

two Christmas mysteries of the Nativity and the Eucharistic dwelling within men:

May our offerings, O Lord, we beseech You, be in keeping with the mystery of Your nativity, and may they ever bring us peace: that even as He, though made man, showed Himself also God, so too these fruits of the earth may bestow on us what is divine.

Implicit in these words lies the comparison: "We believe the Godhead dwells among us in our own flesh and blood, Divine Father; in that same faith may we cherish and enjoy always that Incarnate Divine Son Whose birth on earth is perpetuated in these mysteries of the sacrament of His Body and Blood."

There is no doubt that a Christmas without Holy Communion is incomplete. But even the reception of the Eucharist on the Feast of Christ's Nativity will lack full appreciation of the mystery unless the redemptive purpose of Christ's birth is understood and loved in relation to the order of divine grace. The redemption restored us to the supernatural order of grace whose goal is eternal happiness in loving union with God. But God's love, as it were, outdid itself; the union of divine Lover and beloved creatures was never again to be broken. Its perpetuation was effected in the Eucharist.

At the second Mass of Christmas day the faithful go to receive the newborn Redeemer with these words of the *Communion Verse* on their lips—a perfect greeting to the God-Man to be born sacramentally within them—:

Rejoice greatly, O daughter of Sion, shout for joy . . . behold
your king comes, the holy one, and the Saviour of the world.

—Anselm M. Egan, O.P.

JOHN OF PARIS, ST. THOMAS AND THE MODERN STATE

An Exercise in Applied Thomism

Part II

THERE CAN BE NO DOUBT of the numerous and striking modern elements to be found in John Quidort's early fourteenth-century political tract *Kingly Power and Papal Power (De potestate regia et papali)*. W. H. V. Reade in the chapter he contributed to the sixth volume of

The Cambridge Medieval History, "Political Theory to c. 1300," has underscored at least one of these elements, the beginnings of national particularism:

. . . the irregular boundary between the medieval and the modern is crossed as soon as the conception of Christendom, embodied for Dante in the Roman Empire, gives way to the belief that the largest autonomous community should be the territory or national State. The City State, the Empire and the Nation have been the three characteristic stages, and only the second of the three is properly to be regarded as productive of medieval thought.¹

Accordingly, Mr. Reade included in his survey another Dominican, Ptolemy of Lucca, but barred Quidort, men close by chronology but quite diverse in their concept of the Empire. For Ptolemy the Empire was a permanent part of the Christian scheme of things. It had, in fact, become identified in not a few minds with the divinely instituted Church, destined to last until the end of time. Quidort, a proud Frenchman and impressed by Aristotle's arguments against the advisability of a monolithic world-State, refused to regard the Roman Empire and its medieval successor as sacrosanct. Bent on reemphasizing the Church's spiritual mission at a time when its temporal influence still appeared to be in zenith, Quidort scored the well-intentioned efforts of some theologians to deck-out Christ's Mystical Body in the trappings of the Holy Roman Empire.

Beyond his enthusiastic espousal of the national kingdom as the best implementation of man's social needs, Quidort also was very much with the future in his precise formulation of the theory of the Church's merely indirect power over the State. The Parish theologian was at pains to prevent the naturally autonomous kingdom from becoming an ecclesiastical appendage, a mere servitor of the Christian Church, either because of the supernatural end to which man has been elevated, or because Christ as man allegedly committed temporal power to Peter. Still, his originality here might be very easily exaggerated. This moderate position was first developed at the time of Gregory VII. But it was then a mere sketch and soon lost sight of. Again, though he is its outstanding representative, Quidort is still a part of a pioneering French school which included the *Questio in utramque partem* and a gloss on the bull *Unam Sanctam*. The *Quaestio* is used by Quidort in response to several objections, but it is briefer and less profound, lacking John's philosophical and theological elaboration. The gloss, on the other hand, is quite similar to Quidort's but is almost certainly beholden to the Dominican theologian.² In the development of his theory of Church-State Quidort was modern in his realization,

at least implicit, that the sacral realm was being replaced by a profane one.

There is a skillful utilization of Christology to examine the nature of priestly power and determine what this involves, especially in the external forum. Ecclesiology, then a very amorphous thing, was employed to determine the interaction of Church and State, and what should be the regulative norms. Quidort stood apart in adopting a formal, theological approach to the bitter controversy between Pope Boniface and Philip IV of France. Yet, it is precisely because of his ecclesiology that Quidort is most often charged with being a radical. As we shall see, much of this "radicalism" comes from the fact that he "impregnated," to use Brian Tierney's expression, Decretist ecclesiology and Decretalist corporation theory, and then applied it to the Papacy to solve questions related to papal power, sanctions, the Pope's deposition, etc.³ In lifting ecclesiological questions from their traditionally technical setting and making them a part of popular, controversial literature, John has won for himself a strong claim to Conciliarism's disputed parentage.

Although there is agreement, at least in general terms, about the modern flavor of many of Quidort's theories, much uncertainty remains about how sound in doctrine, how beneficial for the future, his tract, *Kingly Power and Papal Power*, really was. It is understandable that even after a number of analyses have been attempted, commentators should still disagree in their appraisals of a medieval piece at once circumstantial in origin, rigidly theological in form, complex and somewhat untidy in development, polemical in intent, divergent in its sources. Without attempting to present completely satisfactory solutions, it is the purpose of this present article at least to focus on the points of controversy and suggest possible answers which often enough fuse insights borrowed from sharply opposed interpretations.

Quidort's Competence

At the time of the writing of the tract (1302) Quidort was a trained, mature, highly skilled theologian. An examination of *Kingly Power and Papal Power* shows him to be thoroughly conversant with the theological literature written on the controversy between Pope Boniface and Philip. He seems to be almost exhaustive in his consideration of the arguments scriptural, theological, philosophical and historical used by the theologians.

