip the Fair was that it stimulated such a lucid and impressive defense of the doctrines of dualism and constitu-

tionalism which in the political sphere, were the most valuable legacy of the Middle Ages to the modern world.

Giles of Rome

108. On the supremacy of spiritual power. *De Ecclesiastica Potestate* (1301), ed. R. Scholz (Weimar, 1929), pp. 11-13, 15.

Hugh of St. Victor, in his book *De Sacramentis Fidei Christianae*, Part II, c.4 declares that the spiritual power has to institute the earthly power and to judge it if it has not been good. Thus is verified the prophecy of Jeremias concerning the church and the power of the church, "Lo, I have set thee this day over the nations and over the kingdoms, to root up and to pull down, and to waste, and to destroy, and to build, and to plant" (Jeremias 1:10).

. . . We can clearly prove from the order of the universe that the church is set above nations and kingdoms, for, according to Dionysius in his *De Angelica Ierarchia*, it is the law of divinity that the lowest are led to the highest through intermediaries. The order of the universe requires this therefore, that the lowest be led to the highest by intermediaries . . . and this is made plain at *Romans* 13 from the words of the Apostle who, having said that there is no power except from God, immediately added "And those that are, are ordained of God." If then there are two swords, one spiritual the other temporal, as can be gathered from the words of the Gospel, "Behold, here are two swords" (Luke 22:38), where the Lord at once added "It is enough" because these two swords suffice for the church, it follows that these two swords, these two powers and authorities, are from God, since, as we have said, there is no power except from God. But, therefore, they must be rightly ordered since, as we observed, what is from God must be ordered. Now they would not be so ordered unless one sword were led by the other and unless one were under the other since, as Dionysius said, the law of divinity which God gave to all created things requires this. . . . Therefore the temporal sword as being inferior is led by the spiritual sword as being superior and the one is set below the other as an inferior below a superior.

It may be said that kings and princes ought to be subject spiritually but not temporally. . . . But those who speak thus have not grasped the force of the argument. For if kings and princes were only spiritually subject to the church, one sword would not be below the other nor temporalities below spiritualities; there would be no order in the powers, the lowest would not be led to the highest through intermediaries. If, therefore, they are ordered the temporal sword must be below

the spiritual, kingdoms below the vicar of Christ, and *de iure*, although some act in a contrary fashion *de facto*, the vicar of Christ must have dominion over temporal affairs.

The royal power ought to recognise the priestly as a superior dignity by which, at God's command, it is instituted. And if it is said that not all royal power is instituted by the priesthood we say that there is no royal power not instituted by the priesthood which is not either unrighteous, in which case it is more a band of robbers than a power, or united with the priesthood, or subsequently confirmed by the priesthood. For in the law of nature, where there were many kingdoms of the gentiles, nearly all those kingdoms were founded by invasion and usurpation. . . . But according to Augustine, *De Civitate Dei*, kingdoms without justice are great bands of robbers. Hence such rulers are not kings although they are called kings, but rather thieves and robbers.

109. On dominion of property. *Ibid.* (1301), pp. 48-50, 74-75.

We intend to explain in this chapter that all temporal things are placed under the dominion and power of the church. . . . The power of the supreme pontiff governs souls. Souls ought rightly to govern bodies or they will be badly ordered as regards the part which does not obey the soul or mind or reason. But temporal things serve our bodies. It follows then that the priestly power which governs souls also rules over bodies and temporal things.

Because some may not be satisfied with authorities we wish to adduce reasons to prove that no one can justly hold dominion over anything unless he is reborn through the church. . . . For since you ought to be under God and under Christ you are unjust if you are not under him, and, because you are unjustly withdrawn from Christ your lord, all things are justly withdrawn from your lordship. For a man who will not be subject to his lord cannot justly have lordship of anything. If a knight were unwilling to be under the king it would be fitting that the knight's subjects should not be under him. Thus if a knight unjustly withdraws from his lord he is justly deprived of all his own lordship. But anyone who is not reborn through the church [in baptism] is not under Christ's lordship; therefore he is rightly deprived of all his own lordship, so that he cannot justly be lord of anything. . . .

