

剑桥政治思想史原著系列（影印本）

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

教会至上与教皇至上

Conciliarism and Papalism

Edited by

J. H. BURNS and

THOMAS M. IZBICKI

中国政法大学出版社

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papalism*

EDITED BY

J. H. BURNS

University of London

AND

THOMAS M. IZBICKI

Johns Hopkins University

中国政法大学出版社

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电 话 (010)62229563 (010)62229278 (010)62229803

电子信箱 zt5620@263.net

网 址 <http://www.cupl.edu.cn/cbs/index.htm>

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Conciliarism and papalism

剑桥政治思想史原著系列

丛书编辑

Raymond Geuss

剑桥大学社会科学和政治科学高级讲师

Quentin Skinner

剑桥大学近代史讲座教授

在政治理论领域，“剑桥政治思想史原著系列”作为主要的学生教科丛书，如今已牢固确立了其地位。本丛书旨在使学生能够获得从古希腊到 20 世纪初期西方政治思想史方面所有最为重要的原著。它囊括了所有著名的经典原著，但与此同时，它又扩展了传统的评价尺度，以便能够纳入范围广泛、不那么出名的作品。而在此之前，这些作品中有许多从未有过现代英文版本可资利用。只要可能，所选原著都会以完整而不删节的形式出版，其中的译作则是专门为本丛书的目的而安排。每一本书都有一个评论性的导言，加上历史年表、生平梗概、进一步阅读指南，以及必要的词汇表和原文注解。本丛书的最终目的是，为西方政治思想的整个发展脉络提供一个清晰的轮廓。

本丛书已出版著作的书目，请查阅书末。

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

Series editors

RAYMOND GEUSS

Lecturer in Social and Political Sciences, University of Cambridge

QUENTIN SKINNER

Regius Professor of Modern History, University of Cambridge

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Editors' note

The division of editorial labour between us has been as follows. The Introduction was written by James Burns and revised in the light of comments and suggestions by Thomas Izbicki. The Chronology, the Note on terms and the Bibliography were compiled jointly. The translation and annotation were the work of Thomas Izbicki: successive drafts were read by James Burns and the final version was prepared on the basis of extensive consultation between the two editors.

Our thanks, as always in such undertakings, are due to many more colleagues and friends than can be listed here. However, a special word of gratitude for help in solving various problems should be addressed to Paul Pascal, Peter Stein and those who replied to queries posted on the listserves MDVLPHIL and MEDTEXTL. We are also indebted to Quentin Skinner, and to Jeremy Mynott and Richard Fisher of the Cambridge University Press for their support, encouragement and advice at various moments. At the production stage, we have been greatly assisted by Vicky Cuthill, Lyn Chatterton, Cherrill Richardson, and Frances Brown (whose copy-editing of a complex text was as helpful as it was careful).

Introduction

I

Three of the texts translated in this volume were the immediate by-products of a sharp if short-lived crisis in the ecclesiastical politics of the early sixteenth century. Written during a period of little more than a year, the tracts by Tommaso de Vio (1468–1534: better known, and referred to below, as Cajetan) and Jacques Almain (c. 1480–1515) are essentially polemical in character, albeit highly technical in content and style. The text by John Mair (c. 1467–1550) – unlike the others, an extract from a much longer work – provides an epilogue.¹ The echoes of the crisis of 1511–12 still indeed reverberated half a dozen years later; but Mair was not engaging in what might be called the hand-to-hand fighting of controversy when he turned, in his 1518 commentary on St Matthew's gospel, to the issues that had embroiled his brilliant pupil Almain with the master general of the Order of Preachers. And even when reading the writings of Cajetan and Almain we are not confronted only – or even mainly – with specific questions as to the status and claims of the council (or what purported to be the council) of the Church which met in Pisa and Milan at the time when those works were written. Each of the two contenders was (and was conscious of being) the bearer of a tradition: each tradition embodied one of the ways of envisaging, interpreting and upholding the polity of the Church that had divided theologians and canon

¹ Biographical notes on Almain, Cajetan, and Mair can be found in *The Cambridge History of Political Thought, 1450–1700*, 657–8, 666, 683.

lawyers for a century and a half. John Mair, for his part, was restating one of the rival doctrines in somewhat calmer times and perhaps in less vehement terms. Yet if the times were calmer in the limited context of the persistent debate between papalists and conciliarists within the Catholic Church, they were scarcely peaceful in a more general sense when Mair wrote the commentary he published in 1518. And the fact that the years with which this volume is immediately concerned were the years leading up to the far graver ecclesiastical crisis precipitated by Martin Luther may suggest that neither the argument over the Council of Pisa/Milan nor, for that matter, the broader contention between papalism and conciliarism can claim major importance in the history of early sixteenth-century Christendom. On this view, the arguments of Cajetan, Almain and Mair would constitute no more than a sideshow. There are, however, at least two reasons for questioning and countering that dismissive judgment.

