

ABSTRACT

The Modernization of the Roman Church: A Political-Philosophical Analysis of the Medieval Papacy

Kelsi Ray

Director: David D. Corey

The Great Western Schism of 1378 marked the beginning of one of the most tumultuous centuries for the Catholic Church. Often, however, the fifteenth century is overshadowed by the scandals of papal extravagance and reformatory protestation in the sixteenth century. The conciliarist movement developed in response to the schism, however, is a political-philosophical treasure. In this thesis, I explore various theories of ecclesiastical rule from the time of the Great Western Schism through the papacy of Pope Pius II. I compare three periods of ecclesiastical government with three similar phases of political philosophy enumerated by Quentin Skinner in his article "The State." In light of these comparisons, I consider how the ecclesiastical and secular realms can serve to illuminate one another, providing explanations for otherwise confusing or seemingly unfounded phenomena in theory and practice. In conclusion, I argue that the late medieval Church functions more as a political state than a church, leading to its modernization during the Renaissance.

APPROVED BY DIRECTOR OF HONORS THESIS:

Dr. David D. Corey, Honors Program

APPROVED BY THE HONORS PROGRAM:

Dr. Elizabeth Corey, Director

DATE: _____

THE MODERNIZATION OF THE ROMAN CHURCH: A POLITICAL-
PHILOSOPHICAL ANALYSIS OF THE MEDIEVAL PAPACY

A Thesis Submitted to the Faculty of
Baylor University
In Partial Fulfillment of the Requirements for the
Honors Program

By
Kelsi Ray

Waco, Texas

May 2017

TABLE OF CONTENTS

Chapter One: The Fifteenth Century Papacy and the Modernization of <i>Status</i>	1
Chapter Two: The Great Western Schism and the First Phase of Skinner's State Analysis	12
Chapter Three: Florentine Republicanism and Conciliarism	29
Chapter Four: Hobbesian Absolute Sovereignty and the Post-Conciliar Papacy	57
Chapter Five: Conclusion	84
Bibliography	87

CHAPTER ONE

The Fifteenth Century Papacy and the Modernization of *Status*

Introduction

The Piccolomini Library in the Cathedral of Siena is lined with frescoes painted by Pinturicchio depicting the life of Aeneas Silvius Piccolomini from the beginnings of his political career through his papal reign as Pope Pius II. These frescoes, commissioned by Aeneas's nephew, Pope Pius III, look more like a celebration of monarchy itself, depicting a life that is much more easily read as a story of political triumph than one of spiritual ascent. Moreover, they smell of pro-papal propaganda, reminding anyone who enters the library of the glory of a monarchical pope in a time when such a reminder was desperately needed. Of course, a political pope is not even remotely surprising in the Renaissance, but there is a uniqueness to the life of Aeneas Silvius Piccolomini which will become central to this thesis. These frescoes, when they were commissioned by Pius III, stood not only as a celebration of the life of Aeneas and the Papacy of Pius II, but also as a reminder to all congregants at the Cathedral of Siena that the papacy was supreme. Thus, there is a level of abstractness surrounding the papal seat that I do not believe was present at the time of the Great Schism, which erupted a little over a century before the painting of these frescoes. In short, what is being revered in the Pinturicchio frescoes and what is being theorized in theological and political-philosophical circles at the beginning of the sixteenth century is the papacy, not the person of the pope himself. By contrast, only one hundred years earlier the *persons* who filled the papal seat were

central to discussions surrounding the papacy. In this thesis I attempt to trace and categorize the process by which the papacy became an institution reflective of the modern, abstract concept of the state as a self-conscious entity separate from both the rulers and the ruled.

I do this by first recapitulating Quentin Skinner's article "The State" as an overview of the process by which the word *status* arrived at its modern meaning. I then argue that a similar process occurred within the Roman Church. I support this argument by relating Skinner's three stages of the late medieval and early modern *status* to three mirroring stages in the Catholic Church: the Great Schism, the Conciliarist era, and the papacy of Pope Pius II, a former conciliarist turned papal apologist. I focus primarily on the theory of the Conciliarists, as it is the main locus of the philosophical shift that occurs regarding the papacy. In this section, I rely significantly on the political philosophy of Aristotle, showing that both the conciliarists and the Florentine republicans often used his philosophy to argue for the mixed regime as the best possible rule for the Church and state, respectively.

Before turning to the Church, however, I first give an overview of the argument that Quentin Skinner makes in his article, "The State." Skinner's piece is aimed at answering the following questions: how did we arrive at the "abstract vision" that "has come to be embodied in the use of such terms as *état*, *stato*, *staat*, and state," and what are the "historical circumstances out of which these linguistic and conceptual transformations first arose."¹ Skinner points to Hobbes as the first political theorist to use

¹Quentin Skinner, "The State," in *Contemporary Political Philosophy: An Anthology*, ed. Robert E. Goodin and Philip Pettit, 2 edition (Malden, MA: Wiley-Blackwell, 2005), 3.

the term “state” and self-consciously mean what moderns still mean when they use the term—a self-sufficient entity that depends upon neither the ruler nor the subjects for its identity. One way of imagining what the modern usage of “state” entails is to consider that a presidential candidate could say something like “I want to decrease government influence and shrink the state,” and the American people would not imagine him lopping off his own arm or decreasing the size and power of the citizenry. Rather, the “state” is an abstract entity that stands wholly apart from the men and women who fill the positions of power within it and the citizens who are governed by it. Hobbes could never have used *status* in this way, however, were it not for several waves of political theory related to the term *status* that preceded him. In what follows, I summarize Skinner’s article, highlighting especially the points he makes that are most applicable to my own analysis of the Church.

Skinner begins with an overview of the uses of the Latin term *status*, along with its vernacular forms (*état*, *stato*, *state*), which he says “can already be found in general use in a variety of political contexts...as early as the fourteenth century.”² He enumerates three ways *status* was used, and these three uses become the framework for the rest of his article, which traces the transition of the term’s meaning through a variety of political-philosophical sources. The three basic uses of *status* include: the standing of rulers themselves connected with the condition of the realm or commonwealth; the republican phase wherein rulers are entrusted with the care of the state but do not define it; and, by the time of Hobbes, the condition of the “state” as an individual political entity. Skinner’s contribution is to reveal “the process by which the above usages—all of them common

² Ibid.

throughout late-medieval Europe—eventually gave rise to recognizably modern discussions of the concept of the state.”³

While prior historians looked almost entirely to the evolution of *legal* theories in the fourteenth and fifteenth centuries to explain the evolution of *status*,⁴ Skinner focuses on something else, namely “the early histories and advice-books for magistrates...as well as on the later mirror-for-princes literature, to which they eventually gave rise.”⁵ Perhaps the most famous work of these genres is Machiavelli’s *The Prince*, but Skinner notes that it was not until the “widespread usurpation” of traditionally republican regimes and the subsequent “rise of hereditary *signori*” that many writers⁶ began writing works like Machiavelli’s, which he calls “mirror-for-princes treatises.”⁷ In these treatises, the authors schooled the *signori* on methods for attaining their own glory while also maintaining the happiness of those whom they ruled. However, “their main concern was with a far more basic and urgent question of statecraft: how to advise the new *signori* of Italy, often in highly unsettled circumstances, how to hold on to their *status principis* or *stato del principe*, their political state or standing as effectively governing rulers of their existing territories.”⁸ Thus, the meaning of *status* here refers not only to the state of the ruler, which is to say his personal political standing, but also the state of the regime

³ Ibid., 5.

⁴ Ibid.

⁵ Ibid., 6.

⁶ Ibid., 4-5. Skinner mentions Giovanni di Viterbo, Giovanni Villani, Ranieri Sardo, Felippo Ceffi. Skinner argues that all of these authors used the Roman concept of the *optimus status republicae* as articulated by Cicero and Seneca as their source.

⁷ Ibid., 6.

⁸ Ibid.

which the prince is duty-bound to maintain. Skinner's first phase of *status* is thus clearly defined as an era in which the condition of the commonwealth was dependent upon the state of the ruler himself.

Before turning away from the mirror-for-princes treatises, Skinner names three preconditions that any ruler must meet if he "is to prevent the state in which he finds himself from being altered to his disadvantage."⁹ Though these preconditions are a slight digression from his main project of exposing the history of the term *status*, they are particularly relevant to my own analysis of papal rule at the time of the Great Schism in the next chapter. The preconditions that authors of these treatises such as Filippo Beroaldo, Francesco Patrizi, Vespasiano da Bisticci, and others enumerate for the princes are as follows: the prince "should be able to preserve the character of one's existing regime," "should suffer no loss or alteration in the range of territories given into one's charge," and, most importantly, should "keep one's hold over the existing power structure and institutions of government within one's *regnum* or *civitas*."¹⁰ Skinner uses these preconditions to show all the ways that these humanist political theorists employ *status* or *stato*, which he says may likely have originated in Saint Thomas Aquinas's *Expositio* of Aristotle's *Politics*.¹¹ The Conciliarists, whom I define and analyze primarily in chapter three, also took many of their cues from Aristotle's *Politics*. This is a striking similarity between the secular political theorists and what I will classify as the religious political theorists of the medieval Church.

⁹ Ibid.

¹⁰ Ibid., 8.

¹¹ Ibid., 7.

Another similarity lies in the content of advice given by the Italian humanists to princes (particularly, the three preconditions listed above) as compared with the statements made by cardinals about the downfalls of the “popes” during the Great Schism and what they might have done to retain their power. Finally, I explore the necessary connection between the *status* of the ruler or pope with the legitimacy of the realm, which is especially obvious in the connections between medieval ecclesiology and soteriology. Thus, this “digression” in Skinner’s article is especially important for understanding the connection between medieval political thought up to Machiavelli and the theories of papal authority in the fourteenth century.

Skinner next examines the texts of the great republican tradition of Renaissance Italy after the time of Machiavelli, which claimed that “if there is to be any prospect of attaining the *optimus status reipublicae*, we must always institute a self-governing form of republican regime.”¹² Here Skinner focuses primarily on the Florentines and their devotion to self-governed regimes; and his findings will serve as a point of comparison for fifteenth-century Conciliarism in chapter three. Skinner’s sources date to a period a century after the high point of Conciliarism. But there are striking similarities between the two traditions of thought. Though I will not explicitly argue for a causal connection between the two, that would be a worthwhile question to take up.

Skinner begins his overview of Italian Renaissance republicanism with a comment on the motivation that drove republican theorists:

Among the republican theorists of Renaissance Italy, the main reason given for this basic commitment [to the self-governing regime] was that all power is liable to corrupt. All individuals or groups, once granted sovereignty over a community, will tend to promote their own interest at the expense of the community as a whole. It follows that the only way to ensure that the laws promote the common

¹² Ibid., 9.

good must be to leave the whole body of citizens in charge of their own public affairs.¹³

At the heart of the Florentine desire for republicanism was a passion to protect individual autonomy and liberty, coupled with a belief that monarchs inevitably become so corrupted by their power that they encroach upon public and individual liberty for the sake of their own gain. The positive claim that develops from this thought is that “the community as a whole must retain the ultimate sovereign authority, assigning its rulers or chief magistrates a status no higher than that of elected officials.”¹⁴ If we imagine that the “community” referred to here is replaceable with the body of the Church, this normative assessment by the Florentine republicans begins to sound much like the conciliarist arguments that I will present later. Skinner also observes that although republican thought reaches its peak in the high Renaissance in Florence and Venice, it is also recognizable in *trecento* Florence, which is the era of conciliarism in the Roman Church.¹⁵

Moreover, this period of republican thought is responsible for separating civil and religious authority. Skinner states this as follows: “It is within this tradition of thought that we encounter, for the first time, a vindication of the idea that there is a distinct form of ‘civil’ or ‘political’ authority which is wholly autonomous...and which brooks no rivals as a source of coercive power within its own *civitas* or *respublica*.”¹⁶ This implies that at the time of the conciliarists, the church still held power that we might now classify as “political.” For this reason, when I analyze the conciliarists, I return to this point in

¹³ Ibid.

¹⁴ Ibid., 10.

¹⁵ Ibid.

¹⁶ Ibid.

order to show another way in which conciliarism and republicanism of the Renaissance reflect each other. Finally, Skinner returns to the issue of the usage of “*stato*,” noting that in this period of political thought, the term is no longer used in reference to the ruler maintaining his state, but only in reference to “that apparatus of government which our rulers may be said to have a duty to maintain.”¹⁷ With the final texts of this era, Skinner says, theorists begin to approach something almost recognizable as the modern concept of the state when they use the term *status*.¹⁸

Skinner next explains the final stage in the development of *status* into the modern notion of a “state.” He characterizes this modern usage as “doubly impersonal.”¹⁹ For the republican theorists, the term *status* was only impersonal in one sense, namely that it was independent of that state of the ruler or ruling body. By the time of Hobbes, though, “we also distinguish [the state’s] authority from that of the whole society or community over which its powers are exercised.”²⁰ For the republicans, the power of the state is equivalent only to an abstraction of the power of the citizenry.²¹ In his final move, Skinner turns to Bodin and Hobbes as the sources of the first articulation of the modern *status*, citing them as “those theorists whose aspirations included a desire to legitimize the more absolutist forms of government that began to develop in western Europe in the early part of the seventeenth century.”²²

¹⁷ Ibid., 11.

¹⁸ Ibid., especially Guicciardini’s *Discorso* and other vernacular writers on republicanism.

¹⁹ Ibid., 13.

²⁰ Ibid.

²¹ Ibid., 14.

²² Ibid., 15.

In pursuit of this absolutized legitimacy, Skinner says that the *status* necessarily became something greater and more impersonal than it had been with the previous generation of theorists. For Hobbes in *Leviathan* and all theorists of his kind, the central questions concern “how to vindicate an account of civil government which at once concedes the original sovereignty of the people and is at the same time absolutist in its political allegiances.”²³ In answering this question, Hobbes denies vehemently that the sovereign’s power is a mere collection and abstraction of the people’s power, while also admitting that “coercive authority must be justified by its capacity to ensure the common good, and in consequence the peace and happiness of the citizen-body as a whole.”²⁴ This precondition for the legitimacy of sovereignty will be central to my discussion of how this final wave of the usage of *status* reflects the post-conciliar understanding of papal legitimacy around the time of Pope Pius II. The consequence is that this generation of political theorists, and most notably Bodin and Hobbes, “were consciously using the term [*status*] to express their master concept of an impersonal form of political authority distinct from both rulers and ruled.”²⁵

Up to this point, I have summarized Quentin Skinner’s article “The State.” I have highlighted, as Skinner does, three waves of the development of *status* and the conception of the state which I will now restate in their most basic forms. The first phase is the era of mirror-for-princes treatises, wherein *status* is more or less synonymous with the state of the ruler himself, and the state of the commonwealth which depends upon the

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid., 16.

state of the ruler. The next phase is found within the republican theorists of the Italian Renaissance, especially the Florentines, who understood the *status* as separate from the person of the ruler, drawing its legitimacy instead from the consent of the ruled subjects. Finally, Bodin and Hobbes give expression to a recognizably modern *status*, wherein the meaning of the state refers neither to the ruler nor to the ruled, but rather to the office of a sovereign whose purpose is to serve the common interest. These three waves are crucial to my project because they provide an analytic model that can be applied to the Church in order to illuminate the various ways that the papacy and the role of the pope was understood, beginning with the Great Schism (1378-1417) and ending around the time that the frescoes of Pope Pius II were commissioned for the Piccolomini Library in the Cathedral of Siena at the beginning of the sixteenth-century.

