

Valentina Covaci

**HISTORICAL EXEMPLARITY IN GILES OF ROME'S *DE*
ECCLESIASTICA POTESTATE AND *DE RENUNCIATIONE*
*PAPE***

MA Thesis in Medieval Studies

Central European University

Budapest

May 2008

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by

Valentina Covaci

(Romania)

Thesis submitted to the Department of Medieval Studies,
Central European University, Budapest, in partial fulfillment of the requirements
of the Master of Arts degree in Medieval Studies

Accepted in conformance with the standards of the CEU

Chair, Examination Committee

Thesis Supervisor

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I, the undersigned, **Valentina Covaci**, candidate for the MA degree in Medieval Studies declare herewith that the present thesis is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright. I also declare that no part of the thesis has been submitted in this form to any other institution of higher education for an academic degree.

Budapest, 26 May 2008

Signature

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ACKNOWLEDGEMENTS

Acknowledging those who supported me to write this thesis, I would like to thank the following:

Professor Aziz Al-Azmeh, for continued help throughout the academic year.

Laurențiu Rădvan, for many books and articles which he copied for me.

My parents, for unconditioned support.

N., *sine qua non*.

INTRODUCTION

This thesis is dedicated to an analysis of the historical argumentation in Giles of Rome's *De ecclesiastica potestate* and *De renunciatione pape*¹. In order to set the survey of these two treatises into a broader context, in the first chapter I describe the main events which framed their historical context. A short description of the author's personality is given as well. Secondly, I proceed to an analysis of the use of historical references in the *De ecclesiastica potestate*, structured according to the nature of their sources, namely, the Old Testament and history of Christian rulers. In the third part of this thesis I consider the use of the history of the papal institution in the *De renunciatione pape*.

Giles of Rome's political writings have been thoroughly discussed in modern scholarship. The *De ecclesiastica potestate* is among the most analyzed tracts in the standard works dedicated to medieval political writing.² It has also been introduced in works treating the struggle between Boniface VIII and Philip IV, a watershed in the history of Late Medieval Europe.³ Some studies have been devoted exclusively to this

¹ I will use the medieval spelling of the title which John R. Eastman used for his edition: Aegidius Romanus, *De renunciatione pape*, ed. John R. Eastman (Lewiston: The Edwin Mellen Press, 1992) (hereafter: *DRP*).

² Among the general works dedicated to medieval political thinking which analyze the *De ecclesiastica potestate* can be mentioned: classic studies as R. W. Carlyle and A. J. Carlyle, *A History of Medieval Political Theory in the West* 3rd ed., 5 (Edinburgh: W. Blackwood, 1950), 402-409; Georges de Lagarde, *La naissance de l'esprit laïque au déclin du Moyen Age* 2nd ed., 2 (Louvain: E. Nauwelaerts, 1950), 123-130; Walter Ullmann, *Medieval Political Thought* (London: Penguin Books, 1979), 124-127; recent compendia: J. A. Watt, "Spiritual and temporal powers," in *The Cambridge History of Medieval Political Thought c. 350-c. 1450*, ed. J. H. Burns (Cambridge: CUP, 1988), 400-402. Janet Coleman, "Property and poverty," in *The Cambridge History of Medieval Political Thought c. 350-c. 1450*, ed. J. H. Burns, 637-640; Joseph Canning, *A History of Medieval Political Thought. 300-1450* (London: Routledge, 1996) (hereafter: Canning, *A History*), 142-144.

³ The classical references are still: Jean Rivière, *Le problème de l'Eglise et de l'Etat au temps de Philippe le Bel. Etude de théologie positive* (Louvain-Paris: Spicilegium Sacrum Lovaniense, 1926) (hereafter: Rivière, *Le problème*), 394-404; Georges Digard, *Philippe le Bel et le Saint-Siège de 1285 à 1304*, 2 (Paris: Sirey, 1936) (hereafter: Digard, *Philippe*), 248-254.

tract.⁴ Contemporary approaches continue to foster constant interest in it.⁵ The mature work of one of the most fascinating medieval political theorists, the *De ecclesiastica potestate*, has thus enjoyed the thorough attention of modern research.

The second treatise, the *De renunciatione pape*, has received less attention in modern analyses of medieval government. The interest in Giles as a political thinker has been focused on his *De regimine principum* and *De ecclesiastica potestate*. John R. Eastman's recent works⁶ are a major contribution to the study of the *De renunciatione pape*, shedding new light on this rather forgotten work of the Augustinian friar.

As has been established in the secondary literature, the purpose of the *De ecclesiastica potestate* was to frame a pattern of the interplay between the secular and spiritual power in order to prove the primacy and superiority of the latter over the former. The *De renunciatione pape* addressed a specific matter under this general rubric, namely, the pope's right to abdicate. Arguing in defense of pope's capacity to act by his own free will, Giles upheld the sovereign claims of the papacy. Therefore, both tracts have been written to bolster the papal monarchy.

Previous research has been dedicated to the diverse means that Giles of Rome used to meet this goal. Thus, the *De ecclesiastica potestate* has been surveyed for the commonplaces of the medieval political thinking which Giles referred to in framing the ideology of papal supremacy. It has been analyzed from different points of view:

⁴ Stanislaw Bross, *Gilles de Rome et son traité du De ecclesiastica potestate* (Paris: Beauchesne, 1930); Raphaël Kuiters, "De ecclesiastica sive de summi pontificis potestate secundum Aegidium Romanum," *Analecta Augustiniana* 20 (1945-1946): 146-214.

⁵ For instance: Matthew S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford: Clarendon Press, 1999) (hereafter: Kempshall, *The Common*), 266-272; Alain Boureau, *La religion de l'Etat. La construction de la République étatique dans le discours théologique de l'Occident médiéval* (Paris: Les Belles Lettres, 2006) (hereafter: Boureau, *La religion*), 217-223.

⁶ John R. Eastman, "Giles of Rome and Celestin V: The Franciscan Revolution and the Theology of Abdication," *The Catholic Historical Review* 2 (1990) (hereafter: Eastman: "Giles"): 195-211 and *Papal Abdication in Later Medieval Thought* (Lewiston: The Edwin Mellen Press, 1990) (hereafter: Eastman, *Papal*).

concerning Augustinian⁷ and Aristotelian arguments⁸, for the two swords allegory⁹, and the “Petrine doctrine.”¹⁰ In its turn, the *De renunciatione pape* has been researched mainly in the context of discussions dedicated to the legal aspects implied by papal abdication. Giles also used a historical argument to uphold his theocratic view on papal institution, but this feature of his reasoning has been rather neglected by previous research. My study aims to examine this particular topic.

In my approach, I use the concept of *exemplum* to refer the use of historical references in the two tracts. This study will focus on the use of this particular kind of argumentation in the two treatises. Through this analysis I aim to explore the use of arguments from precedent - scriptural and legal - in medieval political thought. This type of argument was very common in the Latin Middle Ages, but research on it has mainly focused on biblical typology and on *exempla* more restrictively understood.

A detailed definition of the particular understanding which I ascribe to this term in the specific circumstances of the two works is given at the beginning of the chapter dedicated to each of them. I define them in the introduction of these chapters because I intend to facilitate the understanding of the particular meaning that they have, in my view, in the context of the two works. My intention is thus to contribute to a thorough understanding of Giles of Rome’s political writing in the particular instance of arguing by means of historical reasoning.

⁷ For instance in the standard work dedicated to this topic: H.-X. Arquillière, *L’Augustinisme politique. Essai sur la formation des théories politiques au Moyen Age* (Paris: Librairie Philosophique J. Vrin, 1955), 66; or recently in James M. Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages* (Princeton: Princeton University Press, 1992), 62-63.

⁸ For instance M. Kempshall, *The Common*, 266-272 for the analysis of Giles’ particular understanding of the common good in the framework of the *utilitas ecclesiae*.

⁹ For instance, Boureau, *La religion*, 221-222.

¹⁰ For instance, Marcel Pacaut, *La Théocratie. L’Eglise et le pouvoir au Moyen Age* (Paris: Desclée, 1989), 26.

CHAPTER 1: INTRODUCTION

1.1. Historical Circumstances: The Struggle between Philip IV (1285-1314) and Boniface VIII (1294-1303)

Giles of Rome wrote in defense of the papal power at a dramatic moment of its history. The epoch of *De renunciatione pape* and *De ecclesiastica potestate* witnessed the sharpening of the conflict which opposed the papacy to lay power. Facing the raising claims of an imperialized papacy, secular rulers fought them arguing the superiority of the Church over an unworthy pope. Thus, the General Council, representing the Church, had to constraint an erring pope to subject himself to its judgment. This was a novelty raised by the pope's adversaries in the debate concerning the interplay of papal authority with secular power. The pope stressed the sovereign authority of the papal monarchy in his reply. This confrontation ended in dramatic incidents such as the attack at Anagni.

De ecclesiastica potestate was written to answer accusations formulated after the year 1296 by the French opponents of the pope against the alleged papal sovereignty even in temporal matters. The origin of the conflict was Philip IV's decision to impose the collection of the decime to the French clergy without asking the pope's consent. He needed money to finance a war against his vassal, Edward I. Boniface replied with the bull *Clericis laicos* (February 1296) which interdicted, under the threat of excommunication, the imposition of any financial burden on the clergy without his approval. Philip answered the bull with the ordinance given in August 1296, which interdicted the exportation of wealth out of France without his consent. This affected the interests of the papacy because a large part of its financial

revenues came from France.¹¹ The pope replied with the bull *Ineffabilis amoris* (September 1296), in which he declared that temporal rulers had to subject themselves to papal jurisdiction.¹² The next year, given the problems that the pope had in Italy with the cardinals who rebelled against him, he concealed the peace with the king. With the bull *Romana mater ecclesia* (7 February) Boniface annulled the terms of the *Clericis laicos*, allowing the king to ask the clergy for money.¹³ Moreover, in August, Boniface canonized Louis IX, Philip's grandfather.¹⁴

The conflict started again in 1301 over a jurisdictional debate regarding the case of Bernard Saisset, the bishop of Pamiers. In conflict with Count Roger-Bernard of Foix, with whom he disputed the jurisdiction of Pamiers, the bishop won the case thanks the intervention of his friend the pope.¹⁵ In reply the count accused Saisset that he was unfaithful to the king, whose jurisdiction he did not acknowledge. Thus, in October 1301 the bishop was imprisoned.¹⁶ Boniface reacted with the bull *Salvator mundi* (4 December), which annulled the privileges bestowed on the king in July 1297. Also, on 5 December, he addressed the bull *Ausculda fili* directly to Philip, maintaining that the king had to be obedient towards the pope's sovereign jurisdiction. Boniface modified Jer. 1:10 "I have set you over the nations and over kingdoms," referring to himself as the one "set over kings and kingdoms." At the same time, the pope called the French bishops to a council which was to be held in Rome in November 1302. Together they were to judge the lawfulness of Philip's decisions concerning the Church.¹⁷ Received by the French court in January, the letters caused indignation: the text of *Ausculda fili* had been falsified. The new text,

¹¹ Agostino Paravicini Bagliani, *Boniface VIII. Un pape hérétique?* (Paris: Payot, 2003) (hereafter: Paravicini, *Boniface*), 140-141.

¹² Rivière, *Le problème*, 67.

¹³ Ibid. 297.

¹⁴ Paravicini, *Boniface*, 194

¹⁵ Digard, *Philippe*, 51-53; 70-81.

¹⁶ Paravicini, *Boniface*, 199-302.

¹⁷ Rivière, *Le problème*, 73-75.

known as the bull *Deum time* or *Scire te volumus*, contained the alleged declaration of the pope that Philip also had to obey him in temporal matters, a statement which was absent from the real text. This particular addition was the element which raised public indignation against the pope in France, when the forged bull was made public.¹⁸ The king wrote an answer to the false bull, entitled *Sciat tua maxima fatuitas*, which was also made public. The king said that he could not subject himself to a venal pope and that the collation of churches was a royal right.¹⁹

Philip wanted to have the support of the kingdom for his actions against the pope. An assembly of the three estates was called for 10 April 1302. The royal counselor, Pierre Flote, read the text of the forged bull to exhort the anti-papal feelings. The three estates addressed memoranda to the pope upholding the king's actions. Under the king's pressure, the representatives of the clergy refused to answer Boniface's call for the council.²⁰ The pontifical position was defended in the consistory which received the French ambassadors on 24 June 1302. Cardinal Matthew of Aquasparta delivered a discourse sustaining the papal claim for *plenitudo potestatis*. He assured the ambassadors that the pope had consulted the cardinals on the content of the *Ausculda fili* and received their approval. Matthew of Aquasparta went even further than Boniface VIII. He maintained that the *plenitudo potestatis* implied the pope's sovereign jurisdiction not only in spiritual but also in temporal matters. The exercise of this power, under papal supervision, was reserved to the secular ruler.²¹ This was the time of radical statements. Matthew of Aquasparta, Giles of Rome, and Boniface VIII in the bull *Unam sanctam* stated that the pope was lord in both spiritual and temporal matters.

¹⁸ Digard, *Philippe*, 97-98.

¹⁹ Paravicini, *Boniface*, 306-307.

²⁰ Ibid, 311-312.

²¹ Rivière, *Le problème*, 76-77; Digard, *Philippe*, 107-114.

The situation changed over the summer when the French army was defeated by the Flemish at Courtrai (11 July). The defeat helped the papal cause and Boniface VIII was able to hold the council arranged for November, many French bishops joining it. The council ended with the promulgation of the bull *Unam sanctam* (18 November 1302).²² Inspired by Giles of Rome's *De ecclesiastica potestate*,²³ the bull stated the sovereignty of the papal monarchy in spiritual and in temporal matters *de necessitate salutis*.²⁴ This was the official affirmation of the imperialized claims of the papacy. The *Unam Sanctam* expressed the climax of papal vindications, arguing the papal lordship even in temporal affairs.²⁵ This was a novelty in the history of the papacy and it explains the violence of the French reaction against Boniface.

On 7 March 1303, the king appointed his counselor, William of Nogaret, to a diplomatic mission to Italy meant to strengthen the alliances against the pope. A few days later, on 12 March 1303, in a royal council held in Louvre, Nogaret delivered a speech of accusation against the pope. Boniface VIII had to be judged for his crimes. Since he had no superior who could suspend him, the king was asked to summon the council, which was the only authority who could act against the pope. If the pope were reluctant about the solution of the council, he had to be held in custody until a decision was made in his case. With Nogaret's speech, the solution of the council, wielded by the Colonna cardinals since 1297, was brought forward for the first time in France.²⁶ A former professor of canon and civil law at Montpellier Nogaret listed the accusations for which, in accordance with canon law, the pope could be judged by the

²² Ibid., 83-91.

²³ Canning, *A History*, 142.

²⁴ Rivière, *Le problème*, 80.

²⁵ Ibid., 82.