First, if the appropriate context here is one in which the need to reform the Church is central, we must bear in mind that the assembly at Pisa in 1511 had precisely that reform as its agenda. Certainly it was also a political instrument manipulated by Louis XII of France in his conflict with Pope Julius II. No doubt the small number of those who met at Pisa would always have vitiated any claim the assembly might have had to be accepted as a genuine council instead of being dismissed as a mere *conciliabulum*. Yet for all its limitations it did represent an attempt to give effect to the feeling – persistent as it was in the early decades of the century – that reform of the Church “in head and members” was essential and could be achieved only by means of a general council. Thus Giovanni Francesco Poggio (1443–1522) – a defender in 1511 of papal authority against conciliar pretensions – had himself, seven or eight years earlier, vainly urged Julius II to summon such a council. The “schismatic cardinals” who met at Pisa rested their case on the undertakings Julius had given, on becoming pope, to take that action. Nor were “conciliarist” views left unexpressed at the court of a pope who had, to be sure, very different concerns in the forefront of his mind. Sometime in 1510 or 1511 (but in any case before the crisis precipitated by the assembly at Pisa), Giovanni Gozzadini (1477–1517) upheld the view that conciliar decisions were “of greater authority, strength and power than the pope’s statutes.” In

the end Julius himself was persuaded that the best way to counter a pretended council was to summon a genuine one. The fifth Lateran Council (1512–17) may have achieved little more by way of substantive reform than the *conciliabulum* in northern Italy; but the widespread conviction remained that it was only by means of a council that the Church could arm itself adequately against the forces of heresy and schism.

Jacques Almain died before the Lutheran storm broke, but Cajetan and Mair lived through the first phases of what became the Protestant Reformation. For all their ecclesiological differences, they were at one in their unhesitating condemnation of Luther. Cajetan indeed was to be one of Luther's principal doctrinal adversaries.² Whereas, however, he and his Parisian opponents had drawn upon the same sources for arguments conducted within the limits of a recognized framework, Luther so defied those conventions as to impose new tactics upon those who sought to defend Catholic orthodoxy. Thus Cajetan can be seen as refining his methods of exegesis in order to refute Luther.³

The parameters of controversy might change, but the need for reform and the means of achieving it did not. When Reformation outside the Catholic Church evoked Counter-Reformation within (a process of which Mair, unlike Cajetan, saw the start), it was, once again, in a general council that the most important measures were initiated. Trent was, to be sure, a manifestation of the conciliar element in the life of the Church very different from what came in time to be called the *conciliarism* of the fifteenth century. Yet the process *was* conciliar, and questions about the authority and competence of councils could still be and still were asked. It is not without significance that the most comprehensive attempt ever made to assemble, expound and evaluate the arguments as to the respective powers of pope and council was printed only a few years before the first session of the Council of Trent (having however been compiled at much the same period as the texts in this volume).

² See J. Wicks (ed. and trans.), *Cajetan Responds: A Reader in Reformation Controversy* (Washington, DC, 1978). This includes a partial translation of Cajetan's 1521 *De divina institutione pontificatus Romani pontificis*. Mair's reaction to Luther is expressed mainly in his 1529 *In quatuor Evangelia expositiones*.

³ See on this Wicks, *Cajetan Responds*, 29, 31, and esp. 34–8. Mair for his part also tried to adjust to intellectual change, especially in the later revisions of his commentaries on the *Sentences*.

Certainly Domenico Giacobazzi (1443–1527) was concerned in his *De concilio* (1538) to refute conciliarist claims; but his encyclopedic method ensured that the arguments of his opponents were fully recorded. And even at Trent the old conciliarist case did not go entirely by default: Robert de Ceneau for one (a Parisian pupil of John Mair) was still ready to state it there.

The unmistakable prominence of Paris and Parisian teaching in this connection is a reminder of a point that will serve to open up the second reason for regarding the controversy between papalism and conciliarism in this period as having more than minor significance. This concerns the more strictly *political* bearing of the issues debated in this volume. The comparative importance of these early sixteenth-century polemics in their ecclesiastical context is one thing; but what claim does this debate have to consideration in the history of political thought with which this series is concerned?