In this sequel to Skinner's article, I first compare the Great Western Schism to the era of mirror-for-princes treatises, attempting to highlight an understanding of the papacy as claiming its legitimacy from the individual ruler. Then I turn to the Conciliarist era. Because it is a less familiar school of thought, I devote a significant portion of this chapter to defining conciliarism and highlighting some of the major thinkers and treatises from the fifteenth century. I then turn to analyzing Conciliarism in light of Skinner's arguments regarding the Italian republicans, who sought to identify the source of legitimacy for the government as the consent of those ruled. I also rely heavily on Aristotle's concept of mixed regimes to point out some of the political-philosophical trends at work in the conciliarist theory. Finally, I introduce the life of Aeneas Silvius Piccolomini and the papacy as Pope Pius II as a period of rule that fits the final phase that Skinner discusses. I argue that this conciliarist-turned-pope typifies an understanding of

papal legitimacy that stands separate from the pope himself and from the consent of the members of the Roman Church. Here, I rely heavily on the frescoes painted by Pinturicchio at the request of Pope Pius III, nephew of Pius II, for evidence. Ultimately, I hope to reveal that the papacy underwent a similar process to the late-medieval and modern state. In doing so I also hope to illuminate some of the political-philosophical undercurrents that motivated the transition in theological defenses of Church rule in the fourteenth and fifteenth centuries.

CHAPTER TWO

The Great Western Schism and the First Phase of Skinner's State Analysis

Introduction

The conciliar theory that reached its peak in the fifteenth century at the councils of Constance and Basil cannot be understood apart from the event that necessitated it: the Great Western Schism. The Schism, I argue, reflects the same spirit of the first phase of *status* that Skinner articulates, namely the era of mirror-for-princes treatises, during which any understanding of the state depended entirely upon the “state” of the ruler as an individual. The papacy in the fourteenth century was inextricably tied up with the character and standing of the individual pope(s), which made the schism possible. Had the papal seat not depended upon the individual occupying it and his status as the occupant, there could not logically have been multiple popes. Because the papacy itself found its identity in the pope, the papal seat was thrown into crisis when multiple men claimed to be pope. By the closing of the Council of Pisa in 1409, there were three popes, each of whom claimed legitimacy and had cardinals and nations supporting him. In this chapter, I flesh out the connection between Skinner's first wave of *status* and the era of the Great Western Schism by offering a brief history of that schism and identifying the most important people and ideas from it. I then point out the similarities between ecclesiastical and secular understandings of legitimacy and authority.

The Origins of the Great Western Schism

With his return to Rome in 1377, Pope Gregory XI ended the Avignon Papacy¹ and restored the papal seat to Rome. Unfortunately, he did not live long enough to secure this move, and left the laity of the Church, especially the Roman laity, nervous about the permanence of the papal return. Joseph Kelly explains the effect of this Roman anxiety as follows: “The Roman populace feared the papacy would return to Avignon, and large crowds gathered outside the papal palace, chanting for the cardinals to elect a Roman or at least an Italian.”² The conclave following Gregory XI’s death, therefore, was surrounded by intense mob violence that would have unforeseeable and far-reaching consequences for the papacy over the next century. In his *History of the Church in the Middle Ages*, F. Donald Logan describes the mob and its impact on the cardinals entering the conclave as follows:

As they processed into the Vatican palace, the cardinals heard a crowd shouting repeatedly, ‘*Romano lo volemo*’ (‘we want a Roman’). Once shut in, they could still hear the clamour from outside...The crowd grew increasingly agitated and soon burst into the palace. In the conclave chamber cardinals, fearing for their lives, put papal vestments on an aged, feeble Roman cardinal and set him on the papal throne, and then they disappeared.³

Before the mob was able to break into the conclave, though, the cardinals had elected the archbishop of Bari, Bartomoleo Prignano, as the next pope. Though he was from Naples and not Rome, he was an Italian, and thus was more likely to satisfy the Roman laity than

¹ Though the Avignon Papacy is important for understanding the origins of the schism, it is not immediately relevant to this paper. For detailed notes on the Avignese popes and the response of the laity to the Avignon papacy, see Logan’s *A History of the Church in the Middle Ages*.

² Joseph F. Kelly, *The Ecumenical Councils of the Catholic Church: A History* (Collegeville, Minn: Liturgical Press, 2009), 105.

³ F. Donald Logan, *A History of the Church in the Middle Ages*, 2nd ed (New York: Routledge, 2013), 287-8.

a French cardinal would have.⁴ Logan quotes the cardinal of Limoges who said the following upon casting his vote in favor of Prignano: “I propose the election of a man to whom the people cannot seriously object and who would show himself favourable to us...I elect the archbishop of Bari to be pontiff of the holy and catholic church, and this I do willingly and freely.”⁵ With the unanimous support of the cardinals, Urban VI was elected and subsequently crowned pope on April 18, 1378.⁶ Unfortunately, the newly elected Pope Urban VI did not provide what the cardinals wanted. Though there is some debate about what exactly happened to Urban between the time of his term as cardinal and his papacy, there was undoubtedly a significant and troubling change in his character.⁷ Though the cardinals anticipated a pope whom they would be able to manage and control, “Urban proved himself to be a volatile tyrant, not above threatening the cardinals—even grabbing and shaking them—if they did not obey him immediately.”⁸

In response to the lunacy of Urban, the cardinals quickly sought a way to depose him and elect a replacement who would perform more suitably. Slowly, the cardinals left Rome and went to Agnani, where they took action against Urban: “Convinced they had made a mistake, the French cardinals left Rome and, joined by three Italian cardinals, declared that they had elected Urban under fear of the mob and that this fear invalidated

⁴ Ibid., 287.

⁵ Ibid., 287-8.

⁶ Ibid., 287.

⁷ See Logan, *A History of the Church*, 291, where he explains that Urban VI either had a mental breakdown or had simply previously hidden the true nature of his character.

⁸ Kelly, *The Ecumenical Councils*, 105.

the election.”⁹ On August 9, fewer than four months after his election, Pope Urban VI was deposed by the cardinals in their *Declaratio*, which reads as follows:

The ultramontane cardinals agreed to the election of an Italian for no other reason than to escape the danger of death, as they then averred...All the cardinals, eager to escape the perils facing them, quickly nominated the archbishop of Bari without any further discussion, and they immediately elected him to be pope...In addition, some cardinals said that they elected him as true pope, but this was done solely out of fear for their lives.¹⁰

In short, the cardinals, severely displeased with the result of their election of Urban, used the mob violence as a loophole in canonical law to render the election invalid. The demise of Urban VI’s papacy was inextricably tied up with the *status* of the man himself. In fact, his position as pope had little power to protect him from deposition once his behavior and low “status” had turned his supporters against him. This point will become particularly important when I later turn to the parallels between the era of schism and the first stage of Skinner’s history of the usage of *status*, as it highlights the singular dependence of the governing role and the health of the commonwealth on the governing person himself. Before I turn fully to these considerations, though, I first explain the history of the schism by turning to the election of Clement VII and the council of Pisa.

The Election of Clement VII

Upon deposing Urban VI, the group of cardinals promptly elected Cardinal Robert of Geneva as Pope Clement VII, “and returned with him to Avignon, thus placing themselves under the protection of the King of France.”¹¹ This election, which occurred

⁹ Ibid.

¹⁰ Logan, *A History of the Church*, 289-90.

on September 20 of 1378, formally began the Great Western Schism. Logan argues that this was a uniquely ecclesiastical schism, by which he means that there was hardly any secular influence which caused it,¹² and that it arguably “occurred because of the inadequacy of canon law to provide a remedy for an incapacitated pope.”¹³ Again, we see the connection with Skinner’s analysis of secular political development in that there was not an independent formulation of the state apart from the ruler occupying the throne. Thus, when the ruler was incapacitated, so was the entire state. The incapacitation that I refer to here turns on the question of legitimacy. Jedin articulates the central question brought on by the schism as follows:

In the present instance it was the majority of the legitimate electors of the Pope who declared the election of Urban VI invalid, on the ground that it was a forced one, on account of the violence of the Roman populace, hence the new election was alone valid. Who, then, was the rightful Pope? Urban VI or Clement VII? and who was to decide the question of legitimacy?¹⁴

The question of legitimacy is crucial to any discussion of the schism because of the medieval understanding of the relationship between ecclesiology and soteriology, to which I now turn.

Medieval Ecclesiology and Soteriology

In short, if the pope is illegitimate, so are his bishops, and so are their priests. If the laity is receiving the sacraments from an illegitimate priest, the sacraments are

¹¹ Hubert Jedin, *Ecumenical Councils of the Catholic Church; An Historical Outline* (New York: Herder and Herder, 1960), 109.

¹² Ibid.

¹³ Logan, *A History of the Church*, 291.

¹⁴ Jedin, *Ecumenical Councils*, 109.

inefficacious, and thus the laity is excluded from salvation. In his article “*Extra Ecclesiam Salus Non Est—Sed Quae Ecclesia?* Ecclesiology and Authority in the Later Middle Ages,” David Zachary Flanagin outlines the various ways of answering the question of legitimacy prompted by the Great Western Schism, and thereafter shows how conciliar theory arose from these preliminary articulations of ecclesiastical authority.¹⁵ The most important part of his essay for my purpose is his explanation of Roman ecclesiology as a system of absolute papal monarchy. Flanagin prefaces his survey of Roman ecclesiology with a note on the significance of the schism for the medieval Christian laity: “The importance of the Schism for the average man and woman in Europe... was that it fundamentally disrupted the system of salvation, upon which all were relying to reach eternal beatitude and escape the torments of hell.”¹⁶ Here, Flanagin explicitly states the unquestioned connection between ecclesiology and soteriology in the medieval mind. What complicates the issue for the lay person, then, is the fact that the legitimacy of the church, whence comes the legitimacy of his or her salvation via the sacraments, depends entirely upon the unity of the church by way of the pope.

The Nicene creed affirms belief in the “*unam sanctam catholicam et apostolicam ecclesiam*,” and medieval ecclesiology placed special emphasis on the declaration of the “*unam*,” which is to say that the church was only legitimate as long as it was unified. In Flanagin’s words, “In the papalist ecclesiology, as in all late medieval views of the Church, the most important mark of this *vera ecclesia* is its unity—both to Christ and

¹⁵ David Zachary Flanagin, “Extra Ecclesiam Salus Non Est—Sed Quae Ecclesia? Ecclesiology and Authority in the Later Middle Ages,” in *A Companion to the Great Western Schism (1378-1417)*, ed. Joëlle Rollo-Koster and Thomas M. Izbicki, Brill’s Companions to the Christian Tradition, v. 17 (Leiden; Boston: Brill, 2009).

¹⁶ Flanagin, “Extra Ecclesiam Salus Non Est,” 335.

within itself.”¹⁷ By way of Christ’s appointment of Peter as his vicar and apostolic succession, the pope is the source of this essential unity, and “thus, the constitutive factor in identifying the true Church, outside of which there is no salvation, is submission to papal leadership.”¹⁸ Flanagan points out that much of the papal apologists’ position relies on and is summed up in the papal bull *Unam sanctam*,¹⁹ which was promulgated by Pope Boniface VIII in 1302.²⁰ After comparing the one Church with its one pope to the single ark captained by Noah alone, and after explaining the theological connection of Saint Peter and his successors to Christ as the head of the church and the highest spiritual power which “can be only judged by God, and not by man,” Boniface ends the bull saying, “Furthermore, we declare, we proclaim, we define that it is absolutely necessary for salvation that every human creature be subject to the Roman Pontiff.”²¹ Merely 76 years after the promulgation of *Unam sanctam*, the papacy itself, which was meant to be the source of the unity for the Church throughout all ages, had become the source of its ultimate disunity. Flanagan concludes with an articulation of the question plaguing Christians in the late fourteenth century, a question that captures the intense anxiety and urgency for reunion that must have been felt throughout the entire body of the church: “What success could there be for any attempt to ‘judge’ between the rival claimants?”

¹⁷ Ibid., 340.

¹⁸ Ibid., 341.

¹⁹ The translation I am using for *Unam sanctam* is taken from a doctoral dissertation written in the Dept. of Philosophy at the Catholic University of America, and published by CUA Press in 1927. I accessed it at <https://www.ewtn.com/library/PAPALDOC/B7UNAM.HTM>.

²⁰ Flanagan, “*Extra Ecclesiam Salus Non Est*,” 346-7.

²¹ *Unam sanctam*, translation from CUA and accessed on the EWTN library website.

More seriously, if submission to the pope was the same thing as membership in the true Church, was half of Europe, through no fault of their own, doomed to remain *extra ecclesiam* and thus without salvation?”²²

The Council of Pisa

Lest half of Europe indeed be damned through the fault of the magisterium, the council of Pisa was formulated and convoked as a conciliar solution to the failure of the papacy. After many failed attempts on the parts of ecclesiastical and secular leaders to reach an understanding between the rival claimants to the papal throne, the “thirteen cardinals that had broken both with [Benedict XIII] and with the Roman pontiff, Gregory XII convoked...a general council for the purpose of putting an end to the disastrous schism. The council was to assemble at Pisa on March 25, 1409.”²³ The major problem for the council of Pisa, though, was the source of its legitimacy. As Crowder points out, Canon law had traditionally established that the pope could be judged by no man, and “part of this superiority was the papal prerogative of summoning a general council, the plenary assembly of the Church, when he saw a need for it. Without such a summons, no council, however fully representative, was valid; and the acts of any general council were of no force if they did not have papal approval.”²⁴ Thus, the council of Pisa had to summon itself and act by its own authority, which was previously prohibited. In this case, though, there was no unquestionably legitimate pope to call the council, which seemed to

²² Flanagan, “*Extra Ecclesiam Salus Non Est*,” 348.

²³ Jedin, *Ecumenical Councils*, 110.

