POLITICAL THEOLOGY THE “MODERN WAY”:
THE CASE OF JACQUES ALMAIN (D. 1515)

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April 2021

A thesis submitted
to McGill University in partial fulfillment of the requirements of
the degree of Doctor of Philosophy.

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To P. C., with much gratitude.
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ABSTRACT

This dissertation on the French conciliarist and philosopher-theologian, Jacques Almain (c. 1480-1515), demonstrates that his political theology, of which ecclesiology is a branch or sub-discipline, is strongly impacted by the *Via moderna* views and principles that he embraces throughout his *corpus*. Largely for this reason, he does not, as some scholars suppose, adhere to the common position that the Church or other political bodies (e.g., commonwealths), and their representative gatherings (e.g., ecumenical councils), should be understood as legally or formally distinct from their members. Rather, due to his anti-realism and terminist logic in particular, each of these bodies is the sum of its parts, whose members, for political purposes, can be viewed either collectively or distributively.

Almain’s thoroughly “modern” approach governs his treatment of political bodies, political consent, the common good, and ecclesiastical unity. Theological and anthropological voluntarisms reinforce this approach. At the heart of his political theology is the individual and his or her will. Yet, the individual is rarely viewed in isolation from others; there is a strong emphasis on community and on the religious and secular bodies through which it is realized. But these bodies, including the Church, are understood in collectivist rather than corporatist terms, which tends, of course, to a quite radical form of conciliarism.

Attempting to display Almain’s political theology in its wider context, this work has four chapters. Chapter 1 is biographical, focussing on his life and legacy, while Chapter 2 provides an exhaustive treatment of the “modern” principles and tools he employs throughout his *corpus*. Chapter 3 then supplies an introduction to Almain’s political theology, followed by a review of scholarly analyses thereof, while Chapter 4 critiques these analyses in light of the “modern” system expounded in Chapter 2. A brief concluding reflection considers Almain’s influence, the extent of which is difficult to assess. Seven appendices fill out the picture of the man and his works with more technical detail, there being no work as yet that does all this.
RÉSUMÉ

Cette thèse sur le conciliariste et philosophe-théologien français Jacques Almain (c. 1480-1515) démontre que sa théologie politique, dont l’écclésiologie est une branche ou sous-discipline, est fortement influencée par les idées de la *via moderna*, principes auxquels il adhère tout au long de son œuvre. En grande partie pour cette raison, il ne souscrit pas, comme l’affirment certains chercheurs, à l’opinion répandue selon laquelle l’Église ou d’autres organes politiques (par exemple, l’État), et leurs rassemblements représentatifs (par exemple, les conciles œcuméniques), devraient être compris comme étant légalement ou formellement distincts de leurs membres. Au contraire, en raison de son antiréalisme et de sa logique terministe en particulier, chacun de ces organes est la somme de ses parties, dont les membres, à des fins politiques, peuvent être compris collectivement ou distributivement.

L’approche profondément « moderne » d’Almain régit son traitement des corps politiques, du consentement politique, du bien commun et de l’unité ecclésiastique. Les volontarismes théologiques et anthropologiques renforcent cette approche. Au cœur de sa théologie politique se trouve l’individu et sa volonté. Pourtant, l’individu est rarement considéré à l’écart d’autrui ; il y a un grand accent sur la communauté et comment elle opère à travers les corps religieux et séculiers. Mais ces corps, dont l’Église, sont compris en termes collectivistes plutôt que corporatistes, ce qui tend, bien entendu, à une forme assez radicale de conciliarisme.

Voulant présenter la théologie politique d’Almain dans son ensemble, le présent texte est composé de quatre chapitres. Le chapitre 1 est biographique, centré sur sa vie et son héritage, tandis que le chapitre 2 propose une analyse des principes et des outils « modernes » qu’il utilise tout au long de son corpus. Le chapitre 3 fournit ensuite une introduction à la théologie politique d’Almain, suivie d’une revue de littérature sur le sujet, tandis que le chapitre 4 critique ces interprétations à la lumière du système « moderne » présenté au chapitre 2. En guise de conclusion, il y a une brève réflexion sur l’influence d’Almain, même si celle-ci reste difficile à apprécier. Sept annexes complètent le tout en présentant l’homme et ses œuvres avec plus de détails techniques.
ACKNOWLEDGMENTS

This dissertation and, indeed, my doctoral program as a whole would not have been possible without the guidance, assistance, and friendship of many people.