It follows then that you should acknowledge that your heritage and all your lordship and every right of possession are yours more from the church and through the church and because you are a son of the church than from your carnal father or through him or because you are his son. . . .

It should be noticed, however, that, although we say that the church is mother and mistress of all possessions and all temporalities, we do not thereby deprive the faithful of their lordships and possessions for, as will be explained below, the church and the faithful each have a kind of lordship; but the church has a universal and superior lordship, the faithful a particular and inferior one.

110. On the exercise of spiritual power. *Ibid.* (1301), pp. 143-45.

. . . If the church has primacy over all temporal things as we have said above . . . how can we hold true what is found in the canons of the church, namely that it is not in accordance with the rigor of the law to appeal from a civil judge to the pope, as is said at *Decretales* 2.28.7 [No. 57]. . .

It is not on account of any defect of power in the spiritual sword that it may not judge concerning temporalities; rather it was on account of its excellence that a material sword was added to it. Because the spiritual sword is so exalted and such exalted things are committed to it, in order that it might attend to them more freely, the second sword was added, but this in no way diminished the jurisdiction and plenitude of power of the spiritual sword; rather it was done because it is fitting that what is appointed for great things should not concern itself directly with petty ones unless some cause arises. And so the plenitude of power is in the spiritual sword and, when it is expedient it may judge concerning temporalities. If then there is an appeal from a civil judge to the pope, although it may not be in accordance with the law on separation of courts it will be in accordance with the law on plenitude of power.

Disputatio inter Clericum et Militem

111. *Disputatio inter Clericum et Militem* (1296-98), trans. E. Lewis, *Medieval Political Ideas*, II (New York, 1954), 567-73.

THE CLERK opened the discussion in the following words: I marvel, good Sir, in how few days the times are changed, justice is buried, laws are overturned, and rights are trampled under foot.

KNIGHT: Those are big words, and I am a layman, and though I learned a few letters as a boy I never got deep enough to understand words so high. And therefore, reverend Clerk, you must use a plainer style if you want to talk with me.

CLERK: In my time I have seen the church held in great honour among all kings, princes, and nobles; but now I see it wretched. The church has been made a prey for you all; many things are exacted from us, none

given to us; if we do not give up our property it is stolen from us; our rights are trampled under foot; our liberties are violated.

KNIGHT: It is hard for me to believe that the king, whose council is composed of clerics, is acting unjustly toward you or that your right is perishing.

CLERK: But indeed we are enduring countless injuries, against all right.

KNIGHT: I should like to know what you call "right."

CLERK: By "right" I mean the decrees of the fathers and the statutes of the Roman pontiffs.

KNIGHT: What they decree, if they decree concerning temporals, may be rights for you; but not for us. For no one can make decrees about things over which he certainly has no lordship. Thus the king of the French cannot make decrees in regard to the Empire, nor the Empire in regard to the kingdom of France. And even as earthly princes cannot decree anything in regard to spirituals, over which they have received no power, so neither can you decree anything in regard to their temporals, over which you have no authority. Thus whatever you have decreed about temporals, over which you have not received power from God, is a waste of time. So I had to laugh recently when I heard that Lord Boniface VIII had just decreed that he is and ought to be over all governments and kingdoms, and thus he can easily acquire a right for himself over anything whatever, since all he has to do is to write and everything will be his as soon as he has written; and thus everything will belong to you, when to decree is nothing more than to wish to have for one's self. Therefore to wish will be the same as to have a right; therefore one need only write, "I wish this to be mine," when he wants to have my castle, or my country-house, or my field, or my money and treasure. You can't help seeing, wise Clerk, to what absurdity this argument brings you.

CLERK: You argue cleverly enough, Lord Knight, and slyly produce these arguments against us. . . . But if you want to be a Christian and a true Catholic, you will not deny that Christ is Lord of all things. . . . And who will doubt the validity of the decrees of Him Who, it is certain, is Lord of all things?