²⁴ C. M. D. Crowder, ed., *Unity, Heresy, and Reform, 1378-1460: The Conciliar Response to the Great Schism*, Documents of Medieval History 3 (New York: St. Martin’s Press, 1977), 4.

be the only solution, given the impossibility of arriving at a solution by way of negotiation between the two popes. Pierre d'Ailly, the chancellor of the University of Paris and a "conservative driven to adopt more radical measures" in the face of Benedict XIII's refusal to cede his claim to the papacy,²⁵ published his *Propositiones utiles* in defense of the council of Pisa. This statement, which reflects the sentiments of the University of Paris at large and his fellow early conciliarists, argues for the legitimacy of the council without papal convocation. His argument centers around the idea that what "was introduced for the good of the Church should not be observed to its hurt and grave peril."²⁶ Here d'Ailly refers to the canon law that councils must be called by a pope in order to be legitimate. He gives three situations wherein a council can legitimately summon itself and act on its own authority, the final one being a case in which "there were several contenders for the Papacy so that the whole Church obeyed no single one of them, nor appeared at the call of any one or even of two of them at the same time," which is exactly the situation the Church was in at the time of the council of Pisa.²⁷ For d'Ailly, the legitimacy of the papacy to perform its duties depends upon the state of the pope himself.

Having settled the question of the legitimacy of the council, the cardinals proceeded to denounce the two reigning popes and elect in their stead Pope John XXIII.²⁸

²⁵ Ibid., 51-2.

²⁶ Oakley's translation of Pierre d'Ailly's *Propositiones utiles*, printed in Crowder, *Unity, Heresy, and Reform*, 53.

²⁷ Ibid., 54.

²⁸ This may be confusing, as we now use this name to refer to Pope Saint John XXIII who reigned from 1958-1963. Since the first John XXIII, who I refer to above, was later deposed and named illegitimate per the unlawfulness of his election, the name was free to be used again.

Logan aptly describes the legality and legitimacy of this deposition and election as follows:

There it was: the deposition of both claimants for reasons of heresy and scandalous crimes. In doing this the council was not instituting a revolutionary constitutional principle; it was adhering to current canonical teaching on the two basic issues: first, that a pope could be deposed for notorious crimes and heresy, a doctrine enunciated in its clearest form by the canonist Huguccio (1188), and, second, that the ultimate authority in the church rests with the whole church as a corporate body, a doctrine classically articulated by Hortensius (1270). Pisa was adhering to principles with long tradition.²⁹

Unfortunately, the two deposed claimants to the papacy did not regard the council of Pisa as legitimate, and the election of John XXIII only added to the schism: instead of two rival popes, the Roman Church now had three claimants to its Holy See. As had been the case with the election of Urban VI, the central question of the election of John XXIII was one of legitimacy. Though scholars and cardinals like Pierre d'Ailly had articulated a canonical basis for the actions taken at Pisa, the influence of the Roman papalist ecclesiology that I described above would not allow for undivided support of the Pisan pope from the whole church. As Jedin says, "The Pope elected by the council had the largest following, but his legitimacy was doubtful and remained uncertain. Thus the first attempt to restore the unity of the Church ended in failure."³⁰ I end my survey of the schismatic era up to the council of Pisa here, as the information I have given is sufficient for a thorough discussion of the similarities between the first wave of *status* that Skinner defines and the theological and political understanding of the papacy and its claimants in this era.

²⁹ Logan, *A History of the Church*, 298.

³⁰ Jedin, *Ecumenical Councils*, 112.

The Mirror-for-Princes Treatises and the Schismatic Papacy

My main argument in this chapter is that Skinner's first phase of the term *status* and its usage correlates significantly with the way the papacy was understood by the schism-era Church. In other words, the notion of rule and government was significantly bound up with the "state" of the person ruling. The personhood of the ruler, whether the pope or a prince, defined the entire government and the realm it governed. This claim, if true, has the potential to illuminate to an even greater degree how and why the schism happened. Before I defend this claim, I will first briefly review the portion of Skinner's article that talks about the mirror-for-princes treatises and the first wave of *status*. I then take up the claim I have made above, defending it by turning back to some of the most important points from my brief history of the Great Western Schism.

The first phase of the usage of *status* that Skinner addresses is the era during which the term was used to refer to the state of the ruler himself. Skinner says, "When the question of a ruler's *status* was raised, this was generally in order to emphasize that it ought to be viewed as a state of majesty, a high estate, a condition of stateliness."³¹ "State," then, did not at this time refer to the mechanism of governing the people, but the standing of the person doing the governing. Alongside this first usage, *status* could also be used "to refer to the state or condition of a realm or commonwealth."³² Thus, there is an implicit connection in the usage of the term between the health of the ruler and the health of the commonwealth. Skinner states this principle as follows: "The idea of linking the good state of a king and his kingdom soon became commonplace. . . .Chief

³¹ Quentin Skinner, "The State," in *Contemporary Political Philosophy: An Anthology*, ed. Robert E. Goodin and Philip Pettit, 2 edition (Malden, MA: Wiley-Blackwell, 2005), 4.

³² Ibid.

magistrates have a duty to maintain their cities in a good, happy, or prosperous state.”³³

An important note to remember regarding this section of Skinner’s article is that he uses as his sources “mirror-for-princes treatises,” which arose from the advice-books that he cited previously. These works, of which Machiavelli’s *Il Principe* would become the most famous, held as “their loftiest aim . . . to explain how a good ruler can hope to reach the characteristically princely goals of honour and glory for himself while at the same time managing to promote the happiness of his subjects.”³⁴ In this phase the condition of the realm is hardly ever, with a few exceptions, distinguished from the state of the ruler, which is why these treatises focused so much on the condition of the ruler himself.

I connect the first phase of Skinner’s essay with the era of the Great Western Schism in two ways: first, the close relationship of the state of the ruler with the state of the commonwealth and the medieval connection between ecclesiology and soteriology; second, the acquisition or loss of legitimacy based on the condition of the person ruling. These two claims are not mutually exclusive and must be taken together. The first of these, the identification of the condition of the whole realm with the condition of the ruler alongside the dependence of salvation upon ecclesiology, refers back to an earlier part of this chapter when I defined the Roman papal ecclesiology. In short, the typical medieval Christian held that the unity of the Church was its most essential characteristic, and this unity derived from papal leadership, since the pope stood as Christ’s vicar. This close relationship between soteriology and ecclesiology became explicit during the schism, as many people were at risk of being outside the bounds of salvation if they were devoted to

³³ Ibid.

³⁴ Skinner, “The State,” 6.

the wrong pope: “Recriminations had reached such a fever pitch that it was being declared that ‘all those of one obedience or of the other—or those who are neutral—are totally outside of the state of salvation.’”³⁵ The pope, instituted by Christ as an apostolic successor of Saint Peter, was the source of all legitimacy for the sacraments. Because the sacraments were seen as absolutely essential to the salvation of each Christian, the life of the Church body was entirely dependent upon their legitimacy. By extension, then, the life of the Church, or its *status*, was entirely dependent upon the condition, or *status*, of the pope.

Skinner, while speaking about the generation of advice books prior to the mirror-for-princes treatises, quotes Aquinas’s position from the *Summa*, which was likely meant to apply both to secular and ecclesiastical rule: “A judge or magistrate, he declares, ‘has charge of the common good, which is justice,’ and ought therefore to act in such a way ‘as to exhibit a good aspect from the point of view of the *status* of the community as a whole.’”³⁶ Thus, Aquinas evidently equates the common good of the whole community (the *optimus status reipublicae*, as his contemporaries called it), with the behavior and virtue of the ruler of the community.³⁷ This seems to me quite similar to the equation in the fourteenth century church of the legitimacy of the pope with the legitimacy of the sacraments, upon which, as I said above, depends the entire life of the Church.

³⁵ Flanagan, “*Extra Ecclesiam Salus Non Est*,” 334.

³⁶ Skinner, “The State,” 5, quoting Aquinas (I.II.19.10: 104): “Nam iudex habet curam boni communis, quod est iustitia, et ideo vult occisionem latronis, quae habet rationem boni secundum relationem ad statum commune.”

³⁷ This term is used, for example, by Giovanni di Viterbo in his treatise *De regimine civitatem*. See Skinner, “The State,” 5.

In the next generation of secular political philosophy, the equation of the condition of the ruler with the condition of the realm becomes even more explicit. With the rise of the fourteenth-century Italian *signori*, the normative standard for political well-being was “the claim that the best means of ensuring the good standing of any political community must be to institute the rule of a wise prince, a *pater patriae*, whose actions will be governed by a desire to foster the common good and hence the general happiness of all his subjects.”³⁸ This applies most obviously to the rise and downfall of Urban VI. Though the cardinals explicitly stated that they revoked the legitimacy of his election on account of the mob violence, this claim is particularly suspicious in light of certain comments made by the cardinals. For example, one Spanish cardinal said, “If his behavior had been different, we would have stayed with him. His violence turned everything upside down.”³⁹ Similarly, one of the French electors of Urban said, “If he had behaved prudently, he could have remained pope.”⁴⁰ Thus, the entire schism was brought on by the condition of the ruler, his “status,” being deemed unsuitable to manage a healthy commonwealth per the opinions of the cardinals. Even before a real question of the legitimacy of the sacraments was presented by the multiple claimants to the papal seat, the *status* of the reigning pope, because of his violence and vicious deficiency in ruling the church well, threw the *status* of the entire church into turmoil.

Later, this same issue of the unfitness of ecclesial rulers leading to their deposition becomes even more obvious as it leads to the council of Pisa: “Neither Urban

³⁸ Skinner, “The State,” 6.

³⁹ Logan, *A History of the Church*, 290.

⁴⁰ Ibid.

nor Clement, on the human level, had much to commend him as leader of the Christian church. Urban's lapses into apparently demented behavior led to decisions and actions hardly consistent with the ideals of the religion of which he claimed to be leader.

Clement, on the other hand, was the butcher of Cesena."⁴¹ Moreover, the condition of the character of the two papal claimants led to their utter failure to meet and compromise regarding the papal seat, thus sending the church into an era of conciliar rule. In this way, the *status* of the papal claimants had a forceful impact on the *status* of the entire ecclesial realm, in that it changed the basic governing system from monarchy to conciliarism. This, however, is an issue that must await a chapter of its own.

Conclusion

As I have shown, the state of the commonwealth of the church relied heavily, if not completely, upon the state of its pope. Moreover, the *status* of the pope, or his legitimacy, depended on his condition as a person—if he, like Urban and Clement, was found wanting in virtue, the cardinals felt free to depose and replace him. According to Skinner's history, fourteenth century princes, the recipients of treatises like Machiavelli's *Il Principe*, faced a similar circumstance. The question for the writers of these treatises was how to train princes to best "*tenere or mantenere lo stato*,"⁴² as well as "how to hold on to their *status principis* or *stato del principe*, their political state or standing as effectively governing rulers of their existing territories. In the conclusion of this part of his essay, Skinner says, "In all the discussions about the state and government of princes

⁴¹ Logan, *A History of the Church*, 294. The "butcher of Cesena" refers to an incident prior to his election as pope when he authorized the slaughter of thousands of civilians at Cesena.

⁴² Skinner, "The State," 6.

in the first half of the sixteenth century, there will be found scarcely any instance in which the *état*, *staat*, or stat in question is unequivocally separated from the status or standing of the prince himself.”⁴³ This inability to separate the condition of the commonwealth from the condition of the ruler of the commonwealth is evident in the papacy as well, as I have shown above. In fact, the idea was so foreign to canonists that they had not, until the Great Western Schism, developed a method for how to deal with an unfit pope, which Logan expresses in the statement I partially quoted earlier in this chapter: “The argument can be made that, in a real sense, the Great Schism occurred because of the inadequacy of canon law to provide a remedy for an incapacitated pope.”⁴⁴

From these considerations, the inevitability of the Great Western Schism and the failure of Roman ecclesiology emerges in a much clearer light. Amongst many other reasons (the inadequacy of the popes, the lack of mechanism for deliberation, the illegitimacy of the elections performed by the cardinals, etc.), the Great Western Schism was inevitable because the papacy and its realm, i.e. the Church, were not practically or theoretically separate from the occupant of the papal seat. Because of this, the crisis of a bad pope became a crisis wherein multiple people could viably claim to legitimately hold the papal seat. What was required, then, was not reform of the single occupant of the throne, but reform of the entire system for understanding the legitimacy and role of the papacy. Therefore, it was only with the rise of conciliarist theory and a new kind of republican deliberation within the church that the individual pope, though arguably not the papacy, could be subordinated to the deliberation and judgment of the clerical elite. It

⁴³ Ibid., 9.

⁴⁴ Logan, *A History of the Church*, 291.

is this phase of ecclesiastical history and the republican phase of *status* which I will address in the next chapter.

CHAPTER THREE

Florentine Republicanism and Conciliarism

Introduction

Machiavelli's *Il Principe* characterized the spirit of the first phase in the development of the modern state, even though it was a late example of mirror-for-princes literature. His *Discorsi*, by contrast, was perfectly contemporaneous with the second phase of the modern state's development and offers a paradigmatic example of the characteristics of that phase. The *Discorsi* like, *Il Principe*, is more famous than the rest of the republican treatises that came from high Renaissance Florentine and Venetian political thinkers and serve as a model for the kinds of ideas that were typical of its age. In this period of secular political philosophy and the era of conciliarism in the Church, ideas about ecclesiastical and temporal rule most clearly mimic each other. In this chapter, I draw connections between the republican ideals emerging in Florence during the Renaissance and the theories being promulgated by theologians during the golden age of conciliarism, roughly from the council of Constance to the council of Basel. These comparisons, as well as a few limits which accompany them, will pertain to origins, legitimacy and authority, and the structure and sources of the two systems. First, I turn to Skinner's article to provide an overview of the republican phase of the *status*.

Florentine Republicanism

The second of Skinner's three waves in the transition from a medieval to modern usage of *status* is the republicanism of the late-medieval period. Skinner locates the strongest articulations of republicanism in the political theorists in Florence and Venice in the high Renaissance. Their theories mark the first time when "the equation between living in a republic and living 'in a free state' was worked out with the greatest assurance."⁴⁵ This link between a republican system of government and liberty of the people was developed and articulated after a trying period of turbulent war for the Florentine people. David S. Peterson calls attention to three particular wars and attributes the success of republican theory to them: "Florentine political theorists, shaken by the city's 'War of the Eight Saints' against the papacy (1375-78), the Ciompi Revolt (1378), and war with despotic Milan (1390-1402), justified their system, and incited the courage of their citizenry, by proclaiming the superiority of republican liberty to despotism."⁴⁶ Evidently, republicanism was a reaction to the failure of monarchy in that monarchs concern themselves more with their own good than with the good of the people or the commonwealth, becoming tyrannical and despotic. In Skinner's words, the main reason the Italian republican theorists were so committed to "a self-governing form of republican regime" is that "all power is liable to corrupt. All individuals or groups, once granted sovereignty over a community, will tend to promote their own interest at the expense of the community as a whole."⁴⁷ When this happens, the people as a whole and individual

⁴⁵ Quentin Skinner, "The State," in *Contemporary Political Philosophy: An Anthology*, ed. Robert E. Goodin and Philip Pettit, 2 ed. (Malden, MA: Wiley-Blackwell, 2005), 10.