²⁶ H.-X. Arquillière, "L'Appel au concile sous Philippe le Bel et la genèse des théories conciliaires," *Revue des questions historiques* 89 (1911) (hereafter: Arquillière, "L'Appel"): 40.

council.²⁷ Boniface was charged with acquiring the pontifical throne through fraud and eliminating the legitimate spouse of the Church, Celestine V;²⁸ accusations of manifest heresy,²⁹ simony, and other “manifest and enormous crimes”³⁰ were added. Therefore, Nogaret exhorted the king, who was anointed to defend justice to free the Church from the web of Boniface’s crimes.³¹ Also, he asked the clergy, university masters, barons and people to agree upon the convocation of the council. He himself agreed to sustain these accusations before the future council.³² Philip did not answer his request to summon the council and to take the pope into custody. Nevertheless, a few days after his speech, Nogaret left for Italy, to garner diplomatic support for Philip’s actions against the pope.³³

On the other side, Boniface VIII, following the tone of *Unam Sanctam*, displayed publicly his view of an imperial papacy. On 30 April 1303 he crowned Albert of Habsburg, elected king of Germany in 1298, as emperor of the Romans. The pope had refused him the coronation in 1298, when he found him unworthy of the imperial dignity, but in the conditions of the year 1303, this coronation was a way of fighting the French king. In the sermon delivered with this occasion, the pope maintained that he was “Caesar and emperor,” lord in spiritual and temporal and the emperor had to acknowledge him as such. He spoke against “the arrogance of the French,” who were to acknowledge the emperor as their superior.³⁴

In France, a new royal council held in Louvre on 13 and 14 June debated on the conflict which opposed the kingdom to the papacy. On this occasion, William of

²⁷ Ibid.

²⁸ *Boniface VIII en procès. Articles d'accusation et dépositions des témoins (1303-1311)*, ed. Jean Coste (Rome: “L’Erma” di Bretschneider, 1995) (hereafter: *Boniface VIII en procès*): 112-113.

²⁹ Ibid., 116.

³⁰ Ibid., 117.

³¹ Ibid., 120.

³² Ibid., 119.

³³ Arquillière, “L’Appel,” 40.

³⁴ Digard, *Philippe*, 161-166.

Plaisians, Nogaret's collaborator, read an accusation against the pope, ending with a request addressed to Philip to act against the unworthy vicar of Christ. Plaisians took the accusations listed by Nogaret which, according to the canon law, made the pope liable to the judgment of the General Council: manifest heresy, simony, and lust. Besides these charges, Plaisians evoked Boniface's alleged hate for the French. This kind of argument was meant to incite the audience to take action against the pope. He emphasized that the pope had become a real threat for the French kingdom. The pope allegedly declared that he acknowledged Albert of Habsburg as emperor "in order to destroy the pride of the French."³⁵ Plaisians' discourse was followed by Philip's speech, in which he gave his consent for summoning the council, which he took the responsibility of organizing. After Philip's decision, Nogaret, still in Italy, was appointed to convince the pope to summon the council which would judge him. The pope responded with the bull *Super Petri solio*, which contained Philip's excommunication. The bull was to be published on 8 September 1303. In order to avoid the king's excommunication, Nogaret and Sciarra Colonna, a relative of the cardinals Colonna, attacked the pope's residence at Anagni and imprisoned him (7 September). The pope was freed three days later by the townsmen of Anagni. He died soon after, on 11 October.³⁶

What did these events mean for Giles of Rome? His treatises echoed them. They offered the support of the scholastic scholarship to one of the sides, namely, the papal monarchy. With his writing he served Boniface VIII in the most embittered conflicts of his pontificate, with the Colonna cardinals and the French king. Perceived in their historical context, the two treatises lose the dryness of scholastic exercises. They offer an insight into the imperial stage of the papal institution.

³⁵ Paravicini, *Boniface*, 157.

³⁶ Rivière, *Le problème*, 93-95.

1.2. Giles of Rome's life and career: a biographical sketch

Giles of Rome (Aegidius Romanus, Egidio Colonna) was born in Rome about 1243.³⁷ The tradition that he belonged to the Colonna family is probably unfounded. When he was fifteen he entered the Order of the Hermits of St. Augustine at Santa Maria del Popolo in Rome. In 1260 he was sent by his order to Paris to continue his studies. By the year 1266 he was *magister artium* and then he proceeded to theological studies. Since at the time the Augustinians did not have a master of theology, he had to follow the lessons either of a secular master or of a master belonging to another order. It is probable that he was a disciple of St. Thomas Aquinas. While a bachelor he wrote an appreciable number of theological treatises and commentaries on Aristotle's works.³⁸ Because some propositions of his commentary on the first book of the *Sentences* were considered heterodox, Giles was among those who faced the consequences of condemnations pronounced by Stephan Tempier, bishop of Paris, in March, 1277. They were directed against the heterodox Aristotelianism and some of Giles' statements were considered to belong to this trend. In his defense before the commission of the university, Giles refused to retract the incriminating propositions. Consequently, he was censured and he was denied the *licentia docendi*.

After this condemnation he returned to Italy, where his presence is attested beginning in August 1281, when he attended the General Chapter of Padua. Between

³⁷ Unless otherwise mentioned, the data about Giles' life and career are drawn from: F. Lajard, "Gilles de Rome," in *Histoire littéraire de la France*, 30 (Paris: Imprimerie nationale, 1888): 421-566; David Gutiérrez, "Gilles de Rome," in *Dictionnaire de spiritualité ascétique et mystique. Doctrine et histoire*, 6 (Paris: Beauchesne, 1967): 385-390; F. Del Punta, S. Donati and C. Luna "Egidio Romano," in *Dizionario Biografico degli Italiani*, 42 (Rome: Istituto della Enciclopedia Italiana, 1993): 319-341.

³⁸ Charles F. Briggs, *Giles of Rome's De regimine principum. Reading and Writing Politics at Court and University c. 1275-c. 1525* (Cambridge: CUP, 1999), 9.

1281 and 1285, Giles was in Italy, involved in the life of his Order. By May 1285 he was vicar of the prior general. In March 1285, Martin V, who had maintained Tempier's condemnation, died and Giles wrote to the new pope, Honorius IV, that he was ready to retract the sentences for which he had been condemned. By papal request, the bishop of Paris, Ranulphe d'Hombières, who succeeded Tempier, assembled a commission of masters of theology to reexamine Giles' case. The solution was favorable to Giles, who was awarded the *licentia docendi*. By 1287 he became a master of theology, the first in his Order. As a master of theology he continued to be a prolific author. His vast erudition gained him the epithets *doctor fundatissimus* and *doctor verbosus*. His status of master of theology increased his authority in the Augustinian Order. Thus, at the General Chapter of Florence (1287) he was declared the official doctor of the Order. His writings should be studied and defended by all students and masters of the Order. On 6 January 1292, at the General Chapter of Rome, Giles was elected prior general of his Order. He continued to live in Paris, being replaced in his chair at the university only at the beginning of the academic year 1293-1294.

In April 1295 Boniface VIII assigned him the archbishopric of Bourges. Between July 1296 and August 1299 Giles lived mostly at the papal curia, administering his diocese through representatives. After a period when he governed his diocese directly, he was again at the papal curia during the final phase of the conflict between Philip IV and Boniface VIII. In spite the king's prohibition which forbade the French clergy from attending the council summoned by Boniface, he was there in November 1302. On the wane after Boniface VIII's death, Giles' career declined even more from June 1305, when Bertrand de Got, archbishop of Bordeaux, became Pope Clement V. They had had a conflict while Bertrand de Got was still in

Bordeaux. His diocese was encompassed in the ecclesiastical province of Aquitania, which was governed by Giles as archbishop of Bourges. The future pope did not acknowledge Giles' primacy and ended by proclaiming himself a primate of *Aquitania secunda*, which led Giles to excommunicate him. Elected pope, Clement V despoiled the church of Bourges, throwing Giles into material misery.

The last important event which marked Giles' career was his participation at the Council of Vienne (1311-1312). It was convoked by Clement V to discuss the suppression of the Templars. On this occasion he wrote the *Contra exemptos*, a tract in which he argued against exemption from episcopal jurisdiction, which allowed excesses such as those of the Templars. Nevertheless, given the fact that he belonged to a Mendicant order, Giles admitted that exemption from the episcopal jurisdiction and direct dependence on the pope were legitimate in the case of the Mendicant orders dedicated to study. At the Council of Vienne the trial concerning the orthodoxy of Peter Olivi's doctrine was concluded. Giles was appointed to write a list of errors contained in Olivi's works. This task was no novelty for Giles, who, between 1305 and 1306, was among the theologians who examined and condemned John of Paris's doctrine of the Eucharist.

Giles died as archbishop of Bourges at the papal court in Avignon on 22 December 1316.

An interesting aspect of Giles of Rome's career is his participation in politics. He put his skills in the service of the French king and Boniface VIII successively. He made a dramatic change from being one of the main theorists of the sovereignty of the royal monarchy to the champion of papal theocracy. About the year 1280 he wrote the *De regimine principum*, which he dedicated to the heir to the French throne, the future Philip IV. Tradition makes him the tutor of the dedicatee in the period between

1277/1278 and 1281, while he was suspended from his academic activities. In this tract he used the principles of Aristotelian moral philosophy to maintain that royal monarchy was the best form of government.³⁹ Tradition makes him Philip IV's friend, for whom, allegedly, he delivered the oration for his coronation in the name of the university in January 1286. Later, in April 1293, the king donated the Parisian convent of the Friars of the Sack, an order suppressed in 1274, to the Augustinian Order. The donation brought Giles into conflict with the bishop of Paris, who denied the king's jurisdiction over the convent. Excommunicated by the bishop, Giles appealed for the intervention of the pope, who absolved him.

The election of Cardinal Benedict Caetani to the pontifical throne marked a significant shift in Giles' career. They met in 1299, when the cardinal was a legate in France and Giles dedicated his commentary *Super De causis* to his friend. His friendship with the pope brought him the See of Bourges. After the outbreak of the conflict between the pope and the king in 1296, he proved a constant supporter of Boniface's cause. Moreover, he was the principle defender of his legitimacy, contested by the cardinals Colonna. Besides the tract *De renunciatione pape* (1297), which he wrote for this purpose, he was active in the negotiations between the pope and the Colonnas. He was among those sent by Boniface to convince them to surrender in the summer-autumn of the year 1297. When the struggle between the pope and the king became acute during 1301, Giles wrote the *De ecclesiastica potestate* (end of 1301-November 1302) in defense of papal sovereignty. Dedicated to Boniface, who was referred as "the only Lord," the tract was the work of "his humble creature."⁴⁰

³⁹ Thomas Renna, "Aristotle and the French Monarchy, 1260-1303," *Viator* 9 (1978): 313.

⁴⁰ ...domino singulari, domino Bonifacio...Frater Egidius, eius humilis creatura... Giles of Rome's *On Ecclesiastical Power. A Medieval Theory of Government*, ed. and tr. R. W. Dyson (New York: Columbia University Press, 2004) (hereafter: *DEP*), 1,1, 1-2.

Various attempts have been made to offer an explanation for the dramatic change in Giles' attitude towards the spiritual and secular powers, from the *De regimine principum* to the *De ecclesiastica potestate*. For instance, it has been said that the difference between the two works was explicable by the fact that different arguments were used to illustrate opposite types of government. The *De regimine principum* treated the natural principles of government in order to uphold the authority of the raising Capetian monarchy. In the *De ecclesiastica potestate* Giles handled the *topoi* of theocratic discourse to magnify the power of the pope. The difference has been explained through the distinct purposes which the two tracts were meant to serve, namely, to uphold the French king's sovereign power and the claims of the papal monarchy, respectively.⁴¹ According to another opinion, the two tracts are not incompatible. The difference between them is explained by Giles of Rome's particular interpretation of the real distinction between essence and existence, as stated in his tract *Theoremata de esse et essentia*. It has been said that a parallel analysis of Giles' philosophical and political thought reveals that in both cases he thought there was a distinction between the elements of the same unity. Accordingly, in his opinion the essence and the existence of an object or quality were different even if encompassed in the same unity. He applied the same view to his ecclesiology. Therefore, he ascribed a certain authority to the secular government which nevertheless was encompassed in the unity of the Church, which usually had to exercise external supervision.⁴²

Beyond the differences between the two texts there is the fact that Giles served quite different purposes with his writing throughout his career. Thus, after he changed from being the theorist of the royal monarchy to being the defender of the papal

⁴¹ Kempshall, 271.

⁴² Alain Boureau, "Le prince médiéval et la science politique," *Le savoir du prince*, ed. Ran Halévi (Paris: Fayard, 2002), 48-50.

monarchy he was not maintained among Boniface VIII's defenders after his death. During the posthumous trial of the pope, even if he attended the proceedings in Poitiers in 1308 and the Council of Vienne in 1311, Giles did not defend the pope's memory.⁴³ Moreover, after the death of his protector, Giles looked for other influential patrons: he dedicated his *Hexameron* to Philip IV's uncle, Robert of Clermont, and his commentary on the second book of the *Sentences* to Robert of Anjou after he became the king of Sicily in 1309.

Thus, whichever interpretation attempts to explain the contradictory behavior of Giles of Rome cannot offer a full picture of his character or a satisfactory justification of his deeds. I cannot go beyond the facts of his life and career and in spite of lofty philosophical explanations for his changing attitude I would rather say that Giles of Rome lived his vocation of a polemicist until the end. He chose to put his writing in the service of those whose cause suited his own interests. This is what the data about him seems to indicate. The rest, "what we cannot speak about we must pass over in silence."

⁴³ Eastman, "Giles," 311.

CHAPTER 2: CONTINUITY AND REPETITION IN THE PAPAL DISCOURSE

This analysis of the usage of historical references in Giles of Rome's *De ecclesiastica potestate* aims to present a different approach to the subject of papal theocracy and its secular claims. Throughout this work I will use the concept of *exemplum* to refer to, and describe Giles of Rome's use, of historical references. By *exemplum* I refer to the rhetorical device by which Giles evoked figures of biblical and secular rulers to persuade his audience to follow their institutional behavior towards priestly authority and to confine their claims to the limits respected by their illustrious predecessors. Moreover, its use in this work should be understood only in the strict meaning of the rhetorical *exemplum* without any implications concerning the homiletical *exemplum*. There is an ongoing debate concerning the difficulty of defining the *exempla* used in medieval texts, because, as Alessandro-Vitale Brovarone described the issue, they belonged to the same culture.⁴⁴ Nevertheless, a distinction has been made between rhetorical *exempla* and homiletical *exempla* in the literature dedicated to them in the last years. The homiletical and rhetorical *exempla* differ in the context in which they have been used and by the functions which have been ascribed to them. The homiletical *exempla* flourished in preachers' literature, due the raise of the mendicant orders in the thirteen century, and were used to illustrate the sermons with "un récit bref, donné comme véridique et destiné à être inséré dans un discours (en général un sermon) pour convaincre un auditoire par une leçon

⁴⁴ Alessandro Vitale-Brovarone, "Persuasione e narrazione: l'*exemplum* tra due retoriche (VI-XII sec.)," *Rhétorique et histoire. L'Exemplum et le modèle de comportement dans le discours antique et médiéval. Mélanges de L'École Française de Rome* 92 (1980): 87-112.

salutaire.”⁴⁵ Therefore, the homiletical *exemplum* is distinguished from other forms of medieval and classical *exemplum* by its purpose in preaching to an audience and in assuring the religious education of faithful. On the other hand, rhetorical *exempla* invoked famous past figures and events, from both sacred and profane history, to infer the imitation of their institutional model in the present historical time. They did not aim insuring the salvation of the faithful but were used to serve more mundane goals. Thus, one can notice that the *exempla* were used in a variety of genres other than sermons, such as *specula principis*, *nugae curialium* or theological treatises, serving other purposes than “la leçon salutaire.”⁴⁶ The quality of *exemplum* as rhetorical proof aiming to persuade was its historicity.⁴⁷ Establishing analogies between present situations or persons and their remote counterparts also implied a mimetic relationship between them.⁴⁸ These features characterized medieval rhetorical *exempla* as well. Addressing collective memory they referred to past figures and events whose significance was known to the audience; the *exempla* transferred symbolic power to the element compared, which had to follow the pattern that both legitimized and constrained it.⁴⁹ I will also refer throughout this chapter to the pragmatic effects of this particular rhetoric given the fact that the *exempla* were not used only for edification but to endow a past rule with legal force in the present time, as an obligatory precedent.⁵⁰

⁴⁵ Claude Bremond, Jacques Le Goff, J.-Cl. Schmitt, *L'Exemplum* (Typologie des sources du Moyen Age occidental, 40) (Turnhout: Brepols, 1996), 37.

