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**THE ROLE OF ECCLESIASTICAL AND ACADEMIC
AUTHORITIES IN THE THIRTEENTH-CENTURY ACADEMIC
CONDEMNATIONS**

MA Thesis in Comparative History, with a specialization
in Late Antique, Medieval, and Renaissance Studies.

Central European University Private University

Vienna

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Tinatin Mirianashvili

(Georgia)

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requirements of the Master of Arts degree in Comparative History, with a specialization in
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Accepted in conformance with the standards of the CEU.

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Author's declaration

I, the undersigned, **Tinatin Mirianashvili**, candidate for the MA degree in Comparative History, with a specialization in Late Antique, Medieval, and Renaissance Studies, with a specialization in Interdisciplinary 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.

Vienna, 19 May 2024

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Abstract

The present thesis aims to reveal the importance of the thirteenth-century academic condemnations at the University of Paris. It will demonstrate the role played by ecclesiastical and academic authorities in formulating and publishing erroneous ideas depending on canon law and will underscore the hostile relationship between the faculty of Theology and the faculty of Arts in light of academic condemnations. While the philosophical and theological side of the condemnations has been researched in detail by a number of scholars, procedural and political aspects are frequently left aside. The main focus of the thesis is to show that the academic condemnations were influential not only on the philosophical and theological thoughts of the period but also on the formation of the institution itself.

Academic condemnations have two main features: they were directed against erroneous and heretical ideas, not specific individuals, and were published at the University. Three such cases occurred in the thirteenth century: in 1241-1244, 1270 and 1277. These condemnations were not directed at the individuals but were against a particular group, the masters and students in the Faculty of Arts. After the spread of philosophical-scientific literature of Aristotle, the faculty evidently changed its direction toward philosophy, which led to the hostile attitude of the masters in Theology. The confrontation between the two faculties was evidently revealed in the thirteenth-century academic condemnations.

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Introduction

In the second half of the twelfth and throughout the thirteenth century, newly translated philosophical works by Aristotle, along with Arabic commentaries by Al-Kindi, Al-Farabi, Avicenna, and Averroes, became available to the Christian West in Latin. In the same period, the University of Paris emerged and obtained official recognition from royal and ecclesiastical authorities. The widespread availability of philosophical-scientific literature gave rise to thoughts and ideas that were considered erroneous and heretical at the time. As a result, ecclesiastical authorities issued a number of condemnations during the thirteenth century, starting with the case of 1210.¹

Hans Thijssen distinguished two main features of the academic condemnations: first, they were not directed against specific individuals but against erroneous ideas deemed incompatible with Christian faith; second, they took place within the University.² Three such cases occurred in the thirteenth century: the condemnations of 1241-1244, 1270, and 1277.³ While previous scholarship has extensively researched the philosophical and theological aspects of the condemnations, the procedural and institutional sides are frequently left aside. In this thesis, I will demonstrate that academic condemnations played an important role not only in the history of philosophical thought but also in the development of institutional aspects for dealing with academic heresy and shaping the functions of the faculty of Theology. Moreover, the academic condemnations revealed the hostile attitude between two main faculties at the University of Paris: the faculty of Arts and the faculty of Theology.

¹ Heinrich Denifle and Aemilio Chatelain, *Chartularium Universitatis Parisiensis*, vol. 1 (Paris: ex Typis Fratrum Delalain, 1889), 70, no. 11. Further references to the first volume of *Chartularium Universitatis Parisiensis* will be abbreviated CUP.

² Hans Thijssen, "Master Amalric and the Amalricians: Inquisitorial Procedure and the Suppression of Heresy at the University of Paris," *Speculum* 71, no. 1 (January 1996), 49

³ The case of 1241-1244 in CUP, 170, no. 128; The case of 1270 in CUP, 486, no. 432; The case of 1277 in CUP, 543, no. 473. I will explain why there are two dates in the condemnation of 1241-1244 in the third chapter.

I investigated the role and duties of ecclesiastical and academic authorities in the process of formulating and publishing academic condemnations stipulated in canon law, the role the academic condemnations had at the university, and how they revealed the relationship between the two faculties. The research questions I aim to answer throughout the thesis are as follows: what authority did the bishop and university officials, such as the chancellor, dean, or the corporation of masters, possess in declaring something erroneous and heretical at the University of Paris? how did canon law regulate the involvement of ecclesiastical authorities regarding the condemnation of heretical ideas, and who was responsible for controlling doctrinal issues at the University of Paris? What was the relationship between the faculty of Arts and the faculty of Theology? Why was the bishop always involved in the thirteenth-century academic condemnations? Was he always the initiator? Or, if it was the desire of the masters in the faculty of Theology to condemn ideas circulating in the faculty of Arts, why did they need the help of the bishop in publishing the condemnations? Investigating these issues will reveal what role the academic condemnations played at the university, how they shaped the relationship between the two faculties, as well as what rights the ecclesiastical authorities extended over the University of Paris.

In the first chapter of the thesis, I will overview the historical background of the thirteenth-century academic condemnations. I will discuss the rise of the University of Paris and demonstrate at what stage of its development the condemnations occurred. The second chapter will examine the important decretals stipulating the rights of the Bishop, the Chancellor, and the corporation of the masters in the faculty of Theology. Besides that, I will show the functional similarities between the Cathedral chapter of Paris and the faculty of Theology with the help of Gregory Moule's work *Corporate Jurisdiction, Academic Heresy, and Fraternal*

Correction at the University of Paris, 1200-1400.⁴ The third chapter, which can be regarded as the most important one in the thesis, will discuss the thirteenth-century academic condemnations in detail and demonstrate the role they played at the University of Paris. Moreover, it will show how the academic condemnations shaped the function of the faculty of Theology and how this faculty attempted to control the debates in the faculty of Arts and monopolize the institution.

There are not many scholars who have investigated the institutional side of academic condemnations. However, there are several authors whose works helped me to form the research questions and observe what are the main debates around the topic in today's scholarship. These scholars are Moule, Thijssen, William Courtenay, Alain de Libera, and Deborah Grice.⁵ There are some other authors too, which I will refer to throughout the thesis but the abovementioned scholars especially helped me to formulate my argument and have a special importance in the thesis.

Among these authors, Moule is the only one who examined academic heresy and corporate jurisdiction, focusing on the rules and procedures set down in canon law.⁶ However, he primarily concentrated on the fourteenth-century condemnations, while I will discuss the thirteenth-century ones. Moule demonstrated a historical link between the cathedral chapter and the faculty of Theology, implying that both corporate entities share certain structural as well as functional similarities. I will discuss these structures in more detail in the second chapter.

⁴ Gregory Moule, *Corporate Jurisdiction, Academic Heresy, and Fraternal Correction at the University of Paris, 1200-1400*, Vol. 51 of *Education and Society in the Middle Ages and Renaissance* (Netherlands: Brill, 2016).

⁵ Moule, *Corporate Jurisdiction*; Thijssen, *Censure and Heresy at the University of Paris 1200-1400* (Philadelphia: University of Pennsylvania Press, 1998); Thijssen, "Master Amalric;" William J. Courtenay, "Dominicans and Suspect Opinion in the Thirteenth Century: The Cases of Stephen of Venizy, Peter of Tarentaise, and the Articles of 1270 and 1271," *Vivarium* 32, no. 2 (1994): 186-195; Courtenay, "Inquiry and Inquisition: Academic Freedom in Medieval Universities," *Church History* 58, no. 2 (June, 1989): 168-181; Alain de Libera, *Penser au Moyen Âge* (Paris: Seuil, 1991); Libera, "Philosophie et censure Remarques sur la crise universitaire parisienne de 1270-1277," in *Was ist Philosophie im Mittelalter?* ed., Jan A. Aerssen (Berlin : Walter de Gruyter, 1998), 71-89; Deborah Grice, *Church, Society and University* (New York: Tylor & Francis group, 2020).

⁶⁶ Moule, *Corporate Jurisdiction*.

Noticing this similarity is very important for the thesis, as it helped me to understand how the faculty of Theology functioned in cases of academic condemnations and what rights they had with or without the chancellor and the bishop of Paris. On the one hand, Moule's work helped me to acknowledge the structure of powers at the university and the rights of academic and ecclesiastical authorities stipulated in canon law. Besides that, it facilitated my approach to finding necessary passages in such an abundant material, as medieval canon law.

Libera's works mostly concentrate on the theological-philosophical side of the condemnations.⁷ However, in light of these aspects, he explained the events and factors that led to the condemnations of 1270 and 1277. His discussion helped me understand these cases in the wider context and brought out crucially important events around these two condemnations such as, for example, the statutes of the faculty of Arts in 1272. These factors and events will be overviewed in the third chapter of the thesis.

Thijssen's article "Master Amalric and the Amalricians: Inquisitorial Procedure and the Suppression of Heresy at the University of Paris" helped me to discuss the first condemnations that occurred in the thirteenth century in connection with the University of Paris, which is the case of 1210.⁸ Discussing this event is especially important in comparison to academic condemnations. While the case of 1210 was directed at certain individuals and had very severe consequences, including the death penalty, the academic condemnations targeted erroneous ideas, with the severest consequence being excommunication. I will discuss these cases in detail in the first and third chapters.

Thijssen's other work, *Censure and Heresy at the University of Paris 1200-1400*, provided essential information about the background of academic censure and heresy in 1270

⁷ Libera, *Penser au Moyen Âge*; Libera, "Philosophie et censure Remarques."

⁸ Thijssen, "Master Amalric."

and 1277.⁹ His ideas and assumptions helped me to formulate my argument and the main points I wanted to investigate. Thijssen thought that the condemnation of 1277 started at the episcopal level. He suggested an interesting theory about what may have triggered Bishop Etienne Tempier's actions to publish the condemnations and why they are anonymous. He did not include the case of 1241-1244 in the list of academic condemnations at the University of Paris. I will claim that this case can also be considered as the academic. Besides that, his work helped me to understand the difference between pertinacious heresy and academic heresy. I will discuss and argue with his theories in the third chapter.

Courtenay's articles also addressed the political and procedural aspects of the condemnations.¹⁰ He highlighted essential features and suggested interesting observations on academic condemnations during the thirteenth and fourteenth centuries. He claimed that before the end of the twelfth century, outside authorities had to take action against suspect teaching, while from the beginning of the thirteenth century, the corporation of regent masters took over the task of policing academic orthodoxy.¹¹ However, he did not discuss the details of what led to their involvement or what rights they had in such cases, nor did he cite any primary source to support his idea. Furthermore, Courtenay suggests that the "judicial forum" of academic condemnation was made "from below, not from above," which contradicts Thijssen's assertion that Tempier's condemnation started at the episcopal level.¹²

The procedural aspect of the condemnation of 1241-1244 has been researched by very few scholars. Deborah Grice's book is the only extensive work that investigates the condemnation in detail.¹³ It mostly concentrates on the events that occurred before 1241-1244, while my thesis considers this case as the starting point of the academic condemnations. Her

⁹ Thijssen, *Censure and Heresy*.

¹⁰ Courtenay, "Dominicans and Suspect Opinion;" Courtenay, "Inquiry and Inquisition."

¹¹ Courtenay, "Inquiry and Inquisition."

¹² Courtenay, "Dominicans and Suspect Opinion," 194.

¹³ Grice, *Church, Society and University*.

discussion and conclusions helped me to perceive the condemnation within a broader spectrum and understand its dual imposition. I will explain why I refer to this case with two dates in the third chapter.

The most important primary source I am using in the thesis is *Chartularium Universitatis Parisiensis*, which is a collection of documents pertinent to the medieval University of Paris, such as papal and episcopal letters as well as the University statutes and the condemnations arranged chronologically (1163-1452). My project focuses on the thirteenth-century academic condemnations, so, I will use the first volume of CUP, comprising records between 1163 and 1286.

Since I intend to examine the role of ecclesiastical and academic authorities in the thirteenth-century academic condemnations with the help of Canon law, I will use three important primary sources for this purpose: *Decretum Gratiani*, Decretals of Gregory IX (*Liber Extra*) and *Liber Sextus Decretalium*.¹⁴ These compilations incorporate all the important decretals that were issued before and during the thirteenth century.

¹⁴ Emil Friedberg, ed., *Decretum Magistri Gratiani*, vol. 1 of *Corpus Iuris Canonici* (1879); Gregory IX, *Liber Extra*, The Latin Library, accessed May 20, 2024, <https://www.thelatinlibrary.com/gregory.html>; Boniface VIII, *Liber Sextus Decretalium*, in *Decretalium Collectiones*, vol 2 of *Corpus Iuris Canonici*, ed. Emil Friedberg (Graz: Akademische druck- u. Verlagsanstalt, 1959), 933-1124. Further references to *Liber Extra* will be abbreviated X and to *Liber Sextus* – VI. The divisions in the *Decretum Gratiani* will be referred as follows: C. – Causa; c. – chapter; q – quaestio.

Chapter 1 - The Rise of the University of Paris and the Historical Background Leading to Academic Condemnations

The first chapter will deal with the historical background of the thirteenth-century condemnations.¹⁵ It is important to describe at what stage of the development of the University of Paris the condemnations occurred to understand the environment and the factors that caused their emergence. The first part of the chapter will discuss the origin and rise of the University of Paris at the end of the twelfth and the beginning of the thirteenth century. Additionally, I will analyze the significant privileges that the university obtained from royal and ecclesiastical authorities during its emergence. In the second part of the chapter, I will demonstrate the process of establishing the autonomous institution in light of its struggles with local ecclesiastical authorities. Subsequently, I will look at the origins of academic heresy in the educational environment, the dissemination of translations of philosophical and scientific literature throughout the twelfth and thirteenth centuries, and the number of the thirteenth-century condemnations issued by ecclesiastical authorities will be discussed.

1.1 The Origins and Rise of the University of Paris

The rise of university foundations and the flourishing of scholasticism are among the most important aspects of the European thirteenth century. Unfortunately, there are not sufficient sources to determine the steps or the exact date of the emergence of the University corporation. What we can definitely say is that the formation started at the very end of the

¹⁵ While writing the first chapter I used my term papers written in the courses: "The Medieval Nation" by Eloise Adde; "Science and Religion" by Karl Hall and Marcell Sebok; "Religion in Public Sphere" by Brett Wilson and "History of Dogma: From the Early Christian Times to the Reformation" by Istvan Perczel.

twelfth century and continued into the beginning of the thirteenth century. As Hastings Rashdall points out, "[t]he university was not made but grew."¹⁶ Since the end of the ninth century, there were various cathedral schools in Paris, which multiplied and spread widely at the beginning of the twelfth century.¹⁷ The emergence of the university corporation can be reasonably reconstructed as a consequence of the dispersion of schools. It is important to mention that *Universitas* is not the term that was used in the Middle Ages to refer to the educational corporation, as it is called today. It was used to denote any kind of corporation, such as guilds or municipalities of towns in the twelfth, thirteenth, and fourteenth centuries.¹⁸

When referring to educational institutions, terms such as *communitas*, *communio*, *collegia*, *universis*, *universitas*, *societas* were used interchangeably.¹⁹ The first instance when the corporation of masters and students referred to themselves with the term *Universitas* was in 1221: *Universitas magistrorum et scholarium Parisiensis*.²⁰ The Pope also referred to them with this term several times in his bulls: in 1208-1209, 1210-1216, 1213, 1219, 1222, 1237, etc.²¹ However, it was not until 1245 that the address of the papal bull was indicated with the term: *Universitas Parisiensis*.²² Before and also after that date the address was usually referred to as *universis magistris et scholaribus* in 1215, *dilectis filiis magistris et scholaribus* in 1217, or *dilectis filiis universis magistris et scholaribus Parisiensibus* in 1220.²³ These terms did not denote the established institution with its buildings and formed statutes but rather the mere communion of masters and students.²⁴ The term closest to the contemporary "university" used

¹⁶ Hastings Rashdall, *The Universities of Europe in the Middle Ages*, vol.1 (Oxford: Clarendon Press, 1895), 290.

¹⁷ Alan Balfour Cobban, *The Medieval Universities: Their Development and Organization* (Leiden: Brill, 1969), 77; Rashdall, *The Universities*, 275.

¹⁸ Cobban, *The Medieval Universities*, 22-23.

¹⁹ Rashdall, *The Universities of Europe*, 1:7.

²⁰ CUP, 99-100, no. 42.

²¹ The bull of 1208-1209 in CUP, 67-68, no. 8; The bull of 1210-1216 in CUP, 83-83, no. 24; The bulls of 1213 in CUP, 83-83, no. 24; The bull of 1219 in CUP, 88-90, no. 31; The bull of 1222 CUP, 102-104, no. 45; The bulls of 1237 in CUP, 160, no. 113; 162-163, no. 116; 163, no. 117.

²² Gaines Post, "Parisian Masters as a Corporation," *Speculum* 7 (1934), 425; CUP, 176-177, no. 135.

²³ The document of 1215 in CUP, 78-80, no. 20; The document of 1217 in CUP, 83-84, no. 25; The document of 1220 in CUP, 95 no. 36.

²⁴ Cobban, *The Medieval Universities*, 23.

in the thirteenth century is *Studium Generale*.²⁵ It can be considered an accident, that the "University" remained the term for the educational institutions until today.²⁶

Originally, *Studium Generale* referred to an institution that taught the seven liberal arts and further superior faculties such as theology, law, and medicine. The universities in Paris, Bologna, Salerno, and Oxford were able to preserve and promote such learning and thus were established under the name of *Studium Generale*. In the beginning, there was no legal framework concerning what could be called *Studium Generale*, so whether an institution was *generale* or not was only customarily decided. Later on, the establishment of *Studia Generalia* became the prerogative of imperial or papal authority, which made it necessary to determine the privileges that would distinguish the institution granted the name of *Studium Generale* by the authorities.²⁷

The corporation of masters and students in Paris was granted privileges by both the pope and the king; however, as will be shown in this chapter, ecclesiastical authorities were much more involved and had much more influence over it during the thirteenth century. University students enjoyed clerical status.²⁸ It is not possible to determine exactly when they began to enjoy this status, but documents such as the letters of Pope Celestine III and King Philip Augustus indicate that they had the same privileges as clerics. This status both privileged and restricted them in some matters. On one hand, they were not subject to local ecclesiastical authorities and had the right to appeal directly to the Pope. On the other hand, they did not have the right to marry, wear secular clothes, or carry weapons.²⁹ Another privilege that university

²⁵ Rashdall, *The Universities of Europe*, 8-9; Cobban, *The Medieval Universities*, 23-24; Jacques le Goff, *The Birth of Europe*, trans. Janet Lloyd (Oxford: Blackwell Publishing, 2005), 121.

²⁶ Rashdall, *The Universities of Europe*, 7, Cobban, *The Medieval Universities*, 22.

²⁷ Cobban, *The Medieval Universities*, 25-26.

²⁸ The topic of granting clerical status is discussed a bit later in this chapter.

²⁹ Aleksander Gieysztor, "Managment and Resources," in Hilde de Ridder-Symoens, ed., *A History of the University in Europe*, vol. 1 of *Universities in the Middle Ages*, ed. Walter Rugg (Cambridge: Cambridge University Press, 1992), 109; Edward Grant, *A History of Medieval Philosophy from the Ancient World to Nineteenth Century* (Bloomington: Cambridge University Press), 145.

members had was *Ius ubique docendi*, which permitted them to teach in any other university without additional examinations.³⁰ Bologna and Paris, as two superior universities, primarily possessed this privilege. However, later, it became the papal prerogative to grant the university that right.³¹

Pope Innocent III's decretal of 1208-1209 known as *Ex litteris vestrae* is the earliest evidence of Paris masters acting as a corporate body.³² Besides, it is the evidence of the earlier statutes of the corporation:

From letters written to us by your humbleness we learned that some recently appointed doctors of liberal arts have deviated from the ways of their predecessors in three main points: the wearing of anti-regulation dress; the failure to observe the accustomed order in lectures and disputations, and the neglect of the pious custom of attending the funerals of deceased masters. We also learned that you were desirous to restore these decent customs and with that intention you elected unanimously eight jurors from your ranks to turn the aforementioned regulations into written statutes and, with the help of wise men, swore to each other a solemn oath, to observe them hereafter...³³

The letter is directed to all the Doctors of Theology, Canon Law, and Liberal Arts of Paris (*Universis doctoribus sacrae paginae, decretorum et liberalium artium Parisius*).³⁴ It underlines several important issues, such as defiance of statutes, the agreement of masters concerning the decision-making process in cases of disobedience, and their solution regarding the restoration of a master. Accordingly, in 1208-1209, one can see that the university was

³⁰ Cobban, *The Medieval Universities*, 27.

³¹ Cobban, *The Medieval Universities*, 27-29.

³² James A. Brundage, *The Medieval Origins of the Legal Profession, Canonists, Civilians, and Courts* (Chicago: The University of Chicago Press, 2008), 235. Nathalie Gorochoff, "Le milieu universitaire à Paris dans la première moitié du XIII^e siècle," in *Les débuts de l'enseignement universitaire à Paris*, eds. Jacques Verger and Olga Weijers, vol. 38 of *Études sur la Faculté des arts dans les Universités médiévales*, (Turnhout: Brepols, 2013), 55-56; Rashdall, *The Universities of Europe*, 300-301, Pearl Kibre, *Scholarly Privileges in the Middle Ages*, (Cambridge: Medieval Academy of America, 1962), 89-90.

³³ CUP, 67-68, no. 8. *Ex litteris vestre devotionis accepimus, quod cum quidam moderni doctores liberalium artium a majorum suorum vestigiis in tribus presertim articulis deviant, habitu videlicet inhonesto, in lectionum et disputationum ordine non servato, et pio usu in celebrandis exequiis decedentium clericorum jam quasi penitus negligenter omisso, vos cupientes vestre consulere honestati octo ex vobis juratos ad hoc unanimiter elegistis, ut super dictis articulis de prudentum virorum consilio bona fide statuerent, quod foret expediens et honestum ad illud imposterum observandum vos juramento interposito communiter astringendo, excepto dumtaxat magistro G., qui jurare renuens et formidans fidejussoriam pro se tantum optulit cautionem.* Trans. Helene Wieruszowski, *The Medieval University: Masters, Students, Learning* (Princeton: D. Van Nostrand Company, 1966), 137-138.