KNIGHT: I certainly do not resist divine authority or lordship, since I am and wish to be a Christian. And therefore, if you will show me by various Scriptures that supreme pontiffs are lords over all temporals, then kings and princes must certainly be subject to supreme pontiffs in temporals as well as in spirituals.

CLERK: That can easily be shown from what has been said. For our faith holds that the apostle Peter was instituted plenary vicar of Jesus Christ for himself and his successors. If, therefore, you do not deny that Christ, Who is Lord of heaven and earth, can decree in regard to your temporals, you cannot without blushing deny the same authority to the plenary vicar of Christ.

KNIGHT: I have heard holy and most devout men distinguish two periods in Christ, one of humility and the other of authority: of humility up to His passion, of authority after His resurrection, when He said, "All power is given to me in heaven and on earth" (Matthew 28:18). Now Peter was constituted vicar of Christ for the state of humility, not for the state of glory and majesty. For he was not made vicar of Christ for those things that Christ does now in glory, but to imitate those things that Christ did when He was humble on earth, because those are necessary to us. Therefore He committed to His vicar that power which He exercised as mortal man, not that which He received when glorified. And I shall prove this to you by the testimony of those same Scriptures which you quote. For Christ Himself said to Pilate, "My kingdom is not of this world" (John 18:36), and that He did not come to be ministered unto, but to minister (Matthew 20:28). This testimony is plain enough to confound anyone who resists it and to break a neck, however stiff. And this likewise: "A certain man from the crowd said to Jesus, 'Master, say to my brother that he should divide the inheritance with me,' and He said to him, 'O man, who made Me a judge and divider over you?'" (Luke 12:13,14). Therefore you hear clearly that Christ was constituted neither judge nor divider in temporals. . . .

CLERK: Do you deny, O Knight, that the church has cognizance of sins?

KNIGHT: Far be it from me; for that would be to deny penance and confession.

CLERK: Any injustice is sin, and he who has cognizance of sin has cognizance of the just and unjust. Since, therefore, justice and injustice are characteristics of temporal affairs, it follows that the church should be judge in temporal cases.

KNIGHT: That argument is a sophistry, and its emptiness and weakness ought to be refuted by a similar argument. Hanging robbers and other condemned criminals is a matter of the just and unjust, and of sin too. Therefore by reason of sin the pope ought also to judge concerning blood. But that argument is a feather blown into the air by a light reason. . . . And I will show you where, according to Paul, your cognizance ought to begin, because the prince by his own right has cognizance of the just and the unjust; and let everyone heed his decision, that it may be maintained, and obey him as it is commanded (Deuteronomy 17:10,11). If, however, anyone, swelling with pride, does not obey his command, and if the prince whose was the office of judging does not have power to resist or coerce him, then your jurisdiction begins; because then your admonition comes into play, as the apostle Paul says in the Epistle to Titus, 3:1: "Admonish them to be subject and submissive to princes and powers." And in the Epistle to the Romans, [13:1]: "Let every soul be subject to the higher powers." . . .

CLERK: Ought not temporals to serve spirituals? Therefore temporals

ought to be subject to spirituals, and the spiritual power ought to rule the temporal power.

KNIGHT: Truly temporals ought to serve spirituals in the proper way, since they are considered necessary to minister to those who maintain the worship of God. For every people holds this principle as if innate and instinctive, and nature itself has decreed this by natural right: that whatever is necessary should be provided for those who minister to the Creator and celebrate divine things. . . . When you argue further that the supreme pontiff is superior in all things, you run into a bad joke. For if, when the pope is created, he is created lord of all things, by like reason to create a bishop will be to create the lord of his territory, and my priest will be lord of my castle, and of me too. . . . Therefore stop talking this nonsense which everybody laughs at and which has been settled by so many texts of Scripture and logical proofs. For we say that in the Old Law priests were not adored by kings, but kings and princes were adored by priests and prophets, and they were summoned to the kings and commanded to do what pleased the kings, and when they were occasionally at fault in the public administration of temporals they were reproved, as is told in the third book of Kings [1 Kings], chapters 1 and 4. . . .