⁴⁶ Jean-Yves Tilliette, “L'*exemplum* rhétorique: questions de définition,” in *Les exempla médiévaux: nouvelles perspectives*, ed. Jacques Berlioz and Marie Anne Polo de Beaulieu (Paris: Honore Champion Editeur, 1998), 43-65 (hereafter: Tilliette, “L'*exemplum*”); Peter von Moos, “L'*exemplum* et les *exempla* des prêcheurs,” in *Les exempla médiévaux: nouvelles perspectives*, ed. Jacques Berlioz and Marie Anne Polo de Beaulieu (Paris: Honore Champion Editeur, 1998), 67-82.

⁴⁷ Bennet J. Price, *Paradigma and Exemplum in Ancient Rhetorical Theory* (University of California, Berkeley, Ph.D. thesis, Xerox University Microfilms: 1975), 38.

⁴⁸ Ibid., 62-63.

⁴⁹ Tilliette, “L'*Exemplum*”, 52.

⁵⁰ Jean-Michel David, “*Maiorum exempla sequi*: L'*Exemplum* historique dans les discours judiciaires de Cicéron,” *Mélanges de L'Ecole Française de Rome* 92 (1980) (hereafter: David, “*Maiorum*”): 81.

By “political *exempla*” I understand all those instances in which evoking both Old Testament and Christian patterns of rulership involved consequences for Giles’ political present. The author displayed a succession of patterns of political behavior, referring to rulers whose authority was generally acknowledged by his audience, setting forth the necessity of mimesis.⁵¹ Giles wrote in the tradition of ancient rhetoric which looked to forge patterns of political behavior by displaying figures that should or should not be imitated. Given the fact that Giles used rhetoric in his political treatises,⁵² basing the present research of the *De ecclesiastica potestate* upon the analysis of rhetorical *exempla* is concordant with the rhetorical construction which Giles set forth for persuading his audience. Hence, one can say that in the *De ecclesiastica potestate* Giles quoted biblical passages or referred to historical events in the same way that in ancient rhetoric *res praeterita* and *mos maiorum* were evoked, mentioning examples of those who had served the public utility or endangered it, determining either the imitation or “la répulsion paradigmatique.”⁵³ Concerning the contextual use of historical *exempla*, the author intended to emphasize their binding power, setting a reading code which transformed the contemporary ruler in a conditioned extension of the ancient *exemplum*.

⁵¹ Concerning the methodology, I am indebted to Peter von Moos works, who analyzed the use of historical *exempla* in John of Salisbury’s *Policraticus* in order to emphasize the constraining power of ancient models in shaping the expected behavior of the prince. His analysis of the rhetoric of *exempla* in a historical and political framework leads my own approach. Peter von Moos’s writings which are paradigmatic for this type of investigation are: *Geschichte als Topik. Das rhetorische Exemplum von der Antike zur Neuzeit und die Historiae im “Policraticus” Johannis von Salisbury* (Hildesheim: Georg Olms Verlag, 1988), available to me in its English abstract “The use of *exempla* in the *Policraticus* of John of Salisbury,” *The World of John of Salisbury*, ed. M. Wilks (Oxford: Blackwell Publishers, 1994), 207-261; also, for the methodological background: “Das argumentative Exemplum und die ‘wächserne Nase’ der Autorität im Mittelalter,” *Exemplum et Similitudo. Alexander the Great and Other Heroes as Point of Reference in Medieval Literature*, ed. W. J. Aerts and M. Gosman (Groningen: Egbert Forsten, 1988), 55-84.

⁵² Acknowledged as the *expositor* for the Latin West of Aristotle’s *Rhetoric*, on which he provided the probable first Latin commentary, Giles valorized the use of rhetoric in political writing. For the influence of Aristotle’s *Rhetoric* on Giles’ political thinking see: Costantino Marmo, “L’utilizzazione delle tradizioni latine della *Rhetorica* nel commento di Egidio Romano (1272-1273),” in *La Rhétorique d’Aristote. Tradition et commentaires de l’Antiquité au XVIIIe siècle*, ed. G. Dahan and I. Rosier-Catach (Paris: Librairie Philosophique J. Vrin, 1998), 134; Kempshall, *The Common*, 132-142.

⁵³ David, “*Maiorum*,” 78-79.

Moreover, the investigation of historical *exempla* in the *De ecclesiastica potestate* is concordant in structure with typological exegesis, the type of biblical interpretation upon which Giles relayed in his attempt to prove the historical basis of papal claims for supremacy. In the Middle Ages the rhetorical *exemplum* was conceived also as *figura*,⁵⁴ referring to an Old Testament model which was continued in the Christian order. Using *figura* as a rhetorical device, as I will show in this chapter, the author stressed the repetitive value that the *exemplum* enjoyed in the antique and medieval rhetorical paradigm. He used it to forge an image of the continuity of priestly supremacy, beginning with ancient types that were perpetuated in their Christian fulfillment. Thus, the past was represented as a succession of types, establishing an interpretative tradition of salvation history based on the constraining power of ancient models.⁵⁵ Giles treatise targeted the contemporary king of France, Philip the Fair. Royal theorists included him in the chain of Christian rulers who, beginning with Constantine the Great, fulfilled the *figurae* of the Old Testament kings. Since he was symbolically the heir of both the Old Testament and Christian kingship, he had to follow these models and restrain his actions towards the sacred power of the papacy within the limits acknowledged historically both by spiritual and secular rulers. Consequently, Giles selected his *exempla* so that they could serve the alleged monarchic authority of the papacy. He displayed the political significance of *exempla* in his *De ecclesiastica potestate*, an ecclesiological treatise, placing them in the traditional chain of papalist argumentation, which tried to present the papal historical mission as both spiritual and political. Therefore, this chapter is devoted to an analysis of the particular instances where the rhetorical *exempla* are set in *De ecclesiastica potestate* and to their use in creating the papal theocratic pattern. This

⁵⁴ Karlheinz Stierle, "L'Histoire comme exemple, l'exemple comme histoire," *Poétique* 10 (1972) (hereafter: Stierle, "L'Histoire"): 185.

⁵⁵ *Ibid.*, 186-187.

chapter is organized around the exegetical and historical instances constructed through using rhetorical *exempla*.

2.1. Typological exegesis in Giles of Rome's *De ecclesiastica potestate*

Giles of Rome wrote his *De ecclesiastica potestate* with the manifest goal of defending the endangered papacy and of offering theoretical support for its claims of supreme authority over both spiritual and secular matters. In his exposition, Giles excelled at reproducing commonplaces, taking over the usual arguments of pontifical theorists, and confining his writing within the boundaries of the theocratic tradition, of which the *De ecclesiastica potestate* can be considered the climax. Among the constitutive elements of this discursive tradition are the historical arguments, analyzed in the present work as *exempla*, provided both by secular and sacred remote historical figures. The typological interpretation of the biblical *exempla* served the purposes of Giles' view on papal power. Therefore, in this subchapter I intend to analyze his handling of biblical sources in the framework of the typological exegesis, which allowed Giles to set forth a political reading of biblical passages.

Applying a political reading to the sacred text, Giles placed himself firmly within the exegetical and theocratic traditions that he wanted to serve and to preserve. Developed in the eleventh century in the context of the investiture struggle, the political interpretation of the Bible sought to affirm the primacy of the Roman Church.⁵⁶ The exegetes from the circle of the Countess Matilda of Tuscany read the sacred text as political allegory, and judged the rectitude of rulers according to their

⁵⁶ J. S. Robinson, "Political Allegory in the Biblical Exegesis of Bruno of Segni," *Recherches de théologie ancienne et médiévale* 50 (1983) (hereafter: Robinson, "Political"): 72; Gerard E. Caspary, *Politics and Exegesis: Origen and the Two Swords* (Berkeley: University of California Press, 1979) (hereafter: Caspary, *Politics*), 185.

obedience of papacy, in order to entail a type of rulers' exemplarity which could determine Matilda to act in the pope's favor.⁵⁷

According to the typological exegesis what was related in the Old Testament was a *typos* (translated into Latin as *figura*), a prefiguration of something which was to become true in the order of the New Testament.⁵⁸ Following the pattern initiated by St Paul, *figura*, *littera*, *imago*, *umbra* of the Old Covenant were to be fulfilled in the *veritas* of the New Covenant.⁵⁹ This implied a mimetic relationship between the New Testament and Old Testament societies with the perpetuation of past models in the new order. Thus, considering the institutional aspect of these societies, institutions of the Old Dispensation such as priesthood or kingship, were considered prefigurations of the later, but in determinate ways mimetic ones, in the New Dispensation society.⁶⁰ Moreover, the typological interpretation of *typos*, *figura*, *littera* or *exemplum*⁶¹ (all terms were used by the Latin writers, yet with a preference for *figura*) provided the generally accepted foundation for the medieval interpretation of history.⁶² Therefore, confining the biblical *exempla* that he used in his exposition in defense of papal primacy into the typological exegesis, Giles speculated on the power of continuity which was inherent to models expected to be fulfilled in the contemporary historical

⁵⁷ Ibid., 76-82.

⁵⁸ Johan Chydenius, "Medieval Institutions and the Old Testament," *Commentationes Humanarum Litterarum*, 1-3 (1965) (hereafter Chydenius, "Medieval"): 7-11; Northrop Frye, *The Great Code. The Bible and Literature* (London: Routledge, 1983), 79-86; Erich Auerbach, *Mimesis. The Representation of Reality in Western Literature*, tr. Willard R. Trask (Princeton: Princeton University Press, 2003) (hereafter: Auerbach, *Mimesis*), 16-17. Regarding Henri de Lubac's consideration on typology, although he acknowledges the fact that this pattern of interpretation seems to preserve the historical sense of the Scripture, he did not agree with the term "typology" as such, due to its "modernity," preferring to refer to the literal sense as the historical sense. My references to de Lubac's work in the context of an analysis dedicated to Giles of Rome's typological exegesis should be considered under this reserve. Henri de Lubac, *Medieval Exegesis. The Four Senses of Scripture*, 1, tr. Mark Sebane (Edinburgh: William B. Eerdmans Publishing Company Grand Rapids and T&T Clark, 1998), 259. The French original of this volume was not available to me.

⁵⁹ Henri de Lubac, *Exégèse médiévale. Les quatre sens de l'Écriture*, 2 (Paris: Desclée de Brouwer: 1993) (hereafter: de Lubac, *Exégèse*), 443.

⁶⁰ Chydenius, "Medieval," 68.

⁶¹ Erich Auerbach, "Figura," in *Scenes from the Drama of European Literature* (Gloucester: Peter Smith, 1973) (hereafter: Auerbach, "Figura"), 47-48.

⁶² Ibid., 60.

context, *exempla* being perceived as repetition of consecrated *scenarios*. The medieval institutions of power, especially the papacy, aimed to entail institutional behaviors imitating different types of authoritative models which could determine their acceptance and make them binding. The foundation of a dogmatic society was envisaged in which “le féticheur n’est pas loin.”⁶³ Projecting the papal institution as a monarchic pattern of government rooted in remote models and having the key of expected salvation, papal theorists generated the framework of a political society which confined its goals to the limits allowed by the unique power of the Supreme Pontiff.⁶⁴ One of the propagandistic ways of framing the ideal of the pope’s monarchic rule was to tackle biblical quotations which bore a political meaning in a manner which could serve pontifical claims. The exegetes engaged in defending political interests, from both the papal and imperial or royal camp, tried to endow their texts with meanings which, without breaking with the main stream of the exegetical tradition, continued and enriched it with political significance.⁶⁵

In his turn, Giles of Rome employed models of biblical rulers in order to derive political patterns for the context of his times. The *exempla* used by antique writers as persuasive devices take the literally shape of *figurae* in medieval texts.⁶⁶ The Middle Ages followed the interpretative tradition rooted in the Pauline pattern,⁶⁷ which read the history of the Chosen People as *figura* for the history of the Gentiles. St Paul’s *omnia in figura* became for the medieval exegetes the framework in which they placed and interpreted the history of salvation.⁶⁸ They referred to biblical models as *figurae* (Giles’ case) or *exempla*, *normae*, *imitationes* because these concepts

⁶³ Pierre Legendre, *L’amour du censeur. Essai sur l’ordre dogmatique* (Paris: Seuil, 1974), 24-25.

⁶⁴ Ibid., 184-186.

⁶⁵ Philippe Buc, “Pouvoir royal et commentaires de la Bible (1150-1350),” *Annales ESC* 44:3 (1989) (hereafter: Buc, “Pouvoir”): 692.

⁶⁶ Stierle, “L’histoire”, 185.

⁶⁷ I Cor. 10:11.

⁶⁸ de Lubac, *Exégèse*, 4, 62-69.

connoted patterns that should be imitated.⁶⁹ This is the interpretative framework that Giles adopted for treating biblical exemplarity in his work, an approach which suited his goal of emphasizing the continuity of papal primacy throughout Biblical history.

In his scenario, the Old Testament institutions were *figurae* of contemporaneous ones:

It must be known, therefore, that the Old and New Testaments are as it were a wheel in the midst of a wheel; for the one is contained in the other according to the vision recorded in Ezekiel 1, where it is said: “As it were a wheel in the midst of a wheel;” for those things which are now clear were there prefigured. And so, to those things which we see in the New Testament, many similar things in the Old Testament correspond: either figuratively, as with the ceremonies according to which what is fulfilled in the New was prefigured in the Old (for example, the lamb which was sacrificed in the Old prefigured Christ, Who was in truth sacrificed in the New); or literally, as when its content consists of moral teachings which are not abolished in the New, but fulfilled according to Matthew 5: “Do not suppose that I came to destroy the Law or the prophets; for I came not to destroy, but to fulfill.”⁷⁰

As displayed in this passage, Giles’ understanding of history by means of significance inferred from *figurae* was the proper approach for a polemicist who wanted to root his arguments in an interpretative tradition which could lend its persuasive force to his aims. Referring to Ezekiel 1:16 and to Matthew 5:17 the author was working within this tradition. Since Gregory the Great, who was to make the two wheels allegory famous, the quotation from the first vision of Ezekiel was among the *topoi* which the exegetes deployed to explain the continuity between the two orders.⁷¹

Giles exposed his view on history of papal and secular power in the framework of

⁶⁹ Chydenius, “Medieval,” 67.