The answer has two aspects, the first perhaps more obvious and more familiar than the second. In the historiography of European political ideas it has been received wisdom for at least a century that conciliarist opposition to papal “absolutism” was an essential element in the development of “constitutionalism” – specifically, of the theory and practice of “limited monarchy.” That opposition was seen as having taken shape (whatever its earlier roots or “foundations” may have been) in the “Conciliar Movement” of the late fourteenth and early fifteenth centuries. At the same time, the revival or prolongation of this conciliarist tradition by writers like Almain and Mair has been recognized as having its own particular importance – not least as one of the main channels through which late-medieval “constitutionalism” flowed into the “resistance theory” of both the Reformation and the Counter-Reformation. None of this has lost its importance, even if the language in which it has usually been expressed now invites the caution implicit in the use here of inverted commas around certain key terms. Neither “constitutionalism” nor the “absolutism” to which it is opposed can be regarded as an unproblematic concept; but the use of such terms remains essential in the discussion of issues that are historically real and politically inescapable.

What was referred to above as the prolongation of the conciliarist tradition was not a matter only of the writings of Almain, Mair and others, nor of the use of their ideas in post-Reformation polemics.

It is a striking fact that those ideas were given wider circulation over a period extending into the eighteenth century. The media for this were, above all, the two great editions (published respectively in 1606 and 1706) of the works of Jean Gerson; for these incorporated not only his own immensely influential writings but also cognate works by his contemporaries and – crucially for present purposes – the texts by Almain and Mair included in this volume. The importance of this derives in part from the fact that the decision thus to expand those editions was a deliberate continuation of the conciliarism of the university of Paris. The key figure was the editor of the 1606 edition, Edmond Richer (1559–1631), briefly and controversially syndic of the Sorbonne and a vigorous polemicist at the turn of the sixteenth and seventeenth centuries.⁴ The dates will at once make it clear that we are not dealing here with arguments in favour of “limited monarchy” in the temporal realm. On the threshold of “the age of Louis XIV,” we are not far from the high-water mark of the absolute monarchy we associate with the *ancien régime*. In that context the point of “conciliarism” is that it can serve, not as part of the armory of secular “constitutionalism,” but as a weapon in the defense of Gallicanism against what would come to be known as Ultramontanism. It is important, therefore, to bear in mind that a writer like Mair, besides firmly reasserting the ultimate supremacy of council over pope, also rehearses the standard case against the pope’s claim to temporal supremacy over secular rulers. The texts in which he does so have no place in the present edition; but, together with even more substantial work by Almain to the same purpose, they were carefully included in the Gerson editions of 1606 and 1706.⁵

In this there is neither contradiction nor incoherence. The effect of both conciliarism and Gallicanism was to restrain the tendency for papal “fullness of power” to become an omniscient and

⁴ The Almain and Mair texts were also reprinted in Book IV of *Vindiciae doctrinae Scholae Parisiensis . . . contra defensores monarchiae universalis et absolutae Curiae Romanae* (Cologne, 1683); and the 1706 Gerson edition was reissued in 1728. It should also be noted that Almain’s *Libellus* had been reprinted several times between 1518 and 1526.

⁵ Almain’s *Expositio circa decisiones quaestionum M. Guillelmi Ockam, super potestate summi Pontificis* first published in the 1518 edition of his *Opuscula* and separately reprinted in 1526 and 1537, was also included by Melchior Goldast in his *Monarchia*, vol. 1 (Hanover, 1611).

universal sovereignty; and the rejection of such a sovereignty was essential to the position claimed by the monarchies of the *ancien régime*. There may be some irony in the fact that arguments intended to show that kingship properly understood (Mair's *politia regalis et optima*) necessarily involved such limits to royal power as we should term "constitutional" could be associated with the defense of "absolute monarchy." Yet even that irony may be lessened by a more carefully nuanced understanding of what a term like *potestas absoluta* really meant. It is still necessary, however, to consider how the arguments used against Almain and Mair and in defense of the papalist view of the Church affect political thinking in a wider sense. How, in particular, does the position adopted by Cajetan contribute to an understanding of monarchy in general?