³⁴ CUP, 67-68, no. 8.

already established as a corporation with its own statutes. Moreover, unanimously electing eight masters to control the situation in the university demonstrates an important stage in its development. They decided to handle the difficulty themselves and found a solution to deal with certain issues by entrusting them to eight masters from the faculties of theology, canon law, and liberal arts, which is a significant step in establishing an independent corporation. Afterwards, somewhere between 1210 and 1216, because in cases, brought against or in favor of the university, scholars could not conveniently act or respond due to the absence of any representative, Innocent III authorized them to appoint a procurator.³⁵ This was another crucial event in developing an autonomous institution. It is impossible to have any definite answer when the University of Paris first existed but it is clear that *Universis magistris et scholaribus Parisiensibus* was a legal corporation with its statutes by 1210.

1.2 The Privileges Granted by Royal and Ecclesiastical Authorities

The important bull of Pope Celestine III issued in 1194 privileged bishops and clerics residing in Paris, stating that they should not be brought to secular court and must be judged only according to canon law.³⁶ The document stated: “if any secular cases arise for the clerics residing in Paris against anyone or vice versa, setting aside appeals, you shall decide according to canon law, and not allow customary law to prevail over written law.”³⁷ Several scholars

³⁵ CUP, 82-83, no. 24. "Because in cases that are brought against or in favour of you, sometimes your university cannot conveniently participate in dealing with or responding to such cases... we grant you the authority to appoint a representative on these matters." (*Quia in causis, que contra vos et pro vobis moventur, interdum vestra universitas ad agendum et respondendum commode interesse non potest [...] instituendi tamen procuratorem [...] vobis concedimus facultatem*). All translations are mine if not indicated otherwise.

³⁶ CUP, 12, no. 15. "No bishops or clerics are to be brought to secular courts," (*Nullus episcoporum vel clericorum ad judicia secularia est trahendus*).

³⁷ CUP, 12, no. 15. [...] *si quas causas seculares clerici Parisius commorantes habuerint contra aliquos vel aliqui contra illos, appellatione remota jure canonico decidatis, nec permittatis juri scripto consuetudinem prevalere.*

considered that this privilege was related to students.³⁸ However, the pope does not mention students, masters, or university scholars at all. What one can say for sure is that at that time this privilege would extend to the students who were clerics, but it is hard to claim that this letter applied to secular students as well.

Only after 1200, When King Philip Augustus granted the *Privilegium Fori* to the university students, one of the crucial documents from the first years of the university corporation, it becomes clear that students also enjoyed the privileges that clerics had in the city. This document excludes students from the secular court and completely subordinates them to the church. The *Privilegium Fori* is a clarification of the older decree *Privilegium Canonis* issued by Innocent II in 1139, which also guaranteed the security of clerics: "If anyone, instigated by the devil, incurs the sin of this sacrilege, by laying violent hands on a cleric or monk, let him be subjected to the bond of anathema...".³⁹ This reaffirmation of the privileges became necessary because of the fight that started in a tavern between students and countrymen and which later involved the Provost and the populace of Paris, resulting in the killing of several scholars. The masters appealed to King Philip Augustus and complained about the situation. The King sided with the scholars and perpetually imprisoned the provost and his several allies.⁴⁰

After that, the role of the king in the history of the thirteenth-century University of Paris was not significant, which I think, is the voluntary decision of the King himself. As far as I know, there is no source showing any kind of confrontation between ecclesiastical and secular authorities concerning University issues, and there are no complaints recorded about the king's excessive involvement. There are several letters by King Louis IX concerning University

³⁸ Le Goff, *The Birth of Europe*, 123; Gregory Moule, *Corporate Jurisdiction*, 34.

³⁹ Friedberg, ed. *Decretum Magistri Gratiani*, C. 17, q. 4, c. 29, [s]i quis suadente diabolo huius sacrilegii uicium incurrerit, quod in clericum uel monachum uiolentas manus iniecerit, anathematis uinculo subiaceat...

⁴⁰ For more information about the fight you can see, Rashdall, *The Universities of Europe*, 296-299, Kibre, *Scholarly Privileges*, 86, John W. Baldwin, "Le Contexte Politique et Institutionnel," in *Les Débuts de L'enseignement Universitaire à Paris (1200-1245 Environ)*, eds., Jacques Verger and Olga Weijers (Tournhout : Brepolis Publishers, 2013), 23; William Stubbs, ed., *Chronica Magistri Rogeri de Houedene*, vol. 4 (London: Parker & Co., Oxford, 1871), 120-121.

matters. Most of them are about paying fees for *hospitium* or helping poor scholars.⁴¹ There is another document by King Phillip III in 1276 that commands the Provost of Paris to defend the masters and scholars from unjust violence.⁴² So, most of the documents issued by Kings during the thirteenth century supported students and masters (sometimes financially) to pursue their studies in peace at the university of Paris. However, their interference in the abovementioned matters once again proves that the corporation of masters and students was not an independent organization as it aimed to be. The main actors who regulated the situation in the newly created corporation were the pope, the papal legate, the bishop, the chancellor, and the masters of the university themselves.

The privilege granted by Innocent IV to all the masters and scholars in Paris (*Universis Magistris et Scholaribus Parisiensibus*) in 1245 also has to be mentioned as another example underlining the support of the Pope to the University in its origin. According to this privilege, scholars could not be summoned outside Paris by apostolic letters so, they were able to fully devote themselves to study and be less occupied by other matters.⁴³ This privilege was repeated by Urban IV in 1263.⁴⁴

1.3 Struggles with Local Ecclesiastical Authorities

While the King supported scholars in the issues with local secular authorities, the Pope assisted them against the bishop of Paris and the Cathedral Chapter. Soon after the emergence of the corporation of masters and students, they started to seek autonomy. It aimed to make

⁴¹ CUP, 482-484, no. 428, 429, 430, 430a.

⁴² CUP, 538, no. 467.

⁴³ CUP, 181, no. 142. "...you may not be compelled by apostolic letters to be brought outside the city of Paris regarding questions arising within it, unless such letters expressly mention this indulgence." (*[...] extra civitatem Parisiensem super questionibus intra eam exortis trahi per litteras apostolicas non possitis, nisi expressam de indulgentia hujusmodi fecerint mentionem*).

⁴⁴ CUP, 426-427, no. 382.

decisions independently without the intervention of local ecclesiastical authorities. This intention was reflected very well in the struggle between the corporation and the Chancellor at the beginning of the thirteenth century. In the Cathedral schools, the individual called *scholasticus* was responsible for regulating the schools and granting teaching licenses.⁴⁵ In the second half of the twelfth century, his duties were transferred to the chancellor, who, in addition to being an important figure at the university, was one of the eight dignitaries of the cathedral chapter.⁴⁶ His main responsibility at the university was granting a teaching license.⁴⁷ However, since the university did not have its own representative in the first several decades after its emergence, the rights of a chancellor were not restricted.⁴⁸ He tried to preserve and strengthen his influence over scholars, while scholars tried to release themselves from the control of the local ecclesiastical authorities. Here is how Rashdall describes his power before the emergence and the first few decades after the rise of the university:

He could not only grant or refuse the License at his own discretion in the first instance: he could deprive a Master of his License or a scholar of his 'scholarship,' with its attendant ecclesiastical privileges, for adequate cause. He was an ecclesiastical Judge as well as the Head of the Schools. He claimed to be the *judex ordinarius* of scholars, though his jurisdiction was not exclusive of that of the ordinary Bishop's Court enforced its judgments by excommunication, and possessed a special prison for the confinement of refractory clerks.⁴⁹

After several appeals from the side of university masters, the papacy decided to interfere. The Papal Bull of 1212 made it evident that he supported masters and scholars of the University. Innocent III notified the Bishop, Dean, and Archdeacon of Troyes about the Chancellor exceeding his duties. The chancellor arbitrarily demanded scholars take an oath of fidelity and charged them with a monetary price. The bull conveyed the indignation of the Pope

⁴⁵ Astrik Ladislav Gabriel, "The Conflict between the Chancellor and the University of Masters and Students at Paris During the Middle Ages," in *Die Auseinandersetzungen an der Pariser Universität im XIII. Jahrhundert*, ed. Albert Zimmerman (Berlin: Walter de Gruyter, 1976), 107.

⁴⁶ Gabriel, "The Conflict," 108.

⁴⁷ On his other duties: Gabriel, "The Conflict," 108.

⁴⁸ Rashdall, *The Universities of Europe*, 306.

⁴⁹ Rashdall, *The Universities of Europe*, 306.

and required the bishop and the archdeacon to restrain the Chancellor through the ecclesiastical censure if he neglected to fulfill Papal command:

We are greatly moved that, as we have learned from the complaint of the beloved sons of the scholars of Paris, are required to take an oath of fidelity or obedience and sometimes money... it seems [the chancellor] exercises revenge more out of his greed than zeal for justice... Therefore, during the time when I studied the sciences in Paris, we have never seen scholars treated in this manner, we have given the same chancellor in our letters a command to correct such matters by himself...⁵⁰

Then in 1213, the Bishop of Paris reported the agreement between the masters and scholars of the University on one side, and the Chancellor of Paris on the other side, and enumerated each point of the agreement.⁵¹ It was divided into two groups: perpetual and temporal. The perpetual ones were that (a) the Chancellor could not demand oaths of fidelity, obedience, or any other obligation for granting the teaching license to the scholars in Paris, and also the oaths already taken should be released; (b) The Chancellor could not require money or anything else instead of money for granting the license; (c) He could not imprison the clerics unless it is an ultimate solution;⁵² (d) The Chancellor, even in a case where he acted as a judge by his office, could not demand or accept monetary compensation for an injury inflicted upon a scholar by another; nor even if the injury was done to the Chancellor himself. However, he could condemn the injurer to pay the compensation to the injured party. The temporal agreement was that the Chancellor was required (he could not deny) to grant the License to all candidates recommended by a majority of the masters in any of the superior faculties of Theology, Civil or Canon Law, or Medicine or by six selected masters in the faculty of Arts.

⁵⁰ CUP, 73, no. 14. *Miramur non modicum et movemur quod, sicut ex dilectorum filiorum scholarium Parisiensium querela didicimus, a volentibus scholas regere, quos etiam magistrorum assertio idoneos asserit ad regendum, juramentum fidelitatis vel obedientie ac interdum pecunie precium dilectus filius [...] ut videatur vindictam cupiditatis ardore potius quam zelo justicie exercere. Cum igitur tempore, quo vacavimus Parisius studio litterarum, nunquam scolares viderimus sic tractari, eidem cancellario nostris litteris dedimus in preceptis, ut sic hujusmodi corrigat per seipsum [...].*

⁵¹ CUP, 75-76, no. 16.

⁵² CUP, 75-76, no. 16, *Preterea clericos non incarcerabit, ubi non presumitur, quod pro enormitate delicti examen judicis fuge presidio debeant declinare, vel nisi pro alia justa et evidenti causa [...].*

However, he himself also could grant a license to whomever he saw fit, even without the testimony of any master.

Two years later, in 1215, these provisions were reaffirmed in the first surviving University Statutes imposed upon the University by Cardinal Robert of Courçon. He was charged by the Pope with reorganizing studies and improving the condition of scholars in Paris to maintain peace among them:⁵³ "Once prepared to lecture, each person shall be examined according to the form contained in the writing of [...] Bishop of Paris, wherein the peace confirmed between the chancellor and the scholars [...]."⁵⁴ Moreover, he granted the right of the University to make its own obligations and constitutions in the following cases:

"on the occasion of the murder or mutilation of a scholar or of grievous injury to a scholar, if justice is refused, for taxing the rents of *Hospitia*, concerning dress, concerning burial, concerning lectures and disputations, that the *Studium* be not thereby dissolved or destroyed was recognized, but only in several cases."⁵⁵

This document is crucial, on the one hand, because it is the oldest statutes that have reached us in its primary form, and not by reference, as it was in the papal document of 1208-1209 and on the other hand, it is significant because the university corporation was given the right to establish its own regulations, which is one step closer to an autonomous institution.

Other important bulls of that period were issued in 1219 and 1222 by Honorius III.⁵⁶ In 1219, there were two bulls issued about the same matter. The one issued on March 30 forbade

⁵³ In the beginning of the thirteenth century large number of philosophical-scientific literature by Aristotle and Arabic commentators spread at the university that raised debates and disputes between masters and scholars. It will be discussed later in the chapter.

⁵⁴ CUP, 78, no. 20, [...] *et quod cum legere disposuerit, examinetur quilibet secundum formam, que continetur in scripto [...] Parisiensis episcopi, ubi continetur pax confirmata inter cancellarium et scolares a iudicibus delegatis a domino papa [...]*.

⁵⁵ CUP, 78, no. 20, *Item facere possunt magistri et scolares tam per se quam cum aliis obligationes et constitutiones fide vel pena vel juramento vallatas in hiis casibus, scilicet in interfectione vel mutilatione scholaris, vel in atroci injuria illata scolari, si defuerit justicia, pro taxandis pretiis hospitiorum, de habitu, de sepultura, de lectionibus et disputationibus, ita tamen, quod proper hec studium non dissolvatur aut destruat. trans. by Rashdall, *The Universities of Europe*, 310.*

⁵⁶ The bulls of 1219 in CUP, 87-88, no. 30 and CUP, 88-90, no 31; The bull of 1222 in CUP, 102-104, no. 45.

the initiative of excommunication by either the bishop or his associates without the special License of the Holy See.⁵⁷ Another one, which was issued approximately a month later, on May 11, besides repeating the same prohibition, underscored the disobedience of the Chancellor who did not hesitate to suspend masters and consign scholars to prison even though with these actions he disobeyed the statutes made by judges delegated from the Apostolic See.⁵⁸ With the bull of 1222, Pope Honorius III entrusted the case of the discord between the bishop and the chancellor on one side and the University on the other side to the Archbishop of Canterbury, the bishop of Troyes, and the bishop of Lisieux. The discord was clearly about the same matter—local ecclesiastical authorities exceeding their duties and masters appealing to the Pope since the bull once again prohibited the bishop and the chancellor from excommunicating or imprisoning the masters.⁵⁹ This prohibition was *pendente lite* because they should have been restricted from such actions until the abovementioned Archbishop and two bishops investigated the matter. Moreover, the use of the seal of the scholars was suspended except for inner institutional matters until the same bishop appeared before our presence or sent a sufficient proxy for himself.⁶⁰ The three bulls issued so close to each other highlight the "obstinate"

⁵⁷ CUP, 87-88, no. 30, "... revoking immediately, for caution's sake, you shall ensure to issue a firm injunction to the said bishop and his associates, that they, or any of them, may not dare to publish any similar general sentences against the masters or scholars of Paris in the future without the consent of the Roman Pontiff," ([...] *revocantes protinus ad cautelam dicto episcopo et suis firmiter inhibere curetis, ne ipsi seu quisquam eorum aliquas consimiles sententias generales in magistros aut scolares Parisienses audeant decetero sine Romani pontificis conscientia promulgare*).

⁵⁸ CUP, 88-90, no. 31, *Ceterum cancellarius ipse super dolorem eorum addere non desistens contemptis statutis, que super hiis facta fuerunt per iudices a sede apostolica delegatos, magistros ab officio suo suspendere ac scolares mancipare carceri non veretur*.

⁵⁹ CUP, 102-104, no. 45, "Neither the bishop nor anyone from his party in any way should issue an excommunication sentence against their university or any individual thereof unless for his own crime or manifest contumacy and in another cause unrelated to such matters. Any such sentence pronounced otherwise shall be considered null" ([...] *nec episcopus nec aliquis ex parte ipsius ullo modo in universitatem ipsorum set nec in eorum quem-piam interim nisi pro ejus proprio crimine vel contumacia manifesta et in alia causa, que hujusmodi negotium non contingat, excommunicationis sententiam proferat, que nulla si secus prolata fuerit habeatur [...]*).

⁶⁰ CUP, 102-104, no. 45, "Furthermore, until the same bishop appears before our presence or sends a sufficient proxy for himself, within the deadline assigned to him and the other party by the judges, the use of the seal of the scholars shall be suspended except for those matters pertaining to the office of proctor in this case." (*Ad hec, donec idem episcopus ad presentiam nostram veniat vel sufficientem pro se procuratorem transmittat in termino sibi et alteri parti a iudicibus assignando, usus sigilli scolarium preterquam in hiis, que ad officium procuratoris in hac causa pertinent, suspendatur.*)

attempts of the Bishop and Chancellor to suppress the independence of the institution, which also indicates that their rights were strengthened not by a certain law or papal bull but by customs. Moule also indicated that "in addition to ordinary jurisdiction conceded by written law, custom, or unwritten law gave the chancellor independence to act."⁶¹ As a result, even though the University did not obtain full sovereignty and was still subject to ecclesiastical regulation, with the help of the Pope, it was able to restrict the influence of local ecclesiastical officials over the university as well as obtain their rights in the process of granting a license and making their own statutes.

Afterward, there was no mention of such conflicts until 1231 when Gregory IX's bull *Parens Scientiarum* was decreed. The document declared the rights of the chancellor and his relationship to the masters. It established that two masters from the faculty of theology and canon law were to be summoned for the Chancellor's appointment.⁶² Granting a license was no longer his independent, solitary decision. During the three months before the date of issuance, the chancellor had to consult with the masters of theology as well as "all other honest and learned men,"⁶³ and only after that could he make a decision to grant or deny the license to the candidate. Besides that, the document states that the chancellor was forbidden to imprison the masters or impose a monetary penalty on them, nor could he demand an oath or obedience from the masters. The papal bull clearly elucidates how the rights of a Chancellor are being limited and "adapted" to the needs and requirements of the University corporation.

There is another list of important bulls in 1237. On June 12, Gregory IX granted to all the masters and scholars of Paris that for a period of seven years, no one may dare to pronounce a sentence of excommunication, suspension, or interdiction against the university of masters or

⁶¹ Moule, *Corporate Jurisdiction*, 47.

⁶² CUP, 136-139, no. 79.

⁶³ CUP, 136-139, no. 79. [...] *ab omnibus magistris theologie in civitate presentibus quam aliis viris honestis et litteratis [...]*.

scholars, or their rector or proctor, in certain cases.⁶⁴ After two months, on August 4, the Pope issued another bull instructing Peter, Bishop of Meaux, and Arnulf, Bishop of Amiens, to investigate the case of Bishop William who granted permission to govern in decrees during a vacancy in the chancellorship. Moreover, his official excommunicated masters and scholars. Pope writes that the Bishop of Paris disregarded all the conditions of *Parens Scientiarum*, ignored all the protests from the masters, and, against their will, arbitrarily granted a license to some scholars to teach canon law. Afterward, the official of the same bishop disdained the appeal of the masters and pronounced a sentence of excommunication against them.⁶⁵ After a month, on September 7, Gregory IX restated the regulation of granting the license established earlier in *Parens Scientiarum* and added: "We strictly prohibit by the authority of these presents that the Bishop of Paris, or any other person for the time being, presume in any way to contravene the aforementioned form of licensing. Therefore, let no one dare to violate or act contrary to this decree of our inhibition."⁶⁶

The surprisingly large number of repetitions of the same regulations about the relationship between local ecclesiastical authorities and the University of Paris emphasizes that this kind of "illegal" involvement of ecclesiastical authorities in the university issues was

⁶⁴ CUP, 160, no. 113, ". . . we grant you by the authority of these presents, that no one may dare to pronounce sentences of excommunication, suspension, or interdict against the university of masters or scholars, or their rector or proctor, or anyone else for a deed or occasion of the University, without special license from the apostolic see; and if such sentences are pronounced, they shall by that very fact be null and void, these letters being of no effect after seven years . . ." (*[...]auctoritate vobis presentium indulgemus, ut nullus in universitatem magistrorum vel scoliarum, seu rectorem vel procuratorem eorum, aut quemquam alium pro facto vel occasione Universitatis excommunicationis, suspensionis, vel interdicti sententias audeat promulgare absque sedis apostolice licentia speciali, et si fuerit promulgata, ipso jure sit irrita et inanis, presentibus litteris post septennium minime valituris[...]*).

⁶⁵ CUP, 161-162, no. 115, ". . . recently, during the vacancy of the Chancellorship of Paris, our venerable brother, the Bishop of Paris, disregarding all the aforementioned conditions and the protests of the same masters, and against their will, granted a license to some scholars to teach in decrees at his own discretion, to the detriment and prejudice of the masters." (*[...]nuper cancellaria Parisiensis vacante venerabilis frater noster .. episcopus Parisiensis premissis omnibus pretermisiss et eisdem magistris reclamantibus et invititis, quibusdam scolaribus in decretis regendi concessit licentiam pro sue libito voluntatis in eorum prejudicium et gravamen [...]*).

⁶⁶ CUP, 163, no. 117. *[...]ne Parisiensis episcopus, qui pro tempore fuerit, seu quilibet alius contra predictam licentiandi formam aliquo modo venire presumat, auctoritate presentium districtius inhibemus. Nulli ergo hominum liceat hanc paginam nostre inhibitionis infringere, vel ei ausu temerario contraire.*

connected to certain pre-University customs. It can be assumed that local ecclesiastical authorities did not see the university corporation as a separate institution and supposed that they could act there as in one of their churches. For example, according to the decree of Alexander III, "if the patrons of a vacant church, within the time granted by law, do not present [a candidate], the bishop shall ordain the churches."⁶⁷ So, as the university did not have a chancellor to grant a teaching license, the bishop made the decision to act himself, as he would do in one of his churches. Another important thing that one can pay attention to is that in the decree of June 12, Gregory IX prohibits excommunication, suspension, or interdiction not only against the university of masters or scholars, but also against their rector, procurator, or anyone else for a deed or occasion of the University. It means that at that time the university corporation was "thoroughly established," with its own officials and jurisdiction.⁶⁸

1.4 The Origins of Academic Heresy

Besides the institutional struggle between local ecclesiastical authorities and the corporation of masters and students, there was doctrinal conflict between them too, especially in the faculty of Theology and the faculty of Arts. These disputes were revealed in the thirteenth-century condemnations which were already present in the abovementioned first statutes of 1215 by Robert of Courçon.⁶⁹ The thirteenth-century condemnations are a significant element of the history of the University of Paris. They not only reflected the views and debates of scholars and students of the period but also broadened and developed the field of philosophical and scientific thinking. In the thirteenth century, the border between

⁶⁷ X. 3. 38. 7. *Si patroni ecclesiae vacantis infra tempus, a iure concessum, non presentant, episcopus ordinabit ecclesias.*

⁶⁸ Rashdall, *The Universities of Europe*, 314; On the office of Proctor and Rector see Rashdall, *The Universities of Europe*, 311-317.