⁷⁰ *Sciendum ergo, quod Novum et Vetus Testamentum sunt quasi rota in medio rote, quia unum continetur in alio, iuxta visionem que habetur Ezechielis I, ubi dicitur: “Quasi sit rota in medio rote.” Que enim hic sunt clara, ibi erant figurative; propter quod hiis que videmus in Testamento Novo, ut plurimum respondent similia in Testamento Veteri vel secundum figuram quantum ad ceremonialia, secundum que quod figurabatur in Veteri verificatur in Novo, ut agnus immolatus figurabat Christum in Veteri qui secundum veritatem immolatus est in Novo; vel huius continencia est secundum rem quantum ad moralia, que in Novo non sunt evacuata sed adimpleta, iuxta illud Matthaei V: “Nolite putare quod veni solvere legem aut prophetas; non enim veni solvere, sed adimplere.” DEP, 2, 3, 81-83.*

⁷¹ de Lubac, *Exégèse*, 2, 528.

typological exegesis because this served his aim. He intended to present the political action of the pope and the king as determinate by precedent.

The normative value of tradition was theorized and valorized by the polemicists of the late scholastic period precisely because it was concordant with “the freezing of political positions as a result of the controversy,” which transformed the biblical political tools used in the secular-papal power into “slogans that could be used with equal facility by opposing political parties.”⁷² This “frozen” stage in the evolution of medieval exegesis supported Giles of Rome’s kind of reasoning. He did not intend to bring any hazardous interpretative novelty. Tradition gave force to his interpretation of history and he knew how to master its argumentative strength. Therefore, he interpreted the main points of his exposition, namely, the status of clerics in society and implicitly the relationship between the ecclesiastical institution and the secular political order, according to the typological exegesis. After stating his reliance on this interpretative tradition,⁷³ the author developed an exposition based on biblical exemplarity, which allowed him to claim the superiority of ecclesiastical institutions and its servants over secular ones, since they were prefigured by these *exempla*:

The earthly power, therefore, is particular, because it does not have power over all men; but the ecclesiastical power is universal. This was prefigured in the book of Numbers, when the Levites, that is, the clergy, were given the surrounding lands under every part of heaven. In this was prefigured that the Church, who was to succeed to the Levites who served the altar, was to have lordship over the whole world and in every part thereof.⁷⁴

⁷² Caspary, *Politics*, 191.

⁷³ *Et quia similiter mandatum est de processione temporalium in Veteri et in Novo, omnia illa que dicta sunt ad expositionem Novi, qui bene vellent laborare aliquantulum adaptare possent ad expositionem Veteris. DEP, 2, 3, 82-83.*

⁷⁴ *Est ergo particularis terrena potestas, quia non habet super omnibus potestatem; potestas autem ecclesiastica est universalis. Quod figuratum fuit in libro Numerorum, quando Levitis, id est clericis, data fuerunt suburbia versus omnem partem celi; in quo **figurabatur** quod Ecclesia, que succedere debebat Levitis qui serviebant altari, in universo orbe et in omni parte dominari debebat. DEP 2, 6, 122-125. (emphasis added)*

It is clear from passages like this one that the way in which Giles chose to preserve the memory of the past corresponded to a logic of historical discourse which had repetition and mimesis as a leading principle. Aiming to justify the universal power of the papacy, he read the *figurae* of Biblical rulers as political examples; this interpretation implied their necessary imitation by Giles' contemporary rulers. The figural tradition in interpreting the history of salvation, which ended in a "rigidification of all categories,"⁷⁵ fitted the goals of the pope's defender. The past was a binding limit of, a guide to, the present. *Figurae* had the force of legal precedents. Therefore, the binding power of *exempla*, conferred by the reliance on historical tradition, transformed the papal claims into rights confirmed historically. Thus, they answer in this way to one of the objections of the contesters of papal sovereignty, who accused the Supreme Pontiff of breaking with the regular practices of the papacy, in total contempt for what was allowed by the Church tradition.⁷⁶ Ascribing to Boniface VIII the authority of history, which offered theoretical support for his claims to sovereign power, was possible due to Giles of Rome's political exegesis of relevant biblical quotations. It is a discourse on power which valorized a source, the Bible, whose authority was accepted by both sides engaged in the polemic.

⁷⁵ Auerbach, *Mimesis*, 116.

⁷⁶ I will illustrate this referring to only one passage taken out of the third manifesto (June 15, 1297, Palestrina) written by cardinals James and Peter Colonna, whom Boniface VIII had just excommunicated not for spiritual matters but for some patrimonial issues concerning Colonna and Caetani (which Boniface belonged) families. The cardinals accused the pope of tyrannical government and of disregarding the Church tradition. They referred to the end of the "saint" pope Celestine V, of which they accused Boniface. The Colonnas presented themselves as defenders of the Church's tradition, for whose defense even the use of force had to be taken into consideration: *Ac licet ex dicti sancti obitu fortasse crederet se nullum deinceps adversarium habiturus, contra nos tamen ea potissime ratione concepit, quod videntes generalis Ecclesie statum, ritum antiquum et consuetudinem immutari et per ipsum omnino confringi, sceleratis eius actibus resistere nitebamur aliquando et verbis pro viribus obviare, quamvis huiusmodi nostra resistentia efficaciam non haberet.* *Boniface VIII en procès*, 54. (emphasis added)

2.2 Aspects of pontifical authority: the “age of nature,” the “age of the Written Law,” the “Age of Grace”

De ecclesiastica potestate was conceived as an ecclesiological treatise which had to support, through a theocratic interpretation of the Church tradition, papal claims for the universal power. Some of the *topoi* of the papal discourse have already been thoroughly researched;⁷⁷ I will emphasize the importance of the historical arguments that Giles of Rome used in his treatise.

He chose to interpret biblical passages, namely, the Old Testament rulers' *exempla* or those of representative Christian rulers, such as Constantine (in the *Donatio Constantini*), by reference to the contemporary politics of struggle between Boniface VIII and the French king. He supported his argument by drawing a parallel chronological framework which meant to show that each stage of the salvation history had *exempla* of rulers which displayed what had to be the politically orthodox pattern of the relationship between secular and spiritual authority. Writing a historical discourse Giles was always within the framework of the traditional exegesis, which understood the past as succession of stages in the history of salvation. He did not go beyond the “theological sense of history,”⁷⁸ but valorized it as a “slogan” whose general acceptance offered a solid base for the papal claims of supremacy which could hardly be anchored in tradition. This was the case with Boniface alleged lordship in both temporal and spiritual matters. In terms of the exegetical tradition, the establishment of parallels between the political institutions which existed *sub lege* and the ones existing *sub gratia* was also a development of the eleventh and twelfth

⁷⁷ As the “Petrine doctrine”, the “two swords allegory,” Giles’ political Augustinism or Aristotelianism (see the Introduction).

⁷⁸ de Lubac, *Exégèse*, 2, 469.

centuries' reformation period.⁷⁹ Without doubt, the contribution of history could not be neglected by a polemicist engaged in the struggle between the papal and the secular power. Apart from typological exegesis, which stressed the continuity between institutions of the old and the new order (through *figuram adimplere*), framing within the "time of the Church" (the history of salvation) a *concordia officiorum sub lege* and *sub gratia* befitted the stressed idea of continuity.⁸⁰

Following and taking advantage of this exegetical tradition, Giles conceived his exposition within three stages of the history of salvation: *in lege nature*, *in lege scripta* and *in lege gratie*. He provided *exempla* of rulers and priests (or at least of those whom he considered as being in charge with the sacerdotal office because they performed sacrifice) from these three succeeding stages, in order to emphasize the continuity of the political models which acted in a way that fitted papal aspirations. He used the binding power of the *exempla* aiming to persuade contemporary rulers whom those remote *exempla* prefigured and who, as I will show, acknowledged being the loyal continuators of their biblical and early Christian ancestors. Giles stressed that he will follow the development of the two institutions which interested him (royal and priestly offices) through these three stages: of "the law of nature" referring to the period until the Covenant was established between God and Abraham,⁸¹ "the Written Law" until the advent of Christ, and of "the Law of Grace" until the Second Coming of Christ.⁸²

It is, therefore, not at all incorrect to say that, as kingship has advanced with the passage of time, so also has priesthood advanced, in that priesthood began under the law of nature and was made more perfect under the Written Law and more perfect still under the Law of Grace, in

⁷⁹ For instance, Geroh of Reichersberg established in his *De investigatione Antichristi* (1162) relevant parallel between Henry IV and Antioch, symbol of the emperor who destroyed the Chosen People. de Lubac, *Exégèse*, 3, 514-515.

⁸⁰ Ibid.

⁸¹ Gen. 17:12-14.

⁸² This temporal division is explained as such by Giles: *DEP*, 2, 7, 133-135.

which Law the sacraments are perfected and are not lacking as they were under the Written Law...⁸³

Shaped in the likeness of Old Testament and Christian models, contemporary priesthood and royalty had to be copies of their *exempla*. This mimetic principle in approaching the history of salvation was inherent in the type of exegesis that Giles chose to express his propaganda-invested vision of history.

2.3. The rhetoric of *exempla*

2.3.a. Biblical *exempla*

At the time when Giles wrote *De ecclesiastica potestate* both the papal and the secular power had ideological backgrounds justified through biblical exemplarity. This was even more the case of the French monarchy which was the target of Giles tract. The emperor was called David and his ruling lineage a *regnum Davidicum*, or praised as *novus Moyses*;⁸⁴ This symbolic heritage of the Carolingians was taken over by the Capetians, who used it to legitimize their fragile position on the throne of their predecessors, and also, later, as the most striking argument in their polemic with papal power. The twelfth century witnessed a development of these premises. Establishing parallels between contemporary kings and those of the Old Testament (it was the century of the motif of “the Tree of Jesse”) was a way of “donner une assise dans

⁸³ *Quod ergo regnum per successionem temporum profecerit, sic etiam quod sacerdocium profecerit, ut quod inceperit sacerdocium in lege nature et perfeccius fuerit in lege scripta et adhuc perfeccius in lege gracie, in qua lege sacramenta sunt perfecta et non sunt egena, sicut erant in lege scripta...DEP, 1, 6, 32-35.*

⁸⁴ See for instance: E.H. Kantorowicz, *Laudes Regiae. A Study in Liturgical Acclamations and Medieval Ruler Worship* (Berkeley: University of California Press, 1953), 47-63 or Marie Tanner, *The Last Descendant of Aeneas. The Hapsburgs and the Mythic Image of the Emperor* (New Heaven: Yale University Press, 1993), 37-42; 77-91. The bibliography on this subject is immense. I quoted these examples only to prepare the ground for my discussion concerning Giles of Rome's text.

l'histoire sainte à la monarchie qui s'affirme."⁸⁵ During the controversy between Philip the Fair and Boniface VIII the political valorization of biblical parallels and especially of rulers' *exempla* reached its peak in writings defending the king's rights. For instance, one of the most ardent and influential supporters of Philip IV, the Dominican preacher William of Saqueville, developed an elaborate typological symbolism according to which the people of France were the new Chosen People (a *topos* of French authors) and the king himself the new Moses, who established a direct covenant with God.⁸⁶ In this symbolic manner not only was the pope's purported royal power refuted, but even the necessity of his sacerdotal office for the kingdom of France.

As the principal defender of the papal position, Giles of Rome's argument by means of biblical *exempla* was directed against this type of royal self-representation. He treated the issue of biblical exemplarity following the temporal levels corresponding to the "law of nature" and the "Written Law." His purpose was to prove the primacy of priestly power not only in time but also in dignity and to preclude the claim for legitimacy by any kingship which had not been instituted through sacerdotal authority. Therefore, echoing Boniface VIII, in the *De ecclesiastica potestate* Giles displayed the doctrine of the imperial power of the Church,⁸⁷ a total novelty,⁸⁸ which he nevertheless tried to anchor in tradition.

⁸⁵ Jacques Le Goff, *Saint Louis* (Paris: Gallimard, 1996), 392.

⁸⁶ Colette Beaune, *Naissance de la nation France* (Paris: Gallimard, 1985), 210-215.

⁸⁷ Boureau, *Le religion*, 216.

⁸⁸ Affirming explicitly that he had a power equal in temporal affairs to that of the secular rulers was one of the dangerous novelties which exposed Boniface to contestations. For instance, we can read in third manifesto of the Colonna cardinals that the pope modified the quotations from Jer. 1:10 *Ecce constitui te hodie super gentes et super regna*, replacing *gentes* by *reges* (indeed Boniface VIII modified it in the bull *Ausculata fili* as it was shown in the Introduction) which gave him the imperial authority over the kings: *...iste pseudoprefectus nec ipsorum [viz. of the cardinals] dignatus est petere, nedum etiam expectare consensus, quin immo, si aliquis nostrum aut confratrum nostrorum verbum non consonans suo voto proponeret, verbis contra talia proponentem iniuriose prolatis, super reges et regna in temporalibus etiam presidere se glorians, omnia per se solum posse pro libito de plenitudine potestatis, licet in ipso legitima papalis auctoritas non subsistat, asserere non formidat.* *Boniface VIII en procès*, 57-58. (emphasis added)

Referring to the *exempla* illustrating the status of royalty under the “law of nature,” he mentioned first the kingships of Nimrod⁸⁹ and Melchizedek:⁹⁰

For where were kingdoms of the gentiles under the law of nature, almost all such kingdoms came into being through invasion and usurpation. Thus, Nimrod of whom we read that he was the first king, whose reign began in Babylon, as can be gathered from Genesis 10, made himself king by invasion and usurpation.⁹¹

About Melchizedek:

...Melchizedek was king of Salem. But this Melchizedek, while he was a king, was also a priest. And so in the same place it is said that he was a priest of the Most High God. In this case therefore kingship did not exist without priesthood, but was united with priesthood, so that priesthood may be superior to kingship.⁹²

Coming back on the same argument at a later point in his exposition, Giles also mentions for the “law of nature” the *exemplum* of Job⁹³ who, without being a priest, was considered as such by Giles because he performed sacrifice (which was a priestly office).⁹⁴ Relying on these *exempla*, Giles not only invalidated the claim of anteriority for the royal institution (even if it was the case, Nimrod was not a true king because his royalty was rather usurpation, as Giles argues referring to Augustine).⁹⁵ On the other hand, with the *exempla* of the good kings Melchizedek and Job, Giles also pointed to priestly power since they were good kings only due to their

⁸⁹ Gen. 10:8-10.

⁹⁰ Gen. 14:18-20.

⁹¹ *Nam in lege nature, ubi fuerunt regna gentilium, omnia quasi huiusmodi regna per invasionem et usurpacionem habita sunt. Unde Neroth, quem primum legimus fuisse regem, ut potest haberi Geneseos X, cuius regni principium fuit in Babylone, per invasionem et usurpacionem fecit se regem. DEP, 1, 5, 22-23.*

⁹² *...fuit Melchisedech rex Salem. Sed huiusmodi Melchisedech, cum hoc quod erat rex, erat eciam sacerdos. Unde ibidem dicitur quod erat sacerdos Dei altissimi. Ibi ergo regnum non fuit sine sacerdocio, sed fuit sacerdocio coniunctum, ut principalius esset ibi sacerdocium quam regnum. DEP, 1, 5, 24-25.*

⁹³ Job 29:25.