CLERK: What do kings and princes have to do with the administration of our temporals? Let them have their own, and leave ours to us.

KNIGHT: It is our interest in every way. Is it not our interest to worry over the safety of our souls above all things? Is it not our interest to carry out the due rites for our dead fathers, and also to demand such rites? And were not your temporals given you by our fathers, and plentifully provided, for this purpose: that you might entirely expend them in divine worship? But certainly you do nothing with them but apply to your own needs all that with which you ought to fill the bellies of the poor through benefactions and works of charity. Is it not necessary that through holy works of this sort the dead may be freed and the living saved? When you spend these endowments as if they were your own and consume them extravagantly in defiance of the givers' intention and also, in a sense, waste them by misuse, do you not wrong the living and the dead, and damnably steal from them? Should not the wage be taken away from the soldier who refuses to earn it? . . .

Pierre Dubois

112. *De Recuperatione Terrae Sanctae* (1305-07) trans. W. I. Brandt (New York, 1956), pp. 167-79, 171-74.

When wars have been brought to an end by the means here suggested; when, in return for a guaranteed annual pension, the govern-

ment, possession, and distractions of the pope's temporalities have been entrusted in perpetuity to the lord king of the French, to be governed by his brothers and sons as he shall see fit to provide, when the poisonous plots of the Romans and Lombards have ceased—then it is highly probable that the lord pope will be able to enjoy a long and healthful life in his native land, the kingdom of the French, with leisure to devote his sole attention to the governance of souls, and he may thereby avoid the inclement atmosphere of Rome, to which he has been unaccustomed from birth. This would be of inestimable and lasting benefit to all the friends, neighbors, and kindred of the lord pope, and especially to the whole kingdom of the French, since the ultramontane clergy would not have the income of fat benefices belonging to the cismontane churches—as they have had in the past—for building castles for themselves and their kin by defrauding the churches even at the expense of divine offices, nor would they control these fat benefices. The highest prelacy in the Church would no longer be withheld from the French, as has long been the custom because of the craft and natural cunning of the Romans. The latter, eager in their pride to trample on the humility of the French, have presumed to attempt what has elsewhere never been heard of, namely, to lay claim to temporal dominion over the kingdom of the French and its supreme prince, damnably inciting that kingdom of greatest peace and concord to perpetual sedition. The presumptuous beginning of this storm has happily been calmed, because the king of peace imparts the greatest harmony to his deputies.

If the lord pope should remain long in the kingdom of the French, he will probably create so many cardinals from that kingdom that the papacy will remain with us and escape altogether the grasping hands of the Romans. The reason for this will be so evident that for the future they will be careful to avoid snatching at others' rights lest a worse fate befall them. . . .

Lord Charles [of Valois], when the wars of Christians obedient to the lord pope have been brought to a close, can, by the grace of God, easily seize the empire of Constantinople. [Under the proposed arrangement] he would have warriors for this, which he probably would not have otherwise.

For all these matters to occur thus favorably is and will be of more interest to our lord high king of the French, his children, brothers, and his whole posterity, than can be written. If the above suggestions be successfully carried out, he will be able to ally all kings and princes obedient to the Roman Church with himself and his brother, who, in view of the opportunity to conquer the empire of the Greeks without disorder in the kingdom of the French, cannot fail to begin the war and prosecute it to the death.

It will be a source of much honor and profit to the lord king of the

French if he can procure the kingdom and empire of Germany for his brother and nephews in perpetuity. It would be well to come to an agreement on this matter with the present king [of Germany] before he can hear of the new plan for peace. The lord king, as is said to have been agreed elsewhere, would then have for himself and his heirs the whole territory situated on this side of the Rhine at Cologne, or at all events the direct overlordship and control of the countries of Provence and Savoy, together with all the rights which an emperor would have in Lombardy and in the cities and territories of Genoa and Venice. In this way the lord king would have free access to Lombardy. This agreement ought to be made secretly between the king of the French and the king of Germany, with the pope's approval and confirmation, so that when it has been so agreed and confirmed, the empire will be confirmed to the king of Germany and his posterity. Gifts could be made to the electors, at least to the lay electors, to gain their consent, since it would be in many ways to their advantage that the customary wars of the Empire and its subjects cease.