⁴⁶ David S. Peterson, "Conciliarism at the Local Level: Florence's Clerical Corporation in the Early Fifteenth Century," in *The Church, the Councils, and Reform, The Legacy of the Fifteenth Century* (Catholic University of America Press, 2008), 252.

citizens lose their liberty. More specifically, under a hereditary prince or an external ruler, the ruled community will “forfeit its liberty to act in pursuit of whatever goals it may wish to set itself.”⁴⁸ The primary aim of the Italian republicans, then, was to find a system of governance wherein the community as a whole and the individual citizens could retain their liberty to pursue their own goals, while trusting that the ruling body was seeking the common good of the state.

Skinner notes that this primary goal was elaborated in two ways. First, the theorists claimed that no entity outside of the republican government had any legitimate authority in temporal affairs, thus seeking to protect the commonwealth from external imposition. The two main targets of this strand in the theories were the “local feudatories, who continued to be viewed, as late as Machiavelli’s *Discorsi* as the most dangerous enemies of free government.”⁴⁹ More insistently, though, the republicans directed their treatises against the Church. Skinner cites Marsilius and Giovanni da Viterbo who both distinguished between temporal, civic, or secular power and spiritual or ecclesiastical power.⁵⁰ The second elaboration that Skinner points out is much more relevant to my argument. It was “a positive claim about the precise type of regime we need to institute if we are to retain our *libertas* to pursue our chosen goals.”⁵¹ The answer to the question of the best suited regime was the “*res publica* in the strictest sense.”⁵² For the Italian

⁴⁷ Skinner, “The State,” 9.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Skinner, “The State,” 9-10.

⁵¹ Ibid., 10.

⁵² Ibid.

theorists, the only way to avoid despotism and tyranny was to locate the authority for governing in the hands of the people. This necessarily demotes the role of the rulers, who now hold “a status no higher than that of elected officials,” while “the community as a whole must retain the ultimate sovereign authority.”⁵³ Skinner’s summation of these two elaborations is a note that the *res publica* is the government of choice for the Italians of this era because of its ability to protect the common interest against individual enrichment.⁵⁴

Here Skinner turns to the two ways in which the republican period is crucial to a development of the pure modern understanding of the *status*. First, and less significantly for this chapter, the republican treatises are the first place where the state is articulated as a source of wholly autonomous power that monopolizes the jurisdiction of ruling and maintaining the civil state. More simply, this is the first period in which the political and civil realm is shown to be completely independent from the Church. Skinner’s second point is more applicable to my argument. Simply put, theorists of this era champion the idea that magistrates and rulers require strict regulations (in more modern terms, checks and balances) if the people are to retain their freedom. This part of Skinner’s argument regarding the relationship between rulers and the ruled is so vital to the comparisons I will later make between conciliarism and republicanism that I reproduce it here in full:

They, [the magistrates], must always be elected; they must always remain subject to the laws and institutions of the city which elects them; they must always act to promote the common good—and hence the peace and happiness—of the sovereign body of its citizens. As a result, the republican theorists no longer

⁵³ Ibid.

⁵⁴ Ibid., Skinner cites Machiavelli’s *Discorsi* as the most famous form of this argument: “The reason, he goes on, ‘is easy to perceive, for it is not the pursuit of individual advantage but of the common good that makes cities great, and there is no doubt that it is only under republican regimes that this ideal of the common good is followed out.’”

equate the idea of governmental authority with the powers of particular rulers or magistrates. Rather they think of the powers of civil government as embodied in a structure of laws and institutions which our rulers and magistrates are entrusted to administer in the name of the common good. They cease in consequence to speak of rulers 'maintaining their state' in the sense of maintaining their personal ascendancy over the apparatus of government. Rather they begin to speak of the *status* or *stato* as the name of that apparatus of government which our rulers may be said to have a duty to maintain.⁵⁵

Most important here is Skinner's observation that magistrates cease to be the source of supreme law, but are themselves subject to an external system which requires them to seek the common good. Their legitimacy, in other words, is formally dependent upon their ability to maintain the pursuit of this good. The sovereignty of the rulers is impeded by the community of the ruled in the form of representative bodies of magistrates and advisors, who now have a say in whether or not the ruler is completing his task. If he fails, only his own legitimacy, as opposed to the legitimacy of the apparatus of governing, is at stake. This is a significant change from the era when hereditary princes were the norm. If a hereditary prince fails and is ousted, the government itself is ousted. If an elected magistrate is deposed, however, the rest of the republican government can simply replace him and maintain its structure, because its essence is not embodied in the person holding the position of chief magistrate.

In sum, several points from Skinner's history are crucial to my argument in this chapter. This first is what I have just mentioned: the subordination of rulers' power to the authority of the ruling apparatus as a whole. Second, republicanism arose in Florence in response to the failure of hereditary princes and *signori* to maintain civil peace. Third, the maintenance of the pursuit of the common good and the liberty of the people requires a republican system wherein one corrupt ruler cannot derail the entire project of the

⁵⁵ Ibid., 11.

commonwealth. Finally, it is important to remember that the ultimate goal of the Italian republican theorists was to protect the *libertas* of the people to pursue common goals, which had become for them the highest aim of political association. Having elaborated Skinner's history of republican political theory in renaissance Florence, I now proceed with a summary of conciliar thought in the fifteenth century Church.

What is Conciliarism?

Conciliarism, which appeared as early as the twelfth and thirteenth centuries in theological treatises by scholars like John of Paris⁵⁶ (1255-1306) and lasted at least in some diluted form through the sixteenth century, is difficult to define because of the many forms it took. In this section, I summarize what I consider to be the golden age of conciliarist thought, which lies roughly between the council of Constance (1414-1418) and the council of Basel (1431-1445). Most of the arguments for conciliarism that I present were articulated first and most clearly at Constance then later confirmed at Basel. Thus, Constance is the locus of most of the history of conciliarism that I will give. Instead of analyzing the council itself, however, I consider two documents promulgated by the council of Constance (*Haec sancta* and *Frequens*) alongside two of the most important and prolific theorists of the movement (Pierre d'Ailly and Jean Gerson). Many texts from this period have yet to be extensively studied, and are thus rather inaccessible in their original forms. Because of this, I rely heavily on Crowder's translations of *Haec sancta* and *Frequens*, and look to histories of conciliarism that summarize the thoughts of

⁵⁶ Though I will not directly treat the work of John of Paris, he was a teacher of Pierre d'Ailly, whose thought I examine in this chapter. The reason for this is that John of Paris's articulations of conciliarism are preliminary and are absorbed into and expanded upon in d'Ailly's work. Both theologians were working at the University of Paris.

d'Ailly and Gerson. Within these histories I have found many pieces of their works, which I have used as often as possible in order to compensate for the limited accessibility of their works in full.

Before I turn to this theoretical analysis, however, I want to make one comment on the historical circumstances under which conciliarism arose, as this background is necessary for the comparison of conciliarism with Florentine republicanism. Like the Florentine republicans, the conciliarists developed their theories largely in response to the Great Western Schism. Though some articulations of conciliarism had been produced before the schism, the conciliarists gained enough ground to implement their theories as a result of the widespread panic caused by the schism, which I addressed in the previous chapter. Whereas before clerics might have looked to electing a better pope or seeking reform in subtler ways, “[b]y the end of the ‘Babylonian Captivity’ (1305-78) and the Great Schism (1378-1415), many clerics came to believe that peace and unity could be preserved only by a fundamental restructuring of Church government. The conciliar movement sought to establish the principle that a General Council...was the authoritative legislative and doctrinal organ for the entire Church, superior even to the pope.”⁵⁷ This ‘fundamental restructuring’ could not have happened without an obvious and grievous failure of the existing structure. The schism, though it was largely caused by the less than virtuous individuals who claimed the papal seat, was primarily a result of a failure of the structure of ecclesiastical authority to respond to a schismatic or heretical pope. Thus conciliarists were able to go beyond reformers before them and argue that “reform would

⁵⁷ James M. Blythe, “Conciliarism,” in *Ideal Government and the Mixed Constitution in the Middle Ages* (Princeton University Press, 1992), 244.

be guaranteed only if significant changes were made in the very constitution of the universal Church.”⁵⁸

Though it is hard to imagine what it might have been like to be part of the schismatic Church, the disruption caused by the schism evidently was very painful and pervasive. Francis Oakley says that it resulted in “the development within the Church of widespread administrative disorder, deepening spiritual malaise, and, in the end, grave constitutional crisis.”⁵⁹ Oakley makes the case earlier in his analysis of conciliarism that the pervasiveness of the failure of the Church was enabled by its post-Constantinian juridification and the “subordination of the scriptural understanding of office as essentially ministerial, involving above all service to others, to the less demanding, more familiar, and administratively manageable *political* thought.”⁶⁰ The crisis, then, was not only spiritual, but also political, and a political crisis, of course, requires a political solution. The political, constitutional solution for the medieval Church in crisis was conciliarism, which I now define.

Haec sancta (1415) and Frequens (1417)

Succinctly put, conciliarism was the idea that the safest, most fruitful structure for ecclesiastical government would place councils of cardinals and representatives as the highest authority, subjecting even the pope to the decisions of the council. Almost without exception, scholars of conciliarism point to *Haec sancta* and *Frequens* as the

⁵⁸ Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church, 1300-1870* (Oxford; New York: Oxford University Press, 2003), 25.

⁵⁹ *Ibid.*, 34.

⁶⁰ *Ibid.*, 23.

purest formal articulations of conciliarist ideas by the Church. Similarly, most scholars insist on taking the two together, as *Haec sancta* is interpreted primarily as an emergency measure, while *Frequens* more firmly establishes the principles found in *Haec sancta*. In short, *Haec sancta* establishes the superiority of the council over the pope in matters concerning faith, and *Frequens* requires councils to be convened every ten years for the rest of the life of the Church. I focus mainly on the text of *Haec sancta* and its interpretations, and then make a few comments about the content and purpose of *Frequens*. I conclude briefly with comments on the fate of the documents.

The purposes of the council of Constance were many, but the council itself seems to have been dominated by the issue of reform, which first necessitated the resolution of the schism. In order to reform the schism, however, the council had to establish its authority apart from the popes. Otherwise, the legitimacy of its decisions would always be questionable, since the legitimacy of the popes themselves was completely unreliable. *Haec sancta* responds to this need by establishing the authority of the council as directly appointed by the Holy Spirit, then clearly subordinating the authority of all members of the church, including the pope. The decree opens by stating that its purpose is “to achieve more easily, more securely, more completely and freely the union and reform of the Church of God.”⁶¹ Unity, then, is the highest aim of the Church of God on earth. Instead of seeking unity through the apostolic succession of the pope, Christ’s vicar and appointed head of the Church, the councils sought to achieve and safeguard the same unity by means of a more oligarchic or democratic system of government. From this desire comes the next part of the opening of *Haec sancta*:

⁶¹ C. M. D. Crowder, ed., *Unity, Heresy, and Reform, 1378-1460: The Conciliar Response to the Great Schism*, Documents of Medieval History 3 (New York: St. Martin’s Press, 1977), 83.

[The council of Constance] declares that, lawfully assembled in the Holy Spirit, constituting a general council and representing the catholic Church militant, it holds power directly from Christ; and that everyone of whatever estate or dignity he be, even papal, is obliged to obey it in those things which belong to the faith, and to the eradication of the said schism, and to the general reform of the said Church of God in head and in members.⁶²

The first part of the statement attempts to establish the council's legitimacy by claiming its authority directly from Christ, having been assembled by the work of the Holy Spirit.

Whereas prior councils required the approval of the pope, the council of Constance bypassed the pope as the source of Christ's authority on earth and established direct access to Christ's power.

The second part of the statement builds on the first by explicitly stating that all people, even (and perhaps especially) the pope are subject to this authority that the council has derived from Christ. Not only did the council of Constance not receive its legitimacy from the pope, but it *subordinates* the authority of the pope to its own. Finally, the council rearticulates its threefold purpose at the end of this statement: to clarify the nature of orthodox faith, to solve the schism, and to seek the reform of the Church in head and members. Logan explains the innovation of *Haec sancta* as follows: "This conciliarism had gone beyond the teaching of earlier theologians and canonists that gave a general council extraordinary powers over a heretical or criminous pope: *Haec sancta* attributed to a general council essential power over the pope, even a saintly, fully orthodox pope."⁶³ Indeed, as Logan points out, *Haec sancta* does not distinguish between a properly functioning pope and a degenerate pope. In neglecting to make such a

⁶² Ibid.

⁶³ F. Donald Logan, *A History of the Church in the Middle Ages*, 2nd ed. (London; New York: Routledge, 2013), 303.

distinction, the council fathers make a significant change to the structure of the Church. The method they choose for seeking reform is itself perhaps the greatest reform that they accomplish at Constance.

Though *Haec sancta* was revolutionary, it might have been interpreted as merely intended to apply to the present schism, to be replaced later by the traditional Roman ecclesiology that placed the pope as the single, highest authority. Two years and a few months after *Haec sancta*, the council fathers at Constance put forth *Frequens*, which established a plan of regular councils without the need for papal convocation for the years to come. The justification for this program maintains the general spirit of conciliarism, namely that the pope needs to be constantly checked in order to safeguard the common good of the Church. The decree states its motivation for the councils as follows:

The frequent holding of general councils is a pre-eminently good way of cultivating the patrimony of Our Lord. It roots out the briars, thorns and thistles of heresy, errors and schisms, corrects excesses, reforms what is deformed, and brings a richly fertile crop to the Lord's vineyard. Neglect of councils, on the other hand, spreads and fosters the foregoing evils. This conclusion is put under our noses by the record of what has happened in the past and by reflections on the present situation.⁶⁴

This portion of the decree reveals several important facets of conciliarism. First, the overall goal of the conciliarist theorists is explicitly stated as safeguarding the spiritual fertility of the church and producing spiritual fruit, as well as providing a sure and constant mechanism for reform, correction of heresy, and resolution of schism. Second, the decree reaffirms the idea of conciliarism as a response to the “present situation,” namely the Great Western Schism. Finally, the decree establishes that councils are not only a good for the spiritual maintenance of the Church, but rather a pre-eminent good—

⁶⁴ Crowder, *Unity, Heresy, and Reform*, 128.

the pope as monarch cannot accomplish the goals presented here as well as the councils can. It follows from this last point that the council ought to establish for itself a perpetual role in the governance of the Church. The way *Frequens* attempted to do this is clear in the next section of the decree, which reads as follows:

For this reason by a perpetual edict we establish, enact, decree and ordain that henceforth general councils shall be held so that the first shall take place in five years immediately following the end of this council, and the second in seven years of that immediately following council; and thereafter they shall take place from ten years to ten years forever... The effect will be that there will always be either a council in being or one awaited at a given term.⁶⁵

Frequens, then, was an effort to make permanent what was articulated in its predecessor *Haec sancta*. This pair of decrees, if it had lasted, would have been revolutionary for the Church's governing structure. As Crowder says, "Coupled with *Haec sancta* this decree opened the possibility of permanently altering the constitution of the late medieval Church."⁶⁶ Joseph Kelly assigns the intention of true desire "to change the governmental structure of the Church" to the council fathers, which reveals something about the character of conciliarism. The conciliarists were not aiming simply to solve the schism, but rather to offer much needed reform to the Church's constitution, thus preventing future schism and heresy.⁶⁷ In short, *Frequens* shows us that though conciliarists were acting in response to the schism, they were not offering temporary solutions to a temporary problem. Rather, the conciliarist project as seen in *Haec sancta* and *Frequens* was an attempt to permanently restructure the authority of the Church.

