

Giles of Rome and his Use of St. Augustine in Defense of Papal Abdication*

At the close of the thirteenth century, papal abdication, a question of constitutional church law with millenarian implications, created unrest among disenchanted Spiritual Franciscans. The *Pauperes eremite domini Celestini*, a Benedictine congregation to which a number of these Spirituals belonged, witnessed Celestine V's abdication on December 13, 1294, and subsequently saw their special status rescinded by the papal successor (8 April 1295). In their eyes, this pope, Boniface VIII, represented the worldly, diabolical aspect of what they considered to be the carnal church. Eventually, they and like-minded Spiritual Franciscans in Italy found allies in a family from the Roman nobility, the Colonna, who were very shortly to incur the pope's wrath. The Colonna, in turn, began to perceive their new rivals on the Roman scene as a threat, for the Caetani family tried to enhance its holdings at their expense. From their perspective, Benedict Caetani, Boniface VIII, was a *homo novus*¹).

*) This article was presented as a paper at Villanova University in October 1987.

¹) On this period see Peter HERDE, *Cölestin V. (1294) (Peter von Morrone): Der Engelpapst* (Stuttgart, 1981), pp. 126ff., 162ff.; T.R.S. BOASE, *Boniface VIII* (London, 1933), pp. 159-185. On papal abdication see Franz GILLMANN, "Die Resignation der Benefizien: Historisch-dogmatisch dargestellt", *Archiv für katholisches Kirchenrecht* 80 (1900), pp. 50ff., 346ff., 665ff., and 81 (1901), pp. 223ff., 433ff. - separately (Mainz, 1901); F.X. SEPPELT, *Studien zum Pontifikat Cölestins V.* (Berlin-Leipzig, 1911); Friedrich BAETHGEN, *Der Engelpapst* (Schriften d. Königsberger Gelehrten Gesellschaft, geisteswiss. Reihe 10. Jahr, Heft 2, Halle an der Saale, 1933); idem, *Beiträge zur Geschichte Cölestins V.*, ibidem, 10 Jahr, Heft 4, Halle an der Saale, 1934); Jean LECLERCQ, "La renonciation de Celestin V et l'opinion théologique en France du vivant de Boniface VIII", *Revue d'histoire de l'Église de France* 25 (1939), pp. 183-192; Pier Giovanni CARON, *La renuncia all' ufficio ecclesiastico nella storia del diritto canonico dalla età apostolica alla riforma cattolica* (Milan, 1946); idem, "La démission du pape dans la législation et dans la doctrine canonique du XIII^e au XV^e siècle", *Revue historique de droit français et étranger* 4^e série 32 année (Paris, 1954), p. 295f.; Gerald McDEVITT, *The Renunciation of an Ecclesiastical Office. A Historical Synopsis and Commentary* (Washington, D.C., 1946); Walter ULLMANN, "Medieval Views concerning Papal Abdication", *Irish Ecclesiastical Review* 71 (1949), pp. 125ff.; Anneliese MAIER, "Due documenti nuovi relativi alla lotta dei cardinali Colonna contro Bonifacio VIII", *Revista di storia della Chiesa in Italia* 3 (1949), pp. 344-364, also in: *Storia e letteratura* 97/105 (Rome, 1964-67), II, 13-34; Martin BERTRAM, "Die Abdankung Papst Cölestins V. (1294) und die Kanonisten", *Zeitschrift für Rechtsgeschichte, kan. Abt.* 56 (1970), pp. 1-101; Horst HERRMANN, "Fragen zu einem päpstlichen Amtsverzicht", *Zeitschrift für Rechtsgeschichte, kan. Abt.* 56 (1970), pp. 102-

In early May 1297, Stephan Colonna and his accomplices attacked a papal train laden with treasure intended for the purchase of Colonna territory. In reaction to subsequent papal demands and threats, the cardinals James and Peter Colonna resurrected the half-century old Ghibelline spirit and let a seditious manifesto be drafted containing twelve arguments, which cast doubt upon the legitimacy of Celestine V's abdication and therefore questioned Boniface VIII's papal credentials. In the early morning hours of May 10th, it was placed on the doors of the seven pilgrimage churches of Rome. Its content was derived from disgruntled masters of the University of Paris and from the above-mentioned Spiritual Franciscans steeped in the thought of Joachim of Fiore²).