I have been interested in ecclesiology and political theology for many years, but my supervisor, Professor Douglas Farrow, introduced me to another area of interest, the *Via moderna*. In particular, he demonstrated to me the incredible import of anti-realism and voluntarism on medieval and modern thought and culture. He has also offered very helpful guidance and feedback as I made my way through course work and comprehensive examinations, and wrote this dissertation. Over the last number of years, I have also profited from the expertise and guidance of Professors Torrance Kirby, Daniel Cere, and Garth Green. Finally, in translating select poems on Jacques Almain (Appendix G), I have greatly benefitted from the suggestions of Professors Matteo Soranzo and Michael Van Dussen. Any errors remain my own.

My colleagues in the PhD program have provided invaluable support. I have greatly benefited from the feedback and friendship of Greg Doyle, Ryan Scruggs, Tsoncho Tsonchev, Amanda Rosini, Jingjing Li, Jen Guyver, Hadi Fakhoury, and many others. Past and present administrative staff, too, have been exceptional; they are Francesca Maniaci, Sami Khan, Margaret Lawrence, Stephanie Zazzera and Deborah McSorley.

Finally, facets of this dissertation were developed for my Doktorklub presentation in SRS, as well as conferences hosted by the Centre for Research on Religion, the Canadian Society for Renaissance Studies, and the Canadian Society of Church History. Funding for a number of these presentations, as well as my PhD program overall, was generously provided by SRS and its benefactors. I am very appreciative!
INTRODUCTION

1. Setting the Scene

If the rise of Western modernity can be characterized by one or multiple revolutions – be it the Protestant Reformation, Scientific or Industrial Revolutions, Enlightenment, English Civil War, Glorious Revolution (1688), and/or the Age of Revolution – it must also be characterized by continuities. Indeed, studies have shown that major aspects of many of these movements were rooted in the fertile ground of the medieval period. Among other influences, two medieval revolutions whose contributions cannot be overlooked are conciliarism and the *Via moderna.*

While conciliarism has taken various forms, two prominent strands are as follows: first, the belief that ecclesiastical reform is necessary and best achieved through ecumenical councils; and second, “strict conciliar theory.” According to the latter, the Church is the true locus of supreme ecclesiastical power of jurisdiction in the external forum, and an ecumenical council acting as or on behalf of the Church can exercise that power, even to depose and excommunicate the pope for the ecclesiastical common good. The pope, in turn, has merely ministerial power. Some elements of these strands of conciliarism, as well as features of individual conciliarist’s thought, influenced a number of later Protestant thinkers. And many medieval conciliarists were cited by those who would apply their arguments to the secular sphere. For instance, if all authority

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1 As Gillespie puts it, ‘Modernity did not spring forth full-grown from the head of Galileo, Bacon, Descartes, or Hobbes, but arose over a long period of time and as a result of the efforts of many different people in a variety of contexts…. To begin to understand the nature of the modern world, it is crucial that we examine its early, “preconscious” development in the three hundred years between the collapse of the medieval world and the rise of modernity’ (*The Theological Origins of Modernity*, 19).

2 Oakley has written extensively on conciliarism, including the reformist strand and what he calls “strict conciliar theory.” See, e.g., *The Conciliarist Tradition*, 66-7, 72, 108-9; *The Western Church in the Later Middle Ages*, 170-1; *The Watershed of Modern Politics*, 227ff.

ultimately lies with the whole people, a ruler’s power is limited; indeed, the people or their representative body can depose him or her who acts contrary to the common good. For this reason, historians have shown links – some more direct than others – between conciliarism on the one hand and constitutionalisms and resistance theories on the other, including the strengthening of English parliamentary power in the seventeenth century, and French pre-revolutionary thought in the eighteenth.4