Quidort did not have, however, an encyclopedic knowledge of theological sources. This impression comes from his free use of other authors, often without citing them. This was, of course, a quite accepted practice

at that period. His very lack of standing as a professional exegete, historian, canonist proved to be a significant asset in the writing of this circumstantial piece. He broke through fixed patterns of thought and was immune from the deadening effects of pedantry. As one trained in the Aristotelic-Thomistic system he was scientific, realistic in his method of approach. He surpassed the professionals in his scientific use of the lesser disciplines, comparing their data to the principles of philosophy and theology. Dr. Tierney has made us aware, however, that John had a more detailed, first-hand familiarity with ecclesiastical jurisprudence than had been supposed.

Precisely because Quidort seldom indicates his contemporary sources, there is danger, of course, that the degree of his originality will be exaggerated. These hidden sources have been traced, however, and most of them are pointed out in Leclercq's study.⁴ It seems most unlikely that any new major source will be discovered. His principal debts are to a wide sampling of St. Thomas's works and to the contemporary controversial literature, especially Giles of Rome's *De ecclesiastica potestate* and *De Renunciatione Papae*. It was the same scientific mentality which made him objective and practical in his interpretation of a variety of key texts, unrelenting in his submission of contingent data to the regnant principles of the higher disciplines, which also insured that he would be intelligent and discriminating in his resort to plagiarism. Thus, he fused St. Thomas's political and Church-State texts, scattered through the entire gamut of his writings, into an integrated, functional system.

A Court Crony?

Quidort's impartiality is a very involved matter for which no entirely satisfactory analysis seems possible. Biographical details are indeed meagre, but even if we were well informed about Quidort we would still be faced with the problem that a number of factors were at work to determine the direction of his thought on the Church-State issue, and these factors are not easily evaluated.

John Quidort was an original thinker, a philosopher with a passion for logic, order, symmetry. There seems to have emerged at times, perhaps quite unconsciously, a certain tension between John the theologian (authority) and John the philosopher (reasonableness, order, perfect reciprocity). Again, John was a practiced dialectician, and he may occasionally have been betrayed by his own inventiveness. Finding an answer to every difficulty seems sometimes to have been even more important than the actual doctrine proposed.

It has sometimes been suggested that the very fact that the tract was written in Paris at the height of the controversy is strong *prima facie* evidence for its essentially partisan character. Actually, however, most advances in Church-State doctrine have been made in the midst of controversy. It is precisely this which stimulates discussion, and a renewed search for ever more perfect solutions.

We should bear in mind that the questions to be answered were themselves of very great difficulty and one can hardly expect pioneer attempts to resolve complex problems to be completely satisfactory. It must be remembered, too, that the solutions were sought in the midst of bitter controversy, and France's life and death struggle for survival. Doubtless Quidort was happy to be a Frenchman, loyal to his king, but, at the same time, the tract often manifests a genuine reverence and regard for the Pope.

Some have argued that the writing of this tract was prompted by the equivalent of a royal commission. Or Quidort may have wished to form and strengthen the king's conscience in its struggle with Roman absolutism. Such extreme theories need hardly to be resorted to, however, especially as there is little objective evidence to support them. Still, this evidence, even if inconclusive, should be considered.

On June 26, 1303 the Dominicans at S. Jacques signed an appeal to a General Council sponsored by the French king. Is the fact that John was the sixth from among 133 Dominicans to sign of significance? A recent study by the Dominican historian Fr. Dondaine (1952), appearing in the *Archivum Fratrum Praedicatorum*, sheds new light in this much-mooted question.⁵ He shows that most of the initial signatures belong to court-friars. The first signer, Renaud d'Aubigny, had delivered an harangue in the king's favor at a popular assembly at the Louvre, held just two days before. Nicholas de Freaville, the king's confessor was fourth, his socius fifth; then John of Paris, followed by William of Paris, then Inquisitor of France and subsequently royal confessor. The fact that the provincial and prior appear near the bottom of the list gives Fr. Dondaine an inkling that pressure was brought to bear. Though it is unfair to condemn by association, this circumstance strongly suggests that John had no personal objection to a royal-sponsored Council. This is not the same thing as saying that he was a member of the court party. His professional standing and personal conviction would satisfactorily explain his presence near the head of the list. Still, it is something to be reckoned with. We should not forget, however, that this appeal to a Council was modified by the qualifying

clause that nothing was intended contrary to the obligations of religious obedience and of reverence for the Holy See. Still, most of the foreign students at S. Jacques refused to sign, and probably went into exile, like the Franciscan Duns Scotus.

Quidort hardly was the sort to need a royal commission to enter the fray. He was eager to express himself on controversial issues; he wrote a response to William of LaMare, defended the special Mendicant privileges set forth in Benedict XI's *Inter cunctas*, controverted accepted explanations of the doctrine of Transubstantiation as unsatisfying. His was a hardy soul, ready to grapple with the most difficult problems. Circumspection seems seldom, if ever, to have held him back from the expression of his personal viewpoint. Yet, if in his theological career Quidort sometimes showed himself imprudent in the way he discussed delicate questions, he was always ready to submit to the judgment of the Church. Gilson believes the fact that he was made a master in theology only when he was at least fifty years old to be a sure indication he was never completely trusted.⁶

Granted that we need hardly suppose that the writing of the tract was so much as suggested by the court, it might still be true that the tract is, in essence, nothing more than a controversial piece intended to explain and present a *scholastic* defense of the king's position. But such a contention is hard to sustain.

Kingly Power and Papal Power is essentially impersonal, theoretical, theological. His lack of precise knowledge of many facts and issues connected with the quarrel between Paris and Rome marks John as one not directly involved in the making of events. Indeed, he shows no particular interest in the exact reconstruction of events or of the arguments of the two parties to the dispute. His approach to the actual components of the quarrel, whether people or ideas, is always oblique and almost incidental. There is no convincing evidence that he was either a royal advisor or a hopelessly prejudiced arbiter. Quite the contrary, he shows to his readers an imperial intellect sovereignly indifferent to petty strife. This is not to say that the actualities of the quarrel have not influenced his thinking; it is the *manner* and *degree* of this influence which interests us.

There is a marked effort to maintain an impartial, correct attitude towards both Philip and Boniface. If he shows a complete, unquestioning confidence in his sovereign's good intentions, he is also favorably disposed towards the Pope. Though John uses the French dossier, this is done in a very restrained way and in a very different spirit. Undeniably there are signs of patriotism and national particularism, but they are by no means

extreme. The fact that John of Paris was to be on more than one occasion publicly lauded by court officials, and his utilization by Fenelon, Bossuet and Dupin, all men of Gallican sympathies, have tended to dramatize his moderate nationalism.