It was at this time that the archbishop of Bourges, the Austin friar Giles of Rome (ca. 1243-1316), was residing in the eternal city³). Boniface VIII was quite aware of the threat to his authority which the Colonna manifesto represented. Therefore, he summoned Giles, who then wrote a long scholarly *tract*, *De renunciatione pape*, in defense of the papacy and the right of the pope to abdicate from office. This work has only survived in two MSS, Vatican *latinus* 4141, fol. 1-50, from the

123; Peter HERDE, "Papst Cölestin V. und die franziskanische Spiritualität", *Aus Kirche und Reich ... Festschrift für Friedrich Kempf*, ed. Hubert MORDEK (Sigmaringen, 1983), pp. 405-418; idem, "Election and Abdication of the Pope: Practice and Doctrine in the Thirteenth Century", *Monumenta iuris canonici*, series c: subsidia, vol. 7 (Città del Vaticano, 1985), pp. 411-436; Gian Luca POTESTÀ, *Storia ed escatologia in Ubertino da Casale* (Milan, 1980), esp. pp. 155-160.

²) BOASE, *Boniface* (above, n. 1), pp. 170ff., gives us the best account of these events. On the Colonna manifesto see Heinrich DENIFLE, "Die Denkschriften der Colonna gegen Bonifaz VIII. und der Cardinäle gegen die Colonna", *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 5 (1889), pp. 493-529, pp. 524ff.; Ludwig MOHLER, *Die Kardinäle Jakob und Peter Colonna* (Paderborn, 1914), is also essential for these figures.

³) In Giles' stead three vicars administrated the archdiocese of Bourges in his absence from 1296 to 1299. *Les registres de Boniface VIII*, ed. Georges DIGARD et al., 4 vols. (Paris, 1884-1939), n^{os}. 1138 and 1139 (Anagni, 11 July 1296), 1798 (Vatican, 12 March 1297), 3162 (Anagni, 1 Aug. 1299). On Giles see Felix LAJARD, "Gilles de Rome", *Histoire littéraire de la France* 30 (Paris, 1888; repr. Nendeln/Liechtenstein, 1971), pp. 421ff.; Stanislav BROSS, *Gilles de Rome et son traité du "De ecclesiastica potestate"* (Paris, 1930); David GUTIERREZ, "Gilles de Rome", *Dictionnaire de spiritualité*, vol. 6 (Paris, 1967), cols. 385ff.; Adolar ZUMKELLER, "Aegidius Romanus", *Lexikon des Mittelalters*, vol. 1 (Munich-Zurich, 1980), col. 178; my dissertation; J. EASTMAN, *AEGIDIUS ROMANUS: "De renunciatione pape"*. *Kritische Edition und Analyse der Frage der Papstabdankung in der Zeit von Cölestin V. und Bonifaz VIII.* (Würzburg, 1985), pp. 1-26. Although his biographical data has been superseded in some respects by more recent findings, Richard SCHOLZ, *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz' VIII.* (Stuttgart, 1903; repr. Amsterdam, 1962) and idem (ed.), *Aegidius Romanus: De ecclesiastica potestate* (Weimar, 1929; repr. Aalen, 1961), can still be consulted.

late fourteenth or early fifteenth century, and Paris, Bibliothèque Nationale, *latinus* 3160, fol. 86r-111v, from the first quarter of the fourteenth century⁴).

In confronting the arguments of the Colonna, Giles develops an Aristotelian-Augustinian political philosophy, whereby the world is seen as part of the Augustinian dichotomy as explained in *De civitate dei*, i.e., with regard to the governance of men the world is pictured as a self-regulating sphere operating independently of the divine will. The structure of this philosophy is Aristotelian, its purpose is Augustinian. Giles maintains this structure by emphasizing St. Augustine's concept of Christ as *mediator*. He utilizes four of the twenty-five chapters of *De renunciatione pape* in order to define Christ's mediating role⁵).

Nine works of St. Augustine are cited in Giles' tract; primarily *De civitate dei*, followed by *The Confessions* and *De trinitate*. *The Confessions* is only cited in the initial stages of the tract in order to explain the logic of Giles' method of proof. He elaborates on Aristotle's *De sophisticis elenchis* on the question of wisdom by referring to *The Confessions* 12.29, with regard to intention in relation to time⁶).