Another tremendous influence has been the *Via moderna*: a philosophico-theological school of thought that rose to prominence following the death of William of Ockham (c. 1349). While not monolithic – indeed, it can only be referred to as a school in a loose sense – the *Via moderna* had various, broadly common elements. The scholarship tends to include some or all of the following: forms of anti-realism or conceptualism, theological and/or anthropological voluntarism, terminist logic, and univocity of being.5 One longstanding debate pertains to the relationship between these elements, including whether one or more were the foundation for others. For instance, some argue that theological voluntarism contributed to the development of

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4 As Oakley argues, “To suggest, of course, that there was anything like a direct route from [the Council of] Constance to 1789 would be an even greater exaggeration that that indulged by H. J. Laski in 1936 when, thinking of the use that English parliamentarians had made of conciliarist ideas in the sixteenth century, he boldly proclaimed that ‘the road from Constance to [The Glorious Revolution of] 1688 is a direct one’. But if the scholarship of the past half-century has clearly put beyond question the fact that such a path did indeed exist from Constance to at least 1644, it would now appear to be the case that there was also something of a parallel track in France, one that wound its tortuous way through the thickets of eighteenth-century Gallican and Jansenist religio-political debate all the way down to the years immediately prior to the Revolution itself” (*The Conciliarist Tradition*, 249).


The views and tools of the *Via moderna* are explained in detail in ch. 2: terminist logic and anti-realism (sec. 1), univocity of being (sec. 1.1.2.3), and theological and anthropological voluntarism (sec. 2).
anti-realism; perhaps univocity of being did too. Some also argue that univocity of being and anti-realism, in turn, reinforced theological voluntarism.

Another significant debate pertains to the Via moderna’s impact. It is broadly accepted that it was a widespread movement in the medieval period, but to what degree did it impact other movements and ideas? Many scholars have linked it to the Scientific Revolution and Enlightenment, as well as the rise of postmodernism. It has also been linked to developments in political theology and ecclesiology.

Studies on the political theologies of moderni have been undertaken with mixed results. Ockham’s view of Church and commonwealth, specifically the degree to which it was influenced by his anti-realism (if at all), has been greatly debated. The views of other figures, such as Pierre

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6 Gillespie, The Theological Origins of Modernity, 22; Siedentop, Inventing the Individual, 308; Boersma, Heavenly Participation, 81; Oakley, The Political Thought of Pierre d’Ailly, 236.
8 Boersma, Heavenly Participation, 81.
9 On the link between the Via moderna, and the Scientific Revolution and/or Enlightenment, see Oakley, “Christian Theology and the Newtonian Science,” 433-57; Oakley, Omnipotence, Covenant and Order; Bossy, “Thinking with Clark,” 244; Blumenberg, The Legitimacy of the Modern Age; and Gregory, The Unintended Reformation, 25ff, esp. 36ff. Farrow notes that “[t]he loss of teleology,” following Ockham, both benefited and hindered science (Theological Negotiations, 177). “Yet…the birth of experimental science belongs” not to nominalists, but “to the Lateran IV generation,” that is, those influenced by the doctrine of creatio ex nihilo (p. 174, fn. 9). On the link between Via moderna principles and postmodernism in brief, see Burbules, who writes that “Postmodernism partakes of a radical nominalism” (“Postmodernism and Education,” 527).
10 For instance, Wilks (The Problem of Sovereignty in the Later Middle Ages, 88-95), Coleman (A History of Political Thought, 170-80), and Tierney (“Corporatism, Individualism, and Consent: Locke and Premodern Thought,” 57) agree that Ockham’s anti-holistic approach to the Church and/or other communities was due to his anti-realist philosophy. Shogimen, however, argues it was due to his “logical individualism” (Ockham and Political Discourse in the Late Middle Ages, 170, 191, 216), and Robinson contends it was probably just a “standard view, or common-sense” (William of Ockham’s Early Theory of Property Rights, 230, fn. 125). Finally, McGarde writes, “Whether or not Ockham himself called attention to the fact, his nominalism and his political thought might still be ‘rigorously parallel’, as Lagarde has contended” (The Political Thought of William of Ockham, 173).
d’Ailly (c. 1350-1420), Jean Gerson (1363-1429), and Juan de Torquemada (1388-1468) have generated more limited discussion. The connection between conciliarism and the *Via moderna* has also been debated. Prior to Tierney’s now broadly accepted thesis that the intellectual roots of conciliarism are largely found in canonist thought (i.e., law), many pointed to the anti-realism of Ockham as a primary source (i.e., philosophy). Nonetheless, since then, some have still maintained that conciliarism in general, or in more specific cases, is linked to anti-realism, while