⁶⁹ CUP, 78, no. 20

theological and philosophical-scientific concepts in scholarly debates became unclear, which provoked ecclesiastical authorities to act against them.

Several historians contend that there was no medieval philosophy in the Christian West until the integration of Aristotelian and Arabic literature in the thirteenth century.⁷⁰ However, this does not seem true when one observes the thoughts, reasoning, and main interests of tenth, eleventh, and twelfth-century scholars. There were indeed no philosophers or texts dedicated to philosophy as such; however, philosophical discussions and speculations were apparently present. One manifestation of this is the hostile, or rather suspicious, attitude of "anti-dialecticians" toward discussing theological issues with the help of logical reasoning.⁷¹ Lanfranc (1005-1089) criticized Berengar of Tours (999-1088) for questioning the belief in the "reality" of the presence of the blood and body of Christ in the Eucharist. Lanfranc accused him of using logical reasoning inappropriately. Furthermore, Peter Damian (1007-1072), after attempting to discuss theological issues such as Divine omnipotence and the compatibility of divine prescience and human free will with the help of "human logic," considered it unsuitable to discuss "the sacraments of the church" with "the purely verbal art."⁷² The attempts to explain and research theological issues deeply with the help of logic can be considered evidence of the presence of philosophy in the Middle Ages. So, the spread and discussion of the texts of Aristotle and Arabic commentaries were not a beginning but a continuation of Medieval philosophical and theological debates. Newly translated literature opened new ideas and fields of discourse, but it definitely did not provoke philosophical and theological debates *ex nihilo*.

"The permanent problem" of reconciling Christianity with ancient philosophy took various approaches during the eleventh century. Scholars such as Peter Damian, Otloh of St. Emmeram (1010-1072), and Gerard of Czanad (980-1046), for example, even though they were

⁷⁰ John Marenbon, *Early Medieval Philosophy* (480-1150), (Oxfordshire: Taylor & Francis e-library, 2002), 95.

⁷¹ Marenbon, *Early Medieval Philosophy*, 90.

⁷² Marenbon, *Early Medieval Philosophy*, 93.

distinguished logicians, believed it was not worthwhile to spend time on secular literature.⁷³ However, discussions and attempts to find reason and explanations within theological doctrines remained very important. Anselm (1033-1109), for instance, asserted that "by the use of reason, the Christian can give an understanding of what he already believes."⁷⁴ He believed that theologians should attempt to think and find reasons for how divine mysteries can be explained. The increased interest in logic during the eleventh and twelfth centuries led to the recovery of Boethius' translations: the *Prior Analytics*, *Topics*, and *Sophistici elenchi*.⁷⁵ Moreover, Throughout the twelfth and thirteenth centuries, newly translated philosophical and scientific works of Aristotle, such as the texts on natural philosophy and metaphysics, as well as Arabic commentaries by Al-Kindi (801-873), Al-Farabi (870-950), Avicenna (980-1037), and Averroes (1126-1198), became available to the Christian West in Latin. As Alain de Libera puts it "the arrival of Aristotelian encyclopedia marks the beginning of a New Middle Ages" that rouse new Greco-Arabic wisdom and "the Arabization of the Theological thought."⁷⁶ Italian cleric James of Venice (...-1147) completed the translation of the logical corpus with the *Posterior Analytics* from Greek. Subsequently, he translated the *Physics*, *De anima*, *Metaphysics*, five of the *Parva Naturalia* treatises, and an anonymous introduction.⁷⁷ Some books were translated from Greek, and others from Arabic. For example, Books I-III of *Meteorologica* were translated from Arabic by Gerard of Cremona (1114-1187), and Book IV from Greek by Henricus Aristippus (1105-1162). Gerard of Cremona also translated *Physics*,

⁷³ Marenbon, *Early Medieval Philosophy*, 87.

⁷⁴ Marenbon, *Early Medieval Philosophy*, 95.

⁷⁵ Bernard G. Dod, "Aristoteles Latinus," in *The Cambridge History of Later Medieval Philosophy from the Rediscovery of Aristotle to the Disintegration of Scholasticism 1100-1600*, eds. Norman Kretzmann, Anthony Kenny and Jan Pinborg (Cambridge: Cambridge University Press, 2008), 46.

⁷⁶ Libera, *Penser au Moyen Âge*, 77. "L'arrivée d'une encyclopédie aristotélicienne marque le début d'un nouveau Moyen Âge en ce qu'elle suscite l'apparition d'une nouvelle sagesse - péripatéticienne, c'est-à-dire gréco-arabe - qui vient relever la sagesse platonicienne popularisée à leur corps défendant par les Pères de l'Église. L'arabisation de la pensée théologique des chrétiens latins du xi^e siècle, tel est le phénomène essentiel."

⁷⁷ Dod, "Aristoteles Latinus," 46.

De caelo, *De generatione et corruptione*, *Posterior Analytics*, and Themistius' paraphrase of *Posterior Analytics*, all from Arabic.⁷⁸

The majority of Aristotle's works were translated in the twelfth century, however, evidence from manuscripts and other sources, such as references to Aristotle's texts, indicates that they were not widely circulated until the thirteenth century.⁷⁹ It is also probable that the establishment of the first European universities facilitated the spreading of the newly translated texts among students and scholars. Given that a significant portion of the thirteenth-century debates occurred within the university environment, that was reflected in the thirteenth-century academic condemnations at the University of Paris (the cases of 1241-1244, 1270, and 1277).⁸⁰

Aristotelian ideas about the eternity of the world, the unicity of human intellect, free will, etc., contradicted Christian doctrines and were considered heretical by the Church. As a result, ecclesiastical authorities started to act against the great quantity of non-Christian literature. In order to make it clear what was false and contrary to faith in the theological and philosophical debates of students and masters in the faculty of Arts and faculty of Theology, religious superiors started publishing condemnations, stating certain ideas or texts, and prohibiting discussing or lecturing about them.

1.5 The Condemnations

One of the clear manifestations that Aristotle's books were already widely spread at the beginning of the thirteenth century is the condemnation of 1210.⁸¹ Petrus de Corbolio (...-1222), the archbishop of Sens, convened a local council in Sens with the participation of the bishop of Paris, Peter of Nemours, and other bishops to burn the *Quaternuli* of David of Dinant

⁷⁸ Dod, "Aristoteles Latinus," 47.

⁷⁹ Dod, "Aristoteles Latinus," 46.

⁸⁰ The case of 1241-1244 in CUP, 170, no. 128; The case of 1270 in CUP, 486, no. 432; The case of 1277 in CUP, 543, no. 473. I will explain why there are two dates in the condemnation of 1241-1244 in the third chapter.

⁸¹ CUP, 70, no. 11.

(1160-1217), one of the Amalricians,⁸² and forbid reading the books of Aristotle and their commentaries publicly or privately. Furthermore, they made a warning against the *Credo in Deum* and *Pater Noster* and several theological books translated into French,⁸³ aside from the life of saints, which had already undergone purification, should have been delivered to the bishop of Paris. Anyone found with these religious texts, *Quaternuli*, or Aristotle's works would be considered a heretic.⁸⁴ In 1210, fourteen individuals were condemned. Ten of them were degraded and sent to secular court, where they were burnt at the stake, while the remaining four were imprisoned perpetually.⁸⁵ Here, one can see the influence of the recently introduced inquisitorial procedure for the prosecution of heretics.⁸⁶ Usually, clerics, and therefore, the members of the University, enjoyed the *Privilegium Fori*. According to the privilege, they were totally exempt from secular courts, even in criminal cases. However, this was changed after issuing the decretal *Vergentis in Senium* by Innocent III (1161-1216) and the reform of 1205-1206 by King Philip Augustus (1165-1223), that the degraded cleric would be handed not directly to a secular court but would be taken to an external place to punish him without committing sacrilege.⁸⁷ A similar thing happened in 1210. Clerics were degraded at the Saint-Honore church and were taken to Champeaux, outside the walls of Paris to burn them at the stake.⁸⁸

Subsequently, the papal legate Robert of Courçon renewed the condemnation in 1215.⁸⁹ More exactly, he was charged with reorganizing studies and improving the condition of

⁸² A sect emerged in the twelfth century, associated with the teachings of Amalric of Bena (1150-1207), a master in the faculty of theology in Paris. He himself was condemned in 11206, shortly before his death. As Hans Thijssen writes in his article "Master Amalric," 46, "In brief, the heresies attributed to the Amalricians can be grouped around three themes: pantheism, the attainment of spiritual perfection here on earth, and the antinomian and antisacramental implications of the Amalricians' views on the preceding two topics."

⁸³ Lyn Thorndike, *University Records and Life in the Middle Ages* (New York: Columbia University Press, 1944), 26-27, no. 14.

⁸⁴ CUP, 70, no. 11.

⁸⁵ Thijssen, "Master Amalric," 61.

⁸⁶ Thijssen, "The Amalricians," 61.

⁸⁷ Baldwin, "Le Contexte Politique," 23.

⁸⁸ Baldwin, "Le Contexte Politique," 23.

⁸⁹ CUP, 78, no. 20.

scholars in Paris to keep the peace among them (*scolarum tranquillitas*). He re-issued the condemnation of the teachings of David of Dinant and Amalric of Bene. Besides, he permitted reading all of logic and ethics but forbade lecturing on the texts of Aristotle on metaphysics and natural philosophy as well as commentaries or summaries of them.⁹⁰ Apparently, the papal legate banned these texts since they were the main sources of philosophical and scientific thinking and discussions at the university. Reading these texts raised questions among students and scholars that were considered hazardous for Christian doctrines.

In 1225 Pope Honorius III issued the condemnation of the *Periphyseon* by John Scottus Eriugena (815-877), referring to it as having been "justly condemned"⁹¹ by the archbishop of Sens. This means that most probably it was also condemned in 1210. The important point is that the work of Eriugena was connected to Amalric's heresy, condemned in 1210 as well as at the fourth Lateran Council. Archbishop of Odo of Tuscany, who also participated in the condemnation of 1210 in Paris mentioned that "the impious dogma of Amalric is collected from the book of Master John the Scot."⁹² Therefore, one can conclude that the condemnation of 1225 was connected to the earlier condemnations of Amalric since the source of his heretical teachings has been associated with the *Periphyseon*.

Furthermore, Pope Gregory IX issued warning letters in 1228 and 1231. In 1228, he advised regent masters in theology not to adulterate God's word by the figments of Philosophers,⁹³ and in 1231, he stated that masters of Arts faculty should not use books on natural philosophy (*libr[i] ill[i] natural[es]*), which had been forbidden in provincial council (*concili[um] provinciali*) until they were examined and purged of all suspicion errors. Besides

⁹⁰ CUP, 78, no. 20.

⁹¹ CUP, 106, no. 50.

⁹² This citation of Odo is made by Henry Suso and it is quoted by Stephen Lahey, "Eriugena's Condemnation and His Idealism," in *A Companion to John Scottus Eriugena*, ed., Adrian Guio (Leiden: Brill, 2020), 449.

⁹³ CUP, 114, no. 59.

that, he advised masters and scholars of theology not to declare themselves philosophers but to strive to be learned by God (*theodocti*).⁹⁴

As Charles H. Lohr writes, the changes in the learning of the faculty of arts are noticeable in a thirteenth-century manuscript in Barcelona in the Archives of the Crown of Aragon, which contains a manual or guidebook for the benefit of students who had to prepare for examinations in the Arts faculty in Paris.⁹⁵ This text, composed about 1230-40 by an unknown master of the faculty contains the newly translated works and so, reveals the direction which the development of the faculty took in the period. In the text, one can find the works of Aristotle on metaphysics and natural philosophy condemned in 1210 and 1215 as part of *trivium* and *quadrivium*. Roughly speaking, the faculty of Theology was slowly becoming the faculty of Philosophy. As Libera points out the place of a philosopher in the "New Middle Ages" was in the faculty of Arts: "it is the faculty of Arts, that is, the community of masters and students in philosophy."⁹⁶ Therefore, as it is noticeable, the condemnation did not have an influence in 1230-1240 anymore. As Lohr conveys, the arts faculty changed its curricula from the seven liberal arts of the *trivium* and *quadrivium* to the philosophical and scientific disciplines newly recovered at his time.⁹⁷

Subsequently, there was the condemnation of 1241-1244, which is the first condemnation listing not certain individuals or texts but only erroneous ideas.⁹⁸ The list contains ten banned propositions. The document says that the condemnation was promulgated by the bishop of Paris, William of Auvergne (1190-1249), the chancellor, Odo of Chateauroux (1190-1273), and all masters of the faculty of theology. The involvement of the chancellor and

⁹⁴ CUP, 136, no. 79.

⁹⁵ MS Ripoll 109 f. 134^f-159^v, quoted in Charles H. Lohr, "The Medieval Interpretation," in *Later Medieval Philosophy*, eds. Kretzmann, Kenny and Pinborg, 86.

⁹⁶ Libera, *Penser au Moyen Âge*, 148. "... c'est-a-dire la communauté des maîtres et des étudiants en philosophie."

⁹⁷ Lohr, "The Medieval Interpretation," 84.

⁹⁸ CUP, 170, no. 128.

masters of the faculty of theology in the process demonstrates the increase of their role and importance in doctrinal issues of the university if one compares it to the previous cases when only the Pope or bishops participated in the decision.⁹⁹ As Courtenay writes, depending on the information contained in the numerous versions of the opening line of the condemnation decree, it started on the episcopal level since the initiator of the condemnation was the bishop of Paris, William of Auvergne.¹⁰⁰ However, it is not explicitly stated in any of the documents as it will be shown in the third chapter. It is important to underline that the condemnation of 1241-1244 can be considered the first academic condemnation and the first instance of the faculty of Theology trying to control doctrinal issues at the University of Paris. As Hans Thijssen singled out there were two important features of academic condemnations: 1. "Cases of academic censure were initiated in the institutional context of the university,"¹⁰¹ and 2. "The judicial proceedings against an allegedly erring academic focused on suspect statements and views, and not on the holder of those views."¹⁰² Guided by this definition, the case of 1241-1244 satisfies both aspects.

Despite these prohibitions and warnings, it is known that already in 1245, Roger Bacon made comments on Aristotle's *libri naturales* and metaphysics in Paris.¹⁰³ In 1255 the statutes of the Arts faculty were renewed and incorporated practically the whole corpus of Aristotle: Ethics, Physics, Metaphysics, *De animalibus*, *De caelo*, *Meteorologica* (Books I and IV), etc.¹⁰⁴ Thus, after that, one can confidently assert that the faculty of Arts developed teaching philosophy independently of the faculty of Theology.¹⁰⁵ Such a development aroused violent reactions and rivalry between the two faculties.¹⁰⁶ Teaching theology had a long tradition in the

⁹⁹ Grice, *Church, Society and University*, 22-31.

¹⁰⁰ Courtenay, "Dominicans and Suspect Opinion," 189.

¹⁰¹ Thijssen, "Master Amalric," 49.

¹⁰² Thijssen, "Master Amalric," 49.

¹⁰³ Fernand Van Steenberghen, *La Philosophie au XIIIe Siecle* (Paris : Béatrice-Nauwelaerts, 1966), 143.

¹⁰⁴ CUP, 277, no. 246.

¹⁰⁵ Lohr, "The Medieval Interpretation," 87.

¹⁰⁶ Lohr, "The Medieval Interpretation," 87.

history of education in Paris, while the faculty of Arts was taking shape in the thirteenth century as the faculty of Philosophy after the spread of Aristotle's texts and the Arabic commentaries. The faculty of Philosophy was gaining increasing interest among students, and its influence was also growing. It had the largest number of masters and students at the University, which was the main reason for the emergence of Nations within the faculty. Only the masters in the faculty of Arts were distributed into four nations: French, Norman, Picard, and English. They were legal corporations with their own seals, a common treasure, and the right to bind their members by oath to the imposed rules.¹⁰⁷

The incompatibility of theological and philosophical-scientific ideas originated in the faculty of Arts and the conflicts between scholars in these two faculties among a number of topics were revealed in the condemnation of 1270¹⁰⁸ and 1277¹⁰⁹ by the Bishop of Paris, Etienne Tempier (...-1279). He condemned thirteen theses, deemed heretical, in the first case and two hundred and nineteen in the second. These condemnations were not directed to specific individuals but were directed to a certain group, the faculty of Arts. It can be said that this so-called technique of publishing condemnations became the tool to defend Christianity from heretical teachings and prevent "corrupting the minds" of scholars and students from philosophical and scientific ideas. More precisely, it was the tool of the faculty of Theology with the chancellor and the Bishop of Paris to control discussions in the faculty of Arts.

¹⁰⁷ Kibre, *The Nations in the Medieval Universities*, (Cambridge, Massachusetts: Medieval Academy of America, 1948), 16.

¹⁰⁸ CUP, 486, no. 432.

¹⁰⁹ CUP, 543, no. 473.

1.6 Conclusion

One can safely conclude that the publishing of academic condemnations began in the middle of the thirteenth century, taking the case of 1241-1244 as a starting point. It was the first instance where university members, specifically the chancellor and the masters of the faculty of theology, were involved. Previous condemnations, except the case of 1215, were not explicitly connected to the university. However, since in 1210, Master William of Poitiers is said to have been condemned,¹¹⁰ and in 1225, schoolmen are mentioned as readers of *Periphyseon*, one can say that they still touched the university environment.¹¹¹ The condemnations played a significant role not only in forming philosophical-scientific thoughts but also in shaping the doctrinal authority at the University. Establishing academic condemnations was a new way to deal with heretical and erroneous ideas. They made the relationship and the ongoing conflict between the faculty of Theology and the faculty of Arts more evident. Moreover, the academic condemnations allowed the faculty of Theology to control doctrinal issues in the faculty of Arts.

¹¹⁰ CUP, 70, no. 11.

¹¹¹ CUP, 106-107, no. 50, *Quia igitur idem liber, sicut accepimus, in nonnullis monasteriis et aliis locis habetur, et nonnulli claustrales et viri scolastici novitatum forte plus quam expediat amatores, se studiosius occupant dicti libri [...].*

Chapter 2 – Canon Law and the University of Paris

One of the important aims of the thesis is to investigate what role the ecclesiastical and academic authorities played in the thirteenth-century academic condemnations depending on Canon Law. In the second chapter, I will try to clarify the rights of the bishop, the chancellor, and the masters of the faculty of Theology with the help of important and influential decretals in the thirteenth century. The canon law, compiled in the high Middle Ages along with its numerous commentaries, covered various aspects of medieval life including marriage, war, the rights of ecclesiastical officials, dealing with heresy, the right to excommunicate, university life, etc.¹¹² In the first part of this chapter, I will briefly overview the history of Canon Law. In the second part, I will describe what heresy was, how it was dealt with, and how academic heresy differed from it. In the third part, using papal decretals and some commentaries I will discuss the functional similarities between a cathedral chapter and the faculty of Theology with the help of Gregory Moule's work, *Corporate Jurisdiction, Academic Heresy, and Fraternal Correction at the University of Paris, 1200-1400*.¹¹³ This comparison will reveal the rights possessed by the chancellor and the faculty of theology in cases of academic heresy, and whether they could act independently of a bishop. The decretals I will use in my thesis are the *Decretum Gratiani*, *Liber Extra* (Decretals of Gregory IX), and *Liber Sextus* (Decretals of Boniface VIII), as these compilations contain influential letters issued during or before the thirteenth century.

¹¹² Anders Winroth and John C. Wei, eds. *The Cambridge History of Medieval Canon Law* (Cambridge: Cambridge University Press, 2022), 1

¹¹³ Moule, *Corporate Jurisdiction*.

2.1 Canon Law

In fact, sources of canon law, such as conciliar canons, papal letters, and decretals, had already been collected before Gratian. The first attempt to systematize the laws was the decree of Burchard of Worms (1000-1025), which became quite influential for several years.¹¹⁴ There were a number of other compilations, such as the *Collectio Dionysiana* from the fifth-sixth century, the Decretals of Pseudo-Isidore from the ninth century, the anonymous *Collectio Britannica*, and the collections of Ivo of Chartres (1040-1115) from the eleventh-twelfth centuries.¹¹⁵ However, Gratian's *Decretum*, issued between 1125 and 1145, originally called *Concordia discordantium canonum*, was not merely a compilation of canonical sources but a systematic binding and analysis of them. This was a great innovation in the history of canon law. His aim was to bring clarity to the legislation: to investigate conflicting laws and find solutions, to reconcile them.¹¹⁶ Such examination and commentaries made Gratian's *Decretum* very influential and useful for students, scholars, and for its legal use.¹¹⁷

At the beginning of Gregory IX's papacy, the law schools used five compilations known as the *Quinque compilationes antiquae*, which contained papal decrees as well as the decisions of the Third and Fourth Lateran Councils.¹¹⁸ The number of decretals grew very rapidly, and at the beginning of the thirteenth century, it became impossible to control the regularity of the publication of decretals. Pope Gregory IX invited a prominent Catalan canonist, Raymond of

¹¹⁴ Michael H. Hoeflich and Jasonne M. Grabher, "The Establishment of Normative Legal Texts, The Beginnings of the Ius Commune," in Wilfried Hartmann and Kennet Pennington, eds., *The History of Medieval Canon Law in the Classical Period 1140-1234* (Washington: The Catholic University of America Press), 6.