⁴) Of the two printed editions of this tract, the oldest is the *Opera exegetica. Opuscula* of Giles of Rome, 2 vols. (Apud Antonium Bladum: Romae, 1554/55; repr. Frankfurt a. M., 1968), I, 1-34, relies upon Vat. lat. 4141. A later edition, in turn, relies upon the Blado text: ed. Juan T. ROCCABERTI, *Bibliotheca maxima pontificia*, vol. II (Romae, 1695; repr. Graz, 1969), 1-64. A modern critical Latin edition based upon the two MSS mentioned is being prepared as a volume of the *Opera omnia* of Giles of Rome in Florence, Italy. Cf. my dissertation (above, n. 3), pp. 381-842.

⁵) See *De ren. pape*, chs. 17-21, ed. ROCCABERTI (above, n. 4), 44-51; ed. EASTMAN (above, n. 3), pp. 712-773. On millenarian idealists as opposed to Augustinian realists or the position taken by the Spiritual Franciscans as opposed to the Roman church and its hierarchy see Norman COHN, *The Pursuit of the Millennium* (New York, 1970); Paul JOHNSON, *A History of Christianity* (New York, 1983), pp. 255-264. On the divergence of the Franciscan and Thomistic approach to historical reality see Heiko A. OBERMAN, "Fourteenth-Century Religious Thought: A Premature Profile" *Speculum* 53 (1978), pp. 80-93.

⁶) Giles cites the following Augustinian works: *De civ. dei* 7.30 (5 times), 12.7 (once), 18.47 (once); *Confessiones* 12.8 (once), 12.29 (twice); *De diversis questionibus* (once); *Enchiridion ad Laurentium* 3.11 (once); *De Genesi ad litteram* 11 (twice); *Tractatus in Iohannios evangelium* (twice); *Sermones ad populum* (twice); *Speculum de scriptura sacra* (once); *De trinitate* 3.4 (thrice). On intention in relation to time, *De renunciatione pape*, ch. 2, ed. ROCCABERTI (above, n. 4), 2-4; ed. EASTMAN (above, n. 3), pp. 399-411, p. 399: "Nam prius ait, quod opus sapientis est non mentiri,..." cf. ARISTOTLE, *De sophisticis elenchis* (165 a25); ed. EASTMAN, p. 400: "Augustinus XII Confessionum, ubi distinguit modos prioritatis, dicemus, quod declarare veritatem est prius eleccione, non tamen oportet, quod sit prius tempore vel prius in executione. ..." cf. AUGUSTINUS, *Confessiones* 12.29 (PL 32.842), ed. VERHEIJEN, CCL 27 (Turnholti, 1981), p. 239.

However, Giles' primary Augustinian source for *De renunciatione pape* is *De civitate dei* 7.30⁷). In chapter six of his work, Giles refutes the first argument of the Colonna, which states that the papacy stems only from God and that which is conferred by God cannot be removed by an inferior. In countering the Colonna, Giles makes the point that no pope can be bound by the statute of a superior. He supports his argument by citing the above-mentioned passage from St. Augustine which says: "Because God lets everything be regulated according to its own course — *Et quia deus sic administrat res, ut eas proprios cursus agere sinat*". To this Giles adds the following: "So in regard to the papacy, it is regulated according to its own course so that each can lay down his own duty when there is no superior statute prohibiting this act; thus we see no cause and no reason why the pope cannot abdicate and no reason why God cannot accept his resignation, i.e., through the pope himself since God wants the world to be governed in such a way that everything be regulated according to its own course — *quos res suos proprios cursus agere sinat*"⁸). We are witness here to a successful attempt by Giles in order to maintain the freedom of the pope in administering to the church⁹).

Giles makes the above quote from St. Augustine contingent upon God's allowing everything to be administered according to self-regulation through divine permission and divine operation. In the pope, Giles continues, both divine prerequisites coincide, namely through divine permission one assumes the papal office and through divine operation one resigns from the papal office inasmuch as God lets it be known to the pope through a "*divino instinctu*"¹⁰).

Giles then refutes one of the central arguments maintained by the Spiritual Franciscans. According to this argument the pope accepts his

⁷) This source is also used in a later work by Giles, namely in his *Contra exemptos* (c.1311), which deals with questions of ecclesiastical jurisdiction. Incipit: *Augustinus VII De civitate* ..., ed. BLADO (above, n. 4).

⁸) *De ren. pape*, ch. 6, ed. ROCCABERTI (above, n. 4), 12-13; ed. EASTMAN (above, n. 3), pp. 482-484, p. 482; AUGUSTINUS, *De civ. dei* 7.30.38 (PL 41.220), ed. DOMBART-KALB, CCL 47 (Turnholti, 1955), p. 212: "*Sic itaque administrat omnia, quae creavit, ut etiam ipsa proprios exserere et agere motus sinat*"; Cf. DENIFLE, *Denkschriften* (above, n. 2), p. 510: "... papatus a solo Deo est ...".