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11 Oakley argues that d’Ailly’s political thought – regarding both civil and ecclesiastical polities and, thus, including his conciliarism – was fundamentally impacted by his voluntarism, and to a more limited degree, anti-realism. He acknowledges, however, that “[t]he bulk... of his [i.e., d’Ailly’s] political tracts were written later in his life than were his principal philosophical and theological works, and under very different circumstances” (*The Political Thought of Pierre d’Ailly*, 237; see 236-40). Therefore, he admits, this fact opens his thesis to similar critiques made of efforts to connect Ockham’s earlier metaphysical writings with his later political thought (237; see, e.g., Shogimen, *Ockham and Political Discourse in the Late Middle Ages*, 12, 15-16).

12 Meyjes briefly and on the basis of one primary text proposes that Gerson held an anti-realist view of the hierarchic Church (*Jean Gerson: Apostle of Unity*, 263). Tierney, in contrast, argues that he was not an anti-realist on “universals,” such as ecclesiastical power. Rather, with respect to the latter in particular, he held to “Aristotelian or Thomist moderate realism” (*The Idea of Natural Rights*, 216).

13 According to Black, Torquemada critiqued realist forms of conciliarism, according to which the Church was “a united real entity” capable of exercising jurisdiction, by appealing to the jurist/canonist view that “the personality of associations is a legal fiction” (*Monarchy and Community*, 54, 55). In a later work, however, Black contends that Torquemada’s view was rooted in anti-realism: “Torquemada… used the nominalist view of corporations (which [he] could find in [the lawyer] Baldus) to say that the whole Church was not an entity to which authority could properly be ascribed” (*Council and Commune*, 82-3). In contrast, Padovani and Stein argue that Baldus was “[t] firmly opposed to the whole notion of Ockhamist nominalism,” and rather “shared with the earliest glossators a concern to base jurisprudence on sound metaphysical premises.” For Baldus, this meant “Thomist teaching,” while for “the glossators who came before him,” they “based their philosophy on Saint Augustine and John Scotus (Eriugena)” (“Preface,” in *A History of the Philosophy of Law in the Common Law World, 1600-1900*, xvi).


16 For instance, Gonzalez writes in his general work on Christian history that “[t]here is a close connection between the late medieval nominalists and the conciliar movement” (*A History of Christian Thought*, vol. II, 321). Burns, while acknowledging the canonist influence on the development of conciliarism, makes a similar point: “Now the relationship between nominalism and ‘radicalism’ in general, and in particular its relationship with conciliarism, are not easily assessed. But it is clear that the nominalism of Ockham and his followers was one element in the stream of critical speculation which produced, among other things, the conciliar theory, and that at Paris nominalism and conciliarism went hand in hand” (*The Conciliarist Tradition in Scotland*, 91; see 89-90). And again, in a later work, Burns writes, “...it is well known that Parisian conciliarism was closely associated with the nominalism which, if not always, prevailed in university teaching there” (*Lordship, Kingship and Empire*, 129). Finally, Elazar argues that “conciliarism and nominalism” are linked in the thought of John Mair, in particular (*Covenant and Commonwealth*, 84).
others have emphasized links to theological voluntarism,\textsuperscript{17} and still others, realism.\textsuperscript{18} Ultimately, accepting Tierney’s thesis on conciliarism’s early origins does not discount the possibility – and, in some cases, certainty – of other influences on particular conciliarists or schools of thought, as these scholars have shown.

