Popular Aspirations and the Friars

Egalitarian moral intuitions generated by Christianity have played a crucial part in our story. They can be traced back to Paul's mystical vision of believers becoming 'as one' in the Christ, the vision of an utter transparency of mind and will. But in a simpler form, the biblical 'golden rule' conveyed these egalitarian intuitions, making them easily accessible.

We have just seen how these intuitions helped to shape new urban institutions. Refugees from the countryside, most of them former serfs, were the major source of growing urban populations. Typically, they were poor and illiterate. But that did not prevent them already having some inkling of the meaning of 'the equality of souls'. Were they not told in sermons that they had a will and a conscience, and that they would be held to account for their thoughts and actions on the day of judgement? This was not the language in which ancient slaves had been addressed. Nor did it escape the notice of serfs that their feudal lords accepted, if only tacitly, the language of the church.

This, of course, is surmise. How can we find firm evidence of the spread of egalitarian moral intuitions among the poor and illiterate? What exactly should we be looking at? The answer can be found, I think, by looking at the role of comparison. For a process of comparison is unleashed by the assumption of equality, a process forestalled in cultures resting on the contrary assumption of natural inequality.

Popular movements in the medieval countryside – rural radicalism – betray this substitution of one assumption for another. They betray something more than the mere desperation of the slaves who, under Spartacus, revolted against Roman power in the first century BC. They betray conviction, the vision of a social order transformed along
Christian lines. This was imagined as a return to an ‘original’ Christianity, a condition of simplicity, brotherhood and sharing. If we are to disentangle that vision – and neither overestimate nor underestimate its importance – we must be careful. For the vision was joined to a bewildering variety of other beliefs and attitudes: belief in the millennium, a form of dualism so exaggerated that good and evil scarcely touched, ‘superstitious’ credence in omens and portents, the cult of saints and their relics, the excitement of joining a popular movement and taking up a wandering life, and, not least, the distrust of clerical authority. So we must ask difficult questions about the moral condition of the rural poor. To what extent had the church really touched them? And if the rural poor had acquired egalitarian intuitions, how were they expressed?

In contrast to the bourgeoisie, who acquired a consciousness of themselves as a class through struggling against their feudal oppressors, the rural poor did not acquire such a consciousness. How could they? Dispersed and ignorant, with imaginations limited by confined lives, serfs in the eleventh century could not have understood notions like ‘country’ or ‘nation’. In some ways they must still have considered their own condition as a thing fated, their ‘nature’ or ‘lot’ in life. And yet there was the church in their midst. And the church did not speak of fate, but rather of salvation or damnation, and so of a soul at risk in every person, of crucial choices open to each. Taking Christianity into the countryside, with the creation of rural parishes during the Carolingian period, may already have contributed to the emergence of serfdom as a status quite distinct from ancient slavery. But the influence of the church did not stop there.

We have seen how the monastic reform movement stimulated the papal revolution and helped to shape new urban institutions. What was its impact in the countryside?

From the beginnings of monasticism in Western Europe monks had enjoyed a special standing among the poor. They aroused respect and even affection because they were understood as representing the Christian life more fully than any other group, including – perhaps especially – the secular clergy. Evidently the austere, communal life of monasteries that observed the Benedictine Rule carried resonance for the poor. Not only was it a life requiring chastity, prayer and obedience, but it did not hold labour in contempt. By the tenth century the sharp contrast with bishops who bought their offices and adopted the ways of feudal lords, with priests living openly with concubines and promoting the interests of ‘natural’ children, was threatening to bring the church into disrepute among the poor.

Apart from the monastic life, what claim did the church have to represent another, more spiritual world? This question had generated the Cluniac reform programme, a programme that created a new image in the countryside of what the entire church ought to be. For Cluniac reformers held up the image of a radically purified church – a church free of both simony and clerical immorality. They attacked members of the secular clergy for wantonness, drunkenness, greed, theft, fighting and even sacrilege. They conjured up a church so rotten that it was in danger of merging completely with the secular world.

Nor was that all. Cluniac reformers began to ask questions that disturbed the laity, especially the rural poor, whose approach to the church was largely uncritical. Were the sacraments offered in village churches by simoniac or immoral priests really valid? Was the tithe a form of exploitation rather than an indispensable support for the true church? Did members of the church hierarchy who had purchased their office – including perhaps the local bishop – have any legitimate authority? Why should any Christian submit to those whose life was so contrary to the life of the Christ?

The development of a radical and simplified – doubtless an oversimplified – model of what the church ought to be had far-reaching if unintended consequences in rural areas. It created what might be called a thirst for legitimacy, for a purer form of the church. And that thirst, in turn, developed out of egalitarian moral intuitions. We can get a taste of what satisfied that thirst by looking at the leadership of some radical movements in the twelfth and the thirteenth centuries.

An instructive early example is the preaching of a former monk called Henry, who became an itinerant preacher. When he arrived in Le Mans in 1116, preceded by his ‘disciples’, he was at first tolerated by the local bishop. But when the bishop left for Rome, Henry’s real message emerged. With a powerful voice and wearing only a hair shirt, he denounced the corruption of the local clergy. After a short course of Henry’s preaching the populace was beating priests in the
streets and rolling them in the mud." When Henry later moved into the countryside of southern France and Italy, his message became more extreme:

Baptism, he taught, should be given only as an external sign of belief. Church buildings and all the trappings of official religion were useless; a man could pray anywhere as well as he could in a church. The true church consisted of those who followed the apostolic life, in poverty and simplicity; love of one's neighbour was the essence of true religion.²

Here it is not difficult to see the belief in equality and reciprocity shaping moral intuitions.