⁹) Giles was concerned, in particular, that the dissident Spirituals were trying to limit God's freedom of choice. Therefore, only God could accept, according to Giles, the abdication of a pope who acts freely and thus not under duress from a human agent. *De ren. pape*, ch. 8, ed. ROCCABERTI (above, n. 4), 17-18; ed. EASTMAN (above, n. 3), p. 515f.

¹⁰) *De ren. pape*, ch. 6, ed. ROCCABERTI (above, n. 4), 13-14; ed. EASTMAN (above, n. 3), p. 484.

office by means of divine acceptance and thus he cannot resign from office because that through which the pope assents to the papacy has been accepted by God. Giles objects to this line of reasoning on the grounds that it contradicts the order of brotherly love — “*contra caritatem militare*”. He states further that the head of the papacy is constituted for the public good and if such a head is not sufficient in order to care properly for its members, who says that God has to accept such a head and would not be able to accept his resignation? Giles then refers to the above-mentioned argument from St. Augustine’s *De civitate dei* according to which the world is a self-governing entity¹¹).

In conclusion Giles says that a knowledgeable as well as an unknowledgeable pope is not bound to any statute of a superior and therefore he can resign. Furthermore, it does not make any difference how resignation is conducted. The main point is that it can be done on the part of God — “*ex divino instinctu et operatione*” — and on the part of the one resigning in order that the public good not suffer because of him¹²). This argument is repeated in a more concise form in chapter seven of Giles’ tract where it is stated that there is no divine statute which maintains that the pope cannot resign; rather there is a divine statute stating that resignation is possible according to the order and state of natural things — “*cum hoc requirat ordo et condicio rerum*”¹³).

In discussing the election procedure for the selection of a pope, Giles states that as the bishop is confirmed by a superior, the pope is confirmed in his election by God. Furthermore, this divine confirmation is nothing other than the divine acceptance which administers things according to self-regulation (*De civ. dei* 7.30). It is in this regard that the pope freely accepts the jurisdiction bestowed upon him as one of the two major powers of his office, namely his jurisdiction over the spiritual members in this world, i.e., over the ecclesiastical hierarchy. His other power is his ordination authority which derives from his

¹¹) *Ibid.*; Thomas AQUINAS, *Summa theologiae* III q.48 a.2: “*Dicendum quod caput et membra sunt quasi una persona mystica*”. E.H. KANTOROWICZ, *The King’s Two Bodies. A Study in Mediaeval Political Theology* (Princeton, 1957), p.202 n.24. For the pope as head, Kantorowicz, *ibid.*, p.203 with n.31, cites Hermann of SCHILDITZ, *Contra hereticos* II c.3, ed. SCHOLZ, *Streitschriften* II, 143f.

¹²) *De ren. pape*, ch. 6, ed. ROCCABERTI (above, n.4), 13-14; ed. EASTMAN (above, n.3), p.485f.

¹³) *Ibid.*, ch. 7, ed. ROCCABERTI, 16; ed. EASTMAN, p.502.

function as bishop of Rome. As opposed to his ordination power, his jurisdictional authority is not bound to any divine sign or other spiritual chain¹⁴).

In chapter 16, part 2, of his tract, Giles refutes the tenth Colonna argument which restates the idea that no one is superior to the pope other than God. He combines the concept of the world as a self-regulating entity with another Augustinian passage taken from *De trinitate* 3.4, which refers to things which are invisible through sense perception and thus not of this world — “*quod non de interiori invisibili atque intelligibili aula summi imperatoris*”. To this quote Giles adds that such things are of God. He then applies this concept to episcopal election and resignation. He differentiates between the human and visible assent to resignation and the divine acceptance of this fact — “*assensu divino, id est assensu intelligibili*”. Thus through the divine, intelligible consent nothing can be seen which would impede such a move¹⁵). Giles concludes his argument with the following: “If the pope confirms himself and if he does not have any other superior with regard to visible things, then his assent is his confirmation and his objection is his renunciation — “*sicut suus sensus est sua confirmacio, sic suus dissensus est sua renunciatio*”. Therefore the pope can resign from the jurisdiction granted him as pope and this is done in accord with the divine will¹⁶).