¹¹⁵ On these compilations see Peter Landau, "Gratian and the *Decretum Gratiani*" in Hartmann and Pennington, *Medieval Canon Law*, 22-54; Lotte Kery, *Canonical Collections of the Early Middle Ages (ca. 400–1140): A Bibliographical Guide to the Manuscripts and Literature* (History of Medieval Canon Law; Washington, D.C. 1999).

¹¹⁶ Hoeflich, "Normative Legal Texts," 8; Wolfgang P. Müller, "The Reinvention of Canon Law in the High Middle Ages," in Winroth, *Medieval Canon Law* 83; Winroth, "Canon Law in a Time of Renewal, 1130-1334," in Winroth, *Medieval Canon Law*, 99; Brundage, *Medieval Canon Law* (London: Routledge, Taylor & Francis Group, 2013), 48.

¹¹⁷ Hoeflich, "Normative Legal Texts," 8.

¹¹⁸ Winroth, "Canon Law," 105.

Penyafort (1175-1275), to create a new collection of official decretals containing all relevant papal and conciliar canons from the time of Gratian onwards. The final version of the text, published in 1234, was called the Decretals of Gregory IX, known as the *Liber Extra*.¹¹⁹ Sixty years later, due to the uncontrollable publication of collections, increased ambiguity of laws, and augmented suspicion toward their officiality, Boniface VIII (1230-1303) decided to convene a commission. He inquired about the formation of a new legal collection, which was later called *Liber Sextus*, published in 1296.¹²⁰

2.2 Heresy

Before I explain what was considered heresy, it is also important to briefly state what was deemed theological truth during that period. As Florian Mazel points out after Gregorian Reform truth and authority explicitly were connected to the Papacy.¹²¹ What was truth and the faithful interpretation of the Scripture was decided by the Pope. Anything contrary to that would be regarded heretical. Since the main focus of the thesis is to discuss the involvement of ecclesiastical and academic authorities in the thirteenth-century condemnations of heretical and erroneous teachings at the University of Paris depending on Canon Law, it should be clarified that heresy was indeed an ecclesiastical crime, not a secular one. As Hostiensis writes in his commentaries on the Decretals of Gregory IX: "[...] the crime of heresy is from the forum of the church: because the said constitution was not only approved by the Roman church, but also was looked after by it, and thus, we can make use of it."¹²² So, one should look for a stipulation

¹¹⁹ Brundage, *Medieval Canon Law*, 54-55; Winroth, "Canon Law," 105.

¹²⁰ Andreas Meyer, "The Late Middle Ages: Sources," in Winroth, *Medieval Canon Law*, 125.

¹²¹ Florian Mazel, "Vérité et Autorité : Y a-t-il un Moment Grégorien?" in *La Vérité*, ed., Jean-Philippe Genet (Paris : Sorbonne, 2015), 323-348.

¹²² *Henrici de Segusio Cardinalis Hostiensis Decretalium Commentaria* (Venice, 1581; rpt. Torino, 1965). X 5.7.13, no. 8, under the rubric: *Haeresis crimen est de foro ecclesiastico*, fol. 38vb, s.v. *Velut haeretici*: [...] *crimen haeresis est de foro ecclesiae: quia dicta constitutio fuit per Romanam ecclesiam non solum approbata, sed procurata, et sic ea usi possumus*, quoted in Moule, *Corporate Jurisdiction*, 28.

of the rights of ecclesiastical authorities over heretical teachings and their methods to solve such issues in canon law. Gratian explains the meaning of heresy and a heretic as follows:

Heresy is said to come from the Greek word "choice," because each person chooses for themselves the discipline which they believe to be better. Therefore, whoever understands Scripture differently from what the sense of the Holy Spirit demands, by whom it was written, and is concerned with the works of the flesh, choosing what is worse, they can be called a heretic, even if they have not departed from the church.¹²³

According to this definition, declaring heretical ideas and being a heretic is a voluntary decision.

Robert Grosseteste (1175-1253), who was the bishop of Lincoln and the first chancellor of Oxford, shared a similar opinion. He developed "the standard definition" of heresy at the beginning of the thirteenth century.¹²⁴ Edward Peters (1936) identified the four main features of heresy based on Grosseteste's definition: heresy is (1) an opinion that a person reached independently without involvement of demonic delusion or coercion, (2) conflicting with scripture or contemporary interpretation of scripture, (3) openly declared or taught, and (4) pertinaciously maintained.¹²⁵ The fourth aspect played the most important role in considering someone a heretic. If a person expressed a heretical idea but did not obstinately defend it and later retracted his words, he would not be considered a heretic. For example, another thirteenth-century theologian, Godfrey of Fontaines, wrote, "An erroneous falsehood, if persistently defended, is called heresy and makes one a heretic."¹²⁶ Therefore, pertinacity was the line, crossing which directly branded one as a heretic.

¹²³ Friedberg, ed., *Decretum Magistri Gratiani*, C. 24, q. 3, c. 27, *Heresis grece ab electione dicitur, quod scilicet eam sibi unusquisque eligat disciplinam, quam putat esse meliorem. Quicumque igitur aliter scripturam intelligit, quam sensus Spiritus sancti flagitat, a quo scripta est, licet ab ecclesia non recesserit, tamen hereticus appellari potest, et de carnis operibus est, eligens que peiora sunt.*

¹²⁴ Edward Peters, ed. *Heresy and Authority in Medieval Europe* (Philadelphia: University of Pennsylvania Press, 1980), 167

¹²⁵ Peters, *Heresy and Authority*, 167

¹²⁶ Maurice de Wulf and Auguste Pelzer, *Les quatre premiers Quodlibets de Godefroid de Fontaines II* (Leuven, 1904), 208. *Talis autem erronea falsitas si pertinaciter defendatur haeresis dicitur et haereticum facit.*

William Ockham (1287-1347) dedicated the fourth book of the first part of the *Dialogus* to the pertinacity of heretical depravity.¹²⁷ For him, obstinacy was not merely an error but rather a "deliberate failure" of the Christian faith.¹²⁸ The concept of pertinacity was employed to differentiate a person who made an erroneous statement due to theological ignorance from one acting out of obstinacy.¹²⁹ An expressed idea was deemed erroneous when it was declared as such by an ecclesiastical authority.¹³⁰ Subsequently, the person who made the error was expected to renounce it within a specified number of days. Failure to do so would be considered pertinacious action, leading to the person being labeled a heretic. According to the decretal of Alexander IV (1199-1261) a pertinacious person was established as a heretic after a year of obstinacy: "An excommunicated person, due to contumacy for not responding regarding suspected heresy, is condemned as a heretic after a year."¹³¹

Being a heretic was considered a very severe crime. For example, in *Liber Sextus*, Augustine's words are quoted when Gregory IX addressed heretics in his letter: "the persevering heretic is eternally condemned; neither baptism, nor almsgiving, nor martyrdom, nor any other good deed profits him in obtaining eternal life."¹³² Not only heretics themselves but also their receivers and supporters were punished: "heretics, their receivers, and supporters are excommunicated, and those dying in this sin should not be buried in the church cemetery, nor should prayers be said for them."¹³³ According to the decretal of Alexander IV, those who

¹²⁷ William of Ockham, *Dialogus*, in *Monarchia Sancti Romani Imperii*, ed., Melchior Goldast (Frankfurt, 1614), 456. <https://archive.org/details/MonarchiaSRomaniImperii1614T2c/mode/2up> *Incipit liber quartus prime partis dyalogorum docens qualiter debeat de pertinacia pravitatis heretice quis convinci.*

¹²⁸ Takashi Shogimen, "William of Ockham and Conceptions of Heresy, c.1250-c.1350," in *Heresy in Transition, Transforming Ideas of Heresy in Medieval and Early Modern Europe*, eds., Ian Hunter, John Christian Laursen, and Cary J. Nederman, (Farnham: Ashgate Publishing Company, 2005), 68.

¹²⁹ Thijssen, *Censure and Heresy*, 3.

¹³⁰ Shogimen, "William of Ockham," 67.

¹³¹ VI 5.2.7., *Excommunicatus propter contumaciam non respondendi super haeresi, de qua erat suspectus post annum damnatur ut haeticus.*

¹³² VI.5.2.7., *Haeticus perseverans aeternaliter damnatur; cui nec prodest baptismus, nec eleemosyna, vel martyrium, vel aliud quodcunque bonum, quoad hoc, ut consequatur vitam aeternam.*

¹³³ X. 5.7.8., *Haetici, receptatores et fautores eorum excommunicati sunt, et decedentes in hoc peccato, in coemeterio ecclesiae sepeliri non debent, nec pro eis orari.*

relapse into heresy should be handed over to the secular court even if they repent and return to the faith. However, they could participate in the sacraments of penance and the Eucharist.¹³⁴ The very severe punishment of heretics is clearly demonstrated in the case of the condemnation of 1210, which was shortly discussed in the first chapter. The result of the condemnation illustrated the new advancements by Pope Innocent III in the punishment of heretics and also the reforms by King Philip Augustus against the degraded clergy in 1205.

The decretal of Innocent III (1161-1216), *Vergentis in Senium* was issued in 1199 and partially repeated the decretal *Ad Abolendam* released by Lucius III (1097-1185) in 1184.¹³⁵ By this decretal being a heretic was regarded as the most serious crime:

For when, according to lawful sanctions, those guilty of high treason are punished by death, their property is confiscated, and only their children spared by mercy: how much more should those who stray in faith and offend the Lord, the Son of God, Jesus Christ, must be cut off by ecclesiastical punishment from our head, which is Christ, and be deprived of temporal goods, since it is not much more serious to harm eternal majesty than to harm temporal majesty?¹³⁶

The decree echoed the sanctions established by *Ad Abolendam* concerning degrading a cleric from an ecclesiastical jurisdiction, stripping of *privilegium fori* and *privilegium canonis*, and submitting him to a secular court for additional prosecution.

King Philip Augustus issued a document concerning the degraded clergy in which he stated: "The clerics should not return him after degradation to the court, but they should not free him nor place him in a location where he cannot be captured; rather, the justices may apprehend him outside the church or cemetery and administer justice, and they cannot be brought to trial

¹³⁴ VI. 5.2.4., "Those who relapse into heresy are to be handed over to the secular court, even if they repent and return to the faith; nevertheless, the sacraments of penance and the Eucharist are not denied to them," (*Relapsi in haeresim sunt tradendi curiae saeculari, licet poeniteat eos, et ad fidem redeant; non tamen denegantur eis sacramenta poenitentiae et eucharistiae.*)

¹³⁵ *Ad abolendam* will be discussed later in the chapter.

¹³⁶ X 5.7.10., *Quum enim secundum legitimas sanctiones, reis laesae maiestates punitis capite, bona confiscantur eorum, filiis suis vita solummodo ex misericordia conservata: quanto magis, qui aberrantes in fide Domini Dei filium Iesum Christum offendunt, a capite nostro, quod est Christus, ecclesiastica debeat districtione praecidi, et bonis temporalibus spoliari, quum longe sit gravius aeternam quam temporalem laedere maiestatem?*

for this."¹³⁷ As far as I understood and as John Baldwin also explained, the ecclesiastical court, after degrading a cleric, should neither hand him over to secular authorities nor degrade him in a church or cemetery where he cannot be apprehended later.¹³⁸ Instead, the cleric should be degraded into an external location where vigilantes can capture him without committing sacrilege.¹³⁹ This regulation was applied to the punished individuals in 1210. Ten out of fourteen heretics were burned at the stake in the field of Champeaux, outside the walls of Paris. After that, there was no such severe punishment repeated again in the thirteenth century as a result of the condemnations.

The thirteenth-century academic condemnations, particularly those issued in 1241-1244, 1270, and 1277, did not deal with heresy or heretics. They addressed and condemned erroneous ideas spread among university students and masters. In the case of 1241-1244, the rejected articles (*articuli reprobati*) are indicated in the short introduction, followed by a list of ten errors (*errores*).¹⁴⁰ Similarly, in the document of condemnation of 1270, thirteen "condemned errors" (*errores condemnati*) are stated,¹⁴¹ and in 1277, there are listed two hundred and nineteen "manifest and execrable errors, rather indeed false vanities and insanities" (*manifestos et execrabiles errores, immo potius vanitates et insanias falsas*).¹⁴² According to Jean Gerson (1363-1429) who was a theologian as well as a chancellor at the University of Paris, the censured academics were not considered heretics, because their errors were not a direct rejection of Christian doctrines, but rather simplicity or ignorance:

There are others who err concerning faith in those things which are not required to be explicitly believed at that time, and this happens in two ways. In one way,

¹³⁷ *Recueil des actes de Philippe-Auguste, roi de France I*, ed., M. H. Francois Delaborde (Paris, 1916), 487, no. 899, <https://gallica.bnf.fr/ark:/12148/bpt6k114540f/f2.item.r=adversus%20clerum> [...] *clerici non debent eum degradatum reddere curie, sed non debent illum liberare neque ponere in tali loco ubi capi non possit, sed iusticiarii possunt illum capere extra ecclesiam vel cimiterium et facere justiciam de eo, nec inde possunt trahi in causam.*

¹³⁸ Baldwin, "Le Contexte Politique," 22-23.

¹³⁹ Baldwin, "Le Contexte Politique," 22-23.

¹⁴⁰ CUP, 170, no. 128.

¹⁴¹ CUP, 486, no. 432.

¹⁴² CUP, 543, no. 473.

pertinaciously, because they are not prepared to be corrected; but due to their pride, they defend their error or others'. In another way, they are prepared to be corrected as soon as the truth is recognized; because they do not defend their error with obstinate animosity, but are in error solely due to simplicity or ignorance.¹⁴³

The academics who were anonymously included in the academic condemnations belonged to the second group. The most severe consequence of the academic condemnations was excommunication, as stated in the cases of 1241-1244, 1270, and 1277.¹⁴⁴ The primary intention of the academic condemnations was to correct ideas considered wrong and non-Christian, not to punish specific individuals.¹⁴⁵

2.3 The Faculty of Theology and the Cathedral Chapter

Since the main faculty involved in the academic condemnations was the faculty of Theology, it is important to discuss its structure and how it dealt with institutional and doctrinal issues. As is well-known, there were four faculties at the University of Paris: Liberal Arts, Theology, Canon Law, and Medicine. They had common rules and authority that they obeyed, but their structures developed independently from one another. They were separate corporations with their own internal structures. The faculty of Theology had a stronger connection with the church than the others. Although all students and teachers at the University of Paris enjoyed

¹⁴³ Jean Gerson, *Ouvres completes* VI, ed., Palémon Glorieux (Paris: Desclée & Cie, 1960), 163, https://archive.org/details/uvrescompltes0000gers_k0f5/mode/2up?q=errantes, *Sunt alii circa fidem errantes in his quae non tenentur pro tunc explicite credere; et hoc dupliciter. Uno modo pertinaciter, quia non parati sunt corrigi; sed propter superbiam suam aut alter proprium defendunt errorem. Altero modo dum parati sunt corrigi protinus agnita veritate; quia non pertinaci animositate defendunt errorem sed ex sola simplicitate vel ignorantia sunt in errore.*

¹⁴⁴ In 1241: "We reject this error and by the authority of Bishop Wilhelm, we excommunicate its supporters and defenders," (*Hunc errorem reprobamus et assertores et defensores auctoritate Wilhelmi episcopi excommunicamus*); In 1270: "These are the condemned errors, and those who have knowingly taught or asserted them are excommunicated by Lord Stephen, Bishop of Paris." (*Isti sunt errores condemnati et excommunicati cum omnibus, qui es docuerint scienter vel asseruerint, a domino Stephano, Parisiensi episcopo*); In 1277: "We excommunicate all those who have taught or asserted the said errors or any of them, or who have dared in any way to defend or uphold them, as well as their followers," (*Excommunicantes omnes illos, qui dictos errores vel aliquem ex illis dogmatizaverint, aut deffendere seu sustinere presumpserint quoquomodo, necnon et auditores*).

¹⁴⁵ Thijssen, "The Amalricians," 49.

clerical status, as I showed in the previous chapter, only students in the faculty of Theology maintained this status even after leaving the University. Granting clerical status to the students and masters - who tried to form a secular unity similar to the medieval corporations, such as guilds or municipalities of towns - as Gregory Moule describes, "made the scholars of Paris unique and something of an anomaly, having a foot each in both the secular and ecclesiastical worlds."¹⁴⁶

That the faculty of Theology was a separate entity is mentioned by several important scholars such as Rashdall, Gaines Post, Stephen Ferruolo, and Moule.¹⁴⁷ One can consider it as a distinct congregation, clearly influenced by the cathedral chapter. To discuss the structure of the faculty of Theology, Moule's book *Corporate Jurisdiction, Academic Heresy, and Fraternal Correction at the University of Paris, 1200-1400* is crucial.¹⁴⁸ Moule drew historical as well as structural parallels between the faculty of Theology and the Cathedral Chapter. The hierarchy in the faculty of Theology was divided as follows: chancellor, dean, and masters of theology, each having a parallel in the cathedral chapter – the bishop, dean, and cathedral canons. It is important to clarify how similar they were in terms of functional duties and what the relationship was between them, both within their hierarchies and between the faculty and the chapter themselves.

As Kenneth Pennington writes: "The bishop, his chapter, and the diocese were the basic building blocks of the Church and provided a model for the governance of the Church in the medieval period."¹⁴⁹ In the twelfth and thirteenth centuries, the bishopric developed into a

¹⁴⁶ Moule, *Corporate Jurisdiction*, 34.

¹⁴⁷ Hastings Rashdall, *The Universities of Europe in the Middle Ages I* (Oxford: Clarendon Press, 1895), 325; Post, "Parisian Masters," 421-445; Stephen C. Ferruolo, *The origins of the University: the schools of Paris and their critics, 1100-1215*, (Stanford: University Press, 1985), https://books.google.at/books?id=k8smIUHfIMEC&printsec=frontcover&source=gb_s_ge_summary_r&cad=0#v=onepage&q&f=false; Gregory Moule, *Corporate Jurisdiction*.

¹⁴⁸ Gregory Moule, *Corporate Jurisdiction*.

¹⁴⁹ Kenneth Pennington, "Representation in Medieval Canon Law," *The Jurist* 64 (2004), 364.

corporate unit governed by a cathedral chapter.¹⁵⁰ Bryan Tierney (1922-2019) emphasized that the chapter played a significant role in assisting a bishop in appointing benefices, granting privileges, managing church property, and judging cases.¹⁵¹ To uncover the similarity between the cathedral chapter and the faculty of Theology, it is important to delineate the relationship between the head (the bishop) and the members (the canons of the chapter), and then compare it to the relationship between the chancellor and the masters in the faculty of Theology.

The question is whether the chancellor had the same role in the faculty of Theology as the bishop did in the cathedral chapter. First, it is important to determine whether the chancellor exercised ordinary jurisdiction within the faculty. As described by Innocent IV (1195-1254) in his commentary on the decretal *Cum ab Ecclesiarum*: "We say that those prelates or rectors have ordinary jurisdiction, who are chosen as prelates by the whole aggregate and receive confirmation from a superior."¹⁵² So, the process of obtaining ordinary jurisdiction by the head of an ecclesiastical corporation was twofold: (1) election by the group of subjects and (2) confirmation by a superior.

Unfortunately, no sources have survived regarding the elections of the chancellor.¹⁵³ Astrik Gabriel states that a chancellor was appointed by a bishop, but he does not provide any primary source for this claim.¹⁵⁴ According to Moule, both papal and royal authorities were involved in choosing candidates for the position of chancellorship, but he only cites sources from the end of the fourteenth century.¹⁵⁵ Therefore, one cannot claim how a chancellor was

¹⁵⁰ Pennington, "Representation in Medieval Canon Law," 365.

¹⁵¹ Brian Tierney, *Foundations of the Conciliar Theory; The Contribution of the Medieval Canonists from Gratian to the Great Schism*, vol. 81 of *Studies in the History of Christian Thought*, ed. Heiko A. Oberman (Leiden: Brill, 1998), 100.

¹⁵² X 1.31.3. *...illos autem praelatos vel rectores dicimus ordinariam iurisdictionem habere, qui eliguntur in praelatos ab universitate et confirmationem recipiunt superioris.*

¹⁵³ Moule, *Corporate Jurisdiction*, 44.

¹⁵⁴ Gabriel, *Garlandia: Studies in the History of the Medieval University* (Notre Dame: The University of Notre Dame, 1969), 51. He depends his opinion on B. Guerard, ed., *Cartulaire de l'Eglise Notre-Dame de Paris I*, civ-cv and Ch. Samaran, "Les archives et la bibliotheque du chapitre de Notre-Dame," *Huitieme centenaire de Notre-Dame de Paris* (Bibliotheque de la Societe d'histoire ecclesiastique de la France) (Paris 1967), 167-178.

¹⁵⁵ Moule, *Corporate Jurisdiction*, 44.

elected in the thirteenth century, but it is still possible to determine whether he exercised ordinary jurisdiction or not. There is an important decretal *Cum ab Ecclesiarum* which permits ordinaries, subjects of the bishop, to issue ecclesiastical censure against the clerics or lay parishioners when it is necessary and the bishop must uphold it, he should not refuse it without conscience of the one issuing it.¹⁵⁶ In the gloss of this decretal Bernard of Parma (...-1266) states:

Any prelate of a collegiate church, although subject to a bishop, is nonetheless an ordinary judge in his parish, and has the jurisdiction to adjudicate and excommunicate [...] and I say that such a prelate can do this and has such jurisdiction, who is elected by the college or corporate body [...] and I understand the same if he is appointed to the college or corporate body by someone who has authority with jurisdiction, such as a bishop.¹⁵⁷

Based on the decretal, one can argue that a chancellor had the right to exercise ordinary jurisdiction since, at that time, the university as well as the faculty of Theology were considered collegial bodies.¹⁵⁸ Moreover, while claiming that the chancellor indeed had ordinary jurisdiction, Moule cited the commentary of Baldus de Ubaldis (1327-1400) on the same decretal: "many have ordinary jurisdiction without election, such as a lord over a vassal [...]. Innocent says that inferior prelates to the bishop are considered general and perpetual vicars in their office and have ordinary jurisdiction."¹⁵⁹ According to this document, the chancellor was considered a vicar of the bishop and thus had the right to exercise ordinary jurisdiction. There is another document in the CUP issued in 1219 that once again proves the same point: "However, the vicars or representatives of our venerable brother [...] the Bishop of Paris, and

¹⁵⁶ X. 1.31.3.