The pattern of religious radicalism in the villages of the countryside was fairly constant. An obscure man – with varying rumours about his origins as 'a monk' or perhaps even 'a noble' – suddenly emerges from the forests, often claiming to have become a holy man through a period of solitary withdrawal and profound meditation. He begins to preach, and his preaching is eloquent, far more so than that of village priests. The number of his followers grows rapidly, and with them his confidence and his pretensions increase.

The career of a certain Tanchelm, who acquired so many followers in Flanders and the southern Netherlands early in the twelfth century that the cathedral chapter of Utrecht became extremely anxious, illustrates the pattern. According to a report of the chapter,

Tanchelm began his preaching in the open fields, dressed as a monk. We are told that his eloquence was extraordinary and that multitudes listened to him as to an angel of the Lord. He appeared to be a holy man – the Chapter of Utrecht complained that like his master the Devil he had all the appearance of an angel of light. Like so many other wandering preachers, he started by condemning unworthy clerics – such as the priest at Antwerp ... who was living in open concubinage – and then broadened his attack to cover the church as a whole. He taught not merely that sacraments were invalid if administered by unworthy hands but also that ... holy orders had lost all meaning, sacraments were no better than pollutions, and churches no better than brothels. This propaganda proved so effective that people soon stopped partaking of the Eucharist and going to church. And in general, as the Chapter

ruefully remarked, things came to such a pass that the more one despised the church the holier one was held to be.³

Increasingly Tanchelm claimed a Christ-like status for himself – going so far as to betroth himself to the Virgin Mary! Far from being dismayed by such a development, his followers welcomed it. One group even bound themselves together as his twelve 'apostles'.

None of this was entirely new. There had been the occasional prophet or messiah in previous centuries. But the frequency and scale of messianic movements increased dramatically from the late eleventh century onwards, and their following was overwhelmingly the rural and urban poor. These movements were rooted in moral conviction and difficult to extirpate. The chapter of Utrecht argued that the whole diocese was in danger of being lost to the church 'for ever' if Tanchelm went his way unhindered.

The slide from someone preaching an apostolic way of life to his claiming to be not just an apostle, but a living saint and vessel of the holy spirit, took place with some regularity. In the mid-twelfth century a Breton called Eon (or Eudes de l'étoile) led a movement that challenged the established church in Brittany. Although a layman, he celebrated mass for his followers and, apparently, claimed to be the son of God. 'In the end he organized his followers in a new church, with archbishops and bishops whom he called by such names as Wisdom, Knowledge, Judgement and by the names of the original apostles.' ⁴

Such movements revealed and ministered to the new thirst for legitimacy. It is hardly surprising that they caused great alarm among church leaders. How well did these leaders understand the nature of the challenge? It is fair to say that they did not underestimate it. By the twelfth century many leading churchmen had been shaped by the movement of reform. When some of Eon's followers became little better than brigands, looting and burning churches, the archbishop of Rouen felt able to have Eon captured by force. But his estimation of the nature of the challenge Eon represented emerges from the status of Eon's 'trial'. He was summoned before a special synod in Reims cathedral by no less than the pope, Eugenius.

At first church authorities responded to such threats in a piecemeal way. They countered would-be messiahs with some of their own most
gifted and ‘orthodox’ preachers. But within half a century or so there developed a more permanent – though at first extremely controversial – remedy: the mendicant orders, the Franciscans and Dominicans. The sudden growth of these two orders amounted to an almost revolutionary development. They discarded the pomp of the established church, and reached out to the poor through preaching and charitable acts, while themselves depending upon the giving of alms in urban centres. In a dramatic way, they both responded to the new sensibility among the poor and strengthened it. The evidence for that is the astonishing speed with which the Franciscans and Dominicans developed during the thirteenth century.

Both orders responded to the new sensibility. Yet on closer inspection they were very different in inspiration. For the characters of their founders, Dominic and Francis, left a distinctive mark on each. In their approach to church order and belief, it was the difference between reform ‘from above’ and ‘from below’, between an emphasis on refuting heresy with correct doctrine and an urge to adopt a Christ-like life of poverty and humility. So let us explore the difference.

Dominic was an educated Spanish canon who, returning by way of the Languedoc from a visit to Rome, was struck by the threat posed by a heresy called Catharism. Allegedly Catharism had spread from eastern Europe into Italy and southern France, though it probably had domestic roots which were just as important: a reaction against church rituals and clerical privilege in favour of a more austere spiritual life, even a quest for personal perfection. Led by perfecti who had ‘liberated’ themselves from the material world, the Cathars displayed contempt for the established church. Their name for themselves was ‘the good Christians’.

Dominic concluded that Catharism constituted a grave threat to the church, and that the only effective remedy was for those preaching ‘true’ doctrine to adopt an ‘apostolic’ way of life, shunning all privileges and display in favour of austerity. Dominic also saw education as crucial to effective preaching against heresy. His followers soon established relations with the new universities at Paris and Bologna. But, most important of all, Dominic had papal approval and support for his mission. By the time of his death, in 1221, the Dominicans were formally established as a new order in the church. Their close ties with the papacy – and their obedience to it – would make possible the spread of Dominican ‘houses’ throughout Western Europe.

Rome had always been concerned to root out heresy. In its own eyes, it was the crucial instrument for defining ‘orthodoxy’. Yet for centuries its means of action were limited. Often it had to rely on provincial church councils to pursue dissent and tolerate protracted debate. For it did not then have the means to impose its will on the Western church. By the thirteenth century, however, the papal reform movement, inspired by Cluny, had changed all that. The papacy was far stronger and more confident. Administrative and legal changes had turned the papacy into a powerful centralized government. The papacy had become almost ‘imperial’.