Near the conclusion of his tract, Giles correlates *De civitate dei* 7.30, with the *causa efficiens* of Aristotle. He says that the efficient cause of the papacy is the consent of the electors and the consent of the one elected in order that there be a pope. The efficient cause can also be said to be the confirmation of this election by God, inasmuch as God administers things in such a way that they take their own course. From this requirement that things take their own course, Giles concludes: “We can suppose that when the electors elect and the one to be elected assents that the latter will become pope and that this takes place as a result of the divine will”¹⁷).

¹⁴) *De ren. pape*, ch. 8, ed. ROCCABERTI, 17-18; ed. EASTMAN, p. 515.

¹⁵) *De ren. pape*, ch. 16/2, ed. ROCCABERTI (above, n. 4), 43-44; ed. EASTMAN (above, n. 3), p. 706f.; AUGUSTINUS, *De trinitate* 3.4 (PL 42.873), ed. W.J. MOUNTAIN, CCL 50 (Turnholti, 1968) 16.1, p. 135f.; Aug., *De civ. dei* (see above, n. 8); Cf. DENIFLE, *Denkschriften* (above, n. 2), p. 511: “... *quod nulla dignitas* ...”.

¹⁶) *De ren. pape*, ch. 16/2, ed. EASTMAN, p. 708.

¹⁷) *De ren. pape*, ch. 24/1, ed. ROCCABERTI (above, n. 4), 60-61; ed. EASTMAN (above, n. 3), p. 806; AUGUSTINUS, *De civ. dei*, see above, n. 8.

In chapter 14, Giles refutes the eighth Colonna argument, which states that abdication is invalid because the pope cannot absolve himself of his office. He turns to another passage from St. Augustine, *De civitate dei* 12.7, where we find sin defined as a deficient cause, not as an efficient cause — “*peccatum non habet causam efficientem, sed deficientem*”. Giles elaborates on this notion by saying that sin is not effective, but defective. Therefore, one cannot be absolved from guilt or sin resulting from its effectiveness, but only from the defectiveness that it causes. And that namely which absolves the defect will be dissolved by the same that it be no longer defective. Therefore it has the attribute of being useful. It can also be said that absolution has the characteristic, not of descending, but of ascending. But he who deposes himself from the papacy makes himself inferior because the seat of the prelate holding the supreme position in the church of God and among the prelates is the Roman pontiff¹⁸).

Giles pursues this train of thought further when he discusses ascend and descend with regard to the theory of the prime mover. In this regard he cites Aristotle, *Metaphysica* 12.7, and in order to explain the efficacy of the sacrament of absolution he cites Peter Lombard and the gloss on St. Paul's letter to the Romans (Romans 5.14). With regard to abdication, the pope is considered to be the prime mover, i.e., he is superior to all other prelates, and absolution is considered to be a passive process — “*quod non sit ista absolutio per modum actionis, sed per modum cessionis*”. Giles then compares papal abdication to the contritional aspect of absolution whereby the pope realizes his own inadequacy in his ability to govern the church in that he progressively becomes aware of the divine instinct at work. The recurring theme from *De civitate dei* 7.30, is then introduced, as Giles states that it would be an unjust command for God to command that a pope could not renounce his office and furthermore it would never be possible for God to mandate when such conditions exist. Giles therefore implies that God cannot be unjust and that a divine command does apply with regard to papal abdication; thus through the suffering conscience of the pope — “*dolor de peccato*”. In this instance, Giles says that absolution

¹⁸) *De ren. pape*, ch. 14, ed. ROCCABERTI (above, n. 4), 38-39; ed. EASTMAN (above, n. 3), p. 666f.; AUGUSTINUS, *De civ. dei* 12.7, ed. DOMBART-KALB, CCL 48 (Turnholt), 1955), p. 362; Cf. DENIFLE, *Denkschriften* (above, n. 2), p. 511; “... nullus videtur se ipsum absolvere ...”.

must be given by another when there is such a divine command; however, this does not pertain to the absolution from the papacy because this does not occur through another but through the pope's own consent (*assensum*) and objection (*dissensum*) or through his own consent and renunciation that he becomes pope or ceases to be pope. Thus the pope can absolve himself from his own office if the need for this action becomes apparent to him¹⁹).