¹⁵⁷ *Corpus iuris canonici* II, ed., Gregory XII (Rome: 1582), 398, X 1.31.3, s.v. *Ecclesiastica sententia. [Q]uilibet prelati collegiatae ecclesie, licet subsit episcopo, est tamen iudex ordinarius in plebe sua, et habet iurisdictionem cognoscendi et excommunicandi [...] et illum dico prelatum hoc facere posse et talem iurisdictionem habere, que est electus a collegio sive universitate [...] et idem intelligo si praeficiatur collegio vel universitati ab eo qui habet administrationem cum iurisdictione, puta episcopo.*, quoted in Moule *Corporate Jurisdiction*, 45.

¹⁵⁸ Moule, *Corporate Jurisdiction*, 45.

¹⁵⁹ Baldi Ubaldi Perusini . . . in *Decretalium Volumen Commentaria*, (Venice, 1595; rpt. Torino, 1971), f. 114r. X 1.31.3, no. 15. *...multi sine electione habeant iurisdictionem ordinariam ut dominus in vassallos... Dicit Inno. quod prelati inferiores episcopis censentur vicarii tamen quia generals in suo officio et perpetui habent iurisdictionem ordinariam.*, quoted in Moule *Corporate Jurisdiction*, 45. Text is translated by Moule.

especially [...] the Chancellor of Paris, who is one of them [...]." ¹⁶⁰ Here, the chancellor is explicitly mentioned as one of the vicars of a bishop. Therefore, one can safely state that the chancellor could exercise ordinary jurisdiction.

Moreover, it is known that the chancellor was obligated by the bishop to take an oath, pledging to stay in Paris during his chancellorship: "we have decreed in the chapter of Paris that whoever henceforth shall be Chancellor of Paris [...] shall be required to take an oath in the chapter, pledging to faithfully reside in the church of Paris as long as he holds the chancellorship." ¹⁶¹ One can even consider that a chancellor was the representative and deputy of a bishop at the University.

Another important aspect in comparing the functional similarities between a bishop and a chancellor is highlighted in the decretal *Postulastis*, issued by Innocent III in 1212. ¹⁶² The decretal stated that the bishop was able to sit in the chapter in two positions, 1) As the presbyter and head of the chapter (*ut praelatus*), and 2) as one of the canons (*ut canonicus*). ¹⁶³ Several years later, Innocent IV commented on the decretal confirming that the bishop could have two personalities: "If the bishop is present in the chapter not as a bishop but with a certain separate right as a canon [...] he is considered to assume two roles." ¹⁶⁴ So, during councils and when

¹⁶⁰ CUP, 88-90, no. 31

¹⁶¹ CUP, 65-66, no. 6, [...] *statuimus in capitulo Parisiensi ut quicumque de cetero cancellarius Parisiensis fuerit [...], et post institutionem suam teneatur juramentum in capitulo exhibere, se facturum residentiam bona fide in ecclesia Parisiensi, quamdiu cancellariam tenuerit [...]*.

¹⁶² X. 3. 8. 15.

¹⁶³ Tierney, *The Conciliar Theory*, 104-105. Gregory Moule, *Corporate Jurisdiction*, 53; X 3.8.15. "... according to the statutes of the Lateran Council the grant thereof passes to the superior, unless perhaps the archbishop, not as a prelate but as a canon, has the right to confer with you." ([...] *secundum statuta Lateranensis concilii ad superiorem transit donatio earundem, nisi forte archiepiscopus, non ut praelatus, sed ut canonicus, vobiscum ius habeat conferendi*).

¹⁶⁴ Innocent IV, *Commentaria super libros quinque Decretalium* (Frankfurt, 1570), f. 152. X 1.31.13, no. 2, https://books.google.at/books?id=BNb4TSOL7yQC&printsec=frontcover&redir_esc=y#v=onepage&q&f=false *Nos dicimus quod si episcopus interest capitulo non tanquam episcopus sed quodam iure segregato tanquam canonicus [...] ita fingitur gerere duas personas*, Hereafter, references to this work will be, Innocent IV, *Commentaria*,

judging certain cases with canons, depending on the context and issues being discussed, the bishop could assume one role or another.

Interestingly, the chancellor had a similar possibility of being in two positions at the university, as the head and as one of the participants in the faculty. The chancellorship of Etienne Tempier is a perfect example illustrating this. In 1264, when Tempier became the chancellor, he did not relinquish his position as a master in the faculty of Theology. His dual role caused confusion in the faculty. According to *Parens Scientiarum*, a chancellor should swear an oath that he will decide faithfully concerning granting licenses to bachelors and a master should give a true testimony about the process.¹⁶⁵ Tempier believed that as the chancellor, he was exempt from giving a testimony since he was the one who had the right to grant the teaching licenses. The masters exempted him from giving testimony but still required him to take the oath, which Tempier refused. After that, the masters decided to appeal to Pope Urban IV (1195-1264). They declared that they would not accept Tempier as a member if he did not take the oath. Urban resolved the issue with the same decision the masters had reached before the appeal. He responded that as chancellor, Tempier was exempted from giving testimony but was obligated to swear an oath to the faculty at the beginning of his tenure. It is important to underline that the disagreement arose not because Tempier held both positions, a chancellor and a master simultaneously, but because of the requirements associated with these

¹⁶⁵ CUP, 136-139, no. 79. ". . . each future Chancellor of Paris, before being appointed, shall swear... that in governing theology and canon law, he will grant licenses only to those worthy in good faith according to his conscience, in place and time according to the condition of the city, and the honor and integrity of the faculties themselves, and he will not admit the unworthy, setting aside considerations of persons and nations. . . . Masters of theology and canon law, when they begin to lecture, shall publicly take an oath that they will provide faithful testimony regarding the aforementioned matters." (*[...] quod quilibet cancellarius Parisiensis deinceps creandus [...] jurabit, quod ad regimen theologie ac decretorum bona fide secundum conscientiam suam loco et tempore secundum statum civitatis et honorem ac honestatem facultatum ipsarum non nisi dignis licentiam largietur, nec admittet indignos, personarum et nationum acceptione sumpta [...]. Magistri vero theologie ac decretorum, quando incipient legere, prestabunt publice juramentum, quod super premissis fidele testimonium perhibebunt*).

roles. Urban's response once again verifies that the chancellor could have a dual role, similar to that of a bishop, as confirmed by Innocent III and then Innocent IV.¹⁶⁶

As Kenneth Pennington points out, based on Brian Tierney's work, the relationship between the bishop and the cathedral chapter can be divided into three divisions: the actions the bishop can undertake on behalf of the Church, the actions the chapter is authorized to perform without the bishop's consent, and the actions that both the bishop and chapter should undertake together.¹⁶⁷ They usually functioned as a cohesive body, as the decretal *Episcopus Nullius* states: "The bishop shall not hear a case without the presence of his clerics; otherwise, the bishop's judgment will be invalid unless they are present."¹⁶⁸ However, another important decretal, *Irrefragabilis*, issued during the Fourth Lateran Council by Pope Innocent III in 1215, allowed the canons to act independently of the bishop in cases involving the correction of clerics themselves: "The offenses of the canons of a cathedral church, however, which have customarily been corrected by the chapter, are to be corrected by the chapter in those churches which until now have had this custom, at the instance and on the orders of the bishop and within a suitable time-limit which the bishop will decide."¹⁶⁹

Irrefragabilis granted the canons the right to correct their own members but not completely independently from the bishop. He was still included in the process to command the canons and set the time limit. The document is significant as it legally acknowledges the canons' right to exercise their authority independently. However, it is not precise about the cases and circumstances under which they were permitted to exercise this authority. To clarify these issues, Gregory Moule discussed the commentaries of Johannes Teutonicus (1180-1252),

¹⁶⁶ Moule, *Corporate Jurisdiction*, 56.

¹⁶⁷ Pennington, "Medieval Canon Law," 365; Tierney, *The Conciliar Theory*, 113-114.

¹⁶⁸ Friedberg, ed., *Decretum Magistri Gratiani*, C. 15, q. 7, c. 6., *Absque clericorum presentia episcopus nullius causam audiat. Episcopus nullius causam audiat absque presentia suorum clericorum; alioquin irrita erit sententia episcopi, nisi presentia.*

¹⁶⁹ X 1.31.13., *Excessus tamen canonicorum cathedralis ecclesiae, qui consueverunt corrigi per capitulum, per ipsum in illis ecclesiis, qui talem hactenus consuetudinem habuerunt, ad commonitionem vel iussionem episcopi corrigantur infra terminum competentem ab eo praefigendum...*

Vincentius of Spain, Hostiensis (1200-1271), and others.¹⁷⁰ I will try to discuss some of them to show in which cases could the canons judge the cases independently.

The important question discussed by the abovementioned commentators is whether canons, as individuals, could act as judges of the accused members of the chapter. Johannes responded negatively to this question. He claimed that they could not judge an accused individual who held an equal or even higher status than them. Johannes stated that the canons in such cases were co-judges and recognized their role only in an advisory or consultative capacity to the bishop. Another important and interesting opinion was expressed by Goffredus de Trano (?-1245). If Teutonicus used the concept of "co-judge" to reject the canons' role as judges, Goffredus used this term to emphasize that canons did not exercise jurisdiction individually, but collectively as a group. They were all co-judges, thus, they could judge collectively as a group, but not individually.

Innocent IV expressed the same idea: "And so, the chapter is judge, and jurisdiction is within it and not within the individual canons, for of no one can it be said, here is the judge or co-judge."¹⁷¹ Since Innocent IV stated this in his commentary on the decretal *Irrefragabilis*, one can assume that while referring to "the chapter" he meant the canons independently of the bishop, or with him present *ut canonicus*.

Henry of Segusio, an Italian canonist of the thirteenth century, usually called Hostiensis, shares the idea of Innocent IV and states: "It is obvious that, when jurisdiction belongs to the chapter, it is fitting that the corporation exercises jurisdiction and not the individuals."¹⁷²

¹⁷⁰ Moule, "Jurisdiction of the Cathedral Chapter: *Episcopus Nullius* and *Irrefragabili*," in *Corporate Jurisdiction*, 129-164.

¹⁷¹ Innocent IV, *Commentaria*, X 1.31.13, f. 152, no. 1, "et sic capitulum est iudex et penes ipsum est iurisdictio et non penes singulos canonicos, nam de nullo potest dici, hic est iudex, vel coniudex."

¹⁷² *Henrici de Segusio Cardinalis Hostiensis . . . in Primam [-Quintam] Decretalium librum [sic] Commentaria* (Venice, 1581; rpt. Torino, 1965), X 1.31.13, no. 5, f. 164v, s.v. *Per capitulum: Et sic patet, quod quando iurisdictio ad capitulum pertinet, oportet quod ipsum collegium iurisdictionem exerceat, et non singuli*. Quoted in Moule, *Corporate Jurisdiction*, 145.

Additionally, Hostiensis made a statement concerning the nature of the chapter's authority and the kinds of cases that the canons could adjudicate. He established boundaries of their jurisdiction by claiming that the cases they could hear were not serious in nature. If the crime required that a canon should have been degraded, customary law could not grant the chapter authority over this kind of case. In criminal matters, for example, Johannes Teutonicus, Bernard of Parma (?-1266), and Vincentius Hispanus believed that only the bishop was the judge.¹⁷³ Moule claims that Vincentius "left the impression that, in rare circumstances, long-standing custom might bestow this authority on the chapter apart from the normal course of events."¹⁷⁴ As far as I am concerned, Vincentius did not explicitly state that, but his dubious comment allows one to interpret it as Moule did. However, this discussion goes beyond the limits of my research interest.

Based on the decretals *Episcopus Nullius* and *Irrefragabilis*, along with some commentaries on these texts, Moule revealed that there were two modes of action: (1) the bishop and chapter acting together, with the bishop functioning *ut praelatus*, and (2) the chapter acting independently or involving the bishop *ut canonicus*. These two decretals raised many questions concerning the body of canons: whether they could be considered judges or assessors, what their jurisdiction was, and in what cases they could act independently. Innocent IV clarified that canons, collectively as a whole chapter and not individually, had the right to judge cases. The

¹⁷³ Johannes Teutonicus, "Apparatus ad Lateranum IV," in *Constitutiones Concilii Quarti Lateranensis una cum commentariis glossatorum*, ed. Antonio Garcia y Garcia, *Monumenta iuris canonici*, Series A: Corpus Glossatorum v. 2. (Vatican City, 1981), 4Lat., no. 7, 196, s.v. *per ipsum . . . corriganur*: "However, if it were a direct criminal case, then only the bishop would have jurisdiction." (*Tamen, si directe ageretur de causa criminali, tunc solus episcopus haberet iurisdictionem ut* xi, q.1, De persona [C.11, q.1, c.38]), quoted in Moule, *Corporate Jurisdiction*, 133; Bernard of Parma, *Glossa Ordinaria ad Decretales Gregorii IX*, in *Corpus iuris canonici* I, 411, "According to common law, the bishop who is the sole ordinary must adjudicate in criminal cases." (*[D]e iure communi de causa criminali cognoscere debet episcopus qui solus ordinarius est* 11, q.1. de persona [C.11, q.1, c.38]), quoted in Moule, *Corporate Jurisdiction*, 141; Vincentius Hispanus, "Apparatus ad Lateranum IV," in *Constitutiones Concilii Quarti Lateranensis una cum commentariis glossatorum*, ed. Antonio Garcia y Garcia, *Monumenta iuris canonici*, Series A: Corpus Glossatorum v. 2 (Vatican City, 1981), 294. 4Lat., no. 7, [= X 1.31.13], s.v. *valeat impedire*: "Or you may refer this to the case in a criminal matter, over which the bishop alone judges." (*Vel hoc referas ad causam in causa criminali, de qua solus episcopus iudicat*, xi. q.1. [c.38] *De Persona*), quoted in Moule, *Corporate Jurisdiction*, 135.

¹⁷⁴ Moule, *Corporate Jurisdiction*, 136.

same opinion was later expressed by Hostiensis, John Andreae (1270-1348), and Baldus de Ubaldis. Hostiensis also added that the chapter operated on less serious cases, but he did not specify what those cases were. He only clarified one aspect: when it came to the degradation of one of the canons, the chapter could not exercise the right conferred by custom. According to the decretal *Pervenit* issued by Alexander III (1159–1181), the bishop must hear the judgment of the chapter before suspending priests or interdicting their churches: "Nor henceforth shall you unreasonably burden or treat them dishonorably, or attempt to suspend them without the judgment of their chapter, or subject their churches to interdict."¹⁷⁵ So, unlike less serious offenses, the cases, when the punishment was suspension or excommunication, had to be discussed by both prelate and chapter.

As indicated earlier in the chapter, heresy was a quite serious crime during the High Middle Ages, so it is hard to imagine that such cases could be entrusted solely to the chapter. The important decretals concerning this issue—*Perniciosam*, *Ad Abolendam*, and *Excommunicamus*—also support and strengthen this opinion. *Perniciosam* is one of the oldest canons of the Church, dating from the ninth century.¹⁷⁶ It granted bishops the authority to investigate and punish crimes in their dioceses and, when necessary, even invoke secular authority.¹⁷⁷ It states as follows: "Let the bishops of each city in their dioceses have the unimpeded power to investigate, punish, and judge adulteries and crimes, according to what the canons consent, without hindrance from anyone."¹⁷⁸ Therefore, the bishop should act with the consent of the canons, not unilaterally. *Excommunicamus*, similar to *Ad Abolendam*, required the bishop to visit the provinces and dioceses every year to check for suspected heresies and

¹⁷⁵ X 5.31.1., ...*nec de cetero irrationabiliter gravetis vel inhoneste tractetis eosdem, aut sine iudicio capituli sui suspendere, vel eorum ecclesias interdicto subiicere attentetis...*

¹⁷⁶ X 1.31.1.

¹⁷⁷ X 1.31.1., "Bishops in their dioceses can investigate and punish crimes, and, when necessary, invoke secular authority," (*Episcopi in suis dioecesibus possunt crimina inquirere et punire, et, quum opus fuerit, invocare brachium saeculare*).

¹⁷⁸ X 1.31.1., *Habeant igitur episcopi singularum urbium in suis dioecesibus, liberam potestatem adulteria et scelera inquirere, ulcisci et iudicare, secundum quod canones censeant, absque impedimento alicuius.*

condemn heretics if revealed.¹⁷⁹ The decretal did not state anything about cathedral canons, nor did *Perniciosam* articulate their role in the process of discussing cases.

In that case, the decretal *Ad Abolendam* played an important role. It was issued by Pope Lucius III in 1184 and is included in the *Liber extra*.¹⁸⁰ The document mandated bishops and archbishops to condemn and excommunicate heretics and advised that every archbishop or bishop should visit the parish where it is rumored that heretics reside, either personally, through his archdeacon, or by other honest and suitable individuals, once or twice a year.¹⁸¹ Additionally, it stated that bishops should judge heretics with the counsel of clerics (*cum consilio clericorum*). If the episcopal seat was vacant, his jurisdiction was transferred to the chapter and the canons should have sought the counsel of other bishops when necessary.¹⁸²

Neither *Perniciosam*, *Ad Abolendam*, nor *Excommunicamus* granted the chapter any jurisdiction or rights to act independently in cases involving the investigation and condemnation of heresy. The decretals showed that only the bishop or those appointed by him had the right to act in such cases. Regarding *cum consilio clericorum*, it is unclear whether it meant mere consultation or the consent of the canons. As far as I understand *Perniciosam* when stating, *secundum quod canones censerint* meant the consent of the canons. However, as Moule states,

¹⁷⁹ X 5.7.13., "Archbishops and bishops, having suspicions of heresy in the provinces and dioceses under their jurisdiction, should visit them at least once a year either personally or through suitable individuals. They should also, if deemed expedient, require an oath from those in the vicinity to reveal heretics and secret gatherings, and those revealed as relapsed, they shall canonically punish. Those resisting to swear in order to condemn the heretics shall also be condemned." (*Archiepiscopi et episcopi, inferiorum suorum provincias et dioeceses suspectas habentes de haeresi, saltem semel in anno per se vel per alios idoneos visitent; qui etiam debent, si hoc expedire videbitur, exigere iuramentum ab illis de vicinia ad revelandos haereticos et occulta conventicula celebrantes, quos revelatos relapsos canonice punient, et renitentes iurare, ut haeretici condemnentur*).

¹⁸⁰ X 5.7.9.

¹⁸¹ X 5.7.9 "...each archbishop or bishop himself, or through his archdeacon, or through his own or other suitable and honest persons, twice or once a year, should visit his own parish, where there is a rumor of heretics residing." (...*quilibet archiepiscopus vel episcopus per se, vel archidiaconum, suum, aut per alias honestas idoneasque personas, bis vel semel in anno propriam parochiam, in qua fama fuerit haereticos habitare*.)

¹⁸² X 5.7.9 "...and generally, whoever the same Roman Church or individual bishops, through their dioceses with the counsel of their clergy, or the clergy of neighboring bishops, shall have judged as heretics, we bind them with the same bond of perpetual anathema." ...*et generaliter, quoscunque eadem Romana ecclesia vel singuli episcopi per dioeceses suas cum consilio clericorum, vel clerici vicinorum episcoporum haereticos iudicaverint, pari vinculo perpetui anathematis innodamus*.

the commentaries on *Ad Abolendam* and *Excommunicamus* demonstrated that in cases of heresy, the jurisdiction was only with the bishop.¹⁸³ For instance, Hostiensis as well as Johannes Andreae, in his commentary on *Excommunicamus*, stated that cathedral canons were not authorized to consent in cases of heresy; rather, only the bishop, with the advice of his clerics, could pronounce judgment in such cases.¹⁸⁴

As indicated earlier, there was a significant difference between academic heresy and heresy defended pertinaciously. Dealing with erroneous ideas in the academic environment was a less serious issue than dealing with obstinate heretics by ecclesiastical authorities. Does this mean that members of the faculty of theology themselves could handle condemning erroneous teachings and ideas without the involvement of a bishop and a chancellor, or with them sitting as one of the masters? For example, Pierre D'Ailly (1350 – 1420) claimed that it pertained to the doctors of the faculty of theology to make doctrinal determinations concerning matters of faith.¹⁸⁵ He concluded this based on the fourteenth-century condemnations but also referred to the case of 1277, indicating that a commission of sixteen theology masters assisted the Bishop in compiling the list of propositions. I will try to answer the question of how much the faculty of theology could act independently in the third chapter after analyzing each thirteenth-century academic condemnation.

Another thing that the faculty of theology and the cathedral chapter had in common was the position of the dean. Since the role of Dean was not mentioned in any of the thirteenth-century academic condemnations I will try to shortly convey what was his duty and his importance at the University of Paris. The first document that mentions the position of Dean at

¹⁸³ Moule, *Corporate Jurisdiction*, 159.

¹⁸⁴ Moule, *Corporate Jurisdiction*, 160.