⁹⁴ DEP, 1, 7, 42-43.

⁹⁵ *De civitate Dei* 4:4; 1, 5, 23.

priesthood.⁹⁶ Therefore, with the *exempla* offered by the kings of the “law of nature” age, Giles stressed that:

...any royal power not instituted through priesthood was either not rightful, in that it was more robbery than power; or was united with priesthood.⁹⁷

Commenting on these *exempla* referring to the constitutive acts of the royal institution, Giles was again in the exegetical tradition which used them to show the tyrannical character of royalty in the “law of nature,” implying that its unique source of legitimacy was the sacerdotal institution.⁹⁸ Nonetheless, for eliminating even the supposition that kingship existed before priesthood in time, Giles referred to Noah’s sacrificial act, which he accomplished after the Flood.⁹⁹ He even advanced the supposition that Adam had to sacrifice after the Fall and mentioned Abel’s sacrifice,¹⁰⁰ its earlier recording in the Bible enforcing the primacy of the priestly office in time.

The first constitutive moment for the relationship between lay and priestly power pertaining to the age of the “Written Law” that Giles commented on to illustrate his assertion was the biblical sequence in which Moses, advised by Jethro, agreed to bestow his secular duties to judges:¹⁰¹

And because he was consumed by foolish labor and could not sufficiently perform the work of both swords, he entrusted the hearing of [temporal] causes to judges, retaining to himself that which was spiritual in those things which pertain to God. And to those judges, insofar as they were concerned with the judgment of blood and with temporal disputes between lay persons, kings and secular princes have succeeded;... just as, even then, the judges were under Moses and, if any unusual and great matters occurred, they were to be referred to

⁹⁶ *DEP*, 2, 5, 100-101.

⁹⁷ *...nulla est potestas regia non per sacerdocium instituta que vel non fuerit non recta, propter quod magis erat latrocinium quam potestas; vel non fuerit sacerdocio coniuncta. DEP*, 1, 5, 22-23.

⁹⁸ Buc, *L’ambiguïté*, 237-238.

⁹⁹ Gen, 8:20; *DEP*, 1, 6, 35.

¹⁰⁰ Gen. 4:4; I, 6, 37.

¹⁰¹ Exodus 18:13-22.

Moses himself, so earthly princes universally, if they wish to obtain salvation, must be under the Supreme Pontiff...¹⁰²

In his commentary on this issue, Giles stresses that this was not an act of the alienation of power but was done just because it was not suitable for a spiritual leader to fulfill the tasks of a secular judge. The author identified the judges of the Old Dispensation with the secular rulers of his days who had to follow the pattern of this biblical passage, understanding that the temporal authority which the pope renounced in their favor *prohibitio sanguinis* did not allow them to claim either the autonomy of their office towards papal power or to deny his status as supreme judge. Moreover, linking this passage from Exodus with the commentary of Deuteronomy 17,¹⁰³ a text used by the glossators of the High Middle Ages to stress the limits which royal authority could not transgress,¹⁰⁴ Giles transferred to the pope an authority which was beyond the limits which the papacy had confined itself,¹⁰⁵ until Boniface VIII's reign. This pope interpreted the papal doctrine of the *plenitudo potestatis* as his sovereign rule over both spiritual and temporal matters.¹⁰⁶ Emphasizing that according to these sources "appeal was made in difficult and doubtful cases to the Supreme Priest," Giles alleged for the papal office the position of the supreme instance even for temporal

¹⁰² *Et quia stulto labore consumebatur nec poterat sufficienter exercere opera utriusque gladii, retento sibi quod spirituale erat in hiis que sunt ad Deum, audicionem causarum commisit iudicibus, quibus iudicibus, quantum ad eam partem que est de iudicio sanguinis et de questionibus temporalium inter laicas personas, succedunt reges et principes seculares;...sicut et tunc iudices erant sub Moyse, et si qua insolita et maiora occurrerent referenda erant ipsi Moysi, sic universaliter terreni principes, si volunt salutem consequi, debent esse sub Summo Pontifice...DEP, I, 8, 50-51.*

¹⁰³ DEP, 2, 14, 255-257.

¹⁰⁴ Buc, *L'ambigüité*, 251.

¹⁰⁵ In his bull *Per Venerabilem* (1202), Innocent III acknowledged canonically that the king of France had no superior in temporal matters and that his decisions could not be appealed to another authority (the pope or the emperor) considered superior. Brian Tierney, "*Tria quippe distinguit iudicia*...A Note on Innocent's Decretal *Per Venerabilem*," *Speculum* 37 (1962): 49.

¹⁰⁶ This interpretation of the *plenitudo potestatis* doctrine, which broke with the mainstream of the papal theorists who accepted that it referred in general at the spiritual power of the papacy, was theorized and received the canonical strength in the bull *Unam sanctam* (1302). G. B. Ladner, "The Concepts of *Ecclesia* and *Christianitas* and Their Relation to the Idea of Papal *Plenitudo Potestatis* from Gregory VII to Boniface VIII," *Sacerdozio e Regno da Gregorio VII a Bonifacio VIII* (Miscellanea Historiae Pontificae, 18) (Rome: Facultate historiae ecclesiasticae in Pontificia Universitate Gregoriana, 1954), 75.

matters. Therefore, if the royal supporters accepted the parallel between Moses and Philip, Giles modified the same image according to his ideological interests in an attempt at deconstructing the Old Testament symbolism of power set forth by the French theorists. He used the exegetical tradition of applying Moses' *exemplum* to those figures which had to be portrayed as leaders at once political and religious.¹⁰⁷

Another constitutive moment for the relationship between the two powers in the age of the "Written Law" that Giles thoroughly commentated on was the appointment of Saul by Samuel as the first king of the Chosen People:¹⁰⁸

And it is said in Samuel 8 that the whole assembly of the elders of Israel came to Samuel so that he might appoint a king for them; and when Samuel had prayed to the Lord, the Lord said to him: "Hear the voice of the people in all that they say to you." At the Lord's command, therefore, Samuel appointed Saul as the first king over the faithful people. Royal power, therefore, was appointed at the Lord's command, but only through the ecclesiastical power.¹⁰⁹

These passages from the first book of Samuel were widely understood in the Middle Ages as having a negative connotation for the royal power which came from the Chosen People rejecting the direct government of God.¹¹⁰ Illustrating the sinful origin of the royal institution, they were often quoted to explain the tyrannical government of kings.¹¹¹ Giles did not use this aspect of the exegesis, however, and referred to the anointing of Saul by Samuel to argue that legitimate temporal power could be constituted only through the authority of the ecclesiastical power. Because of

¹⁰⁷ The literary tradition of using the exemplary figure of Moses to refer leaders having both spiritual and temporal authority began in the first Christian century with Flavius Josephus and Eusebius of Caesarea. It represented throughout Middle Ages a commonplace of the encomiastic literature dedicated both to secular and spiritual rulers. See Claudia Rapp, "Comparison, Paradigm and the Case of Moses in Panegyric and Historiography," *The Propaganda of Power. The role of Panegyric in Late Antiquity*, ed. Mary Whitby (Leiden: Brill, 1998): 277-299.

¹⁰⁸ I Sam.8; I Sam. 10.

¹⁰⁹ *Dicitur autem I Regum VIII capitulo quod congregati in unum omnes maiores natu Israel venerunt ad Samuelem, quod constitueret eis regem, et cum orasset Samuel ad Dominum, dixit ei Dominus: "Audi vocem populi in omnibus que loquuntur tibi." Samuel ergo de mandato Domini constituit primum regem Saulem super fidei populo. Potestas ergo regia non fuit constituta de mandato Domini nisi per potestatem ecclesiasticam. DEP, 2, 5, 100-103.*

¹¹⁰ I Sam. 8:7.

¹¹¹ Buc, *L'ambiguïté*, 246-249.

its subordinate status of power, which receives its strength from another authority, contemporary kings, continuators of those of the Old Testament, should acknowledge their subordination to the pope (whose figure was Saul) and obey him:

Modern kingships are the successors of the kingships instituted through priesthood...Let kings therefore acknowledge themselves to be instituted through priesthood. For if we give diligent attention to whence royal power has come and to whence it has been instituted, it follows that, because it has been instituted through priesthood, royal power should be subject to priestly power, and especially to the power of the Supreme Priest.¹¹²

By means of the *exemplum* of the Samuel-Saul relationship, Giles argued not only for the primacy of the sacerdotal authority in time and for the inherent subordination of secular power, but also affirmed the superiority in dignity of the former, following from the ministerial status ascribed to the latter, which acts “by the commission of spiritual power.”¹¹³ Ascribing the constitutive power of this *exemplum* to papal claims, Giles rooted the *plenitudo potestatis* of the pontifical institution in the tradition which had started with the first king of Israel. This tradition had to be continued by the contemporary types of Saul and Samuel, namely the secular ruler and the pope:

And since the order dedicated to God is prior in time and dignity to the order dedicated to other matters--since the order dedicated to other matters arises from the order dedicated to God-- it follows that priestly power is prior in time and dignity to royal power.¹¹⁴

Relying on the normative power of history, Giles justified Boniface’s claim to rule over “kings and kingdoms,” answering also the critiques formulated by the supporters of Philip IV, who underlined that the alleged power of the pope to lead in

¹¹² *Regna vero moderna sequuntur regna instituta per sacerdotium...Quare si diligenter advertimus unde venit potestas regia et unde est instituta, quia instituta est per sacerdotium, consequens est quod potestas regia subesse debeat potestati sacerdotali, et specialiter potestati Summi Sacerdotis. DEP, 1, 5, 24-25.*

¹¹³ *DEP, 2, 13, 219.*

¹¹⁴ *Et quia ordo ad Deum tempore et dignitate est prior quam ordo ad alia, quia ex ordine ad Deum oritur ordo ad alia, consequens est quod potestas sacerdotalis tempore et dignitate sit prior regia potestate. DEP, 3, 1, 280-281.*

both spiritual and temporal matters was a doctrinal invention which Boniface VIII set forth to serve him in the “destruction of the French kingdom.”¹¹⁵

In his commentary on the passages from Exodus and the First Book of Samuel, Giles emphasized the ministerial nature of temporal authority, which could only act because the spiritual leader delegated it the capacity to decide in those matters where its direct intervention was not suitable *prohibitio sanguinis*. These passages were connected to Giles’ definition of *plenitudo potestatis*, a doctrine which he explained also through the interpretation of the constitutive moments of the Chosen People history. The way in which he defined the *plenitudo potestatis*, which “resides in some agent when the agent can do without a secondary cause whatever it can do with a secondary cause”¹¹⁶ (it was clear that both Moses and God could lead the People without the ministers whom they appointed, namely the judges and later the kings) allowed him to conclude that “...inasmuch as the Supreme Pontiff has a power in which all power is contained, we say that he has a full power.”¹¹⁷ Therefore, Moses’ act of bestowing on an “inferior power” the capacity to act in his name because “the superior cannot act as conveniently or as well without the inferior as it can with it”¹¹⁸ did not imply a decrease in power; on the contrary, it just underlined the ministerial nature of the authority which had been delegated. The issue at stake was extremely important for the ongoing polemic between Boniface VIII and Philip IV’s supporters, who denounced the pope’s abuses in governing the Church, which he

¹¹⁵ For instance in the memorandum *Hec sunt scripta* (1310) of William of Nogaret and William of Plaisians: ... *in corde suo statuit et firmavit ad concussionem et destructionem regis et regni Francie procedere et palam expresse comminatus fuit et iactavit se facere constitutionem qua declararet regem et regnum Francie in temporalibus sicut in spiritualibus sibi et Ecclesie Romane esse et esse debere subiectos*. Boniface VIII en procès, 747-748. (emphasis added)

¹¹⁶ ...*quod plenitudo potestatis est in aliquo agente quando illud agens potest sine causa secunda quicquid potest cum causa secunda*. DEP, 3, 9, 360-363.

¹¹⁷ *Eo itaque modo quo Summus Pontifex habet posse in quo reservatur omne posse, dicimus ipsum habere plenum posse*. DEP, 3, 9, 362-363.

¹¹⁸ ...*ita commode nec ita bene potest superior sine inferiori sicut potest cum eo*. DEP, 2, 14, 248-249.

justified doctrinally with his interpretation of the *plenitudo potestatis*.¹¹⁹ Giles of Rome's *De ecclesiastica potestate* echoed all these contestations which he tried to answer in pope's favor. Hence, he emphasized that, even if the pope usually followed the example of the divine power, whose vicar he was, which normally acts through inferior agents,¹²⁰ he could do it legitimately without them. Referring to pope's capacity to lead the Church without consulting his counselors (implicitly rejecting the solution of a council brandished by royal theorists), Giles argued that this was a legitimate act.¹²¹ One way of justifying it was to emphasize its traces in sacred history. By means of the Saul and Moses *exempla* it became clear that the priestly power could rule legitimately by itself. If it agreed to share the power, this was under the condition of the acknowledged inferiority of the auxiliary power which it appointed to defend its interests.

Another aspect of the usage of Jewish history as normatively exemplary in framing Giles of Rome's political thinking which I want to emphasize is related to his way of deciphering allegories which were commonplaces of papal theocratic discourse. It is relevant for his reliance on historical proofs that he established the foundation of the allegorical part of his exposition also in the history of the Chosen People. For instance, speaking about the allegory of the two swords,¹²² which from

¹¹⁹ We can read in one of the letters written by cardinals Colonna to Philip the Fair about the danger which Boniface's understanding of *plenitudo potestatis* implied both for the secular government and for the internal life of the Church. It could be divided by internal struggles generated by Boniface VIII's refusal, which was contrary to tradition, to share his power in spiritual matters with members of the Curia and in temporal matters with secular rulers: *...ex abusu plenitudinis potestatis de facili sequeretur generale schisma Ecclesie. Quid si unus papa forte minus sapiens vellet privare de plenitudine potestatis tantum reges? Quid si unus papa forte hereticus vellet privare omnes cardinales catholicos et hereticos ordinare? Infinita sunt igitur pericula que evenirent, ad que vitanda omnino necessarium est per viam revocationis et restitutionis procedere. Boniface en procès*, 868. (emphasis added).

¹²⁰ *DEP*, 3, 9, 364-365.

¹²¹ *In usu quidem huiusmodi potestatis multociens subtrahuntur membris proprie actiones; ut si provideat Summus Pontifex alicui ecclesie inrequisitis canonicis, potest quidem hoc facere de sua plenitudine potestatis...ut quecumque potest cum aliis personis ecclesiasticis potest sine illis. DEP*, 3, 10, 368-371. (emphasis added).

Bernard of Clairvaux's exposition on Luke 22:38 onwards was one of the most used arguments in the papalist writings, Giles provided a historical background. Before developing the arguments meant to prove that the material sword was subject to the spiritual sword, Giles mentioned Melchizedek and Job, whose reigns demonstrated that under the "law of nature" the swords were united. Then he said that the separation of the two swords characteristic of the "Law of Grace" (and accepted in his own time under the understanding that the material sword always acted *ad nutum Ecclesiae*) was rooted in the "Written Law," given the fact that then the Jews received a king to wear it.¹²³ This fragment too allows implying that Giles of Rome used biblical exemplarity to explain the political structures of his time, which he tried to strengthen by anchoring them in the tradition. Displayed in this light, Boniface VIII's doctrinal novelties could not be judged as the dangerous innovations of a heretical pope.