In chapter 21 of Giles' tract, we find a discussion on the person of Christ with regard to the eternity of his priesthood (Hebrews, ch. 7). Giles is confronted here with the argument that there cannot be abdication or resignation because there can be no more than one Christ. In reply, he says that whosoever steps down or abdicates in order that another be established in his stead can only be the result of support in order to aid someone who is defective. Giles then cites Gratian's *Decretum* C.7 q.1 c.12 '*Non autem*', where St. Augustine did not succeed Valerius in office but only came to his support because he was made bishop of Hippo while Valerius was still alive²⁰). Giles concludes that this cannot have been done in Christ because Christ would then have been defective and there would have been two Christs. In this case, Giles says, there could not be a deposition from the episcopal office because Christ "did no sin, neither was guile found in his mouth" (1 Peter 2.22). Neither can there be a succession occurring through death because it can be said that when Christ died his priesthood lives on. And the reason for this is that his priesthood does not lack power just because Christ died²¹). Giles' main purpose in this discussion is to show the unity contained in Christ's priesthood and in this specific case to illustrate how the members of the clergy can participate in the person of Christ; St. Augustine here as coadjutor for the aging bishop of Hippo, Valerius.

In chapter 24, parts 1 and 2, Giles explains five justifications for

¹⁹) *De ren. pape*, ch. 14, ed. EASTMAN, pp. 668-675; ARISTOTLE, *Metaphysica* 12.7 (1073 a5 ff.); Petrus LOMBARDUS, *Libri IV Sententiarum* 4.5.3, 2nd ed. (Ad Claras Aquas, 1916), vol. II, 775f. (PL 192.852); *Glossa ad Rom.* 5.14 i.v. '*Qui est forma*', (PL 114.486). Giles also cites I Cor 1.13, Luc 17.12ff., Iac 5.16, Is 26.12, Phil 2.13, Ps 31.5, Luc 17.14. On the *Glossa ad Rom.* cf. Thomas AQUINAS, *Summa theologiae* III q.62 a.5; Aegidius Romanus, *De ecclesiastica potestate* 2.7, ed. R. SCHOLZ (Weimar, 1929; repr. Aalen, 1961), p. 73.

²⁰) *Corpus iuris canonici*, ed. Emil FRIEDBERG, 2 vols. (Leipzig, 1879-1881), I, 571.

²¹) *De ren. pape*, ch. 21, ed. ROCCABERTI (above, n. 4), 51-52; ed. EASTMAN (above, n. 3), p. 765; On Valerius see Peter BROWN, *Augustine of Hippo. A Biography* (1967; repr. New York, 1986), p. 140 and n. 2 (*Vita* 8.2).

the legitimacy of papal abdication. The first four are based on the Aristotelian categories²²), namely the *causa formalis*, or that which causes the papacy to exist, i.e., its ordination and jurisdictional power, the latter of which can be renounced; the *causa materialis*, or the actualization of the papacy through the person holding the papal office, the maintenance of which may necessitate in a time of crisis that the pope either express his will for his continuance in office or for his abdication, i.e., his resignation or self-deposition from office; then the *causa efficiens*, or the efficacy of the pope with regard to the conservation of papal power and with regard to the will of the pope over and above those who elected him²³); and finally the *causa finalis*, or the good of the church, for which the pope is responsible²⁴). The fifth justification pertains to the authorities of the doctors of canon law, the "*auctoritates doctorum iuris*". Here again Giles interprets the relationship of St. Augustine to Valerius and paraphrases the *Decretum* in this regard: "*quod ei non successit, sed potius accessit*", i.e., St. Augustine did not succeed Valerius, but only aided him. Along with C.7 q.1 c.12 from the *Decretum*, mentioned above, he also cites its *Glossa ordinaria*. Giles says here that the gloss considers the question whether the pope can abdicate and that it concludes that abdication would be appropriate since both Marcellinus and Clement had abdicated²⁵).

One question remains, when we consider other contemporaries who wrote on papal abdication and made use of St. Augustine, and

²²) *De ren. pape*, ch. 24/1, ed. EASTMAN (above, n. 3), p. 804f.; ARISTOTLE, *Metaphysica* 8.2 (1043 a20 ff.), ed. G. VUILLEMIN-DIEM, *Aristoteles latinus* 25.2 (Leiden, 1976), p. 160; *ibid.*, *Metaphysica* 5.2 ..., p. 85f.; On Giles' Aristotelianism see below, n. 31.