Unlike the court party, Quidort makes no direct attack on the Pope, but rather on his self-seeking advisers, particularly Henry of Cremona, who are unworthy of the Pope they serve. When one considers the sustained obloquy visited on Boniface, John's attitude seems remarkably reverent and favorable. It is doubtful if there ever was a Pope, living and dead, as much maligned as Boniface, and this from so many quarters, Jacapone da Todi, the Colona faction, the royal counselors like Flotte, and Nogaret, the Franciscan Spirituals etc. But if Boniface, in John's view, has been either falsely represented or deceived by his curialist advisers, Quidort himself seems to have been victimized by Philip's pious show, his skillfully executed anti-papal campaign, largely the creation of unscrupulous lay advisers. This should suggest that the appraisal of his attitude towards his spiritual and temporal superiors is by no means a simple matter.

How is one to explain the disquieting circumstance that the reasons John alleges for the deposition of a Pope⁷ match very closely the libels concocted or supported by the court? He seems to have discussed the delicate, explosive questions of papal infallibility, deposition for grave abuses, secular-initiated reform of the Church, because, *de facto*, these were live issues and had to be treated. The Colonna manifesto alone would have raised the issue of papal *resignation*, to which the question of *deposition* is closely joined. John never admitted the charges, he discussed them, and this under the cover of a discreet anonymity. It is somewhat disconcerting though to see how often Quidort reopens the question of papal deposition, almost as though he were taking a morbid satisfaction in the prospect. Actually, it is more likely that he is reassuring himself and never losing an opportunity to present new arguments or reemphasize old ones. Significantly, it is the emperor, not the prince, who would play the role of initiator in the process of deposition. If Quidort seems unduly sympathetic to Philip's qualms about French bishops attending a Roman Synod, it should be recalled that this was a religious question with strong feudal overtones. Property rights were involved, something about which he was peculiarly sensitive.

There are a number of references, at least possible ones, to contemporary events e.g. the holding of the Roman Synod, but the references are veiled. The near-total absence of personal observations makes it more

or less a guessing-game to determine his true attitude. Some have even seen in Quidort's suggestion that a Pope who, through abuse of his spiritual sword was stirring up civil rebellion and so could be proceeded against as any public enemy, a defense of, perhaps even a provocation for, Anagni. It seems clear that John neither knew of, justified or instigated the outrage of Anagni. He could hardly have omitted mention of it, if it were a fact. One might say that there is a remote theoretical justification for Anagni in the tract, in the sense that if the Pope used a Synod to plot rebellion in France, or if, through an unmistakable assertion of temporal power, he urged the citizens to civil disloyalty, he might be proceeded against as a public enemy. As a matter of fact both of these charges were leveled by the royal party, but John insists that they must be clearly proved. He admits the *principle*, but questions the *facts*.

It can hardly be doubted that what John primarily intended was a philosophy and theology of the State, with partisan motives definitely subordinate. We should not forget the cautious phrases which not infrequently surround the more extreme of his views. To impute a conscious partisanship to Quidort we would have to regard the entire philosophical-theological fabric as calculated deceit. John was probably *influenced* by partisanship, but he was not directly motivated by it.⁸

Ultimately the personal feelings of those who comment on Quidort's handiwork will tend to resolve the doubts.

True to St. Thomas in His Fashion?

A charge frequently leveled at Quidort's tract is that he used St. Thomas when this was convenient, but could not, in the strict sense be called a disciple. While there is considerable truth in this, the extent of his deviation from Thomistic doctrine has often been exaggerated.

Something too often forgotten is that it is not St. Thomas's doctrine which is being defended in *Kingly Power and Papal Power*. St. Thomas is never named, either by John or the theocrats. This is hardly to be wondered at, as St. Thomas had no special status in the Church-State controversy. He was neither appealed to, nor denounced. It was John's policy, in any case, to mention contemporaries or near contemporaries but very sparingly, if at all. The controversial literature itself, the Fathers, Doctors (especially St. Bernard), Gratian and the canons are directly involved. Since Aquinas is never cited, there can be, properly speaking, no question of falsification, but only of fidelity or deviation.

It would take us too much out of our way to attempt a close com-

parison of the tract with all the Thomistic texts utilized. A general indication would be instructive, however. Those wishing to make an analysis for themselves will find helpful charts of Quidort's sources in Leclercq, pp. 31, 35-36. The listing of Thomistic sources may be supplemented by reference to Griesbach's footnotes.⁹

John draws many key themes from the *On Princely Government (De Regimine Principum)*:—the natural origin of the State; the superiority of royal rule; the priesthood as ordained to the continuance of the effects of Christ's passion through the administration of the sacraments; God's using tyranny for His own purposes; the providential reverence of the Romans and Gauls for their priesthood. From Chapter 14 is derived the relation of the temporal and spiritual spheres: temporal affairs should be distinct from those spiritual; the king should be subject especially to the Pope in things spiritual i.e. instruction in the divine law. One must read the *On Princely Government* to understand Quidort's views on royalty and other species of government. His terminology is often vague, because it is a truncated version of what St. Thomas is teaching in the initial chapters. This conciseness sometimes gives the false impression that Quidort is disagreeing with St. Thomas. Actually, he stresses the advantages of royal rule with other subordinate ideas left obscure. John's own acceptance of the advisability of mixed government, if sometimes unclear, seems to be certified by his assumption that the nobility would correct a tyrannous ruler. Reading St. Thomas is of inestimable value particularly for understanding Quidort's terminology.