Dominican preaching became part of a virtual war waged by the papacy against the Cathar heresy. The Cathars were accused of reinventing the Manichaean heresy, of adopting a dualism so extreme that the idea of the incarnation itself was at risk, and of embracing a kind of spiritual elitism, led by the perfecti. Since our knowledge of Cathar beliefs, apart from their rejection of the sacraments, derives almost entirely from opponents, it is difficult to reconstruct them with confidence. But that Cathars shared the new sensibility, deploring the ostentation and worldliness of many clergy as an ‘affront to true religion’, is clear.

The new confidence of the papacy had already led it to sponsor crusades to counter the spread of Islam and recover the holy sites in Palestine. Now it also sponsored a crusade of northern feudatories led by Simon de Montfort against Cathars in the Languedoc, a crusade which led to the infamous massacre of nearly twenty thousand inhabitants of Béziers. In theory, the papacy only ‘borrowed’ the secular arm to pursue heresy. But the episode revealed how the principle of equal subjection defined into the idea of papal sovereignty could lead to the coercion of belief, despite the fact that leading canon lawyers were developing a theory of natural rights.

Could belief really be enforced? Or was enforced belief a contradiction in terms? For the moment, the papal and Dominican concern for ‘correct’ belief ignored such doubts. Yet such doubts had played an important part in Christian thinking about the role of conscience from the outset. Was the reformed papacy in danger of denying the
moral intuitions which had helped to create the reform movement? Just as some popes had been tempted to override the distinction between secular and spiritual powers in their struggles with the German emperors – despite the fact that the distinction provided the principal weapon of the reform movement – so the papacy now ignored the claims of conscience underpinning that distinction in order to extirpate heresy.

A papal court of enquiry, the Inquisition, was created by Gregory IX, extending (and tending to replace) a right of enquiry into threats to ‘the purity of the faith’ which the bishops had long exercised. Even writers well disposed to the papacy concede that ‘the juristic principles which the procedure embodied bore hardly any resemblance to those which were commonly accepted and consistently advocated by the papacy itself’.¹

Is it a mere accident that contemporary canon lawyers tended to elaborate a series of natural rights, rather than emphasize a general right to freedom? They were perhaps being cautious. Yet during the thirteenth century the exercise of papal sovereignty (not only in dealings with the Cathar heresy) did begin to prompt new questions about the limits of its sovereign authority. If the sovereignty of German emperors and other secular rulers was limited by the natural rights of their subjects – rights which helped to define the spiritual sphere defended by the church – were there not also limits on the pope’s authority? In conferring a so-called ‘plenitude of power’ on the successors of Peter, did not God restrict its exercise by conferring rights on individuals? Were not certain individual rights an expression of divine will, formulated in natural law?

The language of natural rights was beginning to impinge on public argument. And in an unexpected way, this development was forwarded by the other great order that emerged in the thirteenth century, the Franciscans.

Francis was an extraordinary person. He was consumed by the desire to imitate the life of the Christ. The son of a well-to-do merchant of Assisi, the young Francis abandoned a life of pleasure when, after stumbling on an abandoned chapel, he felt an imperative and radical need to live according to the model of the Gospel, ‘selling everything, giving everything to the poor, giving up every form of worldly glory, wealth, aid, comfort, organization, everything’.² The life he embraced stood out against the increasingly acquisitive mercantile life of the Italian cities. Yet it soon brought him followers – so many, indeed, that he was at times almost alarmed by them. The gentle life and character of Francis made a powerful impression on his contemporaries. It was almost as if the Christ was in their midst again.

The idealizing of renunciation and poverty struck a deep popular chord. Within a few years Francis and eleven of his followers were in Rome, giving an account of their movement, the aims of which had far more to do with ‘the spirit’ than ‘the letter’. Consequently, Francis’ relations with the papacy were more complex and uneasy than those of Dominic. For one thing, with their ‘grass-roots’ appeal, the Franciscans already had thousands of followers across Europe. With an unregulated, almost mass following they resembled some of the heretical movements of the previous century more than the carefully regulated Dominicans, which meant that they were less amenable to papal direction and control.

If the subtext of the Dominicans was the importance of ‘equal submission’, the spontaneous growth of the Franciscans pointed rather in the direction of ‘equal liberty’. The Dominicans and Franciscans did learn from each other, with the Franciscans eventually adopting some of the organization of the Dominicans. Yet at first the contrast in their popular appeal was dramatic. ‘When the two leaders met in Rome in 1218, Dominic was still the leader of only a handful of preachers, while Francis was the reluctant head of an organization with branches in nearly every country in Western Europe.’³ The popular – it is tempting to say democratic – roots of the Franciscan movement and its resistance to hierarchy help to explain one of its most surprising consequences: the development of argument about natural rights. Why did a movement, practising poverty, humility and charity, lead to a new emphasis on natural rights? It is a remarkable story.

An important ‘exchange’ took place in early Franciscan thinking. Francis set out to imitate the life of the Christ. But it was soon assumed by his contemporaries that ‘the Franciscan way of practising poverty . . . showed how Christ and the apostles must have lived’. Francis himself had little or no interest in the law. In the course of the thirteenth century, however, his followers drew on the distinctions of civil
and canon law in order to define the Franciscan way of life. They then projected these distinctions back onto the world of the Gospels. The Franciscans came to believe wholeheartedly that Christ and the apostles, like good Franciscans, had renounced all “property, possessions, usufruct and right of use”, retaining for themselves only a simple “use of fact”. Thus, it was the Franciscan emphasis on the renunciation of property that led the order to stimulate important developments in the language of rights.