Then if the pope, in return for a perpetual annual pension, would turn over to the lord king the whole patrimony of the Church and temporal jurisdiction over its vassals, among whom are many kings, it could be stipulated and agreed that the lord king would appoint as Roman senator one of his brothers or sons. This individual, in the absence of the king himself, would be the supreme judicial authority in the patrimony. Appeals from his decisions could be submitted to the lord pope, who, after reviewing the procedure in cases where he was authorized to interfere, might reverse, confirm, or otherwise modify them.

If the Lombards, Genoese, and Venetians should be unwilling to render obedience to the king and to pay him the tribute and dues formerly owed by them to the emperors, they would at once be shut off from intercourse with all Catholics obedient to the lord pope and who observed the new plan and statute of peace. Trade in all commodities would also be forbidden them. The lord king might freely enter Lombardy by way of Savoy; the senator, the emperor, and the king of Sicily would come from other directions. Thoroughly subdued, [the recalitrants] would be sent into perpetual exile. Because of the new inviolable statute of peace [established by] the allies their wonted arrogance could not endure, but would necessarily fall, as well as that of the Romans, Tuscans, Campanians, Apulians, Calabrians, Sicilians, and all other kingdoms and provinces obedient to the pope.

By this means the kings of England, Aragon, and Majorca would be obedient to the lord king just as they now are required to obey the pope in temporal matters, and a compact could be made with the prospective king of Granada that he, too, should obey the lord king.

John of Paris

113. On property. *Tractatus de Potestate Regia et Papali* (1302-03), ed. J. Leclercq, *Jean de Paris et l'ecclésiologie du XIIIe siècle* (Paris, 1942), pp. 173-75, 188-89.

... As regards the power of ecclesiastical pontiffs, the truth occupies a middle ground between two errors. The error of the Waldensians was to deny to the successors of the apostles, that is the pope and the prelates of the church, any rightful lordship over temporal things and to maintain that it is illicit for them to have any temporal riches. Hence they say that the church of God and the successors of the apostles and true prelates of the church lasted only until the time of Sylvester and that, when the church received the emperor Constantine's donation, the Roman church had its beginning and, according to them, this is not at present the church of God. Rather, they say, the church of God has ceased to exist except in so far as it is continued or restored in themselves. ... The other error is that of Herod who, when he heard that Christ was born, believed him to be an earthly king. From this seems to be derived the opinion of certain moderns who, in rejecting the first error, go so far in the opposite direction as to assert that the lord pope, since he stands in place of Christ, has dominion over the temporal goods of princes and barons and jurisdiction and cognizance concerning them. ...

Between such contrary opinions, the first of which everyone regards as erroneous, I think that the truth establishes a middle ground, namely that it is not improper for the prelates of the church to have lordship and jurisdiction over temporalities, and this is against the first error; but that nevertheless this is not owed to them by reason of their status or in their capacity as vicars of Christ and successors of the apostles. Rather it can be fitting for them to have such things by concession or permission of princes if they have bestowed any such things out of devotion, or if the prelates have received them from another source.

... The lord pope as head and supreme member of the universal church is the general and universal administrator of all the goods of the churches both spiritual and temporal. He is not indeed the owner of them; rather the community of the universal church is the only lord and owner of all ecclesiastical goods in general and particular churches and congregations of the things pertaining to them. ... And just as a monastery can act to depose an abbot or a particular church a bishop if it is clear that they have squandered the goods of the monastery or church and, betraying their trust, have used them for private ends

instead of for the common good, so too it is clear that if a pope were to use the goods of the churches faithlessly and not for the common good, which he is bound to watch over as supreme bishop, he might be deposed provided that, after admonition, he would not mend his ways.