⁶⁵ Ibid., 129.

⁶⁶ Ibid., 128.

⁶⁷ Joseph F. Kelly, *The Ecumenical Councils of the Catholic Church: A History* (Collegeville, Minn: Liturgical Press, 2009), 111.

D'Ailly and Gerson

Predictably, the decrees which I have written about above were not developed without extensive theorizing on the part of some of the most notable theologians in the late fourteenth and early fifteenth centuries. Pierre d'Ailly and Jean Gerson, both prominent scholars at the University of Paris, are the two most influential conciliarist theorists and most frequently treated in scholarship on conciliarism. To supplement the conclusions of the decrees above, I now turn to these two theorists and offer brief summaries of their arguments for conciliar authority.

Pierre d'Ailly, chancellor of the University of Paris and also a cardinal, articulated his arguments for conciliarism in his *Propositiones utiles* (1409).⁶⁸ In his introductory comments to the treatise, Crowder says that d'Ailly only reluctantly turned to conciliarism when attempts to convince Benedict XIII to work with the other papal claimant and restore unity through diplomacy had failed.⁶⁹ Because of this, d'Ailly and his pupil Gerson both represent fairly conservative forms of conciliarism, and it is evident that their motivation was not simply to gain power for the council but rather to restore unity to the Church. For this reason, d'Ailly's *Propositiones* is a particularly reliable source for the true essence of conciliarism.

D'Ailly begins where all medieval thought regarding the legitimacy of the Church begins: its unity. He explains first that the unity of the Church, though it “depends fully and perfectly upon the unity of Christ, its head,” does not by extension “necessarily depend upon—or originate from—the unity of the Pope.”⁷⁰ D'Ailly goes on to cite

⁶⁸ Translated by Francis Oakley and reproduced in David Crowder's *Unity, Heresy, and Reform*.

⁶⁹ Crowder, *Unity, Heresy, and Reform*, 51-52.

Matthew 18:20, which says “Ubi enim sunt duo vel tres congregati in nomine meo ibi sum in medio eorum (Vulgate),”⁷¹ as a proof text for the idea that the body of Christ itself, without Peter’s mediation, has direct access to communion with Christ. Thus d’Ailly argues that the council does not need the imprimatur of the pope to be legitimately authoritative. He supplements this argument by appealing to natural law: “This is clear because any natural body naturally resists its own division and partition, and, if it is an animate body, naturally summons upon all its members and all its powers in order to preserve its own unity and to ward off its division.”⁷² Thus, it is the responsibility of the entire body, not just the head of the body or the pope, to maintain the unity of the Church. If this is so, then the body must have a means of participation in the rule of the Church, which d’Ailly states is the general council. In the same paragraph, d’Ailly refers to the Church as a “well-ordered regime” that must be defended and maintained by the council, which hints at the political tone of his arguments. D’Ailly does, however, limit the uses of the council which is called without the authority of the Pope to three cases: a vacant Apostolic See, a heretical pope, or a schism. Finally, d’Ailly argues that “That which was introduced for the good of the Church should not be observed to its hurt and grave peril,” by which he means that the good of the papacy must not be dogmatically preached, but must be maintained by careful preservation of the virtue of its occupant.⁷³

⁷⁰ Ibid., 52.

⁷¹ “For where there are two or three gathered in my name, there I am in the midst of them.”

⁷² Crowder, *Unity, Heresy, and Reform*, 53.

⁷³ Ibid.

D'Ailly is careful not to go too far in the direction of democracy or oligarchy in Church government. After all, he still maintained that Christ did institute the papacy through Peter, and that this divine institution could not be disrespected. For this reason, he introduces the arguments for the council without allowing it complete autonomy. In places besides the *Propositiones*, d'Ailly relies heavily on Aristotle's conception of a mixed regime, combining political theory with the theology backing the papal monarchy. Blythe mentions a defense of conciliarism used by d'Ailly and Gerson alike that "the Church is an Aristotelian mixed constitution established by God as the best form for His people and taking its positive laws and officials from the consent of its members."⁷⁴ This is not the whole of d'Ailly's argument, though. Blythe attributes to d'Ailly the belief that "the Church is a natural political community subject to Aristotelian analysis, but it is also the divinely established congregation of the faithful."⁷⁵ Given that there is more to the Church than its political nature, namely its divine institution, the conciliarists are obligated to respect the institution of the papacy, even if they subordinate it completely to the authority of the general council, which happens by the time of the council of Constance.

Nevertheless, d'Ailly does not hesitate to use political arguments to achieve what he believes will be the healthiest system for the Church. Blythe translates part of d'Ailly's *Tractatus De Ecclesiae, Concilii Generalis, Romani Pontificis, et Cardinalium Auctoritate*, in which he says, "But for regulating the use of plenitude of power and excluding its abuse, it is proper to consider that it is not expedient for the Church (which

⁷⁴ Blythe, "Conciliarism," 244.

⁷⁵ *Ibid.*, 247.

is said to have a regal [rule] of priests) to be governed by a purely regal government, but by one mixed with aristocracy and democracy.”⁷⁶ This statement is reminiscent of Aristotle’s *Politics*, to which d’Ailly later refers directly, saying, “As Aristotle shows in III *Politics*...if [kingship] be mixed with aristocracy, in which many exercise dominion according to virtue; and with democracy, in which the people rules, such a government is better...[since] the government [of a king] easily degenerates into tyranny, unless there be perfect virtue in the king.”⁷⁷ Thus, d’Ailly, taking cues from his predecessor John of Paris,⁷⁸ relies on Aristotle’s model of ideal and practical government from the *Politics*. Unsurprisingly, then, his arguments are more political in nature than is immediately evident in the *Haec sancta* or *Frequens*, and will thus be essential to my comparison of conciliarism and republicanism later in this chapter.

D’Ailly’s pupil at the University of Paris, Jean Gerson, who produced very similar articulations of conciliarism, dominates the scholarship on conciliarism. Like d’Ailly, Gerson was the chancellor of the University of Paris and one of the most prominent theologians at the council of Constance. In order to grasp Gerson’s arguments for conciliarism, I turn to his sermon *Ambulate*, which he gave on March 23, 1415 at the council of Constance.⁷⁹ Gerson’s sermon contains twelve considerations regarding the unity of the Church and the different roles Christ gives to different members of the Church for the sake of its edification. Gerson, like d’Ailly, distinguishes between the indissolubility of the bond with Christ as the head of the body and the relationship of the

⁷⁶ Ibid., 245.

⁷⁷ Ibid., 245-6

⁷⁸ Blythe, “Conciliarism,” 246 for further explanation of the relationship between the two thinkers.

⁷⁹ Reproduced and translated in part in Crowder, *Unity, Heresy, and Reform*, 76-82.

Church body to its temporal head, the pope: “The Church has in Christ a bridegroom who will not fail it. Thus...neither can Christ give the bride, his Church, a bill of divorce, not the other way around. The Church is not so bound by the bond of marriage to the vicar of her indefectible bridegroom that they are unable to agree on a dissolution of the tie and give a bill of divorce.”⁸⁰ Thus, the binding power of the bond that ties the Church to the pope is dependent upon the behavior of the pope. If he is schismatic, heretical, or absent, the Church is free to divorce him, without thereby divorcing Christ or destroying the unity of the Church. This is Gerson’s articulation of the idea that the unity of the body depends on Christ instead of on the pope, which he shares with the other conciliarists in moving away from the traditional Roman ecclesiology. Gerson also states what will be restated in *Haec sancta* shortly after this sermon, which is that the pope, along with the whole body of the Church, must subject himself to the authority of the general council, which is derived directly from the Holy Spirit: “The Church, or a general council representing it, is so regulated by the direction of the Holy Spirit under authority from Christ that everyone of whatsoever rank, even papal, is obliged to hearken to and obey it.”⁸¹ Here Gerson equates the authority embodied in the corporate body of the Church with the authority that this body transmits to the general council that represents it. Thus, the Holy Spirit gives authority to discern matters of faith to the Church as a whole, and the community of the Church then transfers that authority to the general council that represents it. The democratic or republican spirit of conciliarism is especially evident in this conception of transferring authority from the many to their representatives.

⁸⁰ Ibid., 81.

⁸¹ Ibid.

The most interesting aspect of *Ambulate* is the definition Gerson gives for the general council. Whereas d'Ailly did not explicitly define what constituted a general council, and likely meant for the cardinalate to retain most of the holding of the council,⁸² Gerson has a republican sense of how the council should be composed. "A general council," he writes, "is an assembly called under lawful authority at any place, drawn from every hierarchical rank of the whole catholic Church, none of the faithful who requires to be heard being excluded, for the wholesome discussion and ordering of those things which affect the proper regulation of the same Church in faith and morals."⁸³ Gerson's idea of the council, then, is not so much aristocratic as it is democratic. He seems to think that members of every rank of the Church ought to be given access to participation in deliberation. In doing so, he elevates the authority of the lower clergy and the lay, thereby democratizing the distribution of authority. Gerson is careful, though, to stop short of denying the pope's "plenitude of power," since it was divinely instituted and "granted by Christ supernaturally and of his mercy."⁸⁴

This is not to say, though, that his power cannot be moderated by a government, in the style of Aristotle's mixed regime: "However [the Church and general council] can limit his use of it by known rules and laws for the edification of the Church."⁸⁵ Gerson concludes with a reiteration of the threefold purpose of the council that he shares with d'Ailly: eradication of schism, correction of heresy, and preservation of unity. Blythe offers a helpful analysis of Gerson's thought in his chapter titled "Conciliarism," which I

⁸² Blythe, "Conciliarism," 243-259.

⁸³ Crowder, *Unity, Heresy, and Reform*, 81.

⁸⁴ Ibid.

⁸⁵ Ibid., 81-82.

also mentioned before when discussing d'Ailly. In noting the use and limitations of Gerson's employment of Aristotle, Blythe writes, "For the most part Gerson feels comfortable applying secular political principles to the Church. The mixed constitution is best for the Church because it is the best form of government...the only real difference between the two spheres is that the Church must be some sort of monarchy, because Christ so ordained it, whereas all other polities are mutable."⁸⁶ Therefore Gerson is willing to accept the idea of a mixed regime up to the point that it allows for the papal monarchy to remain intact. This limitation, which d'Ailly also recognized, is be one major point of departure from the republican regimes of Renaissance Italy.

In sum, I have offered an analysis of fifteenth-century conciliarism through the lenses of *Haec sancta*, *Frequens*, Pierre d'Ailly, and Jean Gerson. The ideas most pertinent to conciliarism itself and to my analysis of it in light of Florentine republicanism are all articulated fully in these four sources. These include the representative nature of the council, the three ends of the council, the derivation of conciliar authority from the whole body of the Church, and the Aristotelian sources for the philosophy of the mixed regime. All of these are applicable to a discussion of the similarities between conciliarism and republicanism, and of the limitations of such a comparison.

Conciliarism as Ecclesiastical Republicanism

In this section, I argue that conciliarism and the Italian republicanism that Skinner describes as the second wave of the usages of *status* mirror each other significantly

⁸⁶ Blythe, "Conciliarism," 250.

enough that much can be learned from holding them side by side. Yet the comparison also has some limits. In this section of the chapter, I first consider three ways that the two systems are similar: their origins, the derivation of legitimacy and authority from the people, and the representative structure of governing. I then mark two potential limits of the comparison, namely the retention of monarchy in the Church's system and the ends of the two communities. In sum, I will remark on the significance of this comparison for our understanding of the movements within the Church away from papal monarchy.

The first, and perhaps the most obvious, of the similarities between late-medieval Florentine republican theory and conciliarist theory is the environments in which both systems were developed. As I mentioned above, the Florentine republican theorists were responding to the failure of the hereditary princes to pursue the common good of the state. Their theories were built on the idea that "all powers are liable to corrupt," and individuals who are granted sovereignty will inevitably "tend to promote their own interest at the expense of the community as a whole."⁸⁷ For the Florentines, this was most deeply felt in the experience of wars like those with Milan and the Ciompi revolt.⁸⁸ For the republicans, hereditary monarchy was no longer an option because it was unable to seek the welfare of the whole state and protect the liberty of the community. Likewise, conciliarist theory was developed in response to the need for resolution of the Great Western Schism. Thus, as power corrupted the monarchs (for example, Pope Urban VI), the community of the faithful lost its access to the good.

⁸⁷ Skinner, "The State," 9.

⁸⁸ Peterson, "Conciliarism at the Local Level, footnote 2.

James Blythe equates the condition of the Church and the Florentine state as the monarchies failed to protect the commonwealth. “The political and ecclesiastical near-anarchy that characterized late medieval society had much to do both with the desire for strong monarchies...and the desire to restrain irresponsible kings, popes, and nobles bent on self-aggrandizement and enrichment.”⁸⁹ In both the secular and the ecclesiastical realms, it seems, there was a deeply felt need to correct the degeneration of the government that came as a result of the unrestrained monarchs. For both societies, moreover, the source of such reform seemed to be exclusively available via a republican system. Blythe again explains the typical theological opinion during the era of schism: By the end of the ‘Babylonian Captivity’ (1305-78) and the Great Schism (1378-1415), many clerics came to believe that peace and unity could be preserved only by a fundamental restructuring of Church government. The conciliar movement sought to establish the principle that a General Council...was the authoritative legislative and doctrinal organ for the entire Church, superior even to the pope.”⁹⁰ Just as the Florentines did not seek to simply establish a more trustworthy monarch, the Christians did not believe that the Roman ecclesiology of unchecked papal supremacy could be redeemed by merely electing a more suitable pope. Ultimately, both the republicans and the conciliarists sought reform in a system of government that would limit the sovereignty of the monarch by introducing aristocratic and democratic elements.

The second similarity between the two theoretical movements is the emphasis on the community of citizens as the source of legitimacy and authority for the rulers. Skinner

⁸⁹ Blythe, “Conciliarism,” 243.