2.2.b. Christian exemplarity

The doctrine of the sovereign power of the Church which Giles set forth by referring to the "law of nature" and the "Written Law," establishing a mystical genealogy which obliged both the pope and the secular ruler to mimetic political action, was sustained referring to the "Law of Grace" by means of the *exemplum* of Constantine the Great. Giles analyzed this example in the context of other constitutive moments for the relationship between the Church and lay power in the West, namely the *translatio imperii* and the *pactum Lodovicianum*. Tracing a mystical genealogy which encompassed biblical models and that of the first Christian emperor, Giles aimed to emphasize the sovereign power of the Church. Including arguments taken

¹²³ *DEP*, 1, 7, 44-45.

from secular history was a necessity imposed by the nature of the controversy, whose object was sovereign power in the temporal matters, which could not be argued only with biblical, theological and philosophical arguments.¹²⁴ A mystic universalism was framed with this interpretation which made subordination towards Church sovereignty necessary, anchored in the twofold institutional heritage of the West, namely Jewish and Christian. The inclusion of these arguments in Giles' exposition of the papal power was determined by the particularities of the French arguments which he had to refute in the polemic with the defenders of the Capetian's sovereign power. The particular situation of the French kingdom was determined by the history of its relationship with the papacy, in which the constitutive event was the translation of the empire from the east to the west through Charlemagne's coronation by Leo III. This event engendered in France the doctrine of the *rex christianissimus*, which presented the king as the most beloved son of the Church, the one who always defended its interests and those of the Christianity in general. The French king was the one who fought against those who attacked the pope (as Pepin and Charlemagne did against the Lombard menace and Roman nobility) and French were the first who engaged in the Crusade.¹²⁵ Philip the Fair was the first king who used *christianissimus* as one of the royal titles, linking it to the image of the French nation as *beata gens* and as the new Chosen People.¹²⁶ Therefore, this title, whose legitimate attribution to the French king was acknowledged by the papacy, became an argument against Boniface VIII's sovereign claims for the polemicists defending Philip the Fair's position.¹²⁷ But for

¹²⁴ Jacques Krynen, *L'Empire du roi. Idées et croyances politiques en France. XIIIe-XVe siècles* (Paris: Gallimard, 1993) (hereafter: Krynen, *L'empire*), 101.

¹²⁵ Beaune, *Naissance*, 208.

¹²⁶ *Ibid.*, 209.

¹²⁷ What the pope accused as the vanity of the French was in the royal camp an argument to affirm the "sanctity" of the French nation and its superiority among Christian people. One can read this representation of the French for instance in the words of the cardinal Peter Colonna: *Semper enim sunt et christianissimi reges Francorum et devotus clerus et in fide constantissimus populus Gallicanus*,

the pope all this theoretical construction meant to sustain the idea of the providential role of the new Chosen People was just a manifestation of the *superbia gallicana*.¹²⁸ Writing to defend the papal position in the controversy, Giles interpreted the translation of the empire and the legacy of Constantine as a manifestation of papal sovereignty, suggesting the inanity of the French claims. He referred to the common understanding which *Donatio Constantini* had at the time. In the current tradition, it was interpreted as the foundation act through which Constantine entrusted his temporal authority to pope Sylvester I.¹²⁹ *Donatio Constantini* represented the hierocratic exegesis applied to *Constitutum Constantini*, a text composed either in papal¹³⁰ or imperial¹³¹ milieus in the ninth century. By the time when Giles wrote his tract, Constantine's donation was used to serve the aims of the imperialized papacy. This usage was criticized by those who defended the royal position.¹³² As in the case of the biblical lineage Giles started by declaring that without the Church institution kingship could not be legitimate:

contra hereses et hereticos, schismaticos et tyrannos, "murum se opposuerunt pro domo Israël." [Ezek. 13:5]. *Boniface VIII en procès*, 300. (emphasis added).

¹²⁸ But this doctrine justifying the messianic image of the French monarchy, made up by royal theorists, was ridiculed by Boniface VIII. For him the alleged excellence of the Franks in matter of faith was just a misunderstanding provoked by their insane arrogance, which made them to forget which their normal place in the flock led by the pope was. Here is reproduced the pope's reaction towards the Philip's defenders declarations that the king knew no superior. The passage is taken from one of Peter Colonna's depositions in the process against Boniface. Boniface VIII's contempt for the *superbia Gallicanorum* was of common knowledge and the cardinal's statement can be considered relevant for this point: *Sic ei loquebatur, subiungebat: "Domine, non habemus superiorem in terris. Ecce superbia! per Dominum, per Dominum ista superbia suppedabitur. Quicquid debeat contingere, oportet quod recognoscant me dominum et superiorem suum in terris."* Et subiungebat: "Gallici, Gallici, imo ut fatuus loquebatur asini, asini, unde eis tanta superbia? **Quid sunt? in quo excellunt alios?** non dico una nobilis bestia, sed canis vellem esse prius quam Gallicus. Certe et canis plus habet fidei et plus proprii status cognitionis quam Gallici." Et iis et horum similibus utebatur frequentissime; quod horrendum esset repetere. Ibid. 269. (emphasis added).

¹²⁹ Johannes Fried, *Donation of Constantine and Constitutum Constantini. The Misinterpretation of a Fiction and Its Original Meaning* (Berlin: Walter de Gruyter, 2007), 8.

¹³⁰ Ibid., 15-16.

¹³¹ Ibid., 88.

¹³² For instance, one can mention among the answers which were given by Philip IV's defenders to the papalist interpretation of Constantine's donation by John of Paris, *De potestate regia et papali* or in the *Quaestio in utramque partem, Rex pacificus/ Quaestio de potestate pape*. See Rivière, *Le problème*, 176-182.

But perhaps you will say that not every power is derived from this fount, because not all princes or not all kings acknowledge that the power which they hold comes from it. For there was royal power before the Church was in being...But although this may be so, with the coming of the New Law, and with the formation of the Church from the side of Christ, because the Church was thereby made Catholic, that is, universal lord, there have subsequently been no kings or princes who were not made kings, or who were not made worthy and true kings, through her, or who were not through her made kings absolutely and without diminution.¹³³

Passages like this, repeated with slight differences every time when the author wanted to emphasize the universality of ecclesiastical authority, echoed other commonplaces of the polemics between the king and pope. Giles rejected the argument of the French theorists who used the legend about the Trojan origin of the Franks to argue that since their kingdom was not a province in the empire which Constantine bestowed on Sylvester they were not bound to acknowledge the sovereign power of the pope.¹³⁴ Because all rightful government “derived from this fountain,” Giles affirmed that there could be no sovereign power but the Church. Furthermore, Giles stated that the *Donatio Constantini* and its confirmation by the *Pactum Lodovicianum*¹³⁵ could not be interpreted as donations made by lay rulers to their spiritual fathers¹³⁶ since “there is no true justice where Christ is not the ruler and

¹³³ *Sed forte dices quod ab hoc fonte non derivatur omnis potencia, quia non omnes principes vel non omnes reges potenciam quam habent recognoscunt ab ipso. Quia prius fuit regia potestas quam esset Ecclesia...Sed licet sic sit, adveniente tamen lege nova et ex latere Christi formata Ecclesia, quia ex hoc Ecclesia facta est Catholica, id est universalis domina, nulli fuerunt de cetero reges vel principes qui non fuerint per Ecclesiam reges vel non fuerint per eam digni et veri reges, vel non fuerint per ipsam simpliciter et sine diminutione reges. DEP, 3, 2, 290-293.*

¹³⁴ Developed in the seventh century, the legend of the Trojan origins of the Franks was used for the first time in the political discourse in the context of the struggle between Philip the Fair and Boniface VIII. John of Paris in the *De potestate regia et papali* used it to prove the independence of the French kingdom towards papacy and empire. His argument was taken over by the majority of the polemicists, being invoked in the controversy with the papacy and the empire until the fifteenth century. Krynen, *L'Empire*, 102-104.

¹³⁵ *Pactum Lodovicianum* designates the arrangement concluded in 817 between Paschal I and Louis I. It confirmed the territorial possessions bestowed by Pippin and Charlemagne to the Holy See. Walter Ullmann, “The Origins of the Ottonianum,” *Cambridge Historical Journal* 1 (1953): 116-117.

¹³⁶ *DEP*, 3, 11, 380-381.

founder.”¹³⁷ The meaning of this sentence was clearer formulated in the other work of Giles dealing with the *Donatio Constantini*, namely the sermon *De potentia domini pape*.¹³⁸ Giles delivered it shortly before he wrote *De ecclesiastica potestate*, some time between the last months of 1301 and the beginning of 1302.¹³⁹ There Giles sustained that even before Constantine made his donation the Church had the temporal lordship. Thus, the emperors’ bestowal represented only the public and official recognition of this right.¹⁴⁰ Moreover, to the same assertion Giles connected the place that he ascribed to secular rulers within the papal monarchy. Because the pope should not interfere in the secular matters, he had to exercise the right which was acknowledged to him by Constantine, through ministers. This obedient position was ascribed to secular rulers.¹⁴¹

Using a model for the succession of power taken from secular history, Giles enforced the doctrine of the Church as the sole source of legitimacy that he argued for, referring to the historical sequences of the “law of nature” and the “Written Law” by means of biblical *exempla*. It was a unitary discourse on power meant to sustain the continuity of a political pattern which had to oblige, by its historicity, contemporary Christian rulers to follow it. One of his comments on the translation of the empire is a relevant illustration for how Giles linked the models of the Old and the New Testament in order to confer authority on a political pattern built on the idea of

¹³⁷ *Non est enim vera iusticia, ut ipse ibidem dicit et ut est pluries repetitum, ubi non est rector et conditor Christus. DEP, 3, 11, 382-383.*

¹³⁸ The text of *De potentia domini pape*, with a commentary was published by Concetta Luna, “Un nuovo documento del conflitto fra Bonifacio VIII e Filippo il Bello: il discorso *De potentia domini pape* di Egidio Romano (con un’appendice su Borromeo di Bologna e la *Eger cui lenia*),” *Documenti e studi sulla tradizione filosofica medievale* III, 1 (1992): 167-239.

¹³⁹ *Ibid.*, 199.

¹⁴⁰ *Ibid.*, 191.

¹⁴¹ *Executionem ergo dominii vel evidentiam facti, coadiuvante civili potentia, potuit ecclesia accipere a Constantino, ius tamen dominandi sibi debebatur de iure. Verum quia secundum sententiam Apostoli, nemo militans Deo implicat se negotiis secularibus, debet ecclesia et universaliter clerici per suos vicarios talia exercere. Omnes ergo reges et principes etiam in temporali dominio sunt ministri ecclesie, si recte regant, et debent Christi vicarium recognoscere suum superiorem. Ibid.*, 226.

repetition and continuity. Thus, he said that the prophecy from Jeremiah 1:10 was fulfilled in the Church, this parallelism implying consequences in the political present of his time:

Thus, the prophecy of Jeremiah is shown to be true of the Church and of ecclesiastical power: “Behold, I have today placed you above nations and kingdoms, to uproot and destroy and disperse and scatter, to build and to plant.”...For this has been accomplished already, because the Supreme Pontiff has transferred the empire from the east to the west...the spiritual power must institute the earthly power and must judge whether it be good, which would not be so unless it could plant and uproot it. It can indeed plant it inasmuch as it institutes it, and it certainly uproots it inasmuch as it judges whether it is good.¹⁴²

This piece of interpretation illustrates the way in which Giles understood using the normative power of the historical model in framing the pattern of what the papacy considered as a desirable political relationship. In Giles’ interpretation, the pope acting as a lord in the temporal affairs was the repetition of an accepted and authoritative model. It had the strength of prophecy and was proved by the concrete historical event of Charlemagne’s advent to the empire through pontifical mediation. Hence, the author stresses the consequences which this theoretical construction inferred for the temporal government of his time. For instance, it made the rules of the dynastic succession superfluous:¹⁴³ only the rulers appointed through priesthood being legitimate.

In the *De ecclesiastica potestate* Giles tackled both the political exegesis of the Bible and the mimetic strength inherent in the constitutive moments of Christian political power in order to convince a specified audience. His discourse was intended to answer particular contestations formulated by French royal theorists and by the

¹⁴² *Igitur de Ecclesia et de potestate ecclesiastica verificatur illud vaticinium Ieremie: “Ecce, constitui te hodie super gentes et regna, ut evellas et destruas et disperdas et dissipes, edifies et plantes”...Quod et alias factum est, quia Summus Pontifex transtulit imperium de oriente in occidentem...spiritualis potestas habet potestatem terrenam instituere et habet de ea utrum bona sit iudicare; quod non esset nisi posset eam plantare et evellere. Plantare quidem eam potest, prout eam instituit; evellere vero, prout de ipsa iudicat an sit bona. DEP, 1, 4, 16-19.*

¹⁴³ DEP, 3, 2, 292-293.

dissenting Italian cardinals who joined Philip the Fair's camp. He mastered the normative power of history to justify concrete political actions, to anchor in tradition the doctrinal novelties of Boniface VIII's pontificate.

CHAPTER 3: CANONICAL EXEMPLARITY IN GILES OF ROME'S *DE RENUNCIATIONE PAPE*

The usage of *exempla* in Giles of Rome's *De renunciatione pape* makes it possible to discover new depths and emphases in his construction of a political discourse by means of historical references. In this treatise Giles used them in the restrained context of quotations from the canon law. They were used only in this narrow framework, this scarcity thereby limiting a thorough analysis as that done for the *exempla* in *De ecclesiastica potestate*. Nevertheless, I think that the particular use of *exempla* in *De renunciatione pape* stresses the place that historical argumentation had in Giles of Rome's political writing. They were a determining factor in his discourse on spiritual and secular powers. Throughout this chapter I will use the concept of *canonical exemplarity* to refer and to categorize Giles' handling of historical *exempla* in this tract. By *canonical exempla* I mean the examples of popes who had relinquished the papal office in the past which were taken from canon law and introduced in Giles' discourse to offer legal justification for the defense which he wrote. In this sense, historical examples figure as precedents with legal force.

3.1. The circumstances of *De renunciatione pape*. The problem of papal abdication in the contemporary scholarship

From the second half of the twelfth century the problem of papal abdication was debated by canonists, thoroughly glossed and discussed in the universities.¹⁴⁴ These debates treated a hypothetical situation since it was known that the abdication of a

¹⁴⁴ P. Herde, "Election and Abdication of the Pope: Practice and Doctrine in the Thirteenth Century," *Proceedings of the Sixth International Congress of Medieval Canon Law*, ed. Stephan Kuttner and Kenneth Pennington (Vatican: Biblioteca Apostolica Vaticana, 1985) (hereafter: Herde, "Election"): 429.

pope by his own free will had not occurred as a historical event. The framework of the discussion changed with Celestine V's abdication on 13 December 1294, when a pope's resignation became a historical fact.¹⁴⁵ The discussion concerning the matter, both before and after Celestine V's abdication, was focused on two aspects: the pope's freedom to renounce his office by his own choice and his forced deposition by the community of the faithful represented by the General Council.