¹⁸⁵ Pierre D'ailly, *Tractatus ex Parte Universitatis Studii Parisiensis pro Causa Fidei, contra quemdam Fratrem Johannem de Montesono Ordinis Prael.*, In Carolus du Plessis d'Argentré ed., *Collectio Judiciorum de Novis Erroribus I, Errores Johannis Wicklife* (Brussels: Culture and Civilisation, 1963), 72., "The third conclusion is that it pertains to theological doctors to make doctrinal and scholastic determinations concerning matters that are of faith, doctrinally defining them." (*Tertia Conclusio est, quod ad Doctores Theologos pertinet determinatione doctrinali et scholastica circa ea quae sunt fidei, doctrinaliter definire*).

the University of Paris is the letter of Urban IV to the Dean of the Church of Abbatisvilla in 1264. According to this letter the chancellor and the master of the faculty of theology Stephen Tempier exceeded the "ancient and approved custom" (*antiqua et approbata consuetudo*) that the most senior master of the faculty should have been chosen as the dean and he himself held the position. In addition to the fact that this document once again shows the arbitrary decision of Tempier, it confirms that the dean of the faculty of Theology was elected by the same principles as it was in the cathedral chapter. The eldest master held the position of the dean.¹⁸⁶ The dean of the cathedral chapter and the dean of the faculty had similar duties. In both places, his role was to convoke the group of canons or masters to discuss important matters and he was the one who could correct the erring members. Finally, the dean of faculty and chapter each issued corrections to erring members.¹⁸⁷ However, these functions of the dean are much more visible in the fourteenth-century cases that are discussed by Moule. Dean is not explicitly mentioned in any academic condemnation of the thirteenth century.¹⁸⁸

2.4 Conclusion

Clarifying the similarities between the cathedral chapter and the faculty of theology, as between the functional duties of their officials is very important to elucidate the structure of the corporation of the faculty of theology as well as the role and involvement of the chancellor and masters in the issues of heretical teachings and condemnations. This discussion helps me to answer important questions: How did canon law regulate the involvement of ecclesiastical authorities at the University regarding the condemnation of heresy, and what authority did university members, such as the chancellor, dean, or the body of scholars, possess in declaring

¹⁸⁶ Moule, *Corporate Jurisdiction*, 61.

¹⁸⁷ Moule, *Corporate Jurisdiction*, 61.

¹⁸⁸ Moule, *Corporate Jurisdiction*, 56.

something heretical or someone a heretic? Canon law does not explicitly deal with the issues concerning the faculty of theology or the University of Paris, so, noticing the similarities between the structures of the cathedral chapter and the faculty of Theology is crucial since it elucidates what rights the masters had and in what manner they coped with erroneous ideas.

Chapter 3 – The Thirteenth-Century Academic Condemnations

In this chapter, I will discuss the thirteenth-century academic condemnations, specifically the cases of 1241-1244, 1270, and 1277. I will provide an overview of the events that led to these condemnations, identify the individuals involved in each case, and attempt to explain why and how ecclesiastical and academic authorities participated in these events. Uncovering these details will reveal what role the academic condemnations played at the University of Paris, how they shaped the function of the faculty of theology, and how the faculty of theology tried to control the faculty of Arts and monopolize the institution.

3.1 The Condemnation of 1241-1244

Unlike the condemnations of 1270 and 1277 issued by the Bishop of Paris, Etienne Tempier, there have not been so many scholars working on the case of 1241-1244. The only extensive work that investigates the condemnations of 1241-1244 in detail is *Church, Society, and University: The Paris Condemnation of 1241* by Deborah Grice.¹⁸⁹ This work mainly focuses on the events before 1241 and compares them with previous cases such as 1210, 1215, and 1225, scrutinizes their philosophical and contextual background, and deals with institutional issues. In this thesis, I perceive the cases of 1241-1244 as the starting points of academic condemnations in the thirteenth century and will try to clarify the ambiguity of their double imposition and the process of publishing the condemnations. As I mentioned in the first chapter when discussing academic condemnations, I refer to cases that are not directed against specific individuals but against erroneous ideas that arise within the academic environment and

¹⁸⁹ Grice, *Church, Society and University*.

thus have a normative character. Such condemnations made the faculty of theology dominate the university and limit the influence of the faculty of Arts as will be shown in this chapter.

As I have already mentioned, these condemnations have not received much attention from scholars. For example, François-Xavier Putallaz does not mention the condemnations of 1241-1244 at all when listing the prohibitions that occurred at the University of Paris in the thirteenth and the fourteenth centuries.¹⁹⁰ Thijssen also does not discuss these cases. When mentioning academic condemnations at the University of Paris, he only includes the cases of 1270 and 1277.¹⁹¹ The reason is that he did not consider the condemnations of 1241-1244 anonymous, and thus, did not incorporate them into the list of academic ones. He mentions the condemnation as "The Case of Stephen Venizy,"¹⁹² since in CUP it is written that errors are against "certain scripts (of Brother Stephen)" (*quibusdam scriptis (frat. Stephani)*).¹⁹³ In fact, only two manuscripts name specific individuals: "Errors of Pagus" is mentioned in one,¹⁹⁴ and "which Brother Stephen dogmatized" in another.¹⁹⁵ In the case of 1277 too, only two manuscripts bear the names of the holders of the erroneous ideas.¹⁹⁶ However, it does not allow one to assert that the condemnation of 1277 was not anonymous. The same can be said about the case of 1241-1244.

The condemnation of 1241-1244 is very important in the university context for several reasons. First, it occurred when the university was still in the process of forming institutionally. Secondly, it represents the first instance when the faculty of theology was involved in issuing

¹⁹⁰ François-Xavier Putallaz "Censorship," in Robert Pasnau ed., *The Cambridge History of Medieval Philosophy I* (Cambridge: Cambridge University Press, 2010), 99-113.

¹⁹¹ Thijssen, *Censure and Heresy*, 40-56.

¹⁹² Thijssen, *Censure and Heresy*, 73.

¹⁹³ CUP, 170, no. 128

¹⁹⁴ Vat. lat. 692, quoted in Victorin Doucet O. F. M., "La date des condamnations," in *Mélanges Auguste Pelzer* (Louvain: University of Louvain, 1947), 193, *errores Pagi*.

¹⁹⁵ Paris Nat. lat. 16360, quoted in Doucet, "La Date des Condamnations," in *Mélanges Auguste Pelzer*, 186, [...] *quod dogmatizavit frater Stephanus*.

¹⁹⁶ The manuscript Paris, BN lat. 4391, fol. 68, in which the syllabus of 219 errors are presented under the rubric *Contra Segerum et Boetium hereticos*; The manuscript Paris BN, lat. 16533 fol. 60, which mentions *Principalis assertor istorum articulorum fuit quidam clericus boetius appellatus*, quoted in Thijssen, *Censure and Heresy*, 139.

the condemnation. Thirdly, as I have already mentioned, this case is the first example of academic condemnations at the University of Paris for two main reasons: 1. it is not aimed at a specific person (excluding the two manuscripts that specify individuals, as I will show below in this chapter), and 2. it takes place within the university environment.

The condemnation of 1241 allowed for an increased role for the Theology faculty and its assumed responsibility for ongoing theological and philosophical debates in the faculty of Arts. As Grice puts it, these condemnations can be seen as the initial example of the faculty of Theology controlling the deliberations of the faculty of Arts.¹⁹⁷ Moreover, she writes: "It demonstrates a new, more ambitious attitude among Paris theology masters, working collectively and eager to assert their own authority to serve the church, yet also masters of their own affairs."¹⁹⁸

Regarding the involvement of the masters of the faculty of Theology, it should be noted that, as Thijssen and Jürgen Miethke convey, they also participated in the condemnation process in 1210.¹⁹⁹ However, this was a completely different case; they had specific targets, and the condemnation did not take place within the university environment but rather was an inquisitorial procedure against pertinacious heretics.²⁰⁰ The fact that the masters were involved in this process demonstrates their authority to judge doctrinal matters, participate in ecclesiastical discussions, and their a significant reputation in the judgment of heresy. Moreover, this involvement would have given them the ambition to control doctrinal issues within the university, initiate condemnations, and assist ecclesiastical authorities in correcting erroneous ideas circulating within the university.

¹⁹⁷ Grice, *Church, Society and University*, 3.

¹⁹⁸ Grice, *Church, Society and University*, 6.

¹⁹⁹ Thijssen, "The Amalricians," 56-57. Jürgen Miethke, "Papst, Ortsbischof und Universität in den Pariser Theologenprozessen des 13. Jahrhunderts," in Albert Zimmermann ed., *Die Auseinandersetzungen an der Pariser Universität im XIII. Jahrhundert* (Berlin, 1976), 54-55. I discussed the condemnation of 1210 in first as well as in the second chapter.

²⁰⁰ Thijssen, "The Amalricians," 56-57.

Regarding the condemnation of 1241, William Courtenay cited twenty three different manuscripts containing the list of the ten articles.²⁰¹ Some of these manuscripts are dated 1244, but they are not mentioned in the CUP. The CUP presents only one version of the document, which states that in 1241, the Bishop of Paris, William of Auvergne, and Chancellor Odo of Châteauroux, with the counsel of masters of the faculty of Theology, condemned ten propositions that were against theological truth.²⁰²

The majority of modern scholars accept that the condemnation occurred twice, in 1241 and 1244.²⁰³ As Grice explains, paleographic errors in these manuscripts must be excluded, as it is impossible to confuse the thirteenth of January (*in octava epiphanie*) with the fifth of January (*nonis ianuarii*) as written in the manuscripts. Besides the manuscript tradition, there is evidence that makes the dual condemnation more certain and convincing.²⁰⁴

In the CUP, there is a short document from 1243 of the Dominican General Chapter in Paris, which refers to the condemnation of 1241: "Decree of the General Chapter of the Dominican Order celebrated in Paris under Master John the Teutonic, concerning the errors condemned in Paris in the year 1241, The errors condemned by the Parisian masters, all the brothers are urged to remove them from their quartos."²⁰⁵ Thus, it supports the occurrence of

²⁰¹ Paris, Bibl. Nat., lat. 16360, f. 3r. The full list of known manuscripts is: Assisi 428, f. Ir; Auxerre 243 (206), f. 78r; Erfurt, CA Q. 151, f. 3r; Escorial T.I. 15; Leipzig, Univ. 416, F. 163v; Munich, Clm 3798; Naples, VII. C. 12; Oxford, Merton 267, f. 115v; Oxford, New College 109; Paris, Arsenal 532, f. 219r; Paris, B.N. lat. 15661, f. 99rb; Paris, B.N. lat. 15702, f. 186; Paris, B.N. lat. 15820, f. 193ra; Paris, B.N. lat. 16360, f. 3r; Paris, B.N. lat. 16533, f. 54r; Rouen 587 (A. 263), f. 305r/306v; Turin, Univ. E.V. 25, f. 218v; Valence, Capit.; Vat. Borgh 296; Vat. Borgh 361, f. 219v; Vat. lat. 692, f. 179v; Vat. lat. 4847, f. 66v; Vat. lat. 9821, f. 128, quoted in Courtenay, "Dominicans and Suspect Opinion," 186-195.

²⁰² CUP, 170, no. 128. "Ten errors against theological truth found in certain writings (of Brother Stephen) and condemned at Paris by William, Bishop of Paris, and Odo, Chancellor, with the counsel of all the masters of the faculty of theology," (*Decem errores contra theologiam veritatem reperti in quibusdam scriptis (frat. Stephani) et proscripti Parisiis a Guillelmo Parisiensi episcopo et Odone cancellario de consilio omnium magistrorum theologicæ facultatis*).

²⁰³ Grice, *Church, Society and University*; Doucet, "La date des condamnations," 183-193; Courtenay, "Dominicans and Suspect Opinion," 186-195.

²⁰⁴ Grice, *Church, Society and University*, 20-21; Doucet, "La date des condamnations," 188.

²⁰⁵ CUP, 173, no. 130, (*Statutum Capituli generalis Ord. Praed. Parisiis sub mag. Johanne Teutonico celebrati de erroribus Parisiis anno 1241 condemnatis. Errores condemnatos per magistros Parisienses fratres omnes abradant de quaternis*).

the condemnation in 1241. In support of the condemnation in 1244, there is a reference by Matthew Paris indicating that it happened after the festival of St. Michael (September 29) in 1243.²⁰⁶

Moreover, Palémon Glorieux discusses the case of a student of the faculty of theology, Raoul of Colebruge.²⁰⁷ The two manuscripts consisting of his notes can tell something about the condemnations.²⁰⁸ The manuscripts are actually anonymous, but Palémon calls him Raoul, which is the name of another master in the faculty of theology, but the author does not insist that he was the real owner of the manuscripts. It is known that in 1244, Jean Pagus, who is mentioned as the target in one of the manuscripts, gave lectures at the University of Paris. Raoul attended lectures of Pagus. From his notes, it is clear that he followed Pagus's lectures throughout the first and part of the second book of the Sentences. The commentary abruptly stops somewhere in the second book. As Glorieux points out, this interruption is intriguing and may be connected to the condemnation of 1241.²⁰⁹ Pagus in his commentary on the Sentences defended a number of erroneous ideas prohibited in 1241, which may be one of the instigators for revisiting the condemnation by the masters of the faculty of Theology, resulting in pronouncing them again in 1244. This could also explain the interruption in Pagus's teaching. While this is a very plausible explanation, one cannot be certain about it. There are several other pieces of evidence for the double condemnation presented by Grice and Victorin Doucet,

²⁰⁶ Matthew Paris, *Rerum Britannicarum Medii Aevi Scriptores* IV, ed., Henry Richard Luard (London: Longman & co., 1872), 280-283, "Also during those times, namely after the feast of Saint Michael, as is customary, with the studies of schools and scholars flourishing, the masters of theology... began to debate and discuss more subtly and loftily than was fitting or necessary," (*Ipsis quoque temporibus, videlicet post festum Sancti Michaelis, ut moris est, studiis scholarum et scolarium reflorentibus, incipiebant magistri theologia... disputare et disserere subtilius et celsius quam decuit aut expedivit*).

²⁰⁷ Palémon Glorieux, "Les années 1242-1247 à la Faculté de Théologie de Paris," *Recherches de théologie ancienne et médiévale* 29 (January, 1962), 234.

²⁰⁸ le Nat. lat. 15652 and Nat.lat.15702, quoted in Glorieux, "Les années 1242-1247," 234.

²⁰⁹ Glorieux, "Les années 1242-1247," 240.

however, there is no explicit reference to the fact that the procedure of investigation happened twice, so it only remains a highly probable occurrence.²¹⁰

The number of manuscripts mentioned above is discussed by Doucet, which helped me to observe the differences and similarities in the documents dated 1241 and those dated 1244.²¹¹ In the example provided in CUP, after each erroneous idea, it is stated, "[w]e reject this error" without specifying any punishment.²¹² Only after the first error it is mentioned, "by the authority of Bishop William, we excommunicate its assertors and defenders."²¹³ This creates confusion about whether this punishment extends to other errors or applies only to the first one. The condemnation is anonymous in most manuscripts or is attributed to certain books: "found in certain writings."²¹⁴ In most manuscripts, the Bishop of Paris is mentioned as the main actor in the condemnations. There are a number of manuscripts cited by Doucet in his chapter, which are divided into six "witnesses," provided with texts. Of the six "witnesses," two mention the bishop, the chancellor, and the masters of the faculty of theology as the primary actors in condemning the articles (furthermore, they separately mention Master Alexander of Hales);²¹⁵

²¹⁰ Doucet, "La date des condamnations;" Grice, *Church, Society and University*, 20-27.

²¹¹ Doucet, "La date des condamnations."

²¹² CUP 170, no. 128, *Hunc errorem reprobamus...*

²¹³ CUP 170, no. 128 *...assertores et defensores auctoritate Wilhermi episcopi excommunicamus.*

²¹⁴ D'Argentré ed., *Collectio Judiciorum de Novis Erroribus*, 186-187, [...] *reperi in quibusdam scriptis.*

²¹⁵ S. Bonaventure, *II Sent.*, d. 23, a. 2, q: 3, quoted in Doucet, "La Date des Condemnations," 186, "This is one of the ten articles rejected by the university masters of Paris, during the time of Bishop Guillaume and Chancellor Odo, and Brother Alexander of Hales, our father and master, who subscribed to avoid them," (*Hic est unus de decem articulis reprobatis ab universitate magistrorum Parisiensium, tempore episcopi Guillelmi et Odonis Cancellarii et fr. Alexandri de Hales, patris et magistri nostri, qui ut evitentur subscripti sunt*); Manuscripts bearing the date of 1244, quoted in Doucet "La Date des Condemnations," 187, "...the following articles, in the presence of the university masters of theology of Paris, by order of Lord Bishop Guillaume, were examined and rejected by Chancellor Odo and Brother Alexander of the Order of Friars Minor." (*subscripti articuli in presentia universitatis magistrorum theologie Parisiensium, de mandato domini Guillelmi episcopi, fuerunt examinati et reprobati per cancellarium Odonem et fr. Alexandrum de Or-dine Fr. Minorum*).

two mention only the bishop and the masters;²¹⁶ one mentions only the chancellor and the masters;²¹⁷ and one does not mention any actors at all.²¹⁸

Grice, as well as Doucet, assume that the case of 1241 was milder, involving erroneous ideas prohibited from being taught at the university, followed by a more severe condemnation in 1244 with a sentence of excommunication against proponents and defenders of the listed errors. However, I do not believe that the manuscript evidence supports this interpretation. While I have not read every surviving manuscript, those cited by Doucet are sufficient to argue against this view.

The severe punishment of excommunication or anathema is also mentioned in the manuscripts dated 1241. In one of them presented in *Collectio Judiciorum* it is stated: "These are the detestable errors against Catholic truth found in certain writings, which whoever teaches or defends is bound by the sentence of anathema by the venerable Father Guillaume, Bishop of Paris, in council with all the theology masters teaching at Paris [...]. This sentence was given in Paris in the year of our Lord 1241, on the octave of Epiphany."²¹⁹ In another one, it reads: "All these errors were prohibited and excommunicated by the aforementioned individuals, and therefore they are to be avoided as if they were pestilential."²²⁰ Furthermore, as I mentioned earlier, in the document presented in CUP, the sentence of excommunication is mentioned only

²¹⁶ Paris Nat. lat. 164075, f. 29^{vb}, quoted in Doucet, "La Date des Condemnations," 185, "...by Bishop G. of Paris and the theology masters . . ." ([...] *ab episcopo G. Parisiensi et magistris theologie* [...]); D'Argentré ed., *Collectio Judiciorum*, 186 "... by the venerable Father Guillaume, Bishop of Paris, in council with all the theology masters then teaching at Paris . . ." ([...] *a venerabili Patre Willelmo, Parisiensi Episcopo, convocato consilio omnium Magistrorum Theologicae facultatis tunc Parisius regentium* [...])

²¹⁷ Paris Arsenal 532, f. 219^r, quoted in Doucet, "La Date des Condemnations," 186, "These are the articles rejected against theological truth and rejected by the Chancellor of Paris (and the theology masters teaching at Paris . . .)" (*Isti sunt articuli reprobati contra theologicam veritatem et: reprobati a cancellario Parisiensi (done et magistris theologie Parisius regentibus* [...])).

²¹⁸ Paris, *Medii Aevi Scriptores*, 280-281.

²¹⁹ D'Argentré ed., *Collectio Judiciorum*, 186, *Hi sunt errores detestabiles contra catholicam veritatem reperti in quibusdam scriptis, quos quicumque dogmatizaverit vel defenderit, a ven. Patre Guillelmo, Parisiensi episcopo, convocato consilio omnium magistrorum theologie tunc Parisius regentium, vinculo anathematis est innodatus...Data fuit hec sententia Parisius anno Domini mccoxi in octavis epiphanie.*

²²⁰ S. Bonaventure, *Il Sent.*, d. 23, a. 2, q. 3, quoted in Doucet, "La Date des Condemnations," 186, *Hi omnes errores a praedictis personis prohibiti fuerunt et excommunicati, et propterea sunt tamquam pestiferi evitandi.*

after the first erroneous idea. This kind of structure is repeated in the manuscript dated 1244: "The first of which is that [...]. We prohibit this error and excommunicate its proponents and defenders."²²¹

Accordingly, I do not find it clear that the condemnation of 1241 can be regarded as milder and that of 1244 more severe. A more convincing scenario would be that the condemnation was repeated in 1244 because the erroneous ideas were still circulating in the academic environment. Similar cases occurred several times at the university. For example, what was condemned in 1210 was repeated in 1215, followed by two warning letters from Gregory IX in 1228 and 1231.²²² Although it was not repeated with the exact same lists as it happened in 1241-1244, this demonstrates that repetition could be a common occurrence at the university.

For example, a document from 1247 reports that the Bishop of Tusculum and the papal legate, together with the Bishop of Paris, the Chancellor, and the masters of the faculty of theology, condemned the erroneous ideas of Master Raymond and John of Brescia.²²³ Regarding John, the document reports that he had already been condemned once, after which he confessed and repented of his erroneous ideas. Nevertheless, he did not reject or oppose them; on the contrary, he attempted to excuse and justify them. John was therefore summoned again before the Bishop, the Chancellor, and the masters of the faculty of theology. He once again confessed that what had been reported was true, though with a different interpretation. He confessed to stating the following: "[C]reated light is the least in the genus of substance and has these three properties: infinity, immensity, and essence, and also certain other things

²²¹ Manuscripts bearing the date of 1244, quoted in Doucet, "La Date des Condamnations," 187, *Quorum primus est quod [...]. Hunc errorem prohibemus et assertores eius et defensores excommunicamus*.

²²² Letter of 1228 in CUP, 114, no. 59; Letter of 1231 in CUP, 136-139, no. 79.

²²³ CUP, 206-207, no. 176. "Odo, Bishop of Tusculum and Legate of the Apostolic See, concerning the condemnation of the errors of John of Brescia and Master Raymond, in the presence of the Bishop, Chancellor, and Masters of Theology of Paris," (*Odo episcopus Tusculanus et apost. sedis legatus de condemnatione errorum Johannis de Brescain et magistri Raimundi praesentibus episcopo et cancellario et magistris theologiae Paris*).