Bonagratio of Bergamo helped to initiate what became a formidable argument within the early fourteenth-century church. He argued that, following the example of the Christ, Francis had sought to renew the ‘state of innocence’ (that is, before Adam’s sin and fall from grace). The crucial fact about the state of innocence, Bonagratio argued, was that there had been no property rights, no ‘mine’ or ‘yours’; instead the use of all things was to be common to all. ‘If blessed Francis vowed and promised to observe the gospel, living without property singly or in common, it follows that such was the teaching and the rule of the gospel and consequently Christ had nothing, singly or in common.’ The Christ had only what the Franciscans called a ‘simple use of fact’.

The obvious retort by critics was that consumption itself was a kind of ownership, inseparable from use. Bonagratio met that criticism by arguing that natural law prescribed that every living creature should seek to preserve its own life, and that such a ‘natural’ instinct underpinned the human use of consumables such as food, clothing and shelter. This natural instinct was different from the rights governing the ownership and use of property established by human laws. Such rights, insisted Bonagratio, could be renounced voluntarily. Yet by insisting that legal rights and entitlements could be renounced in this way, Bonagratio laid down – at least in effect – a more fundamental natural right, the right to freedom. The claim of that right, with its egalitarian implications, led to a vigorous response from the papacy.

The Franciscan position was judged to be potentially subversive of order, both in church and state. It had been almost a cliché of natural law theory that in the ‘state of nature’ all things were held in common. ‘But none of the many canonists who had commented on that text had interpreted it as meaning that the fruit Adam ate did not become his own, or that he had no right of use or usufruct in the things he actually did use.’ By the late 1320s Pope John XXII decided that the Franciscan arguments had to be opposed and discredited.

John XXII’s counter-argument is fascinating and paradoxical. In order to reject the view that no property rights were present in the state of nature or ‘innocence’, he fell back on a position just as individualist as the claim of a general right to freedom. He wished to reinstate property into the state of innocence. His argument had two steps. First, he insisted that the division of property after the advent of sin by Adam and Eve implied that there had been common property before. So the Franciscan argument that there had been only a ‘simple factual use of things without individual or common ownership’ failed. The second step in John’s critique was far more radical. Before the creation of Eve, property could not have been held ‘in common’. So when God gave Adam dominion over the earth and its creatures, he made Adam – as an individual – the owner of the earth. Therefore, ‘what God established at the very beginning of things in an ideal state of nature was not common possession but individual property’. Individual ownership was traced back to the beginning of things and the will of God as creator. Property was not a mere creation of human laws, and could not, as the Franciscans claimed, be renounced, for even the act of consuming things created property. Property and human agency were intimately joined.

What is striking about this debate is not so much an area of disagreement – that is, whether the right of property could be renounced – as the larger area of agreement. For both arguments work within a radically individualist framework. Both turn on individual claims, whether they are inalienable God-given rights of ownership or the natural right of renouncing property entitlements created by human laws. In that way, the assumption of moral equality set the stage for both positions in the debate.

Both positions were markedly voluntarist, and stressed the role of the individual will. At the very outset of the debate, a Dominican, John of Paris, rejected the theocratic view that all dominion – whether the ownership of property or the authority of the rulers – belonged ultimately to the pope. Such a view seemed to ignore the claims of individual agency, even in the eyes of the member of the order which owed so much to the papacy. John of Paris insisted that ‘individuals as
individuals have right and power and true dominion’: ‘They acquired this right, not from any ruler, either pope or king, but by their own “skill, labour and industry”. The pope was only an administrator of property that belonged to the church, the king only a judge who could settle disputes about lay possessions. Neither was the source of the individual’s right to property.’ This summary of John’s argument catches the individualist turn of thinking taking place in mendicant orders devoted both to reaching the poor and to keeping them within the bounds of orthodoxy. God-given natural rights were coming to the fore.

Should we not conclude that their wish to adopt ‘the apostolic life’ had an important effect on the mendicant way of thinking? By recognizing mendicant orders in order to reach the poor and preserve orthodoxy, the reformed papacy achieved only a partial success. The development of the orders, especially the Franciscans, had a major unintended consequence: it laid the foundation for a radical critique of the role of the church in society, a critique which, drawing on the language of natural rights, began to emerge in the fourteenth and fifteenth centuries.

Through the idea of natural rights, Paul’s emphasis on ‘Christian liberty’ acquired renewed life and potency. This was a moment of the greatest importance. For it was the moment when the egalitarian moral intuitions generated by the church began to be turned against the church itself, creating misgivings that eventually led to a principled rejection of any coercive or ‘privileged’ role for the church. In this way, these moral intuitions provided the basis for what would become the central project of secularism: the identification of a sphere resting on the ‘rightful’ claims of individual conscience and choice, a sphere of individual freedom protected by law. A commitment to ‘equal liberty’ was emerging from Christian moral intuitions.

We have just seen how Franciscan-inspired debate about the origin of property rights became focused on the individual and his rights. This was no isolated development. What stands out from fourteenth-century writings about both church and government is the extent to which the image of society as an association of individuals was gaining ground. It was becoming the shared basis for argument. This image of society had spread from the rhetoric of the ‘care of souls’ into canon and civil law, shaping first of all the claim of papal sovereignty and then the claims of secular rulers to a sovereign authority. By the fourteenth century it was also shaping arguments about the origin and nature of authority as such. The primary unit of subjection to authority was identified as the individual. A corporate conception of society was rapidly waning.

One symptom of the change was the reinterpretation of terms inherited from antiquity. This had already been noticeable in the new meanings which canon lawyers were giving to the term ‘natural law’, meanings which moved away from duty-imposing rules (such as ‘thou shalt not lie’) towards subjective rights. This move reflected the need to recast thinking on a ground which acknowledged all humans as moral agents, as free choosers. Franciscan use of the ‘state of nature’ convention to establish a natural right to renounce all property was but one example of such reinterpretation. New distinctions were also made when discussing ‘liberty’ and dominium. These distinctions added to the conceptual groundwork for separating a private sphere from the public sphere, what would later be called ‘civil society’ from ‘the state’.