Though Leclercq suggests that Quidort's greatest debt to St. Thomas is his utilization of the *Summa*, an actual examination of the sources rather points to the *On Princely Government* and the *Contra gentes* as John's principal debts to St. Thomas, at least regarding quantity. Much of the ecclesiology comes from the fourth book of the *Contra gentes*. From Chapter 46, the necessity of the sacraments and why they are sensible signs. From Chapter 74, "The sacrament of orders," the priest's instrumental role in human sanctification; the need that the priesthood be perpetuated; orders as directed to the other sacraments, especially the conservation of the Eucharist; the idea expressed by St. Thomas that we are rendered fit for the Eucharist by penance is enlarged to serve as a basic principle in his enumeration of ecclesiastical powers. From Chapter 76, "The episcopal dignity and that there be one in it who is supreme," the episcopacy as a higher order to dispense to others the sacrament of orders; equality of all priests over Christ's physical body, but bishops have special powers over

the faithful; arduous things are undertaken by them; the priestly ministry is an episcopal commission; priests use articles consecrated by bishops. In this same chapter St. Thomas lists reasons of convenience or of necessity for the Papacy. Quidort follows St. Thomas very closely here, often word for word, though he tacitly rejects St. Thomas's contention that the other Apostles were to receive the power of the keys *through* Peter.

It is in his employment of texts from the *Summa* that we see most of Quidort's misappropriations of Thomistic doctrine. He borrows from the Ia-IIae, Q. 105, a. 1 St. Thomas's description of the divine origin of Jewish mixed government and its suitability "especially for that people" (*ad 2um*) and then applies the doctrine to the papal monarchy! Ignoring St. Thomas's answer, Quidort makes an objection cited against papal infallibility (IIa-IIae, Q. 1, a. 10, *ad 2um*) serve as a proof that the Pope cannot define doctrine apart from a Church Council.

Quidort illicitly applied St. Thomas's teaching on tyrannicide to justify the emperor's deposing a Pope.

But much more important than any textual borrowings are the key Thomistic themes. To St. Thomas Quidort owes his clear distinction of the orders of grace and nature and respect for their intrinsic exigencies. It was Aquinas who was first to distinguish adequately between political prudence and ethics. Quidort does indeed seem at times to accord too much to nature: there is a suggestion of semi-Pelagianism in some few passages, but it would be difficult to demonstrate it; even more difficult to show its influence on the practical conclusions he draws.

To St. Thomas, Quidort owes his key and, one may add, devastating exegetical principle, that no allegorical interpretations are to be accepted in argumentation unless corroborated by the literal sense of another passage.

As to the ecclesiology of the tract, it is partly Thomistic, essentially canonistic. Quidort seems to have taken "ready-made" sections from St. Thomas on certain ecclesiological *topics*. But crucial *issues*, questions related to the Church's constitution, are settled by John's own interpretation of ecclesiastical jurisprudence and the commentaries that surrounded it. Before we are too hasty to accuse Quidort of betrayal, we should recall that there was often strong canonical authority to break with St. Thomas e.g. the question of papal infallibility. Scarcely a quarter of a century had passed since St. Thomas's death. It was hardly to be expected that he would have an accepted theological status especially in matters of ecclesiology, which was regarded as the canonists' preserve.

I feel that a valid, coherent Thomistic doctrine of Church-State can

be *detached* from the tract; that the key political ideas are thoroughly Thomistic. It must be recognized, however, that John faced *new* problems not taken up directly by St. Thomas. It was a prolongation of Thomistic principles. John of Paris, in this prolongation of Thomistic principles, does not entirely abandon the unitary view of European society i.e. Christendom. While there is a high wall of demarcation between what is properly temporal and properly spiritual, there remains a subordination and authoritative direction in the sense that the Church has total competence over the natural and divine law. Quidort restricts, but does not deny, the Hildenbrandian principle that a king may be deposed for his sins. St. Thomas himself merely said the pope could be deposed for heresy and "other faults."

Marc F. Griesbach

Marc F. Griesbach, now of Marquette University, has made the most recent analysis of the Thomistic character of Quidort's tract in an article contributed to *An Etienne Gilson Tribute*: "John of Paris as a Representative of Thomistic Philosophy." Since Mr. Griesbach has advanced a number of novel observations, they merit at least brief consideration. We may say in general that Mr. Griesbach finds Quidort using scissors and paste with the Thomistic texts in order to arrive at prearranged conclusions. In his own words, Quidort:

repeatedly finds it necessary to alter significantly the materials that he borrows from his Dominican confrere, by deleting passages, inserting qualifications, combining statements from different contexts and various other devices, in order to escape the conclusions of the original. . . . This becomes unmistakably evident when one juxtaposes passages of Quidort's treatise with corresponding passages from the writings of St. Thomas.¹⁰

It will be recalled that in his *Commentary* on the Second Book of the Sentences St. Thomas, after laying down the principle that the spiritual and civil realms ought to be separate, places the rather startling exception: "Unless, perchance, the secular power is also joined to the spiritual power as we have it in the Pope, who holds the pinnacle of both powers, sc. the spiritual and secular. . . ." We have already discussed in a previous article how this passage might be integrated with the rest of St. Thomas's Church-State texts. Griesbach is disturbed because Quidort, in paraphrasing this passage from St. Thomas in the early part of his tract, failed to quote the hierocratic conclusion.

Is it not likely that Quidort omitted the troublesome conclusion because he was to discuss in exhaustive detail the Pope's temporal competence

in the several following chapters and in answers to the forty-two objections of the theocrats contained in Chapter XI? The sixth objection, in particular, should have been considered by Mr. Griesbach. Here John of Paris lists an objection taken from the Decree of Gratian where Pope Nicholas says that Christ granted or committed to Peter "the rights of the heavenly and earthly kingdom." This is very close to what St. Thomas said. John finds a number of ways in which Pope Nicholas's statement may find an acceptable interpretation. He has, then, taken up the problems posed by St. Thomas, but in the context of the Decree, appealed to by the theocrats. John is attempting to refute the theocrats, not St. Thomas.

A second Thomistic text allegedly tampered with by Quidort is from the famous Chapter XIV, Book I of *On Princely Government*, which discusses the interplay of the temporal and spiritual orders. Since eternal life is attainable only by divine grace, St. Thomas observes, only divine rule can lead men to such an end. "Such government belongs only to that king who is both man, and also God: that is to Jesus Christ, Our Lord, Who, making men to be Sons of God had led them to the glory of heaven." John of Paris cites this text in his second chapter, "The priesthood: its nature and origin." Griesbach comments:

At this point, where Aquinas goes on to conclude: "Unde ab eo regale sacerdotium derivatur," Quidort abruptly drops the text of the *De Regno* and good Thomist that he is, finds in another context a conclusion more to his liking. Christ, he observes, instituted the Sacraments as a means of conferring upon men the effects of His Passion¹¹ . . .