[...]."²²⁴ According to the document, this idea is considered almost equivalent to Arian Heresy.

Despite his repentance, the council concluded:

However, since it is our responsibility due to our position to purge the field of Lord from thorns of errors and heresies growing in our time, and to ensure that the purity of study which has hitherto flourished in Paris is not being tainted by the presumption of certain individuals—who mixing theological matters with logic, do not understand neither what are declared, neither what they assert—since errors increased, the punishment should also increase: with the counsel of the said masters and other honorable people, along with the consent of the venerable father, the Bishop of Paris, who excused himself on the said Friday due to illness, we have decreed to expel the said John perpetually from both the city and diocese of Paris, and have prohibited him from residing or teaching not only publicly but also privately, in said places as well as in others within our jurisdiction, where solemn study flourishes, Since we have found not only his doctrine to be dangerous, but also because it is said by reliable witnesses that he left the religious profession after having made it.²²⁵

In the case of Raimund, the consequences were even stricter. He had previously been imprisoned by the Bishop of Paris and the council of masters from the faculty of theology for his heretical teachings. However, he stubbornly persisted in his erroneous ideas. Consequently, the "council of good men" once again decreed: "He should be captured and returned to his former prison, under penalty of excommunication, prohibiting everyone from presuming to communicate with him in the home, at table, or in teaching in Paris."²²⁶

The repetition of condemnations in 1247 once again shows that such cases were common at the university. One cannot confirm with certainty that the same thing happened in

²²⁴ CUP, 206-207, no. 176, [...] *lucem creatam esse minimum in genere substantie et habere has tres proprietates [...]*.

²²⁵ CUP, 206-207, no. 176. *Verum cum nos ex officio nostro agrum Domini sentibus tam errorum quam heresum purgare teneamur volentesque in diebus nostris, ne puritas studii que hactenus Parisius vigit ex presumptione quorundam, qui theologica logicis inserentes non intelligunt neque que loquuntur, neque de quibus affirmant, errorum sordibus maculetur, cum crescente culpa crescere debeat pena : de consilio dictorum magistrorum et aliorum bonorum, venerabilique patre Parisiensi episcopo suum in hoc prestante consensum, qui dicta die veneris propter infirmitatem se excusaverat, predictae pene adicientes, dictum Johannem tam de civitate quam diocesi Parisiensi decrevimus in perpetuum expellendum interdicentes eidem tam in dictis locis quam aliis nostre legationis, ubicumque solemne viget studium, tam morandi quam docendi non solum publice sed etiam privatim decetero facultatem, cum non solum doctrinam ejusdem periculosam invenerimus, sed etiam propterea quod post factam professionem de religione a fide dignis dicatur exivisse.*

²²⁶ CUP, 206-207, no. 176. [...] *decernimus capiendum et carceri pristino retrudendum, sub pena excommunicationis interdicentes omnibus, ne quis in domo, mensa, doctrina eidem Parisius decetero communicare presumat.*

1241-1244, but inspecting the other cases makes it more likely that in 1244 the Condemnations could have been reconsidered and republished because the debates about the same ideas did not cease.

As I wrote in the first chapter, the statutes of the Arts faculty were renewed in 1255 and incorporated practically the whole corpus of Aristotle's philosophical and scientific works. Thus, the condemnations of 1215, the warning letters by Gregory IX in 1228 and 1231, and the cases of 1241-1244 no longer had power. The thirteenth-century manuscript in Barcelona, a guidebook for students in the faculty of Arts, which consisted of the works of Aristotle on metaphysics and natural philosophy, and the statutes of 1255, show an explicit shift in the direction of the faculty of Arts from teaching simply the seven liberal arts of the *trivium* and *quadrivium* to including all the philosophical and scientific disciplines newly recovered at that time.²²⁷ This development made the faculty of Theology more and more competed with the faculty of Arts, which was revealed in the condemnations of 1270 and 1277. The masters in Theology, with the help of the Chancellor and the Bishop of Paris, tried to monopolize the institution and restrict philosophical debates in the faculty of Arts. The condemnations are the explicit reveal of this process. Therefore, the cases of 1241-1244 can be regarded as the first instances of the faculty of Theology trying to control the doctrinal debates at the university.

3.2 The Condemnation of 1270

As I mentioned earlier in this chapter, in 1243, the Dominican General Chapter referred to the condemnation of 1241. Another Dominican case occurred later in the thirteenth century. Sometime between 1264 and 1267, one of the Dominicans sent a list of 108 suspected propositions to John of Vercelli (1205-1283). These propositions were from the commentary

²²⁷ MS Ripoll 109 f. 134'- 158", quoted in Lohr, "The Medieval Interpretation," 84; CUP, 277, no. 246.

on the Sentences by Peter Tarentaise (1225-1276), who was the sententiary in Paris between 1256 and 1257 and then became Pope from January of 1276 until his death in June. Following this, Vercelli sent the list to several prominent Dominican theologians seeking their assessment. Only Thomas Aquinas's response has survived to this day. His conclusion was that the listed propositions could be also understood in an orthodox sense. It is not known what the other theologians said, but evidently, Vercelli did not continue the investigation.²²⁸

After this case, one can observe the involvement of Dominicans in the case of 1270. Typically, their participation is seen as the initial stage leading to Tempier's condemnation of 1270, which is considered the precursor to the prominent case of 1277. However, scholars' opinions are divided on this matter. In 1270, the following events occurred: Giles of Lessines sent a list of fifteen erroneous ideas to Albert the Great, the senior Dominican theologian in Paris. Albert considered all the propositions erroneous. Subsequently, thirteen of these fifteen propositions were condemned by Bishop Etienne Tempier in 1270. According to Courtenay, either the list reached Tempier, or he began investigating it on his own.²²⁹ As we read in the articles of John Wippel and Miethke, the propositions condemned in 1270 are exactly the same as the errors sent by Giles of Lessines to Albert the Great.²³⁰ I think it is more likely that Tempier was approached by the theologians to publish these condemnations.

It is interesting that Fernand van Steenberghen dates the letter of Albert the Great after 1270, claiming that it occurred somewhere between 1273 and 1276.²³¹ In this case, the sequence of events turns out differently: Tempier did not publish the condemnation from the list of Giles of Lessines, but Lessines added two articles to Tempier's list and sent them to Albert. Neither

²²⁸ Courtenay, "Dominicans and Suspect Opinion," 191.

²²⁹ Courtenay, "Dominicans and Suspect Opinion," 192.

²³⁰ John F. Wippel, "Thomas Aquinas and the Condemnation of 1277," *The Modern Schoolmen* 72 (January 1995), 236; Miethke, "Papst, Ortsbischof und Universitat," 82.

²³¹ Steenberghen, "Le 'De Quindecim Problematibus' d'Albert le Grand," in *Mélanges Auguste Pelzer*, 415-439.

Courtenay, Wippel, Mandonnet, nor Libera agrees with that hypothesis.²³² However, it is interesting to see the arguments that Steenberghen puts forth.

France Pelster questioned the dating of *De Quindecim Problematicus*.²³³ In this work, Albert the Great quoted from *De Immortalitate Animae*, which was primarily part of *De Animalibus*. As Pelster and also Steenberghen claim, *De Animalibus* can be dated only after 1268.²³⁴ Accordingly, Albert's response cannot be dated before the condemnation of 1270, since it could not be written in such a short time. This is the first argument for Steenberghen why Giles's letter and Albert's assessment cannot be dated before the condemnation of 1270. Besides that, Steenberghen claims that Giles lived at the convent of Saint-Jacques in 1270, in the same community as Thomas Aquinas, who was intensely involved in the fight against Siger of Brabant, one of the main targets of Bishop Tempier's condemnations.²³⁵ Therefore, it is more plausible that Giles would not have felt the need to warn his former master in Cologne of these errors before 1270. According to him, it is more credible that it happened after 1272 when Thomas Aquinas left Paris. This also explains why Giles does not mention these condemnations in his letter, as the emotional impact created by the condemnations would have already faded. Additionally, Steenberghen argues that Giles's letter is indeed dated before 1277 because the condemnation of 1277 was such a dominant event in the academic environment that it is hard to imagine Giles revisited the 1270 case after that.²³⁶ His final argument is as follows:

To denounce to Albert the errors threatening the orthodoxy of the Parisian schools, he could not have done better than to revisit the list of condemned theses from 1270, even adding necessary supplements to account for the

²³² Courtenay, "Dominicans and Suspect Opinion," 192; Wippel, "The Condemnation of 1277," 236; Pierre Mandonnet, *Siger de Brabant et L'Averroïsme Latin XIII^{me} Siècle Étude Critique et Documents Inédits par Pierre Mandonnet* (Fribourg, 1899), CXII-CXXV; Libera, *Philosophie et censure*, 71-89.

²³³ Franz Pelster, "Zur Datierung einiger Schriften Alberts des Großen," *Zeitschrift für katholische Theologie* 47, no. 3 (1923): 475-482

²³⁴ Pelster, "Alberts des Großen," 480; Steenberghen, "Le 'De Quindecim Problematicus'," 417.

²³⁵ Steenberghen, "Le 'De Quindecim Problematicus'," 438.

²³⁶ Steenberghen, "Le 'De Quindecim Problematicus'," 438.

evolution of controversies since 1270; this is the rationale behind the two new articles.²³⁷

According to Mandonnet, these letters should be dated before the condemnation of 1270. He provides several arguments for this, which are also presented in Steenberghen's chapter: (1) There is no reference in Giles's letter to the 1270 condemnation. (2) There is no reason for it to have occurred after 1270. (3) The absence of the last two errors in the Tempier condemnation indicates that the bishop decided to remove them from the list.²³⁸ Libera explicitly stated that the condemnation of 1270 is the succession of Albert's *De Quindecim Problematicus* and Aquinas' *De Unitate*.²³⁹ Courtenay only conveys that the dating by Steenberghen is improbable and writes, "discussion of these specific propositions at Paris would have occurred before Tempier's action on December 10, 1270, not afterward."²⁴⁰ Meanwhile, Wippel writes that it is more likely to him that the exchange of letters happened before the condemnation of 1270.²⁴¹ Overall, Steenberghen's arguments seem more convincing than those of opposing scholars. However, in my opinion, whether the exchange of letters took place before or after the condemnations does not change anything in determining who was involved in the condemnations. If this exchange had happened by 1270, it does not necessarily mean that they initiated this condemnation. Giles says in his letter that he is sending a list of fifteen errors "which the most renowned masters in philosophy teach in the schools."²⁴² He did not specify that the Bishop was going to condemn these propositions or had already condemned them in 1270. From the letter itself, it is impossible to determine when it happened; only conjectures can be made, none of which may be close to the truth.

²³⁷ Steenberghen, "Le 'De Quindecim Problematibus'," 439, "Pour dénoncer à Albert les erreurs qui menaçaient l'orthodoxie des écoles parisiennes, il ne pouvait mieux faire que de reprendre la liste des thèses condamnées en 1270, quitte à y ajouter les compléments nécessaires en tenant compte de l'évolution des controverses depuis 1270: c'est la raison d'être des deux nouveaux articles."

²³⁸ Mandonnet, *Siger de Brabant*, CXXII-CXXIII; Steenberghen, "Le 'De Quindecim Problematibus'," 415-416;

²³⁹ Libera, *Philosophie et censure*, 86, "La date de 1270 s'impose à l'évidence, qui voit se succéder le *De unitate* de Thomas, la première condamnation de Tempier et le *De quindecim problematicis* d'Albert."

²⁴⁰ Courtenay, "Dominicans and Suspect Opinion," 192;

²⁴¹ Wippel, "The Condemnation of 1277," 236;

²⁴² Steenberghen, "Le 'De Quindecim Problematibus'," 435.

The main point to note is that as Giles specified, these erroneous ideas were taught in the faculty of Philosophy, i.e., the faculty of Arts. Albert the Great also points out in his work: "The articles proposed in the schools by the Parisian masters, who are esteemed great in philosophy, I considered it worthy to transmit to your paternity, as the true illuminator of intellects, so that with the spirit of your mouth you might already refute them, having been disputed in many assemblies."²⁴³ I think this allows the condemnations of 1270 to be regarded as published against the faculty of Arts.

The document in CUP only states that the condemnation of 1270 was published by Bishop Tempier; unfortunately, it does not mention the other persons who participated in the event. If Giles's letter is dated before 1270, one can claim with more certainty that theologians were indeed involved. However, even without this, it is difficult to imagine that the bishop made this decision alone and compiled the list without the council of the masters of the faculty of Theology. No one knew better about what was taught and what erroneous ideas were circulating at the university than the masters themselves. Therefore, even without dating Giles of Lessines' letter, one can safely state that the masters would certainly have taken part in the condemnations. Additionally, I clearly showed in the previous chapter that the bishop and the chancellor had to discuss such matters with the council of masters of the faculty of Theology.

It is important to ask why the bishop was necessarily involved in the condemnations. Since only erroneous ideas were condemned and not heretical ones, the masters could have also issued condemnations by negotiating with the chancellor. For example, in 1253, when there was no mention of excommunicating anyone, the bishop was not involved in the process.²⁴⁴ Therefore, can one state that masters and chancellors could not issue condemnations with the

²⁴³ Albert the Great, *De Quindecim Problematicis*, accessed May 11, 2024 https://la.wikisource.org/wiki/De_quindecim_problematibus, *Articulos, quos proponunt in scholis magistri Parisienses, qui in philosophia maiores reputantur, vestrae paternitati tamquam vere intellectuum illuminatrici transmittens dignum duxi, ut eos iam in multis congregationibus impugnatos vos oris vestri spiritu interimatis.*

²⁴⁴ CUP, 240-241, no. 216.

sentence of excommunication without the involvement of the bishop? I will try to answer these questions after addressing the condemnation of 1277 as well.

3.3 The Condemnation of 1277

It is difficult to clarify who instigated the thirteenth-century academic condemnations. In the case of the Inquisition, for example, it is known that the process starts with the spreading of public rumors (*publica fama*).²⁴⁵ There was no specific instigator who initiated the process in the case of an inquisition; instead, the role was played by public rumor.²⁴⁶ As Thijssen points out, the process was built "on the infamatory procedure."²⁴⁷ The inquisitor summoned the person accused of the rumor and required them to confess whether the spreading rumor was true or not.²⁴⁸ In the case of academic condemnations, one can say that spreading erroneous ideas is the abstract instigator, but one cannot claim with certainty who reports that the ideas are alarming and action is needed to be made, is it the local ecclesiastical authorities or the masters at the university? It is clear that masters were direct witnesses of discussions and debates held among them and students. They were more informed about the circulated heretical or erroneous ideas than the ecclesiastical authorities. Thus, it is more probable that the first step in the condemnation procedures would be taken by a master or a group of masters.

The banned articles reflected the thoughts from the critical works of Thomas Aquinas (1225-1274), Siger of Brabant (1240-1280), and Boethius of Dacia (1240-1284) concerning

²⁴⁵ Julien Théry, "Fama : l'opinion publique comme preuve judiciaire. Aperçu sur la révolution médiévale de l'inquisitoire (XII^e-XIV^e)," in *La preuve en justice*, ed., Bruno Lemesle (Rennes: Presses universitaires de Rennes, 2003), 119-147, <https://doi.org/10.4000/books.pur.15839>.

²⁴⁶ Andrew Larsen, *The School of Heretics, Academic Condemnation at the University of Oxford, 1277-1409* (Leiden: Brill, 2011), 19; Thijssen, *Censure and Heresy*, 20-21; Lucy Jane Sackville, *Heresy and Heretics in the thirteenth century, The Textual Representations*, vol. 1 of *Heresy and Inquisition in the Middle ages* (Suffolk: York Medieval Press, 2011), 114.

²⁴⁷ Thijssen, *Censure and Heresy*, 20.

²⁴⁸ Larsen, *The School of Heretics*, 19; Thijssen, *Censure and Heresy*, 21.

Aristotelian ideas about free will, the unicity of the human intellect, divine knowledge, the nature of eternity, individuation, virtue, wisdom, as well as every-day-life issues, such as carnal acts, confession, Christian morality, etc.²⁴⁹ Besides these two hundred and nineteen theses, Tempier condemned some books, precisely, *De Amore* of Andreas Capellanus (1150-1220), the book of Geomancy, and texts, scrolls, and quatrains on necromancy, sorcery, or invocation of demons. However, they are mentioned only in the introductory letter of Etienne Tempier, prefacing the list of ideas, not explicitly among these two hundred and nineteen propositions.²⁵⁰

Concerning the techniques used while constructing the two hundred and nineteen theses, it was usually considered that the list was a chaotic collection of incoherent propositions.²⁵¹ However, a textual analysis of the document suggests that an organizational structure can be found there. While reading the list of propositions, it is evident that there is a certain logic beyond the propositions, especially when one pays attention to the vocabulary used. Ostensibly, there are certain groups concerning one problematic topic or idea. Nevertheless, frequently unrelated articles are interjected. It is possible that the articles had a series of headings during a preparatory phase of the censorship, as is presented in *Collectio Errorum in Anglia et Parisius Condemnatorum*.²⁵² Some proposals could have been misplaced or moved later, accidentally or deliberately, when preparing the final version of the decree. However, there is not yet a specific answer in today's scholarship.²⁵³

²⁴⁹ About free will in Article 102, CUP, 543, no. 473; About the unicity of the human intellect in Article 117, CUP, 543, no. 473; About divine knowledge in Article 13, CUP, 543, no. 473; the nature of eternity in Article 86, CUP, 543, no. 473; About individuation in Article 116, CUP, 543, no. 473; About virtue in Article 116, CUP, 543, no. 473; about wisdom in Article 154, CUP, 543, no. 473; about carnal acts in Article 172, CUP, 543, no. 473; about confession in Article 179, CUP, 543, no. 473; about Christian morality in Article 183, CUP, 543, no. 473.

²⁵⁰ CUP, 543, no. 473.

²⁵¹ Steenberghen, *La philosophie*, 483. Mandonnet, *Siger De Brabant*, 229.

²⁵² D'Argentré, ed., *Collectio Errorum*, 188-200.

²⁵³ If you wish to learn more about this issue, I suggest the article of Sylvain Piron, "Le Plan de L'évêque pour une critique interne de la condamnation du 7 Mars 1277," *Recherches de théologie et philosophie médiévales* 78, no. 2 (2011): 383-415. He argues quite convincingly about the architecture and arrangement of Tempier's condemnations and makes several substantiated assumptions.

Before discussing the case of 1277 in detail, it is necessary to overview the events that happened before promulgating the condemnation. One of the important events that occurred between 1270 and 1277 was the issuance of the statutes of the faculties of Arts in 1272. These statutes state: "The statute of the faculty of Arts against artists dealing with theological questions and so that no one may dare to determine questions that pertain to faith and at the same time philosophy against faith."²⁵⁴ The aim of these statutes, according to the document itself, is to protect the faculty from the danger that their masters or bachelors might pose by discussing and debating "purely theological questions"²⁵⁵ such as the Trinity, the Incarnation, etc. The statutes stipulate that if a person who has stated an erroneous theological idea does not publicly deny his misrepresentation within three days after a warning, he will be expelled from the faculty of Arts. Moreover, if anyone discusses a subject relating to philosophy and faith together and says anything contrary to faith, he shall be perpetually banished as a heretic, unless within three days he refutes his own statement.

Furthermore, if any theological question or text is discussed that appears to threaten the faith, it should be debated to some extent. If they find a reason that opposes the faith, they must consider it false and erroneous. Libera divided the described attitudes into three parts: the students in the faculty of arts had "(1) to refute the text or *rationes* if they go against the faith, or (2) "declare them at least absolutely and totally false and erroneous" or (3) abstain, that is, pass over in silence (*praetermittere*), as if nothing was amiss, the difficulties proposed by the commented text or *auctoritates*."²⁵⁶ It can be said that these statutes are presented as self-insurance for the faculty of Arts. They themselves warn masters and bachelors not to discuss theological questions and add that certain doubtful questions may be discussed, but only "to

²⁵⁴ CUP, 499-500, no.441, *Statutum facultatis artium contra artistas tractantes quaestiones theologicas, et ne quis quaestiones, quae fidem attingunt simulque philosophiam, contra fidem determinare audeat.*

²⁵⁵ CUP, 499-500, no. 441, [...] *questionem pure theologicam* [...].

²⁵⁶ Libera, *Philosophie et censure*, 87. (1) réfuter le texte ou les *rationes* s'ils vont à l'encontre de la foi, ou (2) "les déclarer au moins faux absolument et totalement erronés" ou bien (3) s'abstenir, c'est-à-dire passer sous silence (*praetermittere*), comme si de rien n'était, les difficultés proposées par le *textos* commenté ou les *auctoritates*.

some extent" and must be declared false and erroneous. According to Libera, the key to understanding the condemnations of 1277 should be found in the events of 1270-1272, specifically the case of 1270 and the statutes of 1272. They led to discussing and publishing the largest condemnation at the University of Paris in 1277 consisting of two hundred and nineteen propositions.

Another important fact that happened before issuing the condemnation of 1277 is the Papal letter. On January 18, 1277, Pope John XXI (1215-1277) sent a letter to Etienne Tempier. The Pope stated that he had heard rumors of heresy, which as I have already mentioned was the first step in the inquisitorial procedure, and charged him with examining where and by whom these errors had been proclaimed at the University of Paris.²⁵⁷ John XXI did not oblige or authorize him to publish condemnations. He only asked the bishop to investigate and inform back about the outcomes. Tempier instead formed a Commission of sixteen theology masters and published the list of two hundred and nineteen propositions on March 7, 1277, without replying to the Pope. Whether he acted on the request of the Pope, the masters in the faculty of theology, or made this decision arbitrarily will be revealed later in this chapter.