We can see this process under way in the thinking of the Franciscan theologian and philosopher, John Duns Scotus, at the end of the thirteenth century. His analysis of the nature of moral obligation is striking.
Duns Scotus lays it down that ‘an act is neither praiseworthy nor blameworthy unless it proceeds from the free will’. For him, freedom is a prerequisite for moral conduct.

Why is this important? In effect, Duns Scotus separates two elements in St Paul’s vision of ‘Christian liberty’. When rejecting reliance on the Jewish law, Paul had held up the quality of the will – love of the Christ – as a liberation from mere rule-bound behaviour, and offered a moralized conception of liberty. For him, aligning the will with the Christ meant freely choosing the injunctions of brotherly love, the claims of human equality and reciprocity. To be ‘truly’ free was to love God in that sense.

Duns Scotus disentangles two things from Paul’s vision. He identifies freedom as a necessary condition of moral conduct. But he does not believe that it is a sufficient condition. He does not identify it wholly with morality. Freedom may result in ‘blameworthy’ as well as ‘praiseworthy’ choices. For the latter to be the case, human choices must conform to justice, what Duns Scotus calls ‘right reason’: ‘To attribute moral goodness is to attribute conformity to right reason.’

Every morally good act must be objectively good, in the sense of having an object conformable to right reason; but no act is good on this count alone . . . the goodness of the will does not depend on the object alone, but on all the other circumstances . . .’ But though the end holds the primary place among the circumstances of the act, an act is not morally good merely because the end is good: the end does not justify the means.

Freedom emerges as a necessary but not a sufficient condition for morality:

‘It is necessary that all the requisite circumstances should occur together in any moral act, for it to be morally good; the defect of any one circumstance is sufficient in order that (the act) should be morally bad.’

‘Evil should not be done in order that good (results) may eventuate.’

For an act to be good, then, it must be free, and it must be objectively good and be done with the right intention.

By separating the ideas of freedom and justice, while presenting both as necessary conditions of moral conduct, Duns Scotus took an important step. He was not alone, however. Through preoccupation with the will and the conditions of its exercise, a distinctive Franciscan philosophical tradition had formed by the fourteenth century. This emerges unmistakably in the work of the greatest Franciscan theologian and philosopher, William of Ockham.

Just as Duns Scotus distinguishes two elements within the idea of ‘Christian liberty’, Ockham distinguishes two meanings of the term dominium, meanings that had previously often been run together.

Ockham benefited from the work of canon lawyers. They had begun to refer to the ‘rights’ of dominium (jus dominii) – a usage unknown in antiquity when dominium or lordship was understood as a privileged social fact rather than an individual right. Dominium then conjured up a superior social position, a position which, by definition, was not shared by all. Once the term ‘right’ was introduced by the canonists, however, a new universality entered. And that, in Ockham’s eyes, revealed an ambiguity in the ancient usage. He argues that the ancient use of dominium combined, in ‘modern’ terms, two different meanings: a right to rule and the right to own. These two meanings have to be separated, Ockham implies, if thinking is to be clear.

In effect, Ockham adjusts the traditional use of dominium to the new assumption of moral equality. As long as thinking rested on the assumption of natural inequality, there had been no need to separate the two meanings – indeed, no possibility of doing so. For dominium had then conveyed the inherent mastery or domination of some over others, a domination that combined ownership and rule. Thus, the patrician’s ownership of his slaves was also the power to rule, while the role of the paterfamilias meant that the father not only governed but also in a sense owned his family. Such radical inequality had been fundamental to ancient societies. Radical differences of status were conveyed by the term dominium, differences so fundamental that they constrained all other social arrangements.

If such radical differences of status were not taken for granted, however, then the need to distinguish different meanings became urgent. It was especially urgent for Ockham, because he wished to probe the grounds of obligation to obey both secular and religious authorities, particularly the emperor and the pope. When we examine his arguments, it becomes clear how far moral intuitions had changed since the Carolingian period. Ockham cannot accept what might be
called the schizophrenia of the Carolingians, oscillation between egalitarian emphasis on the 'care of souls' and a universal oath of allegiance to the ruler on the one hand; and on the other hand, reliance on dominium or lordship (mastery or de facto power) as the means of preserving social order.

Ockham insisted on the difference between mere power and a 'licit' or rightful power, power understood as a *jus* or 'right'. To call a power 'rightful' implies a higher norm – 'right reason' or justice. That norm introduces the God-given belief in moral equality, that is, recognition of freedom of the will and individual moral agency. Thus, if dominium is to be understood as a *jus* or 'right', and not merely mastery or de facto power, it has to respect the norms of equality and reciprocity. And the right to rule must be distinguished from rights of ownership.

This introduction of the language of rights into discussions of government and property paved the way for a clear distinction between 'the state' and 'civil society'. While not understanding it in our terms, the Franciscans Duns Scotus and Ockham put into place the basic building blocks of modern secularism. In refining the idea of Christian liberty – separating the idea of freedom from that of justice and making both conditions of morality as well as distinguishing rights of ownership from a right to rule – they prepared a revolution in the understanding of the 'proper' ground of all authority. They moved from an aristocratic towards a democratic idea of authority.

The canon lawyers had contributed greatly to this development, through their dialogue with theologians. By the thirteenth century something else was added. Philosophy was emerging out of theology, leading to ever more intense debate about the 'proper' relationship between reason and faith. But not only that. The developments in both theology and philosophical argument testified to the presence of a new institution which fostered intellectual ambition and achievement, giving far more reality to talk of 'schools of thought' or 'traditions'.