²³) Cf. *De ren. pape*, ch. 24/1, ed. EASTMAN, p. 806, where the *causa efficiens* is seen as the concurrence of the papal electors (*consensus eligencium*) with the one elected as pope (*consensus electi*) and this in concurrence with the acceptance of this election by God (*confirmacio ipsius dei*) in accord with Aug., *De civ. dei* 7.30. See above, n. 8. The following argument is used by Giles in support of the pope's ability to abdicate. *De ren. pape*, ch. 24/2, ed. EASTMAN, p. 821: "*Dicebatur etiam supra, quod in hiis, que non sunt supra naturam negotii nec supra exigenciam rerum, quod per eadem contrario modo facta res constituitur et destruitur*". Cf. ARISTOTLE, *Ethica* 2.1 (1103 b7 ff.); Aug., *De civ. dei* 7.30.

²⁴) *De ren. pape*, ch. 24/1, ed. ROCCABERTI, 58-60; ed. EASTMAN, pp. 804-814; ch. 24/2, ed. ROCCABERTI, 60-62; ed. EASTMAN, pp. 814-829.

²⁵) *De ren. pape*, ch. 24/2, ed. ROCCABERTI, 62; ed. EASTMAN, pp. 829-831; *ibid.*, p. 830; *Decretum* ... una cum glossis, ad C.7 q.1 c.12 '*Non autem*' s.v. *Ut non succederet* (Turin, 1588), 972; Giles also cites the standard passages from Huguccio concerning papal abdication. See ed. EASTMAN, pp. 830-831: Huguccio, *Summa ad Decretum*, D.21 c.7 '*Nunc autem*' s.v. *tuo ore*, ed. Martin BERTRAM, *Die Abdankung* (above, n. 1), p. 16; Huguccio, *Summa ad Decretum*, C.7 q.1 c.12 '*Non autem*' s.v. *incolumni*, ed. BERTRAM, p. 17.

that is, how is Giles in this respect unique among them? He is unique namely in his use of *De civitate dei*, which he utilizes in order to emphasize the difference between the spiritual world as represented by the City of God, as opposed to the immanence of the secular world in its self-regulating aspect operating in apparent independence of the divine will. Neither the Franciscan Peter Olivi²⁶), nor Godfrey of Fontaines²⁷) nor Peter of Auvergne²⁸) utilized St. Augustine in this sense when they wrote in defense of papal abdication²⁹). For none of them was St. Augustine's political dichotomy central to their method of proof, as it was to Giles of Rome.

Finally, one last word should be said about the reception of *De renuntiatione papa*. Ioannes Andreae, the renowned fourteenth-century canonist, and the Dominican John of Paris were among the select few

²⁶) In his defense of papal abdication, Olivi does not once mention St. Augustine. Cf. Livarius OLIGER, "Petri Ioh. Olivi De Renuntiatione Papae", *Archivum Franciscanum Historicum* 11 (1918), pp. 309-373. Olivi relies heavily on canon law and biblical passages, but he also mentions the rule of St. Francis, Anselm of Canterbury and Aristotle. See OLIGER, pp. 353, 365, 354.

²⁷) See his *Quaestio IV: Utrum praelati statui et dignitati libere renuntiare possint*, ed. J. HOFFMANS, in "Les quodlibets XI et XII de Godefroid de Fontaines", *Les philosophes belges* 5 (1932), pp. 96-100. Godfrey does mention the order of brotherly love but beyond the precepts of canon law, he remains close to Aristotle: *Ethica* 5.10 (1134 b) on the difference between natural and positive law; the emphasis on the *ratio naturalis*; the order of brotherly love as understood from Gratian's *Decretum* C.19 q.2 c.2 '*Duae leges sunt*', ed. FRIEDBERG (above, n. 20), I, 839. For a comment on Godfrey's thorough Aristotelianism, see KANTOROWICZ, *The King's Two Bodies* (above, n. 1), p. 211.

²⁸) See his *Quodlibet I questio XV: circa statum prelatorum querebant*, Paris B.N. lat. 15 841, fol. 7va-vb, transcribed in my dissertation (above, n. 3), pp. 843-849. Peter of Auvergne cites St. Augustine on the hierarchy of brotherly love from *De doctrina Christiana* and his etymology of the word 'bishop' from *De civ. dei*, as well as Bernard of Clairvaux on the order of brotherly love and Aristotle on determinant action: fol. 7va - Aug., *De doctrina Christiana* 1.23 (PL 34.27); idem, *De civ. dei* 20.19, ed. DOMBART-KALB, CCL 48 (Turnholti, 1955), p. 686f.; Bernard of CLAIRVAUX, *Sermones in Cantica* 2.4, *sermo* 49 (PL 183.1019); ARISTOTLE, *Metaphysica* 4.2 (1003 a33), ed. G. VUILLEMIN-DIEM, *Aristoteles latinus* 25.2 (Leiden, 1976), p. 60; idem, *Politica* 1.2 (50 a20 ff.), ed. P. MICHAUD-QUANTIN, *Aristoteles latinus* 29.1 (Bruges-Paris, 1961), p. 5f.