This omission of the phrase "*Unde ab eo regale sacerdotium derivatur*" is doubly significant for Griesbach. It points up Quidort's eclectic Thomism and also documents Griesbach's thesis that John defines "the ecclesiastical authority in such a way as to restrict it as completely as possible to the sanctuary." We would suggest, however, that the reason why John here omits reference to Christ's royal priesthood is because he wishes to take up this text later in what he regarded as a more appropriate place, where he treats *ex professo* Christ's royalty. It is in the eighth chapter, where he sets out to prove that the Pope does not have jurisdiction over temporal goods because Christ Himself did not have it, that he presents a discussion of Christ's royalty with a precision and fulness unusual for the time. John again had occasion to comment on Christ's royal priesthood in answer to objection twenty-five which argued that the vicar of Christ Who was both priest and king, the Pope, has both royal and priestly power. Thus, the Pope institutes, orders, sanctifies and blesses royal power. In reply, John indicates that it is called a royal priesthood 1) because it

directs to a heavenly kingdom; or 2) in the sense of Peter that the faithful who are one with Christ the head are in him kings and priests; or 3) because Christ reigns in them, the faithful are called a kingdom; priests are royal in the sense that they offer a sacrifice of praise etc.

One could not reasonably expect that John would use the royal priesthood as the centerpoint of his ecclesiology, when St. Thomas did not even set aside a single article for its discussion. It is only with modern Thomists like Grabmann, and the Dominican Nicolas, Heris, Kappeli, Eschemann, that an attempt has been made to develop a theology of the Church from St. Thomas's scattered references to Christ's royalty. Also, a point made more than once by the Paris theologian, is that if in the Old Testament there may have been a royal priesthood in the sense that the two functions were merged, with the approach of Christ's more perfect priesthood, they became even more separate. Would it not have compounded confusion for Quidort to have used *royal priesthood* as the core of his definition of Christ's priesthood?

In answer to the twenty-seventh objection that true justice, and hence true political society, can be had only where Christ and his vicar rule, John answers that all the acquired moral virtues can be perfect of themselves and receive but an accidental added perfection from the theological virtues. This, of course, is clearly against what St. Thomas had taught in the *Summa*, I-IIae, Q. 65, a. 2. But it is hard to believe that the answer to one of forty-two theocratic objections is intended as a crucial part of a "philosophical and theological foundation for an autonomous political order." The answer seems very much *ad hoc* and is intended primarily to safeguard the State's principal end. Mr. Griesbach makes no attempt to show that the distinction is operative in the solution of concrete problems. *De facto* there is a supernatural order and a supernatural priesthood. Since John recognizes both the natural and divine law as within the competence of the ecclesiastical order, how can a too generous statement of the *per se* appetibility and goodness of civic virtue practically impede the Church in her spiritual mission? Significantly, Mr. Griesbach fails to tell us how Quidort completes his answer:

It can also be said that a republic of the Christian people is not rightly ruled unless the Pope be ruler (*rector*) who is Christ's vicar in things spiritual nor otherwise would justice be preserved unless, as is just, he should be obeyed in spiritual matters.¹²

Finally, in his extreme statement of the State's capacity to lead men to virtue, may he not be thinking of the objection as a threat to his earlier

contention that the State was a fully accredited society prior to the Incarnation?

In an arbitrary and unconvincing fashion Mr. Griesbach interprets certain of Quidort's texts to prove that in *Kingly Power and Papal Power* there is denied any juridical subordination of the temporal to the spiritual. Obviously this would make the tract totally other both in spirit and content to St. Thomas's political philosophy. The student of Quidort cannot help but be puzzled by the odd circumstance that Mr. Griesbach attempts to evaluate Quidort's doctrine of the Church's juridical supremacy, coercive authority, the right of sanctions without ever considering the texts of *Kingly Power and Papal Power* where these topics are taken up directly and *ex professo*. The briefest and most effective procedure would be simply to mention some of these neglected texts.

If coercive power and sanctions prove juridical subordination, then surely Quidort holds for the temporal order's juridical subordination to the spiritual. In analyzing the Church's judicial power in the external forum, which is, for John, "the entire difficulty," he makes the following very significant commentary:

. . . we should understand that the judicial power in the external forum involves two things, sc. the authority of distinguishing or judging . . . and the power of coercing. . . . For these are the two keys in the external forum. Of the first we should know that the ecclesiastical judge as such in the aforementioned external forum does not regularly pass judgment except on spiritual causes which are called ecclesiastical and not in temporal causes except by reason of sin; but if we understand what a delict is, this need not become an exception, since the Church has judicial competence over no delict except as it is reduced to the spiritual and ecclesiastical. For there is a two-fold sin in temporals, in one way by a sin of opinion or error as when it is held that usury is not a mortal sin . . . or if in any similar matter one should doubt whether it be licit or illicit before God. And since all such things are determined by the divine law according to which the ecclesiastical judge must pronounce, there can be no doubt that competence in such matters is the ecclesiastical judge's alone. In another way by an illicit transaction in the concrete and the deciding of these is the secular judge's alone who judges according to human or civil laws which regulate appropriations and sales¹³ . . .

There must then be full acceptance of the Church's interpretations of the moral law and these interpretations must be reflected in civil law. Beyond doubt John recognizes the immanence or involvement of the spiritual with the temporal. The State must submit itself to the Church's decision as to what is licit or illicit in the moral order. There is a juridical subordination, for one who contravenes the Church's teaching is a heretic and

liable to penalties. Thus, when John says that the Pope instructs *de fide* and not *de regimine* he is drawing a distinction between the human or civil law (over which the prince has full competence) and the divine law, not erecting an iron curtain between politics and the Church. A great deal more than the private life of the ruler is involved.