Such traditions required more than the curiosity, moral seriousness and dialectical skills of individuals. They were made possible by the emergence of a new form of association that gave thinking greater discipline and continuity. For in addition to the growth of urban centres and trade during this period – spreading the seeds of a social class intermediate between the feudal aristocracy and serfs – the European university made its appearance.

The university was something almost unprecedented. It gave the claims of individual reason and dissent a public space which had previously been lacking. It made possible a new social role, the intellectual, thinkers who 'navigated' between the claims of church and secular government. For one of the striking things about the early history of universities is their success in generating a competition of favours from church and state. Both popes and princes went out of their way to encourage and protect the fledgling universities. Both sought to benefit from the new institution. But neither succeeded in mastering it.

The more complex social division of labour which resulted from the growth of urban centres and market exchanges had created both a new setting for learning and greater demand for it. As a consequence, the traditional centres of learning – the cathedral and monastic schools – were becoming anachronistic. The twelfth century presided over these changes. Details of how what became the 'masters' and 'scholars' of a new corporation – a *universitas* in canon law – first took form are tantalizingly few. But two things are clear from the oldest universities. First, in Bologna it was the students, organized into 'nations', who employed their teachers, while in Paris it was the teachers who joined together and shaped the emerging university. Secondly, different subjects led the way in different places, law at Bologna, theology at Paris, natural philosophy at Oxford, medicine at Montpellier.

During the thirteenth century the new universities were given charters by the pope or a secular ruler and their structures were formalized in statutes. The charters conferred privileges on both students and professors, protecting them from local policing, feudal services and taxation by granting them an independent jurisdiction and giving them the right to confer degrees after a carefully regulated course of study. Usually a student had to complete a degree in arts before moving to the study of theology, law or medicine, culminating in the doctorate which qualified him for university teaching. It was not long before the university-educated came to occupy many of the most important posts in both ecclesiastical and secular government in Europe.

The assembly of minds which the new universities promoted gave a tremendous filip to argument. The marshalling of arguments 'for' and
‘against’ – which had roots in the dialectics championed by Abelard and the methods applied in Gratian’s *Decretum* – shaped the form of university teaching. ‘Disputations’ were as important as lectures on required texts. In a disputation some proposition had a ‘defender’ who was confronted with an ‘objector’, while the arguments put forward on both sides were finally arranged and assessed by the presiding professor.

During the twelfth century the recovery of Aristotle’s major works – especially his *Physics, Metaphysics* and *Ethics* – also raised intellectual sights. To the advantages derived from the association of minds in universities was added the example of close argument of the highest order. Translated from Arabic texts rather than from the original Greek, Aristotle’s works offered at once a model and a challenge. Could Christian thinkers expound their doctrine with the same subtlety and precision? The combination of a university education and the challenge offered by Aristotle’s philosophical writings led to far more ambitious works combining theology and philosophy being undertaken by the second half of the thirteenth century. The goal was to create a synthesis which reconciled faith and reason by showing how philosophy could generate a ‘natural’ theology consistent with Christian revelation.

The most remarkable thinkers who pursued this goal are now remembered as saints: Bonaventure, Albert the Great and Thomas Aquinas. Yet despite sharing that status, there were important differences in the use they made of Aristotle. No doubt all of them claimed to reject ‘pagan’ philosophy when it conflicted with Christian revelation. Yet Bonaventure remained within the Augustinian tradition – concerned, above all, with relating the individual will to God’s will – while adapting some arguments from Aristotle. Albert the Great and Thomas Aquinas, on the other hand, sought to integrate far more of Aristotle (‘The Philosopher’ as he was called) with Christianity.8

It is striking that these thinkers (as well as Duns Scotus and William of Ockham) were all either Franciscans or Dominicans. The mendicant orders had at first encountered strong opposition when they sought – as ‘regular’ rather than ‘secular’ clergy – to integrate ‘houses’ of study into the new universities and take an important part in the teaching of theology. Yet by the mid-thirteenth century they succeeded in establishing ‘chairs’ at Paris and gaining recognition for their houses at Oxford and Bologna.

The mendicant orders can lay claim to great intellectual achievements in the thirteenth and the fourteenth centuries. However, the Franciscan and Dominican traditions in theology and philosophy came to differ in an ever more fundamental way. And that difference was to have extraordinary influence on the future development of Europe, both on its thought and on its institutions. The fourteenth century saw this difference emerge in the form of intractable tensions between the claims of philosophy and theology, tensions which jeopardized the attempt to create a synthesis of Aristotle and Christian beliefs.

The importance of the difference between the two traditions can hardly be overstated. Examining this difference and its source requires some oversimplification, for neither the Franciscans nor the Dominicans offered a uniform point of view. Nonetheless, by the fourteenth century many Dominicans revered Thomas Aquinas as their ‘Doctor’ and his synthesis of Aristotle and Christian beliefs as definitive for the church. While the Franciscans never proclaimed a ‘Doctor’ in the same way, they tacitly recognized Duns Scotus and William of Ockham as their outstanding thinkers and spokesmen.

The difference between the two traditions has been described as that between ‘Augustinians’ and ‘Aristotelians’, between ‘conservatives’ and ‘radicals’ as well as between contrasting accounts of the relationship between will and reason. The latter description gets nearest to the source of the difference. Yet even it does not go deep enough.

What did the contrast between the Dominican emphasis on ‘reason’ and the Franciscan emphasis on ‘will’ spring from? It sprang from radically different assessments of the extent to which ‘pagan’ philosophy could safely be appropriated for the understanding and exposition of Christian doctrine. But behind that difference lay another that was even more fundamental. What were the consequences of such appropriation for the Christian-inspired belief in moral equality?