The discussion previous to December, 1294, was based upon Gratian's formulation in the *Decretum*, *Dist. 21, c. 7 Nunc autem*. That passage of the *Decretum* states that the pope cannot be forced to renounce his throne, except in one situation, when he lapsed into heresy.¹⁴⁶ The Decretists of the twelfth century went further and clarified both aspects of the papal abdication.

The leading figure was Huguccio, a professor of canon law at Bologna. His opinions were widely adopted and commented on by polemicists discussing the matter in the thirteenth century, Giles of Rome and John of Paris among others. In his *Summa ad Decretum* (1188-1190) he treated the two sides of the problem. Concerning the resignation by the pope's own free will, he stated that it was permissible for three

¹⁴⁵ The hermit, Peter of Morrone, was elected pope (Celestine V) in July 1294 after a two-year vacancy of the papal office. He was renowned for his sanctity, but barely prepared for the necessities of the papal office due to his lack of education and his obvious desire to return to his hermitic life. By November, 1294, it became obvious that he was unable to carry on his duties and he started to enquire of the cardinals about the possibility of relinquishing the office. Among those consulted was cardinal Benedict Caetani, acknowledged as one of the outstanding jurists of his time, who informed Celestine about the possibility of legally renouncing the papal throne, even if such a case had never occurred. Given the pope's obvious desire to continue his life as a hermit, without carrying the burden of the papal office (he shut himself into a wooden cell in his residence at Castelnuovo in Naples) the cardinals ended by accepting his decision. He abdicated before the College of the Cardinals in Naples on 13 December 1294. The College of Cardinals, among them the two cardinals Colonna who later contested the legitimacy of the act, unanimously accepted his resignation. The former pope asked Boniface VIII, who became pope on 24 December 1294, permission to end his life in the hermitage of Sant'Onofrio on Mount Morrone which he had left when he was elected pope. The permission was refused by the new pope who intended to make him live in his vicinity. Intending to join his former hermitage, Celestine fled Boniface VIII's supervision and tried to reach the community of the Celestines in Greece. He did not manage to leave Italy and was imprisoned in the Castle of Fumone, where he died in May 1296. For further details concerning the event of Celestine V's abdication, see Eastman, *Papal*, 21-23; Paravicini, *Boniface VIII*, 76-84.

¹⁴⁶ Brian Tierney, *Foundations of the Conciliar Theory. The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Leiden: Brill, 1998) (hereafter: Tierney, *Foundations*), 52.

reasons: the quest for a more perfect life which would make a pope enter a monastic order, sickness or old age.¹⁴⁷ He also stated the circumstances that allowed the forced abdication of a pope: manifest heresy, notorious fornication, robbery, sacrilege. He categorized these crimes under the general heading of the “what could raise scandal into the Church.” If the pope would not repent and would stubbornly persist in his notorious crimes, he had to be subjected to the judgment of the Church, represented by the General Council.¹⁴⁸

Another legal source used on the occasion of Celestine V’s abdication which had become part of canon law in the previous century was a principle about episcopal renunciation that was elaborated in the reign of Innocent III and recorded in Gregory IX’s collection of decretals, *Liber Extra* 1.19.10. There it was stated that a bishop could relinquish his dignity if he did not have the necessary knowledge to administer his diocese, for questionable behavior, for a criminal act, if the community hated him, or if he made any kind of scandal. The same source stipulated that any cleric seeking a more perfect life had to be allowed to entry monastic life.¹⁴⁹ The legal justification for Celestine V’s abdication was constructed on these grounds set by canon law. He was bishop of Rome and his abdication was justified by his legal advisors as that of a bishop who renounced the jurisdictional power of his office. Before his abdication he consulted them, Cardinal Benedict Caetani, the future Boniface VIII, among others, about the possibility of legally relinquishing the office. They brought forward the examples mentioned in the *Decretum* and the arguments from *Liber Extra* 1.19.19 and drafted a constitution which set the legal grounds for the abdication. The only reasons adopted from *Liber Extra* were those which could be applied to Celestine V’s case, namely, the desire for a better spiritual life, bodily weakness, and lack of

¹⁴⁷ Herde, “Election,” 429.

¹⁴⁸ Tierney, *Foundations*, 53-58.

¹⁴⁹ Eastman, *Papal*, 3-4.

knowledge.¹⁵⁰ Therefore, Celestine's abdication had a legal justification. This constitution also became part of canon law in 1298, when it was included in Boniface VIII's canonical collection, *Liber Sextus*.¹⁵¹

The polemic occasioned by Celestine V's renunciation was placed in the framework of the canon law. The first replies were formulated by the masters of theology at the University of Paris and Peter Olivi, one of the outstanding theologians of the Franciscan order. In the quodlibetal questions of the Parisian masters Godfrey of Fontaines and Peter of Auvergne, formulated in 1295 and 1296, respectively, they sustained the legitimacy of Celestine's abdication. These questions served in theological debates and the two masters answered them mainly by means of theological and philosophical arguments. Nevertheless, the authors sought the support of the canonistic tradition and discussed the cases of historical abdications in order to prove that Celestine V had also this right.¹⁵²

Peter Olivi's writing on the matter echoed the opinions of his order on the resignation of the pope, especially the debates among the radical branches of the Spirituals and the Poor Hermits of Celestine. The latter had been allowed by Celestine V to separate from the Franciscans and to found a new order, which took its name from his protection. For them, Celestine V embodied the ideal of the angelic pope who could eradicate the worldliness of the Church and return it to the exigencies of an evangelical life.¹⁵³ On the other hand, Boniface VIII, who revoked the concessions granted previously to Spirituals and disbanded the Celestines, was considered the new

¹⁵⁰ Jean Leclercq, "La renonciation de Célestin V et l'opinion théologique en France du vivant de Boniface VIII," *Revue d'histoire de l'Église de France* 25 (1939) (hereafter: Leclercq, "La renonciation"):184; Eastman, "Papal," 21-22.

¹⁵¹ Ibid., 11.

¹⁵² Leclercq, "La renonciation," 185-189.

¹⁵³ Eastman, "Giles," 208-209.

Antichrist.¹⁵⁴ They accused Boniface of having brought about his predecessor's renunciation through the machination of juridical principles and fraud. Thus, they were among those who reacted against Boniface VIII's imperial government of the Church. Three Spirituals were among the signatories of the first Colonna manifesto and the later one, in 1303 their leader, Ubertino of Casale, saluted Philip IV, who fought Boniface VIII as *pugil Christi*.¹⁵⁵ Olivi wrote about the papal abdication on two occasions, in 1295 and 1297, and stated that Celestine's abdication was legitimate. As in the case of the Parisian masters of theology, his reasons were generally theological and philosophical. But Olivi also used the accounts of historical abdications which were recorded in the canon law. They were used by those who wrote after Celestine's renunciation, wanting to defend its legitimacy, because they lent their discourse the power of the legal tradition.¹⁵⁶

3.2. Canonical exemplarity in *De renunciatione pape*

The debate was intensified in 1297 following the contestations of the rebellious cardinals, James and Peter Colonna. The old family conflict between the Colonnas and the Caetanians reached its peak in May, 1297, when Boniface's personal treasure was stolen by a relative of the cardinals. Even though the treasure was restored the pope deposed the Colonnas from their cardinal dignities because they refused to deliver their relative and their castles into the pope's hands.¹⁵⁷ Their reply came with the manifesto prepared in Lunghezza on 10 May 1297.

¹⁵⁴ Bernard McGinn, "Angel Pope and Papal Antichrist," *Church History* 47 (1978): 155-173.

¹⁵⁵ Eastman, *Papal*, 52-53

¹⁵⁶ Leclercq, "La renonciation," 185, 189.

¹⁵⁷ Paravicini, *Boniface*, 159-173.

It was conceived of as an answer to a question that Boniface allegedly asked when James and Peter Colonna challenged him when they refused to appear before the pope's court. According to the text of the manifesto, Boniface asked if he was the pope (*quia volebat scire utrum ipse sit papa*).¹⁵⁸ The pope's question was thoroughly discussed by the cardinals, who claimed that Boniface himself was not convinced about the legitimacy of his status. Therefore, they put the attacks against the pope in the form of an answer to his enquiry. The main point stated in their manifesto was the illegitimacy of Celestine V's abdication and of Boniface VIII's accession. Accordingly, it was said that Celestine V had not had the right to resign. They presented their view in twelve points, arguing that the pope cannot abdicate the papacy, being the supreme dignity bestowed directly by God; only God can absolve him from this. Furthermore, the cardinals maintained that Celestine was forced to abdicate by the frauds and machinations carried out by cardinal Caetani. They proposed the solution of the General Council, which had to judge the legitimacy of both Celestine V's abdication and of Boniface VIII's election. Until the General Council elected a legitimate spouse for the Church, Boniface's tenure had to be considered a void of authority.¹⁵⁹ In the Colonnas' protests the General Council constituted a solution because at the moment the Church did not have a legitimate pope. Only the General Council had the authority to remove an unworthy pope. Therefore, in their protests, the General Council did not have the same meaning as in the writings of the fourteenth century conciliarists. They did not affirm the superiority of the council over the pope, but maintained that the General Council was an

¹⁵⁸ *Boniface VIII en procès*, 33.

¹⁵⁹ *Ibid.*, 35-40

exceptional solution to be adopted in a particular situation such as the illegitimacy of Boniface VIII's reign.¹⁶⁰

The illegality of Boniface's pontificate and the summoning of the General Council were restated in other two manifestos made public by the Colonnas from their Castle of Palestrina on 16 May and 15 June 1297. Boniface was called *pseudopresul*¹⁶¹ and *pseudoprefectus*¹⁶² because he was seen to have obtained the throne through fraud. Moreover, he was a patricide,¹⁶³ provoking Celestine V's death by his imprisonment. They also protested against the tyrannical government¹⁶⁴ of the pope, who, contrary to Church tradition reigned without asking the advice of the College of Cardinals.¹⁶⁵ Accusations of corruption, simony, and maladministration of the Church's goods were added. The pope was also to blame for the *excessibus carnis*,¹⁶⁶ a vague formulation which pointed to Boniface VIII's lust.

Excepting the accusation concerning Celestine V's abdication, the other charges belonged to the category of "what could raise scandal into the Church." As was said, canon law allowed the deposition of a pope who lapsed into them. On the other hand, the main accusation of the Colonnas, namely that Celestine V had no right to abdicate, was not supported by canon law.¹⁶⁷ The replies to these accusations showed this weakness in the argumentation, constructing the defense of the papal right to abdicate by means of examples recorded in canon law, which proved that papal abdication was a legitimate act. The polemic raised by Celestine V's resignation included complementarily the discussion of the forced resignation of the pope. Its lawfulness became a matter of debate in the polemical literature defending the papal

¹⁶⁰ Herde, 432.

¹⁶¹ *Boniface VIII en procès*, 53.

¹⁶² *Ibid.*, 57.

¹⁶³ *Ibid.*, 44-45; 54.

¹⁶⁴ *Ibid.*, 43; 52.

¹⁶⁵ *Ibid.*, 61.

¹⁶⁶ *Ibid.*, 52.

¹⁶⁷ Tierney, *Foundations*, 145-146.

or the royal cause. The supporters of both the pope and king sought justification for their position in legal history. The analysis of Giles of Rome's *De renunciatione pape* in the light of these debates emphasizes new shades of meaning in his political writing.

This tract, written in 1297, was the official answer the papal institution gave to the accusations formulated by the rebellious cardinals. Giles was appointed by Boniface VIII to refute the objections to the right of papal abdication formulated by the Colonnas and to defend the legitimacy of Boniface's accession. He structured his treatise as a reply to the twelve Colonna points. Giles began the treatise with a quotation taken from the Book of Job,¹⁶⁸ which was a usual rhetorical device in a medieval *exordium*;¹⁶⁹ the argument inherent in this verse indicated the purpose and the character of the defense that he set forth in his plea for papal legitimacy. In this verse the wise man is warned not to trust the insanity of the fool. This insanity had to be answered with a "web of faith" in God's justice. This warning came in the verse from the Book of Job after a sequence where the sources of real knowledge were indicated to the wise.¹⁷⁰ The source that he was advised to ask was the "memory of the fathers." In his turn, Giles invited the reader to be wise and not to believe the insanity (*vecordia*) of the arguments which were used in his times by the "deserter sons" of the pope¹⁷¹ to mislead the faithful. In order to refute these "sophistic arguments," which had no real persuasive content, serving only to deceive the Church, in *De renunciatione pape* Giles developed an argument meant to anchor his point in the history of the pontifical institution. Therefore, he used the argument of the

¹⁶⁸ Job 8:14.

¹⁶⁹ "Non ei placebit vecordia sua et sicut tela araneorum fiducia eius." *Quidam moderni temporis de suo sensu nimium presumentes quasdam rationes sophisticas ad includendum mentes fidelium ediderunt. Exinde confidentes de sua vecordia in summum nostrum pontificem sanctissimum patrem dominum Bonifacium papam VIII divina providencia verum dei vicarium ac sacrosancte Romane et universalis ecclesie sponsum legitimum impugnare sunt conati. DRP*, 1, 139.

¹⁷⁰ Job 8:8.

¹⁷¹ *DRP*, 1, 141.

examples of the popes who had renounced their dignity in the past. Giles used the testimonies of their resignations as they had been recorded in canon law, which was, after Bible, the main authoritative source that he used to construct his defense.¹⁷²

In this way Giles rejected the accusation that a papal abdication was unheard of and a dangerous novelty. He used the canonical *exempla* as legal precedents which legitimized his point that Celestine was allowed to abdicate. Plus, his particular interpretation of these examples allowed him to reject the Colonnas' claim that the pope could be subjected to the judgment of the General Council. In this way he rooted his view on the sovereignty of papal monarchy in the canonistic tradition: by indicating the precedents in the canonistic tradition he justified the claim that the pope could act exclusively upon his own will. Accordingly, the abdication of Celestine V by his own free will was legitimate and Boniface VIII could not be subjected to the authority of the General Council without his consent.

In *De renunciatione pape* Giles of Rome discussed the examples of popes Clement, Marcellinus and Cyriacus, taken from the history of the papal institution as it was framed in the canonistic tradition. Giles conceived a legal and historical construction in defense of the papal monarchy, meant to anchor the justification of the contemporaneous deeds of the popes in the past.