There is no evidence that the Pope knew of Tempier's condemnation beforehand, which is supported by the papal letter *Flumen aquae vivae* of April 28.²⁵⁸ Here, he already stated the sources of the heretical ideas: "some scholars in the faculties of arts and theology at Paris."²⁵⁹ and mandated Tempier once again to notify him about the results of the investigation. Nevertheless, the action of the bishop remained without any reproach from the papal authorities. It is also important to underline that while the Pope mentioned both scholars in the faculties of

²⁵⁷ CUP, 541, no. 471. "You should inspect or investigate by whom and in what places such errors of this kind were declared or written," (*facias inspici vel inquiri, a quibus personis et in quibus locis errores hujusmodi dicti sunt sive scripti*)

²⁵⁸ *Archivum Franciscanum Historicum*, vol. 18 (Florence: Quaracchi presso Firenze, 1925), 459-460.

²⁵⁹ *Archivum Franciscanum Historicum*, 459, *nonnulli tam in artibus quam in theologica facultate studentes Parisius*.

arts and theology, Tempier, in his introductory letter prefacing the list of propositions, only referred to scholars in the Arts faculty.

The important aspect of Pope's letters is that except for these condemnations, nothing happened due to his inquiry, at least it was not preserved in any document or in someone's reference. In the second chapter, I wrote about the difference between pertinacious and academic heresy. After 1210 one can notice a change: the control of heretical/erroneous teachings was taken over by the university, more precisely by the faculty of Theology. The corporation of masters in theology stood on the guard of Christian ideas. They were alarmed by erroneous ideas circulating in the faculty of Arts which in the thirteenth century changed its direction to teaching secular philosophical-scientific literature as I showed in the first chapter.

There are several theories about what may have provoked Tempier's action to publish condemnation. One of them is that his action was encouraged by Pope John XXI, who, as mentioned above, sent two letters to Tempier.²⁶⁰ Another theory proposed by Hans Thijssen is that the bishop was triggered by an inquisitorial investigation by inquisitor Simon du Val. He cited Siger of Brabant, Bernier of Nivelles, and Goswin of Chapelle to appear before his court on November 23, 1276.²⁶¹ As Thijssen confers, after that, Tempier could not condemn Siger's ideas *nominatim* according to the juridical principle: *ne bis in idem crimen judicetur*.²⁶² Therefore, for Thijssen, this fact seems to be the reason for the anonymity of the condemnations of 1277.²⁶³ The argument seems quite convincing, but the condemnations of 1241-1244 and 1270 were also anonymous. It is possible that there was a connection between the Inquisitor and Bishop's actions, but it cannot explain the anonymity of the case of 1277. Condemning

²⁶⁰ Steenberghen, *La Philosophie*, 34.

²⁶¹ Thijssen, *Censure and Heresy*, 46.

²⁶² Friedberg, ed., *Decretum Magistri Gratiani*, C. 24, q. 3, c. 27, cited in Thijssen, *Censure and Heresy*, 48; the same idea is conveyed in the decretal presented in X 5.1.6, "One who has been acquitted of a certain crime cannot be accused again of the same [crime]." *Absolutus de certo crimine, de eodem iterum accusari non potest*.

²⁶³ Thijssen, *Censure and Heresy*, 38-48.

erroneous ideas without any specific individual can be regarded as a certain practice at the university.

Sylvain Piron, depending on Tempier's previous arbitrary actions at the university, described in the second chapter,²⁶⁴ claimed that he himself promulgated the censorship of the two hundred and nineteen theses.²⁶⁵ It is a more common opinion that the condemnations started at the episcopal level.²⁶⁶ To claim that, Thijssen referred to "a little-studied source from the sixteenth century," which is "a register of pronouncements and judgments by the faculty of theology, drawn up by the theologian Noel Beda."²⁶⁷ However, there are not any documents of the condemnations of Bishop Tempier of 1270 and 1277 nor the case of 1241 in that source of Noel Beda. As Thijssen conveyed, if problems occurred "in the disciplinary proceedings" the case was "transferred from that level of jurisdiction to the episcopal or papal courts."²⁶⁸ He wrote that there would certainly be some documents generated if the case was transferred from the University to Bishop's jurisdiction. However, in the thirteenth century University was still in the process of formation and these procedures, which Thijssen mentioned, were not strictly developed yet. His argument is not convincing since it is also possible that the case was transferred but the documents did not survive until today. Besides that, Tempier's condemnations and the case of 1241-1244 are not the only ones that were not included in Beda's register. Thijssen listed the number of other cases that were excluded from the document.²⁶⁹

²⁶⁴ He had an argument with university scholars concerning the teaching license. See Moule, *Corporate Jurisdiction*, 53-56.

²⁶⁵ Piron, "Le Plan de L'évêque."

²⁶⁶ Thijssen, *Censure and Heresy*, 43.

²⁶⁷ Thijssen, *Censure and Heresy*, 43.

²⁶⁸ Thijssen, *Censure and Heresy*, 42.

²⁶⁹ Thijssen, *Censure and Heresy*, 42, "The register does not reproduce any documents of the censures of Stephen of Venizy, Nicholas of Autrecourt, John of Mirecourt, John Guyon, Simon, Guido (Giles of Medonta?), Louis of Padua, or John of Calore. Nor does it contain Bishop Tempier's condemnations of December 10, 1270, and March 7, 1277."

When claiming that the instigator of the condemnation was the Bishop, Robert Wielockx gives three arguments.²⁷⁰ The First is that Pope with his letter of January 18 charged Tempier with examining the erroneous ideas circulated at the University of Paris, which in his opinion instigated the Bishop to publish 219 condemned propositions. The second argument is that the sixteen theology masters including Henry of Ghent were summoned by the Bishop of Paris. The number of the masters is known from the report by John of Pouilly.²⁷¹ "Other prudent men"²⁷² were also part of this commission as Tempier stated himself. For the final argument, Wielockx writes that those affected by the condemnation had to confess their fault in seven days to avoid excommunication in front of the bishop Tempier or the Chancellor Jean des Alleux, not the pontifical legate or the masters in theology.

In my opinion, none of these three arguments can claim that Tempier initiated the condemnation. 1. One cannot assert that the examination was instigated by Pope John XXI. Tempier published 219 proposals in about fifty days after the Papal letter, which is quite a short time. Moreover, he did not fulfill Pope's mandate at all. Pope only charged him to investigate and inform back by whom and where the errors had been proclaimed. As Libera points out, "it is not enough to say that Tempier responds poorly (due to acting too hastily) to the pope's request; it must be said that he does not respond at all."²⁷³ It seems to me that these two events

²⁷⁰ Robert Wielockx, ed., *Aegidii Romani Opera Omnia* III.1, *Apologia* (Firenze: Leo S. Olschki Editore, 1985), 98-99. Wielockx also suggested that Bishop Tempier besides promulgating the condemnation of 1277 started doctrinal investigation of the theologians Giles de Rome and Thomas Aquinas. This possibility is discussed in detail by Thijssen, "1277 Revisited: A New Interpretation of the Doctrinal Investigations of Thomas Aquinas and Giles of Rome," *Vivarium* 35, no. 1 (1997): 72-101.

²⁷¹ John of Pouilly, *Quodlibet* II, q.11, "The same masters were assessors of Bishop Stephen in formulating the articles and in granting the aforementioned proposition. Therefore, since the aforementioned magisterial proposition interprets the article in the aforementioned manner, if the article were to be understood in the aforementioned manner, those masters would have contradicted themselves; indeed, all sixteen masters who granted that proposition would have incurred the sentence of excommunication, which should not be said at all," (*lidem magistri fuerunt assessores episcopi Stephani in condendo articulos et in concedendo praedictam propositionem. Et ideo cum praedicta magistralis propositio interimat articulum praedicto modo intellectum, si praedicto modo deberet articulus intelligi, illi magistri sibi ipsis contradixissent, omnes etiam XVI magistri qui illam propositionem concesserunt excommunicationis sententiam incurrerent, quae omnia non sunt dicenda*), quoted in Wielockx, ed., *Aegidii Romani*, 98.

²⁷² CUP 543, no. 473, ...*aliorum prudentium virorum*...

²⁷³ Libera, *Philosophie et censure Remarques*, 73, "Il ne suffit donc pas de dire que Tempier répond mal (parce que trop hâtivement) à la demande du pape: il faut dire qu'il n'y répond pas du tout."

occurred independently of each other. Pope's second letter also supports that opinion as I mentioned above. 2. The second argument that sixteen theology masters were summoned along with "other prudent men" does not exclude the possibility that the initiative arose among several masters of theology. 3. The council of the masters of theology did not have the power to excommunicate another master, so the fact that the person who erred had to address the bishop or the chancellor is not something unnatural and cannot be a strong argument to assert that Tempier was the initiator.

There are two facts that can support the argument that the condemnations started on the episcopal level. One is the statement by Giles of Rome: "As witnesses with firsthand experience, we testify that many of those articles passed not by the counsel of the masters, but by the intrigue of a few."²⁷⁴ One cannot be certain who these "few" were, but he definitely did not mean the masters in them. Another fact is Henry of Ghent's admission that he was threatened by the bishop and the legate.²⁷⁵ The legate told him: "We desire and command you to publicly declare in your schools"²⁷⁶ and threateningly added that he should clearly and openly (*clare et aperte*) decide and defend his position: "Because in matters of faith" he "spare[s] no one."²⁷⁷ These two events make it more likely that the condemnation could have started on the episcopal level. However, it is equally possible that the bishop was prompted by the "reports" of university scholars, since as Tempier states himself in his introductory letter: "Repeated

²⁷⁴ Ernesto Hocedez, "La condamnation de Gilles de Rome," *Recherches de théologie ancienne et médiévale* 4 (January, 1932), 56 [...] *et tamquam de re palpata testimonium perhibemus, quod plures de illis articulis transierunt non consilio magistrorum, sed capitositate quorundam paucorum?*

²⁷⁵ Pasquale Porro, "Metaphysics and Theology in the Last Quarter of the Thirteenth Century: Henry of Ghent Reconsidered," in Jan. A Aertsen and Andreas Speer, eds., *Geistesleben im 13. Jahrhundert*, 277; Luca Bianchi, "New Perspectives on the Condemnation of 1277 and its Aftermath," *Recherches de Théologie et Philosophie médiévales* 70, no. 1 (2003), 209.

²⁷⁶ *Volumus et precipimus tibi, quod publice determines in scholis tuis [...]* quoted in Miethke, "Papst, Ortsbischof und Universitat," 83.

²⁷⁷ [...] *quia in causa fidei nemini parcerem*, quoted in Miethke, "Papst, Ortsbischof und Universitat," 83.

accounts of great and serious persons have intimated that a number of students in the arts at Paris are overstepping the boundaries of their own faculty."²⁷⁸

The important aspect to focus on is that whether the initiative came from the bishop alone, or whether he was prompted to do so by the theology masters, it is evident that both the masters and the bishop were on the same side, hostile to the growing influence of the faculty of Arts. A parallel can be drawn here with Pierre Bourdieu's theory and analysis of the emergence and empowerment of the literary field as we know it today. In the 19th century, this phenomenon was not just a response to new tastes and expectations, but corresponded to an inter-generational war, as the new literati sought to create gaps to position themselves in a social world swallowed up by their elders. In the 13th century, philosophy would be the emerging field, seeking autonomy from theology in a world that was also increasingly sensitive to the new ideas that the discipline was spreading.²⁷⁹ It can be stated that this was a fight between two worldviews, that of the theologians and that of the philosophers. Philosophical ideas started being more popular due to Aristotle's texts and their Arabic commentators.

There are several examples of Tempier's previous arbitrary actions, such as refusing to give the oath during his chancellorship or arbitrarily appropriating the position of the dean at the university as I presented in the second chapter. In both cases, the masters appealed to the Pope asking for help. As far as I know, there is no such letter about promulgating the condemnations in 1277. Moreover, these condemnations are only against the faculties of arts, not of theology. The condemnation of 1270 was also against the faculty of arts and clearly, there was a doctrinal confrontation between these two faculties. Therefore, I think it is possible

²⁷⁸ CUP, 543, no. 473.

²⁷⁹ It wasn't until the 14th century that the philosophers' ideas were truly recognized and became dominant. On Bourdieu's theory, see: Pierre Bourdieu, *The Rules of Art: Genesis and Structure of the Literary Field*, trans. Susan Emanuel (California: Stanford University Press, 1995); Bourdieu, "Le Champ Littéraire," *Actes de la recherche en sciences sociales* 89 (September, 1991): 3-46.

that this was an initiative of several masters of theology, which coincided with the desire of the bishop and the legate.

It is interesting that in the condemnations of 1241/1244 and 1270, the legate does not appear as one of the actors. There was the case of 1215 when Robert of Courcon published the Statutes with restrictions on Aristotle's works. In 1275-1276 there are two cases involving the Papal Legate. In 1275, he intervened in a dispute that occurred in the faculty of Arts regarding the election of a rector among the four nations (French, Norman, Picard, and English). The leader of one of the parties was Siger of Brabant, one of the regarded targets of the condemnations of 1270 and 1277. Besides that, in 1276, Simon the Legate due to the report of several masters decreed that scholars who publicly lead dances, carry arms, engage in revelries, play games of dice in churches, and commit other heinous acts on the feast day of any nation will be excommunicated. These facts show that in the second half of the thirteenth century, the University still did not have full authority over itself, since masters reported to the ecclesiastical authorities asking them to regulate such things at the university. The thirteenth century is a period of stabilization and consolidation of the university. During this process, the faculty of Theology tried to confirm its power, and domination on the corporation and competed with the faculty of Arts which gradually was gaining more influence.

Another important point is that the bishop was granted the right to investigate and judge heresy to the exempt clergy by the decree of *Ad Abolendam*.²⁸⁰ Masters can be considered the exempt clergy since they had the clerical status, and were not subjects of the local ecclesiastical authorities, as I described in the first chapter. According to *Ad Abolendam*, one can claim that the bishop indeed had doctrinal authority over the university, and even if he acted without the

²⁸⁰ Moule, *Corporate Jurisdiction*, 49; X. 5.7.13, "For those who are exempt from the jurisdiction of the diocesan law and are subject only to the authority of the Apostolic See, with this document established against heretics, let them be subject to the judgment of the archbishops or bishops..." *Si qui vero fuerint, qui a lege dioeceseanae iurisdictionis exempti, soli subiaceant sedis apostolicae potestati, nihilominus in his, quae superius sunt contra haereticos instituta, archiepiscoporum vel episcoporum subeant iudicium [...]*.

report of the theologians or without the order of the Pope, it would not be considered as exceeding his rights.

To get back to the question I asked earlier: can one state that masters and chancellors could not issue condemnations with the sentence of excommunication without the involvement of the bishop? The answer is yes, they could not. The students themselves and the chancellor did not have the right to excommunicate. This is indicated by the decretal, according to which, when a cleric oversteps his rights, he must appear before the bishop, and not before him to whom he serves [the chancellor, for example], who does not have the right to excommunicate.²⁸¹ The chancellor and masters in theology could not exercise this right with custom either, since a decretal in *Liber Extra* states: “Custom cannot operate in such a way that a cleric who is not a bishop can be permitted to exercise those things which are reserved to the episcopal order.”²⁸²

One of the assumptions why the bishop was one of the main actors in all the thirteenth-century academic condemnations is the power of excommunication. For example, one can find small corrections made in 1253 and 1276 by the Masters themselves without the punishment of excommunication.²⁸³ In 1253 the chancellor and the masters in the faculty of theology decreed that a parishioner, despite the unwillingness of their parish priest, can confess all their sins to the Pope and if anyone says or has said otherwise, they rejected and considered it erroneous. In 1276 there was the Ordinance of the University of Paris which decreed that no master or bachelor of any faculty shall privately read any books due to many dangers that may arise from it. Instead, they shall read in public places where everyone can gather and learn what is taught

²⁸¹ X. 2.2.13, *Clerici super excessibus coram suo episcopo conveniri debent, non coram his, quibus serviunt, nisi consuetudo vel privilegium aliud inducat.*

²⁸² X. 1. 4. 4, *Consuetudo non potest operari, ut clericus non episcopus possit exercere ea, quae sunt reservata ordini episcopali.*

²⁸³ CUP, no. 468; CUP, no. 240-241, no. 216.

there. If anyone would act against this statute, they would know that they would be incurred (not excommunicated!).

To conclude, it is clear that the establishment of the University introduced a new practice for the control of heresy, academic condemnation, in which ideas were condemned, not specific people. One of the purposes of naming false ideas can be said to be to avoid becoming a heretic. Academic condemnations increased the role of the faculty of Theology and also made clearer the opposition between the two faculties: the faculty of Arts, which at this time was changing its course towards philosophy, and the faculty of Theology, which tried to control the debates held in the Faculty of Arts. The statutes of the faculty of Arts of 1272 are therefore believed to have been self-protective, declaring that they had no right to discuss theological issues, but if a philosophical issue touched on theological ones or something against faith, they could discuss it on some level but had to declare it false. Moreover, it became clear that the bishop's involvement was not a violation of his rights, that he had doctrinal authority over the university under the decree of *Ad abolendam*, and that he alone had the right to issue the sentence of excommunication.

Conclusion

The establishment of the University of Paris at the end of the twelfth and the beginning of the thirteenth centuries was soon followed by the emergence of academic condemnations. This emergence was triggered by the dissemination and discussions of newly translated philosophical and scientific works of Aristotle, including texts on natural philosophy, and metaphysics, as well as Arabic commentaries. According to Thijsen, academic condemnations had two main characteristics: they targeted erroneous ideas rather than specific individuals and were published in an academic environment.²⁸⁴ There were three such cases: 1241-1244, 1270, and 1277 (or four, if one considers the condemnation of 1244 separately). Publishing academic condemnations became a new way of dealing with erroneous and heretical ideas. It can be said that the University developed a new platform for controlling heresy among masters and students. Moreover, a detailed investigation of these academic condemnations, along with an overview of important secondary and primary sources, revealed the growing role of the faculty of Theology.

The influence of the faculty of Arts started growing from the middle of the thirteenth century. The manuscript from 1230-1240 in Barcelona in the Archives of the Crown of Aragon and the statutes of 1255 incorporating the entire corpus of Aristotle's philosophical-scientific literature clearly indicate the change in the direction of the faculty of Arts toward the faculty of Philosophy.²⁸⁵ This shift aroused the rivalry in masters of Theology and they tried to control the discussions and debates in the faculty of Arts. This confrontation was evidently revealed in the thirteenth-century academic condemnations. Evidently, these condemnations were not

²⁸⁴ Thijsen, "Master Amalric," 49.

²⁸⁵ MS Ripoll 109 f. 134^f-159^v, quoted in Lohr, "The Medieval Interpretation," 86; CUP, 277, no. 246.

directed to the specific individuals, but they clearly targeted the certain group at the University of Paris: the masters and students in the Faculty of Arts.

The first chapter of the thesis serves as an overview of the historical background of the academic condemnations. Before directly discussing the academic condemnations and the roles of ecclesiastical and academic authorities, it was essential to understand at what stage in the development of the university these events occurred. I discussed the origins and rise of the University of Paris. I analyzed the significant privileges that the University obtained from royal and ecclesiastical superiors during its emergence and demonstrated the process of establishing the autonomous institution in light of its struggles with local ecclesiastical authorities. I explored the factors that led to the emergence of academic condemnations and provided an overview of all the condemnations that occurred in the thirteenth century. An overview of the privileges granted by the Pope and the King, as well as their involvement in the conflict between the University and local ecclesiastical authorities, revealed that the University was not an autonomous institution in the thirteenth century. It gained independence to some extent, such as the right to create its own statutes, through the support of the Pope and the King. I also pointed out that the Pope was much more involved in university matters than the King. The masters due to their clerical status and not being the subjects to local ecclesiastical authorities had the right to appeal directly to the Pope if the Bishop or the Chancellor restricted their rights.

In the second chapter, I briefly overviewed the history of Canon law to clarify the importance of the decretals I am using. Then, based on the *Decretum Gratiani*, *Liber Extra*, and *Liber Sextus*, along with some commentaries and secondary literature, I demonstrated the difference between pertinaciously defended heresy and academic heresy. Revealing this distinction is crucial. The difference between the two lies not only in one being a much more serious crime than the other, but also in the methods of dealing with them, consequences, and punishments. The condemnation of 1210 is a clear example of how pertinacious heretics were

treated, whereas the most severe punishment for accusations of academic heresy was excommunication.²⁸⁶

The third part of the second chapter plays a very important role in the thesis. Moule's observation of the similarity between the cathedral chapter and the faculty of theology is a crucial step in understanding the process of condemnations and the role of the individuals involved.²⁸⁷ Although the function of the university is not directly defined by canon law, this comparison and the obvious similarities indicate that the decrees addressing the rights of bishops, canons, and the cathedral chapter in general also applied to the faculty of theology and its duties.

In the third chapter, I discussed the thirteenth-century academic condemnations and overviewed important debates in the scholarship. In all these condemnations, three main parties participated: the bishop, the chancellor, and the corporation of masters of the faculty of theology. The bishop's authority to be involved in doctrinal matters of the university is reinforced by the decree *Ad Abolendam* as I explained in the third chapter. Moreover, neither the chancellor nor the masters of the faculty of theology had the right to impose excommunication as a punishment, which could also explain the bishop's involvement. On the question, of whether the bishop overstepped his rights when he published the condemnations at the university, the answer is no. In addition to the arguments mentioned above, it is worth noting that, as shown in the first chapter, the arbitrary and excessive actions of local ecclesiastical authorities were always reported by the masters to the Pope. However, in the case of academic condemnations, there are no similar examples.

For future research, it would be interesting to compare the academic condemnations of the University of Paris to those that occurred at the University of Oxford. The first

²⁸⁶ CUP, 70, no. 11.

²⁸⁷ Moule, *Corporate Jurisdiction*.

condemnation that took place in Oxford was in 1277, the same year as the prominent case of Paris. It would be interesting to see if there is any connection between these two events. What were the leading factors behind the condemnation at the University of Oxford, who were involved, and how different were the procedures there? Another direction for the research could be to compare the thirteenth-century cases to the fourteenth-century ones, not only to observe differences and similarities but also to see the continuation and formation of the procedures and how much independence the University had at that time.

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