The Franciscan tradition harboured serious doubts about wholesale borrowing from Aristotle’s theory of knowledge and his metaphysics of ‘nature’. Ancient rationalism seemed to re-emerge in Aquinas’ view that ‘the root of freedom has the will as its subject, but reason as its
cause'. The Franciscans detected in such borrowings a residue of the ancient assumption that reason could ‘command’ reality, and that, out of its own resources, reason could demonstrate the deepest metaphysical and moral truths. In Franciscan eyes, that assumption was arrogant. It elevated human fiat above the facts of moral experience, the complexity of human motivation and dependence of the will on ‘grace’. Franciscans found such arrogance lurking in Aristotle’s teleological model of nature. For its hierarchical framework – postulating ‘essences’ and ‘final causes’ – threatened the humility required by the truth revealed in the Christ. It threatened the assumption of moral equality.

The Franciscan tradition held that belief in moral equality entailed humility in the use of reason. For if humans are equal, they are also equally fallible. This duality of moral experience led Franciscans – following Augustine – to pay closer attention to the nature of human agency. Their insistence on the importance of the will was balanced by recognition of its inconstant nature. Humans are free and endowed with rationality. But an upright will also depends on the support of revelation to supply motive force.

In contrast to Dominican emphasis on rationality and ‘correct’ doctrine, Franciscan emphasis on human agency involved a revised view of the role of reason. Reason became the companion of the will rather than its arrogant master. For the mere use of reason could not guarantee what mattered most, an upright will. Left entirely to its own resources, reason could not take us to the heart of the matter. Such access required the union of individual wills with a higher will, through the practice of humility, prayer and the gift of grace. A kind of spiritual training or ‘pilgrimage’ was needed. Reason acquired the status of ‘right reason’ only when it submitted to the moral law revealed by revelation, enjoining brotherly love and humility about its own claims when exploring a world it has not created.

In Franciscan eyes, excessive borrowing from pagan philosophy – associated with Thomas Aquinas’ Summa Theologica (1273) – jeopardized the originality of Christianity. It obscured what had led the early Christian Fathers to reject even Stoic ethics. The tentative universalism in Stoicism did not reach the deepest layers of the self as the Christian revelation did. Nor did Judaism — for all of its emphasis on God’s will – go so deep. While pregnant with further moral development, Judaism remained tribal. By contrast, Christianity held up the prospect of an essentially individual rather than a tribal relationship with divinity. It called individual wills into existence and gave them a glimpse of the transcendent. It offered a relationship that informed social life rather than being determined by it. Franciscan arguments implied that neither pagan philosophy nor Judaism could fully emancipate the individual from conventional social roles. Both failed to reach the depths that only humility – illustrated by the life of Francis, who sought to imitate the Christ – could plumb. For Franciscans, that was the significance of the incarnation. The idea of ‘God with us’ linked human agency with a higher agency.

It was no accident that Augustine was a major source of inspiration for the Franciscan tradition. For it is only a slight exaggeration to say that Augustine, drawing on Paul, invented the idea of the will. Arguably, the Christian assumption of moral equality made such an idea indispensable. It distanced individuals from whatever social roles they might occupy. As we have seen, the individual became the ‘primary’ role, while other social roles became secondary. Such roles became the attributes of a subject endowed with a will. But they could not exhaust the subject’s identity. Thus individual identity was deemed to be extrinsic to social relations and the rightful criterion of them. The will acquired a privileged status as the threshold of divinity, the precondition for entering what Augustine called the city of God.

If we are to understand the Franciscans, we must again look back at Augustine.

Augustine introduced a more complex notion of human agency than that to be found in ancient philosophy, a notion incorporating both the freedom and the weakness of the will. Influenced by Augustine, Franciscans such as William of Ockham adopted a view of human agency which stripped reason of the motivational power often attributed to it by the ancient schools of philosophy. Reason could and should shape action. But it could not, by itself, determine action. Instead, the practice of humility and an infusion of grace had to supplement upright intentions, ‘right reasons’ for acting. For humans were equal, not least in their weakness.

Franciscan thinkers benefited from the abstracting potential that
the Church Fathers had drawn from pagan philosophy when creating Christian theology, with its moral universalism. But they also accepted Augustine's assessment of the limitations of ancient philosophy, limitations emerging especially in its model of human agency. What disturbed the Franciscans was that Aquinas' attempt to assimilate the larger part of Aristotle might reintroduce (even if only implicitly) the model of human agency characteristic of ancient rationalism. Why was Aquinas less concerned about this possibility? The reason is clear enough. Aquinas' intellectual formation and that of Augustine resulted in each having a very different relationship with ancient philosophy. They had moved in opposite directions.

Augustine had worked his way through the pagan schools and become dissatisfied with them before he became a Christian. Aquinas, on the other hand, was a believer before he discovered in Aristotle a range of speculation far exceeding that in previous Christian theology. So Aquinas sought to extend and strengthen Christian thinking with the help of 'The Philosopher'.10 Was Aquinas over-impressed by Aristotle as a result? He could hardly fail to be. The translation of many more of Aristotle's works into Latin by the thirteenth century had revealed the extraordinary range and rigour of his thought. Nonetheless, the Franciscans came to draw on Augustine's critique of ancient philosophy precisely because it mirrored their own doubts about Aristotle's influence.