Again, in answer to the twelfth objection that the Pope has judicial competence over every sin, Quidort responds that he does:

When the question is raised about sin, whether this be a sin or not, licit or illicit: for this is determined from the natural or divine law and so becomes ecclesiastical. But he does not have competence over a sin touching buying or selling which is determined according to human laws.¹⁴

Can it be doubted that John of Paris in no wise wishes to place the prince outside the Church's judicial power in questions directly related to the natural or divine law? *De regimine*, for Quidort, means the inviolability of the king's authority over what is purely civil; but his fidelity to the Church's teaching cannot help but have most significant repercussions in the temporal order. To deny John's distinctions would be effectively to rob the State of all legislative and judicial power.

It should now be obvious how dangerous it is to draw a synthesis of John's position on the implications of the spiritual order's superiority over the temporal from certain selected passages, without due regard for all that he has written on the subject. Again, his principles must be seen in action to be appraised aright; it is better to examine his concrete examples, rather than to attempt to draw one's own "logical" conclusions from static premises. Further, we need a clear picture of what Quidort is battling against to know what he is attempting to save. When the Dominican speaks of perfection in the temporal order, or of autonomy in the art of ruling, one must be careful to note his allowances for the interplay of civic laws with the natural and divine, of the art of politics with morality, and this in the very public life of the community. In the face of theocratic pretensions he defends the secular power's autonomy.

Another point apparently missed by Mr. Griesbach is that temporal power, as Quidort and his contemporaries thought of it, was property-orientated; and the right to correct temporal sins in the external forum would be the arrogance of civil power. Thus, in the Prologue itself Quidort separates himself from those who say prelates cannot have dominion "in temporal riches." In the same place he exposes the error of those who would give the Pope jurisdiction "in temporal goods." According to this

error the Pope can validly, if illicitly, free a usurer from his debt of restitution; seize property at will.¹⁵ Again, in a later passage, Quidort insists that not the Pope but the king is head "so far as rule in temporal matters is concerned or the disposition of temporal goods."¹⁶ Quidort gives to the emperor primary competence in the correcting of a Pope, especially for a *civil sin*.¹⁷ He elsewhere describes the Pope's civil sins as related to usury. He looks on preaching as having the temporal effect that men would bestow temporals as the order of charity requires. This would also seem to be an indication that Christian living brings significant improvement to that acquired virtue of justice of which even pagans are capable.¹⁸ In the following passage, however, we have perhaps the clearest statement of what Quidort saw as involved in the ruler's promotion of the State's social purpose;

But since because of such external goods it happens that sometimes the common peace is disturbed when someone takes what belongs to another; also, since men, excessively loving what is their own, sometimes do not share them as the nation's necessity or utility requires, accordingly the prince has been constituted by the people to oversee such matters, as a judge deciding what is just and unjust, and as a measure for receiving goods from each, according to a just proportion, for the common necessity or utility.¹⁹

Note how property is the dominant theme; that social peace, of which Quidort makes so much, is principally achieved by equitable settlement of property disputes. There is also set forth the new idea that taxation is for all citizens. The clergy are not directly mentioned, but Quidort says elsewhere that the Popes have recognized that clerics must pay tithes to the emperor. Again, the king would seem to have the right to withdraw all clerical privileges, immunity from secular trial included, but it should be prompted by the discovery of grave abuses.

Again, when Quidort sets out to prove that Christ as man did not have temporal jurisdiction these are some of the objections he answers: Christ drove the buyers and sellers from the temple, cast demons into swine, told his disciples to take an ass and foal. John simply did not envisage a conflict in moral outlook between kings, judges and nobility on the one hand, and theologians on the other. We must not forget, too, how the beginnings of the Philip-Boniface quarrel were tied up with financial questions: the money taken from clerics for the war in Flanders was needed by Boniface for his war in Sicily. In his period of weakness and vacillation (1297-1300) Boniface had gone so far as to withdraw the offensive *Clerics laicos*.

The Tract's Conformity with Catholic Tradition on Church-State

Quidort's sources are principally theological. His approach, too, is theological. Thus, he resolves the problem of the autonomy of the Christian State, its interaction with the Church, through ecclesiological principles. Christological elements, chiefly Thomistic in origin, are employed to determine the essence and properties of the Church and its priesthood. He did not have the standing as a theologian enjoyed by Giles of Rome and James of Viterbo. Yet, *Kingly Power and Papal Power* compares favorably with their formulations.

The tract must be viewed under the aspect of being a reaction, dignified but relentless, to the exaggerated statements of the pontifical school. As such, it is, indeed, an extreme curtailment of papal power. We must, then, know Quidort's opponents and the unpalatable conclusions they draw, to understand John of Paris's answers. It was precisely in his search for answers to these difficulties, some of which concerned the very *raison d'être* of the two societies and their most fundamental activities, that a full tract on Church-State emerged. This makes it all the harder to tell how much partisanship influenced this orientation in his thought i.e. the curtailment of papal powers, or how theologically justified he felt in presenting it.

John reasserted the Gelasian principle and harkened back to the moderate adversaries of Gregory VII. Still, his doctrine of an *indirect* and spiritual power over the temporal order was novel and somewhat startling in tone. Political Augustinianism, various formulations of the hierocratic theory, constituted a climate of theological opinion but not, properly speaking, a Catholic tradition. In fact, they obscured that tradition. In his espousal of the indirect power John was a pioneer, but not a radical. His tract constituted a sharp departure from the trend begun by Hugh of Saint-Victor, John of Salisbury, Alexander of Hales, Vincent of Beauvais. It was an almost contemptuous repudiation of Giles of Rome and James of Viterbo, his contemporaries.

While we still do not have a complete knowledge of what the contemporary theological teaching was, it is unlikely that new information will cause very much by way of radical revision.

Quidort was, of course, an innovator and working contrary to Catholic tradition when he said the *temporal* power could directly act on the spiritual realm. Certain notorious, isolated historical events and canonical texts served as a shaky foundation for this dangerous theory. Quidort is much more felicitous when building on St. Thomas than when he is

going it nearly alone. Through St. Thomas, John found Aristotelian political doctrine and the authentic Catholic tradition.

Again, John of Paris was the first to apply the democratic principle to Church government, with vague suggestions of a representative body to assist the pope "in some fashion."