⁹⁰ Ibid., 244.

notes that the republicans believed “the only way to ensure that the laws promote the common good must be to leave the whole body of citizens in charge of their own public affairs.”⁹¹ Their method for doing this was to transfer power to elected representatives who would participate in the government on behalf of the citizens, but the primary source of authority was explicitly stated as the people governing their own affairs. Restating and elaborating on the point above, Skinner comments that republicans argued that the only way for a community to retain its *libertas* was for it to also retain its sovereignty: “The community as a whole must retain the ultimate sovereign authority, assigning its rulers or chief magistrates a status no higher than that of elected officials.”⁹² Thus, the transfer of power from the sovereign populace is limited, extending only a tempered form of authority based on the election by the people. Moreover, the magistrates retained their authority as mere “agents of *ministry* of justice” only insofar as they successfully ensured “that the laws established by the community for the promotion of its own good are properly enforced.”⁹³ Likewise, conciliarism attempted to severely limit the authority of the pope, requiring his obedience to the decisions of the council, as we see clearly in *Haec sancta*, which says, “Everyone of whatever estate or dignity he be, even papal, is obliged to obey [the general council] in those things which belong to the faith...”⁹⁴ In Gerson and d’Ailly, it is especially clear that the authority given to the council depends entirely upon the endowment of power upon the community of the faithful by the Holy Spirit and the subsequent transfer of that power to the representative general council. For

⁹¹ Skinner, “The State,” 9.

⁹² Ibid., 10.

⁹³ Ibid.

⁹⁴ Crowder, *Unity, Heresy, and Reform*, 83.

example, every time Gerson refers to the general council in *Ambulate*, he uses the phrase “the Church or general council,” which follows from his previous reference to “the Church, or this holy council acting in its stead” as the house that is referred to in Matthew 5:15.⁹⁵ Furthermore, in one of his twelve considerations at the conclusion of *Ambulate*, Gerson notes that “[t]he Church, or a general council representing it, is so regulated by the Holy Spirit.”⁹⁶ I mention this to highlight the council’s role as representative, which applies to this discussion of the transfer of power from the people and will resurface when I directly discuss the representative structure of both systems shortly.

In his summation of d’Ailly’s understanding of conciliar and papal authority, Francis Oakley notes that “[e]ven if the plenitude of power resides ‘properly speaking’ in the pope alone, since he is the one who generally exercises it, it is still possessed, nevertheless, by the universal Church and the general council representing it ‘figuratively and in another way equivocally.’”⁹⁷ Finally, David Peterson, describing the locus of authority in the conciliarist conception of government, observes that “conciliarists located the church’s inerrancy in the whole body of its members, and therein also the forces for its spiritual regeneration.”⁹⁸ Likewise, he says, “Florentine humanists argued that their citizens’ participation in republican government instilled in them those virtues that made Florence superior to rival cities.”⁹⁹ Though less explicit in the conciliarist writings, the virtue of participatory citizenship is also present in both systems. Thus, as Peterson

⁹⁵ Ibid., 80-82: Matt 5:15, “It may give light to all that are in the house.”

⁹⁶ Crowder, *Unity, Heresy, and Reform*, 81.

⁹⁷ Oakley, *The Conciliarist Tradition*, 79.

⁹⁸ Peterson, “Conciliarism at the Local Level,” 252.

⁹⁹ Ibid.

clearly explains, both the conciliarists and the republicans rely on communal authority as the source of legitimacy for the elected representatives. Ultimately, both the republicans and the conciliarists argue that the power of the representatives comes from the ruled, since the goal is to retain the pursuit of the common good by giving the community a governing role.

The third correlation between republicanism and conciliarism lies in the representative structure of government. Petersen describes Florentine republicanism as “a system that distributed executive powers to their city’s priors and their advisory colleges, and legislative controls to its councils.”¹⁰⁰ This distributive system was coupled with certain requirements imposed by the republican theorists and enumerated in Skinner’s article as follows: “They must always be elected; they must always remain subject to the laws and institutions of the city which elects them; they must always act to promote the common good—and hence the peace and happiness—of the sovereign body of citizens.” Even once the magistrates are elected and given power, they are still obligated to represent the desires of their electors by pursuing the peace, happiness, and common good of the entire body of citizens. Likewise, the conciliarists believed that the general council must reflect the needs and desires of the entire body of the Church. This is most evident in Gerson’s definition of a general council, cited above, but worth restating: “A general council is an assembly called under lawful authority at any place, drawn from every hierarchical rank of the whole Catholic church, none of the faithful who requires to be heard being excluded, for the wholesome discussion and ordering of those things which affect the proper regulation of the same Church in faith and morals.”¹⁰¹

¹⁰⁰ Ibid.

Conciliarism, then, went even one step further than republicanism in theory, because it allowed for the direct engagement of the faithful. In practice, though, the council of Constance was representative, not democratic. *Haec sancta*, for example, stated that “the ecumenical council at Constance represents the whole Church.”¹⁰² Jedin goes so far as to say that in its procedural order “the council was not unlike a modern parliament.”¹⁰³ Again comparing Florentine republicanism with the local version of conciliarism that developed in the Florentine Church, Petersen says, “Both systems were predicated on the belief that government by collective bodies, broadly representative of their constituents, were more legitimate and, importantly, more efficacious than systems in which authority emanated downward from a single leader.”¹⁰⁴ In sum, the representative nature of each system was crucial to the legitimacy of the governing magistrates’ authority; the representatives retained their authority insofar as they sought to protect the common good of those whom they represented.

Limits of Conciliarism as Ecclesiastical Republicanism

Though my initial hypothesis that conciliarism and republicanism mimic each other almost completely has proven to be true for the most part, they nevertheless differ in two significant ways. First, the Church retained the papal monarchy. Second, the ends of the two systems of government differed.

¹⁰¹ Crowder, *Unity, Heresy, and Reform*, 81.

¹⁰² Hubert Jedin, *Ecumenical Councils of the Catholic Church; An Historical Outline* (New York]: Herder and Herder, 1960), 116.

¹⁰³ *Ibid.*, 129.

¹⁰⁴ Peterson, “Conciliarism at the Local Level,” 252.

The conciliarists could never go so far as to remove all authority from the pope. The Church interpreted Matthew 16:18, which says “And I also say unto thee, that thou art Peter, and upon this rock I will build my Church” (KJV), and Christ’s command in John 21 that Peter feed his sheep, as the divine institution of the papacy. Because the papal monarchy was divinely instituted, it could not be done away with during the attempt by the conciliarists to reorganize the constitution of the Church. As Blythe says, “The Church must be some sort of monarchy, because Christ so ordained it, whereas all other polities are mutable.”¹⁰⁵ Thus, while the Florentine republicans could completely do away with the monarchy and replace it with an entirely aristocratic, democratic, or representative system, the conciliarists could only subdue the monarchy with the introduction of a mixed regime. Their method, as Oakley summarizes it, was to acknowledge the divine institution of the papacy, without allowing that divine institution to carry the weight of absolute, unchecked authority: “the pope, however divinely instituted his office, was not an absolute ruler or incapable of doctrinal error but in some sense a constitutional ruler and therefore susceptible to correction; that he possessed a merely ministerial authority delegated to him by the community of the faithful for the good of the whole Church, which itself alone possessed the gift of indefectibility.”¹⁰⁶ Given this loophole of sorts, the conciliarists could turn to the Aristotelian idea of the mixed regime to most nearly approximate republican rule, while maintaining the presence of the papal monarch.¹⁰⁷

¹⁰⁵ Blythe, “Conciliarism,” 250.

¹⁰⁶ Oakley, *The Conciliarist Tradition*, 72.

¹⁰⁷ For comments on the conciliarist use of Aristotle’s *Politics*, Book Three, refer to Blythe’s chapter “Conciliarism” in *Ideal Government and the Mixed Constitution in the Middle Ages*.

The second limit in comparing the two systems lies in the stated ends of the theorists. As would be expected, the ends of a secular government and an ecclesiastical government are different, and this limits the equation of the two. Surprisingly, though, conciliarism and republicanism do not have completely incompatible goals. For the conciliarists, as I have mentioned several times above, the three stated goals are always reform of the Church in head and members, preservation of the orthodox faith through the elimination of heresy, and restoration of the unity of the Church via eradication of the schism. Republicans, on the other hand, state that the goal is to attain the *optimus status reipublicae* by retaining the *libertas* to pursue common goals.¹⁰⁸ Because the republican theorists were seeking the common *libertas* as opposed to the individual liberties that we might associate with “freedom” in the modern state, the republican goal is not altogether different from the conciliar goal. At first glance, it seems that the two systems could not have the same ends in mind, given that one deals with temporal matters and the other with spiritual. While this is true, and the ends of the Church undoubtedly go beyond the ends of the state, both seek unity and peace through reform. The motivation for the republicans is indeed the desire for temporal peace, while the conciliarists seek to provide for the eternal and spiritual needs of the Church body. Thus, it seems that conciliarism embodies the ends of republicanism while also transcending them. In the end, this limitation is not as much of a distinguishing trait as it appears to be at first.

¹⁰⁸ Skinner, “The State,” 9-10.

Conclusion

The similarities between Italian republicanism and conciliarism, as I have attempted to show, are striking. Even the differences between the two systems prove to be relatively minor when they are closely examined. Both systems seek reform in response to major governmental crises by introducing broadly representative rule and taking authority from the whole body of the commonwealth. The value of this comparison is that it reveals the political-philosophical nature of the conciliarist movement. Though often cloaked in theological terms and assigned theological ends, the heart of conciliarism was political. It responded to a monarchy turned tyranny by introducing aristocracy and democracy in the form of an Aristotelian mixed regime. Where theology got in the way, as it did with the divinely appointed papal monarchy, the conciliarists went as far as political philosophy would take them. This observation is significant for its potential to explain the ultimate failure of conciliarism in the next generation. Perhaps, as I explore briefly in the next chapter, conciliarism did not win out as the ideal government for the Church because the Church runs primarily on theological principles rather than political-philosophical ideas. Even if this is only a minor part of the ultimate failure of conciliarism, the comparison provides a perfect locus for future studies in political theology, which is what initially drew me to conciliarism. I conclude that conciliarism can be fruitfully read as the republicanism of the Church, and the successes and failures of the two systems will prove useful for understanding the fate of each.

CHAPTER FOUR

Hobbesian Absolute Sovereignty and the Post-Conciliar Papacy

Introduction

By the end of the council of Constance, the council fathers had successfully elected a single, legitimate pope: Martin V. What followed, though, was not as peaceful as the fathers must have hoped for the post-conciliar era of the fifteenth century. An intense struggle broke out between the conciliarists and papalists that would not be fully put to rest until the sixteenth century, reaching its height during the council of Basel. Ultimately, papal monarchy won out and the conciliarists were defeated, but only at great cost to the community of the Church. The theories from the post-conciliar era of the Church that was characterized by intense internal struggle and the ultimate victory of the monarchy share many characteristics with the political philosophy of Thomas Hobbes. In this chapter, I analyze the post-conciliar papacy in light of the final phase of Skinner's article, in which he uses Hobbes as the main source for the development of a recognizably modern usage of *status* that is doubly impersonal from both the ruler and the ruled. I also turn to the *Leviathan* to explore some of Hobbes's motivations for developing the principle of absolute sovereignty. For an account of the ecclesiastical struggle around the time of the council of Basel, I turn to the life of Aeneas Silvius Piccolomini, a conciliarist who was later elected pope. I refer to Emily O'Brien's new reading of Aeneas's works *De gestis* and *De rebus*, as well as the frescoes of the life of

Piccolomini from the Piccolomini Library in the Siena Duomo, painted by Pinturicchio at the turn of the sixteenth century.

Hobbesian Absolute Sovereignty

Skinner concludes his survey of the term *status* with the phase in which it takes on its fully modern meaning: “an entity with a life of its own; an entity which is at once distinct from both rulers and ruled and is able in consequence to call upon the allegiances of both parties.”¹ While Skinner cites several political philosophers in this section, his argument is built on Hobbes’s *Leviathan*. Hobbes argues for absolute authority as the only form of government that will be able to “ensure the common good, and in consequence the peace and happiness of the citizen-body as a whole.”² He promotes a fully absolutist government that does not merely accept authority as a trust from the people (as the republicans would have it) but as an alienating transfer of power from the people to the sovereign. Once the people resign their power, they do not retain any remnant of it. Skinner attributes to Hobbes, along with Bodin, Suarez, and Grotius, the theory of “natural law-absolutism,” which he defines as “the view that the ends of civil or political association make it indispensable to establish a single and supreme sovereign authority whose power remains distinct not merely from the people who originally instituted it, but also from whatever office-holders may be said to have the right to wield its power.”³

¹ Quentin Skinner, “The State,” in *Contemporary Political Philosophy: An Anthology*, ed. Robert E. Goodin and Philip Pettit, 2 edition (Malden, MA: Wiley-Blackwell, 2005), 13.

² *Ibid.*, 15.

³ *Ibid.*, 16.

Skinner argues that the type of state imagined in the *Leviathan* is self-consciously modern because it is distinct from both ruler and ruled. Furthermore, for Hobbes, absolute sovereignty was the inevitable destination for a polity that aimed at attaining and preserving peace amongst its citizens. The solution to the incorrigibly wicked natural state of man is, for Hobbes, absolute sovereignty divorced from the power of the people who consent to it and the power of the office holder who wields it: “Hobbes’s ambition as a political theorist had always been to demonstrate that, if there is to be any prospect of attaining civil peace, the fullest powers of sovereignty must be vested neither in the people nor in their rulers, but always in the figure of an ‘artificial man.’”⁴ Hobbes wants to create a system as well guarded from human failure as possible, and his solution is to condense all sovereignty in one man. He goes to the opposite extreme from the republicans of the previous phase in the development of *status*, attempting to minimize the number of people involved in rule, as if this move will also minimize the amount of conflict within both the governmental and popular spheres.

Hobbes wrote in an era of gruesome civil war, which is crucial for understanding his move to absolute sovereignty. Hobbes believes that civil war is the worst of evils that can befall a society, and his treatise is chiefly a response to the English Civil Wars that his country was enduring. In his introduction to *Leviathan*, Richard S. Peters summarizes Hobbes’s motivation as follows: “The overriding need of every sensible man, he thought, was for peace and security. Yet the ravings of the individual conscience and the sinister authority of Rome were constantly blinding men to what their real interests were. Civil war, the worst calamity that can befall a society...was upon them. How could this

⁴ Ibid., 17.

disastrous drift be halted? This was Hobbes's worry."⁵ Similar to the republicans before him, Hobbes believed that the government existed to protect the welfare of its citizens, though he focuses less on *libertas* and more on civil peace and security. Because of his bleak idea of human nature, the restraint of the civil sovereign is absolutely necessary to avoid a state of war:

The final cause, end, or design of men, who naturally love liberty, and dominion over others, in the introduction of that restraint upon themselves, in which we see them live in commonwealths, is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent, as hath been shown, to the natural passions of men...⁶

Here, Hobbes objects to the idea that men in the state of nature can successfully rule themselves and save themselves from the violence of war arising from man's passions. He goes on to make a claim that is crucial to understanding why he turns to monarchy as the only viable form of government, saying that a great multitude of men is no less likely to rule successfully than the entire body of mankind.⁷ Finally, Hobbes defines unity under one sovereign as the characteristic by which a group of people becomes a legitimate commonwealth, or Leviathan. The submission of wills to the sovereign, which is "more than consent or concord," Hobbes describes as "a real unity of them all, in one and the same person, made by covenant of every man with every man."⁸ The unit that is thereby created, the Leviathan, is that "*mortal god*, to which we owe under the *immortal God*, our

⁵ Richard S. Peters, "Introduction," in *Leviathan*, by Thomas Hobbes, ed. Michael Oakshott, Blackwell's Political Texts (Oxford: B. Blackwell, 1957), 8.