... From the foregoing material it is clear what relation the pope has to the goods of laymen, for still less is he the owner of lay property; rather, he is not even an administrator of such goods except in some ultimate necessity of the church, and even then he is not an administrator but a declarer of right. To prove this it should be considered that the external goods of laymen are not conferred on the community like ecclesiastical goods but are acquired by individual persons through their own skill, labor and industry; and individual persons, as individuals, have right and power over them and true lordship, and each one can order, dispose, administer, retain or alienate his own property at will without injuring anyone else, since he is the owner. ... And therefore neither prince nor pope has lordship or rights of administration over such goods. But because it sometimes happens that the common peace is disturbed on account of such external possessions when someone seizes what belongs to another, or sometimes when men love their own possessions too much and will not contribute in proportion as the necessity and utility of their fatherland require, a prince is established by the people to preside as judge in such cases and to determine what is just and unjust. ...

114. On the origin and nature of government in church and state. *Ibid.* (1302-03), pp. 176-78, 199, 236.

First it should be known that kingship, properly understood, can be defined as the rule of one man over a perfect multitude so ordered as to promote the public good. ... Such a government is based on natural law and the law of nations. For, since man is naturally a civil or political creature as is said in Book I of the *Politics*—and the Philosopher proves this from food, clothing and defense in which a solitary man is not self-sufficient as also from speech which is addressed to another, these things being necessary only for men—it is essential for a man to live in a multitude and in such a multitude as is self-sufficient for life. The community of a household or village is not of this sort, but the community of a city or kingdom is, for in a household or village there is not found everything necessary for food, clothing and defense through a whole life as there is in a city or kingdom. But every multitude scatters and disintegrates as each man pursues his own ends unless it is ordered to the common good by some one man who has charge of this common good. ...

Next it must be borne in mind that man is not ordered only to such a good as can be acquired by nature, which is to live virtuously, but is further ordered to a supernatural end which is eternal life, and the whole multitude of men living virtuously is ordered to this. Therefore it is necessary that there be some one man to direct the multitude to this end. If indeed this end could be attained by the power of human nature, it would necessarily pertain to the office of the human king to direct men to this end, for we call a human king him to whom is committed the highest duty of government in human affairs. But since man does not come to eternal life by human power but by divine . . . this kind of rule pertains to a king who is not only man but also God, namely Jesus Christ . . . and because Christ was to withdraw his corporal presence from the church it was necessary for him to institute others as ministers who would administer the sacraments to men, and these are called priests. . . . Hence priesthood may be defined in this fashion. Priesthood is a spiritual power of administering sacraments to the faithful conferred by Christ on ministers of the church.

The royal power both existed and was exercised before the papal, and there were kings in France before there were Christians. Therefore neither the royal power nor its exercise is from the pope but from God and from the people who elect a king by choosing either a person or a royal house. . . . It would seem that the power of inferior pontiffs and ministers is derived from the pope more than the royal power, for ecclesiastical prelates are more immediately dependent on the pope than secular princes. But the power of prelates is not from God through the pope but immediately from God and from the people who elect or consent.

. . . Although a form of government in which one man simply rules according to virtue is better than any other simple government, as the Philosopher proves in Book III of the *Politics*, nevertheless if it is mixed with aristocracy and democracy it is better than a simple form in that, in a mixed constitution, all have some part in the government. Through this the peace of the people is maintained and all of them love such a government and preserve it.