Arguing within this framework, he changed, in certain circumstances, the common interpretation of these *exempla* in order to serve his theocratic views. Giles relied on canonical *exempla* to prove that the pope could act exclusively upon his will, modifying the common interpretation of certain passages. For instance, the canonists unanimously agreed that the pope could be deposed if he lapsed and persisted in

¹⁷² John R. Eastman, "Giles of Rome and His Fidelity to Sources in the Context of Ecclesiological Political Thought as Exemplified in *De renunciatione pape*," *Documenti e studi sulla tradizione filosofica medievale*, III, 1 (1992): 156.

heresy.¹⁷³ In his interpretation of the matter Giles developed his argument from this view concordant with the tradition to a point, but then he changed it. He constructed his argument upon the example of pope Marcellinus, who reigned in the time of Diocletian's persecution and sacrificed to the gods fearing martyrdom. Giles referred to his case as it was given in the *Dist. 21 c.7 Nunc autem*:

Also there is set forth pope Marcellinus' example, which is not easily clarified, but in fact, fearing the martyrdom, he entered the pagans temple and he put the grains of an odorant plant under the burning coals, in doing so he made sacrifice to the idols. And when the same pope confessed before the council of the bishops what he had done, nevertheless none of the bishops dared to give a sentence against him, but they wisely told him: your case has to be solved not through our judgment, but through your own mouth. Moreover, they said to him: you shall not hear it from our judgment, but weigh your self your case. And also they said: you will be condemned by your own mouth. Those bishops entrusted the case to his judgment, saying that the first see [the papal office] will not be judged no whither.¹⁷⁴

He also quoted Huguccio's gloss of this chapter of the *Decretum*. Both the *Dist. 21, c. 7 Nunc autem* and its gloss by Huguccio were adopted at the same time by those who wanted to restraint the sovereign power of the pope and by those seeking to magnify it. This was also the case with the staunch papalist Giles of Rome, and with John of Paris, the polemicist who replied to him from the royal camp. The canonical *exempla* conferred a justification given by legal precedents on both sides. Huguccio's text stated:

But Huggucio says out of what it was written in the deeds of the Roman pontiffs, that Marcellinus gave a sentence against himself and that he deposed himself saying: I, Marcellinus, because of the crime of idolatry which I have unhappily committed, I decide to depose myself;

¹⁷³ Jeffrey A. Mirus, "On the Deposition of the Pope for Heresy," *Archivum Historiae Pontificae* 13 (1975): 231.

¹⁷⁴ *Deinde etiam ponitur exemplum de Marcellino papa, qui compulsus non simpliciter, sed passionis metu ingressus paganorum templum grana thuris super prunas imposuit, quod faciendo ydolis sacrificavit. Et cum idem papa coram concilio episcoporum se hoc fecisse confiteretur, nullus tamen illorum episcoporum in eum proferre sententiam ausus est, sed sepiissime dicebant ei: non nostro iudico, sed ore tuo iudica causam tuam. Rursus dixerunt sibi: noli audiri in nostro iudico, sed collige in sinu tuo causam tuam. Et rursus inquit: ex ore tuo condemnaberis. Assignabant quidem illi episcopi huius rationis causam dicentes, quia prima sedes non iudicabitur a quoquam. DRP, 9, 209-210.*

I also anathematize and curse whomever would lay my body in a tomb.¹⁷⁵

Giles commentary based on the *Nunc autem* and on Huguccio's gloss started with the traditional interpretation and ended with a conclusion which modified it. Thus, discussing Marcellinus' renunciation Giles started by mentioning the traditional view that the pope could be obliged to give up his office as a result of his manifest and persistent heresy.¹⁷⁶ But he diverged from this view with his comment on Huguccio's gloss. He listed the cases for which the canonistic tradition stated that the pope can be forced to renounce the office: heresy, any crime bringing scandal into the Church, his bodily or mental incapacity. But he did not reach the usual conclusion that the pope had to be deposed for these faults by the community of the faithful. Instead, Giles said as the example of pope Marcellinus made clear, that even when the pope's heresy was evident, the community of the faithful, represented by the bishops, avoided passing judgment on the pope and entrusted him with the capacity to decide if he wanted to relinquish the office. Therefore, in Giles' interpretation, the pope always had to act by his own free will; he could not be legally coerced by any means:

Therefore, we would say that nobody may not condemn the pope but he has to think upon his case in himself and he has to judge himself by his own mouth, and he has to depose himself, if it would seem that it could be useful to the church, or due to his crime, that he had committed, or due his incapacity. Howsoever this may happen, whatever he may do with himself, therefore he voluntarily deposes himself.¹⁷⁷

¹⁷⁵ *Sed Huguccio dicit, quod in gestis Romanorum pontificum scriptum est, quod Marcellinus dictavit sententiam in se et se deposuit dicens: Ego Marcellinus ob scelus ydolatrie, quod infelix commisi iudico me deponendum; anathematizo etiam, quicumque corpus meum tradiderit sepulture. DRP, 24, 2, 349.*

¹⁷⁶ Ibid.

¹⁷⁷ *Dicamus itaque, quod nullus debet condemnare papam, sed ipse in sinu suo debet recolligere causam suam, et ipse ore suo debet se iudicare, et ipse debet seipsum deponere, si videat hoc expedire ecclesie, vel ratione sceleris, quod commisit, vel ratione sue insufficiencie. Qualitercumque ergo hoc fiat, cum ipsemet hoc faciat, ideo voluntarie se deponat. DRP, 24, 2, 349-350.*

With this interpretation Giles countered the Colonnas' affirmation that the illegitimate pope had to be entrusted to the judgment of the General Council. He justified the papal action against them and the inadequacy of their solicitation to subject the pope to the authority of the General Council, pointing to the legal precedents which, in his view, rendered their demand void. As I have said, the same fragments from canon law were also used by those who wanted to legitimate the authority of the General Council over the pope. Giles' handling of the examples taken from the canon law becomes clearer if their use is compared with that in the treatise *De potestate regia et papali*. It was written in the middle of the conflict between Philip IV and Boniface VIII, between the end of 1302 and 1303, by John of Paris, a Dominican master of theology at the University of Paris. The tract was conceived to uphold the royalist position.¹⁷⁸ In his discussion on the papal power he included an answer to the manifesto from 10 May 1297. He countered the Colonnas' claims and argued that the pope had the right to resign and consequently Celestine's abdication and Boniface's election were legitimate.

In constructing his analysis he borrowed from Giles of Rome's *De renunciatione pape*,¹⁷⁹ but in a sense which, as I will show below, contradicted it. Arguing in support of Boniface VIII's legitimacy did not restrain him from stressing the limits of papal power, which he placed under the superior authority of the General Council.¹⁸⁰ He also referred to the legal precedents of Celestine V's abdication in order to affirm its lawfulness. He also used them to treat about the other side of the problem, namely, the deposition of the pope. He reinterpreted Giles' use of examples

¹⁷⁸ On John of Paris' *De potestate regia et papali* see Jean Leclercq's comments enclosed in his edition of the tract: Jean Leclercq, *Jean de Paris et l'ecclésiologie du XIIIe siècle* (Paris: Librairie Philosophique J. Vrin, 1942) (hereafter: Leclercq, *Jean*).

¹⁷⁹ Eastman, *Papal*, 77.

¹⁸⁰ On John of Paris' conciliarism see Tierney, *Foundations*, 144-161 and Leclercq, *Jean*, especially pages 124-130.

in favor of papal abdication in a light which favored his purpose: to justify historically that the General Council had an authority which superseded that exercised by the pope alone. Thus, in his commentary on Marcellinus' resignation he stated that a "general council" had deposed him for heresy.¹⁸¹

Another example mentioned in the canonistic tradition that Giles used to prove historically that the pope had the right to abdicate was given by pope Clement. His case was recorded in the *Decretum* C.8.q1c.1 *Si Petrus*. The accounts of his pontificate remain unclear. Allegedly, he was designated by St. Peter to succeed him, but he renounced the office in favor of Linus and Cletus and was only reelected to the pontifical throne by the Roman community after their death. Giles gave his example as one among many which could be a legal and historical justification for his argument concerning the legitimacy of papal resignation:

Therefore, to prove that the pope could renounce through these arguments, which have to be directed back to the material cause, means to prove it through those people, who used to hold the papal power, and who had renounced the aforementioned power. Therefore, we can give the example of many. For example, it can be read in the *Deeds of the Roman pontiffs* that that Clemens had renounced his office and that he retook the see after Linus and Cletus¹⁸²

The commentary on his abdication was connected with the analysis of the last example that Giles discussed, referring to saint pope Cyriacus. This was a legendary

¹⁸¹ *For deposition, however, a general council is more appropriate, as appears from D. 21 C. Nunc autem, where it is said that a general council was summoned to depose Marcellinus. I believe, however, that the college of the cardinals on its own is adequate to depose, for it would seem that the body whose consent, in place of the whole Church, makes a pope, might conversely, unmake him.* John of Paris, *On Royal and Papal Power*, tr. J. A. Watt (Toronto: The Pontifical Institute for Medieval Studies, 1971) (hereafter: John of Paris, *On Royal*), 242-243.

¹⁸² *Probare ergo, quod papa possit renunciare ...est probare hoc per ipsos homines, in quibus fuit potestas papalis, qui renunciaverunt prefate potestati. Possumus ergo de multis dare exemplum. Nam in gestis Romanorum pontificum legitur, quod Clemens renunciavit et post Linum et Cletum cathedram recepit...* *DRP*, 24, 2, 348.

figure¹⁸³ who renounced the papal dignity to join the eleven thousand virgins led by St. Ursula, with whom he suffered martyrdom:

... We can give a third example, of Cyriacus, about whom it was written that he was crowned with the martyrdom together with Ursula and with the eleven thousand virgins. Indeed, it is written about him, that in a certain night it was revealed to him that he might be on the point receiving the martyrdom's palm of victory. Then, before the assembled clergy and cardinals, before the citizens who disagreed and above all in front of the cardinals, he had renounced his dignity and his office.¹⁸⁴

Commenting on these two *exempla*, Giles held their common interpretation, quoting them just to prove that, as had happened before, the pope had the right to relinquish his office. On the contrary, in John of Paris's tract one can see how they were used to sustain the argument that the papal power can be restrained. John introduced them in his text to counter the papalists' claim about the inadmissibility of a pope's liability to judgment. In John of Paris' interpretation, Clement's and Cyriacus' examples served to prove historically that the General Council, as institution which had to judge an erring pope, was rooted in examples encompassed in the legal history of the papacy. Therefore, he went further in commenting on this case beyond the account recorded in canon law under the name of Cyriacus. John stated that Cyriacus' history illustrated the fact that the pope could be deposed by the College of the Cardinals, which represented the community of the faithful. He reached this conclusion going further than what was stated in the canon law, that is to say, that the pope abdicated despite the "cardinals'" and Roman community's opposition.¹⁸⁵

¹⁸³ Eastman, *Papal*, 16.

¹⁸⁴ ...possumus et tercium exemplum adducere de Cyriacho, de quo scriptum est, quod cum Ursula et cum XI milibus virginum martirio coronatus est. Scribitur enim de eo, quod nocte quadam sibi revelatum est, quod esset cum illis virginibus palmam martyrii recepturus. Tunc congregato clero et cardinalibus invitis civibus et potissime cardinalibus coram omnibus renunciavit dignitati et officio. *DRP*, 24, 2, 351.

¹⁸⁵ *It is not, then, unreasonable to say that the pope can give up his position and abdicate even when the people do not want him to and demand him back, as in the case of St. Cyriacus. It is not unreasonable to go further and say that in the case of his being unwilling by consent of the people*

The comparison of the use of the examples of popes Clement, Cyriacus and Marcellinus in both *De renunciatione pape* and *De potestate regia et papali* indicates that their use as legal precedents were meant to justify a totally different position. Giles wrote to bolster the theory of the papal sovereign will, which was the ultimate authority in leading the Church. Opposing this interpretation, and refuting the Colonnas' cause on the grounds of legal history, John stated that the General Council was superior to an unworthy pope.

Giles used *exempla* in *De renunciatione pape* as the main persuasive tools to answer the Colonnas' contestations. This can be stated since their redundant accusation in the manifestos of the year 1297 was the unlawfulness of Celestine V's abdication which was precipitated by Benedict Caetani in total contempt for the canonistic tradition. Pointing out the legal precedents that allowed papal abdication, he countered the accusations that this was a novelty that arose from Boniface V's legal machinations without any justification in "sacred, human or canon law."¹⁸⁶ The well-known and generally accepted juridical principles were a source of validity which was accepted by both parts engaged in the polemic.

Giles fulfilled the aim stated in the beginning, answering the "sophistic arguments" of Boniface VIII's adversary with the testimony of history. *De renunciatione pape* was a discourse on papal monarchical power. Giles dealt with papal jurisdiction aiming to justify the pope's capacity to always act by his own will. Tracing this power in the past, calling up the proof of these institutional structures as

he can be deposed and compelled to resign. For the pope, like any other prelate, rules not for himself but for the benefit of the people. Therefore the consent of the people is of more significance for deposing him against his will should he seem wholly useless and for electing another, than the will of the pope to resign when the people are not agreeable to his doing so. John of Paris, *On Royal*, 242. (emphasis added)

¹⁸⁶ This can be read for instance in their third manifesto: ...*dominum Celestinum papam quintum, contra divini, humani et canonici iuris regulas et statuta, ad renunciandum apostolatus officio, in totius orbis scandalum et errorem per se [Boniface VIII] suosque complices dolose submissionibus falsis induxit...* *Boniface VIII en procès*, 53. (emphasis added)

displayed in Church tradition, he set forth a historical representation of the pontifical institution. In this way he refuted the assumption that a pope's will and jurisdiction could be questioned by the judgment of a general council. Giles' handling of the canonical *exempla* in this work aimed to prove that the institution of the papacy as a theocratic polity was justified historically.

CONCLUSIONS

In this study I focused on a single aspect of Giles of Rome's works, namely, his use of historical arguments for defending and strengthening the sovereign claims of the papal monarchy. I proceeded to research this particularity of his writings intending to question the place given to history as mean of argumentation by medieval political thinkers. I also chose to centre my study on this particular aspect of Giles' work because it has been rather disregarded by the modern scholarship dedicated to him.

I have tried to show that Giles of Rome valorized tradition for hierocratic purposes in two circumstances: to set the pattern of what he considered a suitable relationship between the spiritual and secular authorities and to prove the legitimacy of Celestine V's renunciation and Boniface VIII's accession. Giles wrote a discourse on the history of the papacy referring to and valorizing the central elements of its tradition: the biblical pattern applied to pontifical institutions; features of the ideal relationship between papacy and secular power as they were described in the *exemplum* of Constantine's connection with pope Sylvester; and the canonical precedents for papal abdication. Therefore, in this study I aimed to show that tradition was an essential argument in Giles of Rome's ecclesiology.

Moreover, I have tried to show that Giles introduced history in his discourse by recalling those examples which could uphold the hierocratic claims of the papal monarchy. Giles of Rome developed patterns of exemplarity in the *De ecclesiastica potestate* and the *De renunciatione pape* selecting examples from Church tradition which assured the support of precedent for the alleged sovereign powers of the pope.

Thus, my analysis focused on the place that Giles of Rome ascribed to some of the Old Testament kings, to Constantine and to popes Clement, Marcellinus, and Cyriacus in his discourse.

Their usage in the two tracts enabled me to demonstrate how history became, under the pen of such a staunch papalist as Giles of Rome, a persuasive argument for framing the political role of the papacy. Consequently, my study, if nothing else, could contribute to a clearer understanding of the arguments which Giles of Rome developed to bolster the alleged sovereign power of papacy.

If this study were to be continued, it could be dedicated to an analysis of patterns of exemplarity as they were used in works which supported the struggle between Philip IV and Boniface VIII theoretically. I would extend my research to other tracts, from the papalist and the royal camps, in which history, in particular historical examples, was used to justify the acts of contemporary rulers by means of the past. It could be fruitful to follow the extent to which *exempla* were rhetorical devices for accusation and defense at once. This could clarify the importance given to historical arguments in framing political behavior in this period. It could shed new light on the arguments which theorists such as Giles of Rome used to construct discourses on power and on how they managed to control the signification of past for political purposes.

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