⁶ Thomas Hobbes, *Leviathan*, ed. Michael Oakshott, Blackwell's Political Texts (Oxford: B. Blackwell, 1957), 129.

⁷ Ibid., 130.

⁸ Ibid., 132.

peace and defence.”⁹ The Leviathan, then, serves to protect the peace of its people and requires the wholehearted, even religious devotion of its subjects.

Hobbes’s idea of a regime shares many characteristics with the arguments put forth by the papalists during and after the council of Basel. Both Hobbes and the fifteenth-century papalists wanted to avoid war and believed that absolute power vested in a monarch was essential to the pursuit of civil or ecclesiastical peace.

The Council of Basel and Ecclesiastical Civil War

The two popes of this time, Martin V and Eugenius IV, were engaged in an intense struggle for power with the conciliarists, and the character of the papacy by the time of Pius II depends largely upon this struggle. By the time the council of Constance had closed, the council fathers had successfully ended the schism with the election of Pope Martin V, but *Frequens* still loomed over his head. Though conciliarism had been originally developed as a solution to the schism, it did not disappear when the schism was solved. Although the power “of the idea of the Papacy made itself felt immediately after this successful election...[as] Martin V was from the first the unquestioned head of the council,” the idea of the papacy had not altogether conquered the idea of significant conciliar authority.¹⁰ From the beginning of Martin’s reign as pope, the rivalry between the papacy and the council is clear. Though this rivalry would not be explicit until the time of Eugenius IV and the council of Basel, it still cast a large shadow over Martin’s tenure. The most obvious effect of conciliarism on Martin’s papacy is the influence of

⁹ Ibid.

¹⁰ Hubert Jedin, *Ecumenical Councils of the Catholic Church; An Historical Outline* (New York]: Herder and Herder, 1960), 121, 126.

Frequens in requiring Martin to convoke councils at five and seven year intervals after the closing of Constance. Though the council convened during the fifth year was a flop because of the plague that reached Pavia, by the time seven more years had passed, “Martin concluded that it was too dangerous not to call the next council,” and thus the council of Basel was assembled in 1431.¹¹

Though Martin V had called the council, his successor, Eugenius IV, actually presided over it. Crowder introduces the monk-turned-pope as follows: “Eugenius IV, who had succeeded to the papacy at much the same time as the first delegates arrived in Basel, was sympathetic to many aspects of reform and acknowledged the need for it in both head and members. Nevertheless he was no more ready than his predecessors to subordinate his authority to a council.”¹² From this desire to restore and protect papal primacy while also seeking the reform of the Church emerges the conflict-ridden relationship between Eugenius and the council fathers at Basel. When Eugenius saw that the council was initially poorly attended, he attempted to dissolve the council and thereby establish his superiority, but this attempt in 1431 was unsuccessful, and “what had been feared...now became a reality—the council refused to obey.”¹³ This move by the pope was the first of several in which the papalists and conciliarists would both attempt to assert their dominant authority.

Following Eugenius’s first attempt to dissolve the council, in February of 1432 the council fathers “re-enacted *Haec sancta* in terms which left no doubt of their

¹¹ Joseph F. Kelly, *The Ecumenical Councils of the Catholic Church: A History* (Collegeville, Minn: Liturgical Press, 2009), 114.

¹² C. M. D. Crowder, ed., *Unity, Heresy, and Reform, 1378-1460: The Conciliar Response to the Great Schism*, Documents of Medieval History 3 (New York: St. Martin’s Press, 1977), 29.

¹³ Jedin, *Ecumenical Councils of the Catholic Church*, 127.

conviction about the subordination of the pope to a general council.”¹⁴ In declaring that *Haec sancta* was an article of faith, the fathers thereby stated that “disagreement with conciliarism meant heresy.”¹⁵ This would soon become the source of yet another papal schism in the Church. Moreover, the council of Basel began transferring funds that typically went to the papal curia to their own use, and “also involved itself in the day-to-day business of the church, negotiating with princes and recommending or approving appointments to ecclesiastical offices. Quite literally, a second, rival church government arose at Basel.”¹⁶

Meanwhile, Eugenius attempted to dissolve the council again in 1437 by means of his papal bull *Doctoris gentium*, which requested that the council be moved to Ferrara for the sake of negotiations with the Greek church.¹⁷ As the war between the council and pope was being waged, Eugenius IV was also working towards reunion with the Greeks, an effort which eventually produced *Laetentur caeli*, an act of union that proclaimed the temporary reunion of the Greek church with Rome.¹⁸ Many of the council fathers, though, were not willing to submit to Eugenius’s request in *Doctoris gentium* that the council be moved to Ferrara. Kelly describes the split between the council fathers, saying that “a minority of the participants. . . obeyed the command to move. The majority stayed in BasleA new schism had begun, this time with one pope and two councils.”¹⁹ In

¹⁴ Crowder, *Unity, Heresy, and Reform*, 29.

¹⁵ Kelly, *The Ecumenical Councils*, 117.

¹⁶ *Ibid.*, 115.

¹⁷ Crowder, *Unity, Heresy, and Reform*, 159-163.

¹⁸ *Ibid.*, 165-172.

¹⁹ Kelly, *The Ecumenical Councils*, 117.

response to *Doctoris gentium*, those members of the council who stayed at Basel attempted to depose Eugenius IV as a heretic on account of their declaration of *Haec sancta* as an article of faith.²⁰ As his replacement, they elected antipope Felix V, who turned out to be less of a threat than an embarrassment to the council fathers, given that he had no legitimate authority without a legitimate papal conclave and he brought little support with him to the papacy.²¹ Nevertheless, this election intensified the schism, and the church “now had two popes and two councils.”²² The failure of conciliarism is most obvious at this point. Though it had restored unity to the Church at the council of Constance, it was unsuccessful in doing so at Basel. In fact, it only served to intensify the disunity by becoming divided within itself.

As conciliarism lost its efficacy, Eugenius IV continued to fight for papal primacy, employing ecclesiastical as well as secular arguments. Within the ecclesiastical sphere, he issued the papal bull *Moyses vir Dei*, wherein he said that the council was “slipping toward tyranny,” and called the council members “ignorant, unskilled, vagrant, truant, runaway apostates, guilty of crimes and escaping from prison, rebels against us and their superiors”²³ Coupled with this, Eugenius turned to the influence of secular powers, constantly reminding princes of the danger that conciliarists posed not only to papal monarchy, but to monarchy in the secular sphere as well:

Part of the eventual success of Eugenius in maintaining the papal position against the council of Basle was the attention paid by secular rulers to the representations of his envoys that what was happening in the Church would happen next in their

²⁰ Crowder, *Unity, Heresy, and Reform*, 35; Kelly, *The Ecumenical Councils*, 117.

²¹ Crowder, *Unity, Heresy, and Reform*, 35.

²² Kelly, *The Ecumenical Councils*, 117.

²³ *Moyses vir dei*; trans. in Crowder, *Unity, Heresy, and Reform*, 172-177.

own kingdoms. If papal monarchy, divinely sanctioned, could be shown to repose on inadequate foundations, how would the prince justify his rule to his subjects?²⁴

In an era when ecclesiastical rulers depended upon secular influence for much of their power, Eugenius's move was very successful. With the urging of Emperor Frederick III of Germany who had been convinced by Aeneas Silvius Piccolomini to restore the Empire to papal allegiance,²⁵ the council of Basel slowly faded from view and was officially dissolved in 1449, the same year that the antipope Felix resigned.²⁶ As a final success of the papacy and blow to conciliarism, Eugenius's success of reunion with the Greeks via *Laetentur caeli* served to make the disunity amongst the conciliarists even more obvious.²⁷ Though the dissolution of the council and the embarrassment of the conciliarists may seem like the end of the era of conciliarists, it was only a step in that direction. The council had lost its actual efficacy, but the idea of conciliarism had not yet lost all of its influence. As the Church approached the Fifth Lateran council, Kelly observes that "[m]any in Catholic Europe, both clerical and lay, believed that the papacy would never reform itself and that only a council could truly reform the church. For the next eighty-seven years, the papacy went a long way in proving that belief."²⁸ It is within this context of doubts about papal efficacy for reform that Aeneas Silvius Piccolomini would reign as Pope Pius II, and the Piccolomini Library would be commissioned as a

²⁴ Crowder, *Unity, Heresy, and Reform*, 37.

²⁵ Ibid., 177.

²⁶ Ibid., 35.

²⁷ Emily O'Brien, "Aeneas Silvius Piccolomini and the Histories of the Council of Basel," in *The Church, the Councils, and Reform, The Legacy of the Fifteenth Century* (Catholic University of America Press, 2008), 64.

²⁸ Kelly, *The Ecumenical Councils*, 121.

shrine to papal primacy. I now turn to the life of Aeneas and the frescoes in the Piccolomini Library that depict his life.

Aeneas Silvius Piccolomini, Pope Pius II

The struggle between conciliarists and papalists in the fifteenth century comes to life in the story of Aeneas Silvius Piccolomini, an avid conciliarist and significant figure at Basel, who became a devoted supporter of Pope Eugenius IV, climbed the ecclesiastical ranks, and was eventually crowned Pope Pius II. Emily O'Brien gives the following brief and helpful summary of Aeneas's ecclesiastical involvement:

Aeneas held many administrative positions at the council, including *abbreviator major*, master of ceremonies at the papal conclave, and secretary to Felix V; and he took part in some of the assembly's most significant victories. He also played a central role in its demise. By the mid 1440s, Aeneas had retreated from his conciliarist stance and, as secretary to Emperor Frederick III, helped to forge a peace between Germany and the Roman Church.²⁹

How could one man move from holding such an extreme position in support of conciliarism to becoming pope? The story is complex.

Aeneas Silvius Piccolomini produced two works devoted solely to the proceedings at Basel, namely *De gestis Consilii Basiliensis Commentariorum* (1439-1440) and *De rebus Basiliae gestis commentarius* (1450).³⁰ In these two books, both written in Ciceronian Latin (a product of Aeneas's dedication to the humanism of the Italian Renaissance) Aeneas claims merely to retell the events at Basel.³¹ What he

²⁹ O'Brien, "Aeneas Sylvius Piccolomini and the Histories of the Council of Basel," 61.

³⁰ Ibid., 60.

³¹ Denys Hay, and W. K. Smith, "Introduction," in *De Gestis Concilii Basiliensis Commentariorum Libri II*, Oxford Medieval Texts (Oxford; New York: Clarendon Press, 1992), xxix.

actually does with the two works, though, is make sophisticated arguments on either side of the conciliar-papalist debate. The first, *De gestis*, argues for the primacy of the council. For example, Aeneas pauses his recapitulation of the speeches of the conciliarists in response to the attempted dissolution of the council by Pope Eugenius IV to make an extensive theological argument for the council's authority in book one of *De gestis*.³² His argument is twofold. First, he claims that the Church is perfect, while the pope is not: "By many arguments and by the evidence of many witnesses it has been proved, I consider, that the Church does not err—a claim not made for the Roman pontiffs. This reasoning not unfittingly subjects the supreme pontiff to the Church. For it is proper that the less perfect be subjected to the more perfect."³³ Aeneas then equates the Church with the general council, thus proving the supremacy of the council: "This in particular I wish known, that all who are of some repute subject the Roman pontiff to the Council. For the proof of this they repeat almost all the things which we have recited above about the Church. For they think all things belong to the general Council which belong to the Church."³⁴ Lest Aeneas's words are mistaken for mere recapitulation of others' opinions, he goes on to flesh out this argument extensively, making clear that he claims it as his own view.

In her article "Aeneas Silvius Piccolomini and the Histories of the Council of Basil," O'Brien offers two other observations that emphasize Aeneas's intensely conciliarist position. First, she notes his choice of subject matter. Instead of rewriting the

³² Pius, *De Gestis Concilii Basiliensis Commentariorum Libri II*, Oxford Medieval Texts (Oxford ; New York: Clarendon Press, 1992), 31-67.

³³ *Ibid.*, 45.

³⁴ *Ibid.*, 51.

events from the beginning of the council, Aeneas “was focusing his attention on the events that had so recently and so seriously weakened the credibility of the council and its aims,”³⁵ namely the attempt to depose Eugenius as heretic and the proclamation of *Haec sancta* as an article of faith. Moreover, O’Brien adds that “Aeneas helped to buttress the council...in how he presented his main characters.”³⁶ This applies to both the council fathers, who were portrayed as martyrs for the faith,³⁷ and Eugenius, who Aeneas named “*devastator ecclesiae*.”³⁸ In short, O’Brien reads *De gestis* as a defense of conciliar authority in light of the recent attempts by papalists to destroy the reputation of the council.³⁹

Aeneas’ next treatise demonstrates the significant change in his position between 1440 and 1450. *De rebus* “represents a diametrically opposed point of view. It is the Council which is now presented as factious and condemned as schismatic, not Eugenius as in the history written in 1440.”⁴⁰ O’Brien explains that in 1442 Aeneas abandoned his post in service of the antipope Felix V, and “joined the neutral party as secretary to Emperor Frederick III,” and within three years had pledged his loyalty to Eugenius.⁴¹

O’Brien argues that Aeneas wrote *De rebus* in an effort to restore his image and defend himself against the potential attacks that he was a conciliarist once he began to

³⁵ O’Brien, “Aeneas Sylvius Piccolomini and the Histories of the Council of Basel,” 65.

³⁶ *Ibid.*, 67.

³⁷ *Ibid.*, 69-70.

³⁸ *Ibid.*, 71.

³⁹ *Ibid.*, 68.

⁴⁰ Denys Hay, and W. K. Smith, “Introduction,” in *De Gestis Concilii Basiliensis Commentariorum Libri II*, Oxford Medieval Texts (Oxford ; New York: Clarendon Press, 1992), xxix.

⁴¹ O’Brien, “Aeneas Sylvius Piccolomini and the Histories of the Council of Basel,” 73.

climb the ranks of the ecclesiastical hierarchy. In the same work, she says, he also takes up the cause of defending the papacy itself, creating in the *De rebus* both a personal defense and a defense of the monarchy.⁴² The *De rebus*, in short, “serves to replace and correct [*De gestis*]. At the same time, it works to enhance Aeneas’s own image as a leader of the church, and at a time when it could easily be called into question.”⁴³ The *De rebus* is a project to “rehabilitate his image,” as well as the image of the papacy itself.⁴⁴

I now turn to the frescoes of the life of Aeneas in the Piccolomini Library inside the Duomo at Siena, which I argue attempt to achieve the same goal of rehabilitation as the *De rebus*. The frescoes were commissioned in 1502 by Cardinal Francesco Piccolomini Todeschini, the nephew of Pius II who would later reign as Pope Pius III for ten days.⁴⁵ Though the frescoes could be read as a mere commemoration of the life of Pius II by his grateful nephew, I read them instead as a cycle of papal propaganda, attempting at every turn to re-emphasize the primacy of the pope. The most important fresco for this reading is the fourth (Figure 4), which depicts two scenes. In the foreground, Aeneas kneels before Pope Eugenius IV, who absolves him of the sins of his conciliarist allegiance to antipope Felix V.⁴⁶ In the background, as a result, “Nicholas V is investing the priest Piccolomini with the episcopal cope and biretta.”⁴⁷ This fresco is

⁴² Ibid., 74.