The answer may usefully be approached by first considering a position Cajetan did *not* take. It was possible for a defender of the papal monarchy to base himself upon a conception of monarchy as such which precluded the element of consent that was fundamental in theories like those of Mair and Almain. Thus Poggio, writing at the same time and in the same circumstances as Cajetan, insists on a fundamental difference between *regimen monarchicum* and *regimen politicum*. Under "political" rule the fullness of power lies ultimately with the community; under monarchy it lies with the ruler. The authority of a monarch may be said to be essentially patriarchal: whether pope or king, he is *paterfamilias ipsius domus*. Certainly there are systems of temporal government in which the ruler is subject to the corporate authority of his subjects and may be deposed by them for misrule. These, however, are not truly "monarchical" regimes: they are, for Poggio, to be characterized as "political."⁶ Cajetan's approach is more radical. He bluntly rejects the suggested parallel between civil and ecclesiastical government, insisting rather that the papal monarchy enjoys a unique position and unique authority. Temporal government rests upon natural law; temporal kingship *may* be based on the consent of its subjects. Perhaps, indeed, in the final analysis, all temporal monarchies – and, for that matter, all other forms of civil government – must have that consent as their basis. The authority of Peter and of his successors,

⁶ This argument is developed at an early stage in the "Reply to arguments against the power of the pope" in Poggio's *De potestate papae et concilii* (Rome², 1512?).

however, can never be so understood: it is based directly and unconditionally upon God's ordinance. Papal authority, in fact, *is* divine authority, albeit exercised by a "vicar" – a human representative who may, being human, succumb to human weaknesses. Against that misfortune the remedy (and the only remedy) God has provided is earnest prayer. This cannot, to be sure, mean that the Church as a body – the mystical body of Christ Himself – has *no* corporate authority. There are extreme circumstances (essentially when a pope has fallen into heresy) in which that corporate authority may have to be exercised by a general council; but this, for Cajetan, has no "constitutional," no political implications. The divinely ordained papal monarchy still stands above and apart from such arguments.

In this theory, then, a potent image of absolute monarchy based unequivocally on "divine right" is presented; but it is presented in a frame utterly unacceptable to those temporal monarchs who were building, or were later to build, what we think of as the "absolutism" of the early-modern European realm. It was unacceptable for at least two reasons. First, by allowing or even insisting that temporal rule derived in the end from the consent of the community, it opened up, or left open, the way toward the advocacy of unpalatably "limited" kingship, if not to the rejection of kingship altogether. Second, if it did not of itself entail the reassertion of the old papal claim to temporal supremacy, it did lay a foundation for the assertion of an "indirect power" scarcely if at all less at odds with the purposes and pretensions of monarchs whose *liberum imperium* was becoming the vehicle for the sovereignty of the state. Such a state could not live at ease with the kind of church Cajetan (and perhaps Calvin?) had in mind.⁷

II

With these general considerations in mind, it is time to take a more particular look at the circumstances and character of the four texts presented below. What has sometimes been called – with a good

⁷ The notion of "indirect power" was a well-established and persistent feature of Dominican thinking. Cajetan's tracts, it may be noted, were reprinted in later sixteenth-century editions of his *Opuscula* (1576; 1582; 1588) and included by J. T. de Rocaberti in vol. 19 of his *Bibliotheca maxima pontificia* (Rome, 1699).

deal of exaggeration – “the schism of Pisa” began effectively on May 16, 1511. It was then, following abortive attempts a few months before by Louis XII and the Emperor Maximilian to induce Julius II to summon a council, that such a summons was issued by nine cardinals, though perhaps fully supported by only five, headed by Bernardino Lopez Carvajal. The five included one other Spaniard, one Italian and two Frenchmen. The proclamation specified September 1 as the date and Pisa as the place for the assembly. In the event no formal meeting took place until November. Three short sessions in Pisa were followed in the early months of 1512 by five more in Milan. The fundamental decree of the Council of Constance on conciliar authority, *Haec sancta* (1415), was reissued; the basic doctrines and policies adopted both at Constance and at Basel were reasserted; and in the eighth session, on April 21, 1512, Julius II was declared suspended from his papal authority. Julius meantime had responded vigorously to the challenge. Having, it is said, encountered the May 1511 proclamation on the door of the church of San Francesco in Rimini, he lost little time in following the advice of Cajetan among others by issuing his own summons to the fifth Lateran Council. This was promulgated on July 25, 1511, with April 19, 1512 as the date for the fathers to assemble. By the time that council was formally inaugurated on May 3, 1512, the threat from its rival was virtually at an end. Political support apart from that of France had never been strong. The Emperor vacillated; Ferdinand of Aragon had rallied decisively to the pope’s side as early as mid-November 1511; and his son-in-law Henry VIII evidently had little inclination at this time to commit himself against the papacy. The purported suspension of the pope in April 1512 was a mere dying gesture. The *conciliabulum*, as it now manifestly was, moved first to Asti and then to Lyons, where, on July 6, 1512, what proved to be its last session took place.