Undeniably, there are many Conciliarist elements in Quidort's tract but do they constitute a radical departure or are they rather a "logical culmination" of ideas contained within ecclesiastical jurisprudence? Many components of early canonistic thought were antithetical to the theocratic system. Again, there were many concepts in the canons and their interpreters readily susceptible of a Conciliarist interpretation. Quidort's Conciliarism has some justification but it seems to reveal a state of mind more than a logical sense. He was in search of a coherent ecclesiology that would effectively safeguard secular autonomy. Ecclesiology was admittedly an amorphous thing and susceptible of many interpretations and modifications. There were many unresolved problems:—the rights of the members as against the prerogatives of the head. John tried to resolve the ambiguities, to erase the contrast between episcopal and papal power which was constantly growing more extreme. He built his ecclesiological system on a "group of less conspicuous doctrines." Why? In part, perhaps, because of a distaste for contemporary expositions of papal *plenitudo potestatis*. Recent papalist-orientated canonists could be dismissed as extremists, opportunists, party-men.

It is of crucial significance for the future that Quidort lifted these ecclesiological ambiguities from their technical setting and made them a part of controversial literature. Still, all of these questions had first been raised, at least in general terms, by the royal dossier or the Colonna manifesto. Much of the tract's Conciliarism may well have resulted from his quest to prove that a Pope could resign. Since the Pope's distinctive power is natural jurisdiction, it can be taken away by voluntary resignation or deposition.

There are, indeed, many possible sources for Conciliarist ideas in the tract:—the royal dossier, the seventeen references to the Decrees and Decretals in the theocratic objections collected by Quidort (no more effective response possible than to answer the theocrats from these same sources), the Colonna manifesto, Giles of Rome's *De renunciatione papae*, used by John in the last chapters of the tract. It would be difficult to prove that the Conciliarist theories were a deliberate device to bring the Pope "down to size." Since John of Paris found the canonical texts to be the

most effective critique of curialist claims, it is to be expected that he would build his ecclesiology precisely from these texts.

There is a close linking in John of the questions of the renunciation and deposition of a Pope. To prove the validity of the one, for Quidort, proves the validity of the other. From a discussion of these allied problems results a distinction of orders and jurisdiction; the man and his papal office. This development of a practicable program of papal deposition may be John's "most significant contribution to the advance of Conciliarist ideas."²⁰ He takes up the topic on *eight* occasions.

In his use of corporation theories as applied to the Papacy, the Pope a *procurator*, the principal *member* of a corporation, diffused authority, election by the members through the Cardinals etc. he proved very useful to the conciliarists, and his theories all had impressive theological support. They were ready for immediate use by the Conciliarists. Incidentally, all of these borrowings from diocesan corporation theory were fused together in the discussion of papal deposition.

A Thunderbolt from Rome

It is, of course, true that the bull *Unam Sanctam* dealt chiefly with the much disputed question of the Pope's competence to correct what is morally wrong in the ruler's conduct of temporal affairs. Boniface strongly asserts his obligation to rebuke a king for sins committed in his official capacity. But Philip Hughes draws attention to an important qualification that is too often overlooked:

Unam Sanctam is a re-statement of the reality of the Church's divinely-given right to correct the sins which kings commit as kings, but the bull does not set this right in detail, nor, though it states the right in the form common to similar papal documents for now a hundred years and more, does it define this right in those forms, or indeed define it at all, except in so far as it is included in the general definition with which the bull ends.²¹

The sameness of topics discussed in Boniface's bull and in Quidort's polemical piece need by no means prove a dependence of the one on the other. In 1858 Charles Jourdain discovered Giles of Rome's *De ecclesiastica potestate* in the Bibliotheque Nationale. The likeness between this work and *Unam Sanctam* was so striking, chiefly in the development of the idea that the Church is incomparably superior to the State, that some even asserted a common authorship. What now seems all but certain is that the author of the bull, Boniface himself, or a curialist, but not Giles, knew

and used the *De ecclesiastica potestate*. Now Quidort used this work extensively with twenty-one of the forty-two objections listed by the Dominicans having their source, at least among other possible sources, in the *De ecclesiastica potestate*. This fact, added to the consideration that the pontifical document drew almost entirely from traditional themes, very well explains the similarities between the two documents. One cannot help but wonder, though, how much knowledge Quidort had of the papal statements issued during the long crisis, and what his reaction was to them.

Is the Tract a True Foreshadowing of Modern Church-State Teaching?

Quidort wrote at a time when the sacral realm was being transformed into a lay State. Accordingly, John's perspectives are significantly modern. Since it was written during a troubled transitional period, we should not look, however, for a perfect expression of the spiritual's transcendence over the temporal. Still, we must take careful note of all those passages in the tract which allow for spiritual transcendence. This has not always been sufficiently appreciated. Cardinal Antonelli's famous statement of the *sacrum in temporalibus*, seems very close to John's formulation that the Church has full competence over the divine and natural law, and his further contention that temporal sins of error are reductively spiritual. We should not miss this magisterial control that the Church possesses in Quidort's scheme.

Nor should we ignore the numerous medieval elements retained:—the Dionysian hierarchy, the emperor's special role in Christendom (though sharply modified), the preservation of special clerical privileges, the Pope as defender of Christendom, promoter of crusades etc.

Quidort was part of an original theological "school" which terminated in Leo XIII's *Immortale Dei* and the recent formulations of the indirect power. The tradition of which Quidort was a part influenced Bossuet who, in turn, made his mark on Leo XIII's thinking. Again, St. Thomas is a common master to both Leo XIII and John of Paris. Both build on a natural-law State. This is not true of Boniface VIII.

Leo XIII, however, was principally concerned with the lay State's encroachments in the spiritual realm, Quidort with protecting the lay State's autonomy from an extreme statement of papal power. Hence, Leo emphasized the Gelasian principle, John the indirect influence of the Church on the temporal or civil order as such.

John's contention that the lay state is omni-competent in the human

sphere agrees with Pius XI's doctrine as found in *Non abbiamo*. Here, as in other papal documents, the right of the Church to correct a sovereign's sins is not stressed.