Before his conversion, Augustine had taken the schools of ancient philosophy – Stoic, Peripatetic and Platonic – on their own terms. He had not judged them from the standpoint of Christian belief. Yet by the time Augustine took up residence in Milan and came under the influence of its bishop, Ambrose, he remained unsatisfied. The true nature and needs of the self seemed to elude the ancient schools. They failed to identify a relationship which, Augustine began to suspect, is the only relationship that can liberate and satisfy the self. It was his study of St Paul's letters that enabled Augustine to escape from what he saw as the limits of ancient philosophy. For Paul took the idea of the self down to a deeper, pre-social level. Paul's conception of the Christ – a mystical union of individuals through love of the Christ – made possible a descent into the self and a fuller understanding of human agency. Thus, the will and the conditions of its exercise became Augus-
tine's preferred study. For him, God's grace, revealed by the Christ, provided the means of entry into a truer self offered to all equally.

This discovery enabled Augustine to identify the assumption affecting all the pre-Christian schools of philosophy, the assumption of natural inequality, which Paul's conception of the Christ overturned. Even the tentative universalism in Stoicism now struck Augustine as redolent of pagan pride rather than Christian humility. It was a matter for speculation rather than the source of a moral imperative. Whether the assumption of natural inequality took the form of Plato's division of society into guardians, warriors and workers, Aristotle's distinction between citizens and slaves ('living tools') or the Stoics' aristocratic view that only a few could ever attain 'true' knowledge and virtue, that assumption effectively ruled out the moral universalism which, for Augustine, was the crux of Paul's message.

Even before incorporating this contrast into his greatest work, the City of God, Augustine had combated what he regarded as elitist temptations surviving from pagan philosophy. That can be seen in his attack on Pelagianism as well as his critique of early monasticism. At first glance Pelagius' vindication of free will might seem far more egalitarian than Augustine's emphasis on grace. For Pelagius held that God's gift to man was a free will, which enabled him to choose and follow the good: 'Once the accretion of evil habits contracted through contact with the "world" had been washed away through the transformative effects of baptism, every Christian believer was both able and obliged to reach out for perfection. For Pelagius, every Christian was the master craftsman of his or her own soul.'11 For Augustine, by contrast, Pelagius' account of human agency was dangerously oversimplified. Pelagius misunderstood the implications of free will. He assumed that Christians could simply decide to be good and become so. In Augustine's eyes, this view was contaminated by ancient rationalism, by the assumption that reason, on its own, could motivate. This was to misunderstand the complex nature of the will and the extent to which grace was required to reinforce good intentions. Humility, rather than the pride of ancient reason, provided the key.

The Pelagian controversy brings out the nature of Augustine's egalitarianism, his sensitivity to the enormous difficulties humans face in reforming their wills. For Augustine, the genius of Christianity lay in
its understanding of and compassion for human weakness. For Augustine, freedom of the will did not exclude recognizing the importance of other causes, in particular, the impact of habits acquired over a lifetime. Such habits posed terrible obstacles to any lasting reformation of the will. Pelagianism, with its exclusive emphasis on self-control, led to a kind of elitism. It separated Christians into two groups, the more perfect and the less.

His [Augustine's] instinctive suspicion of any form of spiritual elitism was reinforced by the theology of human action and divine grace which he developed in the course of his debate with Pelagius... Thus Augustine came to realize that he had to abandon the old idea that what distinguished the monastic life from other forms of Christian living was the pursuit of perfection through self-denial. The question of perfection could not be allowed to be the monopoly of one group of Christians. The Christian community could not be allowed to be divided by a double standard, one for the ordinary Christian, another for an ascetic elite...

Seeking to create a spiritual elite drew implicitly on the assumption of natural inequality, threatening to reintroduce an inherent superiority of some over others (dominum). As Peter Brown remarks, for Augustine, however, the support of grace for an upright will was a need shared by all Christians equally, 'a source of comfort to the humble and a warning to the proud'.

Ancient philosophers, living in societies founded on the belief in human inequality, had projected hierarchy onto the 'natural' order of things. It infected their ideas of nature and social order. How could it have been otherwise? It was 'natural' for them to conflate the dictates of reason with the commands of a superior social position. Christian beliefs dispelled that confusion. If Christian belief provides the foundation for the individual as a moral status and a social role, it helps to explain Franciscan anxiety about the results of trying to merge ancient rationalism with those beliefs. For many ideas associated with ancient rationalism — the unequal distribution of reason among men, the eternity of the world and reliance on a theory of essences — pointed back to the belief in natural inequality.

Would the enthusiasm for Aristotle lead to the Christian God being made subject to rationality as understood by the ancients? If so, seeking a synthesis of Aristotle and Christianity came at too high a price for the Franciscans. It risked extracting from Christianity its Jewish roots: the idea of creation and a God who acts in history, the emphasis on a higher will and distrust of human pride. By contrast, Aristotle's account of man as a social being could remove any appeal beyond the norms of particular societies, however unequal. The attempt of Aquinas to join Aristotelian rationalism with Christian doctrine might in that way subvert the idea of human agency defended by Paul and Augustine, a pre-social basis for individual identity.

At risk was the role of conscience created by Christian beliefs, a domain which required principles higher than merely social norms. Had not the ancient Greeks called anyone who sought to stand outside the norms of his society 'an idiot'? Was the Christ therefore (as well as his follower, St Francis) an idiot? The crux of the Franciscan tradition was its defence of egalitarian moral intuitions. But that raised another question. What kind of society and what form of the church could satisfy the intuition that there is something in every man that goes beyond the social, creating a rightful domain for individual conscience and choice?

Such was the momentous question emerging in Europe by the fourteenth century. It was prompted by the erosion of feudal status differences, through papal and royal claims to a 'sovereign' authority, as well as the challenge posed by Aristotle's account of citizenship and 'the good life'. It was a question with unprecedented subversive potential, opening a kind of Pandora's Box. For it led to Christian moral intuitions being turned against authoritarian forms of both church and state. It was a question that created powerful pressures for reform and ushered in a new world.