²⁹) All the authors just mentioned consult the appropriate passages from GRATIAN, *Liber Extra* and Huguccio except for Olivi who fails to mention Huguccio in this context. On Huguccio, see above n. 25; Peter of Auvergne mentions '*Nunc autem*' and '*Non autem*' according to Huguccio, see Eastman (above, n. 3), p. 847 (fol. 7vb); also ed. BERTRAM, p. 16f., p. 81: "*causam tuam ... ore tuo ... iudica*" (D.21 c.7 v. Marcellinus); Godfrey of Fontaines, ed. Hoffmans (above, n. 21), p. 99, mentions Huguccio on '*Nunc autem*'. Nevertheless, Olivi was the only one among these authors besides Giles of Rome to elaborate on the distinction between *potestas ordinis* and *potestas iurisdictionis* with regard to the pope, see Oliger (above, n. 26), p. 357. Cf. Giles of Rome, *De ren. pape*, ed. ROCCABERTI (above, n. 4), 21, 26-27, i.e., chs. 10/1 and esp. 10/5.

who were to record Giles' thoughts on papal abdication for posterity³⁰). However, it was not until Antonio Blado printed Giles' tract according to the one surviving Vatican MS about 250 years after the events of 1297 that it became known to a wider reading public³¹).

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³⁰) The thoughts of Andreae (1272-1348) are recorded in his *Glossa ordinaria ad Sextum*, 1.7.1, and in his *Novella in Sextum*, ed. Philipus PINCIUS (Venice, 1499; repr. Graz, 1963), pp. 72ff.; those of John of Paris (1240/41-1306) are contained in his *De potestate regia et papali* (1302/03), ed. Jean LECLERQ, *Jean de Paris et l'ecclésiologie du XIII^e siècle* (Paris, 1942), pp. 251-259; more recently, Fritz BLEIENSTEIN (ed.), (*Johannes Quidort von Paris*): *Über königliche und päpstliche Gewalt (De regia potestate et papali)*. *Textkritische Edition mit deutscher Übersetzung* (Stuttgart, 1969), pp. 197f., 199ff.

³¹) See above, n. 4; This paper is not concerned with questions of heresy on the part of the pope or the authority of a general council in such cases. On these matters one should consult Ludwig BUISSON, *Potestas und Caritas. Die päpstliche Gewalt im Spätmittelalter* (Cologne-Graz, 1958), pp. 182ff.; Brian TIERNEY, *Foundations of the Conciliar Theory* (Cambridge, 1955), p. 213f.; Giles of Rome, *De ren. pape*, chapter 9 and 15, ed. ROCCABERTI, 20, 40; ed. EASTMAN, pp. 536, 676f.; A comparison of Giles' Aristotelianism with that of earlier and contemporary scholastics must be done carefully, for Giles' interpretation of the Stagirite is quite unique. See Thomas RENNA, *Royalist Political Thought in France 1285-1303*, Dissertation Brown University (Diss. Abstracts 31A - 1970/71 - 6504), pp. 62, 81; Christiane SCHRÜBBERS, "Regimen und Homo Primitivus. Die Pädagogik des Ägidius Romanus", *Augustiniana* 32 (1982), pp. 137-188, p. 143, on Giles' *De regimine principum* III.2.3-5, ed. Zannettum (Rome, 1607), pp. 456-465; and in regard to Giles' philosophical and theological thought in this context see Richard EGENTER, *Die Erkenntnispsychologie des Aegidius Romanus* (Regensburg, 1926), pp. 36ff.; Edgar HOCEDEZ, ed., *Aegidii Romani Theoremata de esse et essentia. Texte précédé d'une introduction historique et critique* (Louvain, 1930), pp. 87f., 117. Among other works also see Ernest A. MOODY, "Ockham and Aegidius of Rome", *Franciscan Studies* 9 (1949), pp. 417-442; Karl WERNER, *Die Scholastik des späteren Mittelalters*. Vol. 3: *Der Augustinismus in der Scholastik des späteren Mittelalters* (Vienna, 1883; repr. New York), p. 25.