There is a marked similarity between Pius XII's principle that the Church in its relations with society must continually adapt itself to the providential path of history, and John's own emphatic refusal to canonize history. Again, his doctrine of indirect power, stressing, as it does, the Church's spiritual mission, allows for flexible adaptation to the mutations of history.

May It Make Contributions to the Solution of Modern Problems?

There has been much perfecting and adapting of the doctrine of the indirect power, as new and more subtle problems have been faced in the modern era. Quidort did not imagine himself as faced with the problem of a laicized State; if anything, the State was seen as assisting the Church to a rededication to her true mission in the world. In resisting these encroachments the State was seen as underlining this spiritual mission. The curialists were giving substance to Herod's fears about Christ's kingdom.

Quidort is representative of that *via media* which may be considered official papal teaching in our period. This hardly means a full endorsement of Quidort's tract, even indirectly, by the Church's Magisterium.

Father Murray, S.J., despite his high regard for his medieval theologian with a kindred spirit, naturally uses modern papal documents as proximate to a solution of present problems, chiefly the confessional State and a democratic, pluralistic society.²²

A Dominican Maverick

Quidort's *Kingly Power and Papal Power* had for centuries a most unfortunate fate largely because Conciliarism, Gallicanism, the Reformation, Febronianism filled the time-gap between himself and the modern era. While his Church-State doctrine was largely ignored, his Conciliarist notions were eagerly seized upon. For centuries Conciliarism dislodged Church-State as the burning issue. Only now is he being fully appreciated.

So, while the tract was too complex and nuanced, too tardy, to be understood or profited from, he stocked the armories of the Conciliarists and Gallicans.

Largely because Conciliarism has fallen under a cloud there is a strong tendency on the part of Catholics, particularly post-Vatican Catho-

lics, to be unduly harsh and unsympathetic in judging the work. The extenuating circumstances that go far to explain the radical character of his ecclesiology, as well as the true excellence of his Thomistic Church-State doctrine, have been lost sight of altogether. In evaluating *Kingly Power and Papal Power* one should forget neither its date nor the troubled circumstances of its birth. Quidort was trying to keep his footing in a whiptide.

Despite the importance and interest of his ecclesiology, it should be recognized that it is essentially a tract dealing with the Church-State problem; ecclesiology is used as an instrument, a technique of solution to Church-State problems. An exaggerated statement of spiritual transcendence was the main object of attack.

In elaborating a philosophy and theology of the State that was essentially Thomistic, he was truly a pioneer and was not to be equalled for centuries. He was particularly modern in his enthusiastic support of the national State as the ideal autonomous unit. John's perspectives were mixed: he held fast to certain medieval elements, but essentially he looked to the future, not the past.

If Quidort exaggerates the State's power to achieve and promote civic virtue this should be seen as an attempt to preserve the State's personality and autonomy, even in the Christian scheme of things, where the spiritual power's prestige is immeasurably enhanced. It was not his intention to segregate the State from the Church's moral influence. It is precisely the perfection of the primaevial State and the Christian priesthood that demands their separateness. John was apparently afraid lest the State, if unable to produce perfect acquired virtue, would lose its purposefulness.

John remains a maverick who has been largely rejected by the Thomistic tradition and ostracized from a position of good standing in the Dominican family, because of a supposed lack of that characteristic loyalty of the Order to the Holy See, principally as the doctrinal champions of its prerogatives. This is an injustice which needs correction.

—Paul W. Seaver, O.P.

FOOTNOTES

¹ W. H. V. Reade, "Political Theory To c. 1300," Chapter XVIII from Vol. VI of *The Cambridge Medieval History* (New York: The Macmillan Co., 1929), p. 633.

² Dom Jean Leclercq, O.S.B., *Jean de Paris et L'Ecclesiologie du XIII^e Siecle*, Librairie Philosophique, J. Vrin, Paris, 1942; pp. 36-37.

³ Brian Tierney, *Foundations of the Conciliar Theory*, Cambridge University Press, 1955.

⁴ Leclercq, *Jean de Paris*.

⁵ Antoine Dondaine, "Documents pour servir a L'Histoire de la Province de France: L'Appel au Concile (1303)," A.F.P., Vol. XXII, 1952, pp. 381-439.

⁶ Etienne Gilson, *History of Christian Philosophy in the Middle Ages*, Random House, 1955.

⁷ Quidort, *De Potestate Regia et Papali*; 215, 17.

⁸ Philip the Fair had the University of Paris debate the question whether the Pope might lawfully resign. As one might expect, the answer was in the negative. The fact that John of Paris, in the face of this decision by the most distinguished theological faculty in Christendom, defended Celestine's right to resign need not be as significant as Leclercq believes. As Dr. Tierney has pointed out, this alleged inability of the Pope to resign rests on an extreme version of papal plenitude of power—an admission that would have forced a rewriting of the entire tract.

⁹ Marc F. Griesbach, "John of Paris as a Representative of Thomistic Political Philosophy," pp. 33-51 from *An Etienne Gilson Tribute*, Marquette Univ. Press, 1959.

¹⁰ Griesbach, p. 43 and p. 48.

¹¹ *ibid.*, p. 39.

¹² Quidort, 229, 32-35.

¹³ *ibid.*, pp. 212-213.

¹⁴ *ibid.*, p. 223.

¹⁵ *ibid.*, p. 174.

¹⁶ *ibid.*, p. 230.

¹⁷ *ibid.*, p. 215.

¹⁸ *ibid.*, p. 212.

¹⁹ *ibid.*, p. 189.

²⁰ Dr. Brian Tierney.

²¹ Philip Hughes, *A History of the Church*, Vol. III.

²² J. C. Murray, S.J., "Contemporary Orientations of Catholic Thought on Church and State in the Light of History," pp. 177-235 from *Theological Studies*, Vol. X, 2; June, 1949.

LIBERALISM AND THE AMERICAN UNIVERSITY

THE QUESTION of whether or not Catholic high school graduates should be allowed to attend secular colleges and universities has been a headache to the Catholic hierarchy for over a hundred years. The question is still a live one today, but the intention of the present article isn't to meet head-on the question of Catholics in secular colleges. Our