115. On the relationship of spiritual to secular power. *Ibid.* (1302-03), pp. 183-84, 214, 225.

From the foregoing material it is easy to see which is first in dignity, the kingship or the priesthood. . . . A kingdom is ordered to this end, that an assembled multitude may live virtuously, as has been said, and it is further ordered to a higher end which is the enjoyment of God; and responsibility for this end belongs to Christ, whose minis-

ters and vicars are the priests. Therefore the priestly power is of greater dignity than the secular and this is commonly conceded. See *Dist.* 96 c.10, "As gold is more precious than lead so the priestly order is higher than the royal power." And in the *Decretales* 1.33.6 it is said that as the sun excels the moon so spiritualities excel temporalities. And Hugh of St. Victor in his *De Sacramentis*, Book II, Part II, c.4 declares, "In proportion as the spiritual life is of greater dignity than the earthly and the spirit than the body, so the spiritual power excels the secular or earthly power in honor and dignity." And likewise Bernard to Pope Eugenius, Book I, "Which seems to you the greater dignity, the power of forgiving sins or of dividing estates? But there is no comparison." It is as if he would say, "The spiritual power is greater; therefore it excels in dignity."

But if the priest is greater in himself than the prince and is greater in dignity, it does not follow that he is greater in all respects. For the lesser secular power is not related to the greater spiritual power as having its origin from it or being derived from it as the power of a proconsul is related to that of the emperor, which is greater in all respects since the power of the former is derived from the latter. The relationship is rather like that of a head of a household to a general of armies, since one is not derived from the other but both from a superior power. And so the secular power is greater than the spiritual in some things, namely in temporal affairs, and in such affairs it is not subject to the spiritual power in any way because it does not have its origin from it but rather both have their origin immediately from the one supreme power, namely the divine. Accordingly the inferior power is not subject to the superior in all things but only in those where the supreme power has subordinated it to the greater. A teacher of literature or an instructor in morals directs the members of a household to a nobler end, namely the knowledge of truth, than a doctor who is concerned with a lower end, namely the health of bodies, but who would say therefore the doctor should be subjected to the teacher in preparing his medicines? For this is not fitting, since the head of the household who established both in his house did not subordinate the lesser to the greater in this respect. Therefore the priest is greater than the prince in spiritual affairs and, on the other hand, the prince is greater in temporal affairs. . . .

Concerning the ecclesiastical power of censure or correction it should be known that, directly, it is only spiritual, for it can impose no penalty in the external court but a spiritual one, except conditionally and incidentally. For though the ecclesiastical judge has to lead men back to God and draw them away from sin and correct them, he has to do this only in the way laid down for him by God, which is to say by cutting them off from the sacraments and from the company of the faithful and

by similar measures which are proper to ecclesiastical censure. I said "conditionally" in reference to one who is willing to repent and accept a pecuniary penalty, for the ecclesiastical judge cannot impose any corporal or pecuniary penalty for a crime as a secular judge can, except only on one who is willing to accept it. . . . I said "incidentally" because if a prince was a heretic and incorrigible and contemptuous of ecclesiastical censures, the pope might so move the people that he would be deprived of his secular dignity and deposed by the people. The pope might do this in the case of an ecclesiastical crime, of which cognizance belonged to him, by excommunicating all who obeyed such a man as a lord, and thus the people would depose him, and the pope "incidentally." So too, if the pope on the other hand behaved criminally and brought scandal on the church and was incorrigible, the prince might indirectly excommunicate him and "incidentally" bring about his deposition by warning him personally or through the cardinals. And if the pope were unwilling to yield the emperor might so move the people as to compel him to resign or be deposed by the people, for the emperor could, by taking securities or imposing corporal penalties, prevent each and everyone from obeying him or serving him as pope. So each can act toward the other, for both pope and emperor have jurisdiction universally and everywhere, but the one has spiritual jurisdiction, the other temporal.

As for the argument that corporeal beings are ruled by spiritual beings and depend on them as on a cause, I answer that an argument so constructed fails on many grounds. Firstly because it assumes that royal power is corporeal and not spiritual and that it has charge of bodies and not of souls which is false, as is said above, since it is ordained, not for any common good of the citizens whatsoever, but for that which consists in living according to virtue. Accordingly the Philosopher says in the *Ethics* that the intention of a legislator is to make men good and to lead them to virtue, and in the *Politics* that a legislator is more estimable than a doctor since the legislator has charge of souls, the doctor of bodies.

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- 2 *The Story of Troilus* translations and introductions by R.K. Gordon
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