If we turn from politics to propaganda we can see that the issue was joined at once in the arena of juristic and ecclesiological doctrine. It is not hard to believe that Cajetan as master general of the Dominicans had a share in drafting Julius’ condemnation in July 1511 of the impending *conciliabulum*. The bull *Sacrosanctae Romanae ecclesiae* launched the attack which Cajetan was to continue and develop two or three months later in the first of the texts included in this volume. By then Julius was about to issue an ultimatum to

those meeting at Pisa, with excommunication as the penalty for non-compliance. By then too, at least one of the first salvos in defense of Pisa had been fired.⁸ The *Apologia sacri Pisani concilii* by Zaccaria Ferreri, dated September 27, 1511, strongly upheld both the council's validity and its right to resist the pope.⁹ There is, however, no need to suppose that Cajetan had Ferreri or any other specific adversary in mind when he set to work that autumn on the writing of his *Auctoritas papae et concilii sive ecclesiae comparata*. This was completed on October 12, and published in Rome on November 19, 1511. Despite the immediate crisis which had evoked it (and which echoes clearly in Cajetan's dedicatory epistle), this is in many ways an austere technical text. Drawing on the resources he found in the work of his Dominican predecessor Juan de Torquemada (and, of course, on the teaching of Aquinas, to whom they both looked back), Cajetan sets himself to restate the essential papalist view of the polity of the Church. Starting with a firm assertion that the pope "has supreme power in the Church of God," he proceeds to examine the scriptural evidence for the comparative status of Peter and the other apostles, arguing the case for Peter's superiority and the consequential primacy of Peter's successor. It is from this firm position that Cajetan turns to the view he seeks to refute: the view that simple or absolute supremacy belongs, rather, to "the universal Church or the universal council." Here he confronts directly the doctrines proclaimed by the council of Constance, defended, above all, by Jean Gerson, and subsequently reiterated in even more radical terms by the council of Basel. It is here that what may be regarded as Cajetan's more strictly political ideas emerge.

It was not possible – nor did Cajetan attempt – to deny that authority in the Church was exercised by persons other than the pope who was, under Christ Himself, head of the mystical body. Just as Peter's fellow-disciples had had their share in the government of the apostolic Church, so now their successors, the bishops, shared in ecclesiastical jurisdiction. The power they exercised, how-

⁸ The first was not the most substantial: that description could best be claimed (at least until Almain's *Libellus* appeared) by the *Consilium . . . habitum pro ecclesiae auctoritate* of the noted jurist Filippo Decio, whose views seem to have had great weight with the "schismatic cardinals." Decio's work was reprinted by Goldast in his *Monarchia*, vol. 2 (Hanover, 1614), 1667–76.

⁹ Reprinted by Goldast, *Monarchia*, vol. 2, 1653–63.

ever, was (Cajetan argued) different in kind from that wielded by the pope. The pope has *potentia praeceptiva*, power to command: significantly, Cajetan also uses the term *imperium* to describe it. The bishops, on the other hand, have “a kind of executive power” (*velut potentia exsecutiva*). This is what Aquinas (according to Cajetan) calls *auctoritas gubernandi*, authority to govern; but the governing is essentially subordinate, the authority derivative or delegated. Its source lies in the “preceptive” power – identified by Aquinas as *auctoritas regiminis*, authority to rule. It is entirely consonant with this that Cajetan later insists on the pope’s normally exclusive control of the power to appoint to ecclesiastical office (and, incidentally, to regulate the process for election to the papacy itself). A discussion with its starting-point in Paul’s account of his opposition to Peter (Galatians 2) ends in a defense of the centralized papal monarchy.

There was, however, a threat to that monarchy potentially much more serious than the claims of individual bishops. When those bishops came together in a general council representing the Church as a whole, they might claim – they had claimed – an authority superior even to that of the pope himself. This indeed was the claim restated, in however small a voice, by the assembly at Pisa: this was what Cajetan was primarily concerned to refute. Now no orthodox theologian could deny the authority – even in some sense the paramount authority – of duly constituted ecumenical councils. What was at issue was the nature of that authority, its relationship to the authority of the pope, and – above all – the question whether the body of the Church could, in a council, exercise authority independently of the pope as its head. Cajetan’s answer (directed above all against the view he found in Gerson) was absolutely clear. Gerson had argued that the Church as “a free and perfect community” necessarily had the power, collectively, to make and to interpret law. Cajetan responded by arguing that, without its head, no community is “perfect.” Following the definition of law by Aquinas, with its insistence on the indispensable role in lawmaking of “him who has care of the community” (its ruler or head), he cited and endorsed St Thomas’ conclusion that “the holy fathers assembled in a council can ordain nothing without the intervention of the authority of the Roman pontiff.” Thus, in the words of Cajetan’s chapter-heading, “there is no legislative power in the Church apart