⁴³ Ibid., 75.

⁴⁴ Ibid., 79.

⁴⁵ Idilio Dell’Era, *The Piccolomini Library in Siena Cathedral* (Milan: Opera Metropolitana of Siena; A. Martello, 1953), 17-18.

⁴⁶ Ibid., 44.

⁴⁷ Ibid.

significant because it explicitly equates devotion to the primacy of the pope with spiritual elevation. As Aeneas kneels before Eugenius, his transition from conciliarist to papalist is elevated to the status of spiritual conversion through the sacrament of absolution. As the cycle continues, scenes from Aeneas's life continue to illustrate the spiritual elevation that occurs as a result of his conversion to papal primacy. In the sixth fresco (Figure 6), Aeneas is elevated to the status of cardinal, while the cardinals and the dignitaries of Emperor Frederick III look on.⁴⁸ In the seventh fresco (Figure 7), the newly elected Pope Pius II sits upon his throne in the Lateran Basilica.⁴⁹ In the eighth and tenth frescoes (Figure 8, Figure 10), a frail Pius II is depicted during two of his efforts to conquer the Turkish Muslims in the crusade he attempted to launch, both of which were unsuccessful.⁵⁰ Nevertheless, in both frescoes the Pope is given the primary position. In the eighth, for example, the deliberators who surround the throne look to Pius for his direction, emphasizing the authority that he possesses as he presides over the deliberation. Though he does not sit at the center of the composition, as he does in the tenth, it is obvious that he is the essential character in the scene.

Another aspect of the frescoes that serves to elevate the papacy is the connection made with secular power, specifically that of Emperor Frederick III. In the second fresco (Figure 2), Aeneas is depicted beseeching the King of Scotland, James I, to "make an alliance with the French against the English."⁵¹ This scene makes clear that Aeneas's sphere of influence, even from the beginnings of his career, reached beyond the purely

⁴⁸ Ibid., 50.

⁴⁹ Ibid., 52.

⁵⁰ Ibid., 54, 60.

⁵¹ Ibid., 38.

ecclesiastical into the secular. Though still a supporter of Felix V, Aeneas is crowned with a laurel wreath by Frederick in the third fresco (Figure 3), a sign that Frederick accepted him as an ambassador from Felix.⁵² In the fifth fresco (Figure 5), Aeneas presents Isabella to Frederick, again associating his power with that of the secular crown, this time even more intimately as he enters into the love scene of the Emperor and his future wife. Finally, as I mentioned before, in the sixth fresco (Figure 6), the elevation of Aeneas to the cardinalate is attended by both the cardinals and the dignitaries of Frederick III.⁵³ The frescoes, like *De rebus*, serve to memorialize Pius II as a convert to papal supremacy, emphasizing his political and ecclesiastical successes while placing them within the context of papal authority. The constant links made between Aeneas or Pius II and the Emperor elevate the kind of authority the pope has from the ecclesiastical realm to the political realm. Even in his failures, the dignity of Pius II is unshaken. It seems that Pius III was motivated by a desire not only to celebrate the life of his uncle, but also to defend the seat of Peter against the uncertainty that still loomed after the defeat of conciliarism.

Conclusion: Absolute Sovereignty in Hobbes and in the Church

In the previous two sections, I highlighted the internal discord of the ruling powers of the Church in the fifteenth century, especially around the time of the council of Basel, using the life of Aeneas Silvius Piccolomini as a model for that discord. I now return to Skinner's article and Hobbes's *Leviathan* in order to once again connect the life

⁵² Ibid., 42.

⁵³ Ibid., 50.

of the Church with secular political philosophy, as I have done in the preceding two chapters. Although not as obvious here as in the previous two phases, the third phase of Skinner's history of the usage of *status* still applies to the movements of thought in ecclesiastical government in the fifteenth century. There are two main ways in which it does so. First, Hobbes and the theorists of absolute sovereignty write in response to the presence of intense civil discord, as do the papalists at the council of Basel. As I have already noted, Hobbes argues for absolute sovereignty in light of his belief that the desires of man propel him endlessly towards civil war. Thus the imposition of a sovereign with enough authority to subdue them is absolutely necessary for peace. Similarly, the constant unrest at the council of Basel and the threat of further schism propels the church towards the pope as the council fails to offer a solution. Another schism, it seems, would be much worse than a mediocre monarch, who could at least succeed in restoring unity to the church. This is evident in the council's loss of popularity upon Eugenius's success in establishing unity with the Greeks through *Laetentur caeli*.

Secondly, both Hobbes and papalists argue that absolute monarchy is the inevitable solution to the discord caused by a multiplicity of rulers and deliberators. In fact, Hobbes's argument for the need of an absolute sovereign can be seen rather concretely in the failure of the council at Basel. For example, Kelly maintains that "[n]aturally, government by the hundreds was not easy to achieve, and disputes broke out right from the beginning. Furthermore, the monarchs and nobles fearfully saw at Basel a budding democracy when the council began to extend voting rights to those other than bishops, such as theologians; political support for Basel became tepid."⁵⁴ One of

⁵⁴ Kelly, *The Ecumenical Councils*, 115.

Eugenius IV's main criticisms of the council fathers in his bull *Moyses vir Dei* is that they have become tyrants.⁵⁵ If the multitude of contributors to rule of the Church via the general council could not save the government from slipping into tyranny as had been its goal, then the council was no more fit to rule than the schismatic and heretical papal tyrants of the late fourteenth century had been. Thus, the Church, like Hobbes, returns to monarchy. In conclusion, Hobbes and the papalists of the fifteenth century can help us understand each other. Though the papacy does not achieve the level of absolutism that Hobbes argues for, much of his reasoning can be seen in the movement away from conciliarism back to papal monarchy. Likewise, the failure of conciliarism to bring about the unity that it promised could be explained by the same tendencies towards civil discord that Hobbes identifies as sources of the need for monarchy.

⁵⁵ Crowder, *Unity, Heresy, and Reform*, 173.



Figure 1
Pinturicchio. *Enea Piccolomini Leaves for the Council of Basel*. 1502-08. Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.



Figure 2

Pinturicchio. *Enea Piccolomini as an Ambassador to the Court of James I of Scotland*. 1502-08. Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.



Figure 3
Pinturicchio. *Frederick III Crowning Enea Silvio Piccolomini with a Laurel Wreath*. 1502-08. Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.



Figure 4

Pinturicchio. *Homage to Pope Eugenius IV in the Name of Emperor Frederick III*. 1502-08. Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.



Figure 5
Pinturicchio. *Enea Silvio Piccolomini Presents Frederick III to Eleonora of Portugal*.
1502-08. Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.



Figure 6
Pinturicchio. *Enea Silvio is Elevated to Cardinal*. 1502-08. Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.



Figure 7
Pinturicchio. *The Coronation of Enea Silvio Piccolomini as Pope Pius II*. 1502-08.
Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.



Figure 8
Pinturicchio. *Pope Pius II at the Congress of Mantua*. 1502-08. Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.



Figure 9
Pinturicchio. *The Canonization of Catherine of Siena by Pope Pius II*. 1502-08.
Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.



Figure 10
Pinturicchio. *Pope Pius II Arrives in Ancona*. 1502-08. Piccolomini Library, Duomo of Siena. *Web Gallery of Art*.

CHAPTER FIVE

Conclusion

In this thesis, I began with Skinner's article "The State," and connected each of the phases of the development of the modern *status* with a similar development from ecclesiastical history and political theory. In chapter two, I pointed out similarities between the phase of *mirror-for-princes* treatises and the era of the Great Western Schism. In this era of secular government, *status* was used primarily to refer to the condition of the ruler, from which the condition of the commonwealth was derived. I showed that the schism happened in part because of the identification of the *status* of the ecclesiastical government with the *status* of the individual occupying the papal seat. This failure in canon law to protect the Church from a heretical or schismatic pope led to the necessary introduction of conciliarism, which I argued was an ecclesiastical translation of Florentine republicanism. In this era of ecclesiastical governance, like in the republican era of secular political theory, a government of deliberation was introduced as the solution to the inevitable degeneration of the monarch into a tyrant. Many of the arguments in both spheres, I briefly stated, were founded on Aristotle's case for the mixed regime from the *Politics*. In chapter three I also noted some limits on the comparison between the ecclesiastical and secular spheres during these phases, the most important of which was the difference in the *telos* of each government. Finally, in chapter four, I turned to the last phase of the development of the modern *status*, which Skinner locates around the time of the publication of the *Leviathan*. Like Hobbes, the post-conciliar Church leaders attempted to restore monarchy, though it never went so far as to

give the pope complete absolute sovereignty by a total transfer of power from the people to the monarch as Hobbes argued for. The most compelling comparison between the two spheres in this chapter is the intense internal discord to which they both responded. For Hobbes, this came in the form of the English Civil Wars. The Church, on the other hand, faced a brutal rivalry between the leftover conciliarists and the papal monarchists. In the final chapter, I also wrote about the life of Pope Pius II and the frescoes of his life in the Piccolomini Library as an example of the shift from conciliarism to papal monarchical restoration that occurred after the council of Basel.

In sum, I intend for this thesis to be preliminary research towards a sequel to Skinner's "The State," which extends his masterful survey of the development of the modern state to the ecclesiastical realm. The research here is meant to illuminate the fact that many of the trends that Skinner points out in his article also occurred in the Church. The timelines of the two spheres are not identical, though. For example, the post-conciliar theories of papal monarchy were being produced as early as two centuries before Hobbes published the *Leviathan*. Thus, at this point in my research it is impossible to draw concrete causal connections between the ecclesiastical and secular spheres, though this may be a very fruitful effort to make in the future. The other purpose of this thesis is to shed light on the conciliar era, its causes, and its results. By comparing these three phases of ecclesiastical government with the picture of secular government from Skinner's article, I have found that the theorists of Church government were constantly interweaving political philosophy and theology. Thus, I now view the medieval and Renaissance Church as both a politically and theologically motivated entity, which will prove enlightening for future research on the art and philosophy that it produced.

I hope to revisit this project in order to make firmer arguments about the causal connections between the Church and the modern state. In doing so, I want to spend time with more of the primary texts from the conciliarist era, many of which have not been translated. Scholars like Jean Gerson, Pierre D'Ailly, and John of Paris will be of primary interest to me when I revisit the project, as they often moved back and forth between the political and ecclesiastical realms of their time. I also intend to do more work on the frescoes in the Piccolomini Library, as very few scholars have published on them before. While writing about the life of Pius II I was surprised at the imbalance of work done on the literature he produced versus the art about him. I hope to make a firm case for the use of the frescoes as papal propaganda, potentially linking them with other political art of Siena, such as the frescoes in the Palazzo Pubblico.

In conclusion, I have only scratched the surface of the work that is left to be done on the conciliarist era. This project has significantly piqued my interest, though, and I intend to return to it in order to expand on the connections I have drawn between the Church and the modern state. I am also interested to explore how art responded to conciliarism, and whether there are other examples of pro-conciliar or pro-papal propaganda from the medieval and Renaissance Italian artists. Finally, I hope to eventually work on the lasting effects of conciliarism on the modern papacy, as many have done with the political theories of the early moderns such as Machiavelli and Hobbes.

BIBLIOGRAPHY

- Blythe, James M. "Conciliarism." In *Ideal Government and the Mixed Constitution in the Middle Ages*, 243–59. Princeton University Press, 1992.
- Crowder, C. M. D., ed. *Unity, Heresy, and Reform, 1378-1460: The Conciliar Response to the Great Schism*. Documents of Medieval History 3. New York: St. Martin's Press, 1977.
- Dell'Era, Idilio. *The Piccolomini Library in Siena Cathedral*. Milan: Opera Metropolitana of Siena; A. Martello, 1953.
- Flanagin, David Zachariah. "Extra Ecclesiam Salus Non Est—Sed Quae Ecclesia? Ecclesiology and Authority in the Later Middle Ages." In *A Companion to the Great Western Schism (1378-1417)*, edited by Joëlle Rollo-Koster and Thomas M. Izbicki. Brill's Companions to the Christian Tradition, v. 17. Leiden; Boston: Brill, 2009.
- Hobbes, Thomas. *Leviathan*. Edited by Michael Oakshott. Blackwell's Political Texts. Oxford: B. Blackwell, 1957.
- Jedin, Hubert. *Ecumenical Councils of the Catholic Church; An Historical Outline*. New York: Herder and Herder, 1960.
- Kelly, Joseph F. *The Ecumenical Councils of the Catholic Church: A History*. Collegeville, Minn: Liturgical Press, 2009.
- Logan, F. Donald. *A History of the Church in the Middle Ages*. 2nd ed. London; New York: Routledge, 2013.
- Oakley, Francis. *The Conciliarist Tradition: Constitutionalism in the Catholic Church, 1300-1870*. Oxford; New York: Oxford University Press, 2003.
- O'Brien, Emily. "Aeneas Sylvius Piccolomini and the Histories of the Council of Basel." In *The Church, the Councils, and Reform*, 60–81. The Legacy of the Fifteenth Century. Catholic University of America Press, 2008.
- Peterson, David S. "Conciliarism at the Local Level: Florence's Clerical Corporation in the Early Fifteenth Century." In *The Church, the Councils, and Reform*, 250–70. The Legacy of the Fifteenth Century. Catholic University of America Press, 2008.
- Peters, Richard S. "Introduction." In *Leviathan*, by Thomas Hobbes, edited by Michael Oakshott. Blackwell's Political Texts. Oxford: B. Blackwell, 1957.

Pius. *De Gestis Concilii Basiliensis Commentariorum Libri II*. Oxford Medieval Texts. Oxford; New York: Clarendon Press, 1992.

Pius, Denys Hay, and W. K. Smith. "Introduction." In *De Gestis Concilii Basiliensis Commentariorum Libri II*. Oxford Medieval Texts. Oxford ; New York: Clarendon Press, 1992.

"Pope Boniface VIII 18 November 1302 The Bull Unam Sanctam." Accessed April 14, 2017. <https://www.ewtn.com/library/PAPALDOC/B7UNAM.HTM>.

Quentin Skinner. "The State." In *Contemporary Political Philosophy: An Anthology*, edited by Robert E. Goodin and Philip Pettit, 2 ed., 3–25. Malden, MA: Wiley-Blackwell, 2005.