In addition to late medieval thought, there has been a continued scholarly interest in the effects of the \textit{Via moderna} – as well as the Modern Augustinian School, a sister movement – on Protestant theologies and ecclesiologies from the Reformation onward,\textsuperscript{19} as well as the development of secular political theories, like classical and modern liberalism, and the principles that underlie them.\textsuperscript{20}

On the cusp of the modern period and in the decade preceding the Reformation – when there would be an increasing emphasis on the individual – both conciliarism and the \textit{Via moderna} were in vogue in Paris. Among adherents was a young priest and professor, Jacques Almain (c. 1480-1515). While relatively unknown nowadays, Almain had developed a formidable reputation in Paris as an instructor of Arts, university official, bright theology student, and ardent advocate


\textsuperscript{18} Black argues that “conciliar theory in its final phase during the Council of Basle (1431-49) – and not during this phase alone,” was influenced by Neo-Platonic realism, not nominalism (\textit{Council and Commune}, 1; see 2). He then concludes, “The final flourish of medieval conciliarism, then, was characterized by holism and metaphysical realism” (p. 115). See also Black, “The Realist Ecclesiology of Heimerich van de Velde,” 273-91. Braakhuis similarly argues that “[i]n the past, conciliarism...was considered to be a hallmark of nominalism,” but some conciliarists were influenced by realism, such as Heymeric de Campo, and Nicholas of Cusa (“Wessel Gansfort between Albertism and Nominalism,” 39, fn. 30).


of conciliarism, specifically, strict conciliar theory; he was also a *modernus*.\(^{21}\) While most Almain scholars have tended to focus on his political theology, especially on his conciliarism,\(^ {22}\) with a more limited interest in other features of his thought and life,\(^ {23}\) this dissertation examines his adherence to the *Via moderna* and its impact on his political theology. Scholarship on this narrower topic has been more limited and varied. For instance, Brett, in the context of Almain’s approach to natural law and right, argues that “Almain cannot be subsumed under any sweeping category of ‘nominalist-voluntarist.’”\(^ {24}\) For Oakley, Almain embraced theological voluntarism in the tradition of Ockham, which impacted his view on law,\(^ {25}\) but he denies that Almain’s anti-realism resulted in an individualism in his political discourse.\(^ {26}\) Carpintero et al., in turn, link Almain’s anthropological voluntarism to his views on political consent.\(^ {27}\) Finally, for Shuger, who analyzes

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\(^{21}\) See ch. 1 and 2.


\(^{24}\) Brett, *Liberty, Right and Nature*, 122.


\(^{26}\) Oakley, “Legitimation by Consent,” 329; see 306, 323-4.

the text *Expositio*, Almain’s “focus on the singular, on the exception” to a rule, which individuals have the capacity, in principle, to determine for themselves in both ecclesiastical and civil spheres, “is of a piece with Ockham’s nominalist epistemology.”

This dissertation will show that the *Via moderna* framed much of Almain’s worldview, with implications for his conciliarism, as well as his vision of the Church, the commonwealth, and the individual, which go further than previously thought. In particular, Almain advances a reductionist vision of political bodies, in which the individual is central; indeed, individual persons and things are all that truly exist. In doing so, this dissertation contributes to our understanding not only of Almain’s thought, but also of the impact of the *Via moderna* on political discourse – both the ecclesiastical and civil spheres – at a significant time in Western history.

2. Map of the Work

Chapter one provides an exhaustive account of the life, literary output, and legacy of Jacques Almain, based on primary and secondary research. Appendices connected to this chapter include a timeline of Almain’s life and other key events (Appendix A); an excursus on Almain’s date of birth (Appendix B); precis of Almain’s nine works (Appendix C); an exhaustive list of known editions and printings of Almain’s works (Appendix D); a tally of all printings, re-printings and later editions (Appendix E); a list of Almain’s known students in the Faculty of Arts (Appendix F); and select poetry and correspondence about Almain (Appendix G).

Chapter two provides an original and exhaustive analysis of Almain’s adherence to the *Via moderna*, focussing on the various views he held and tools he used, including terminist logic, anti-

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realism, univocity of being, and theological and anthropological voluntarisms. These views and tools are shown to be present across Almain’s corpus. He was, indeed, a thorough-going modernus.

Chapter three begins with an introduction to Almain’s political theology – what it includes and how it should be framed. Prior approaches are discussed and critiqued in light of the following interpretation: Almain’s political theology focusses on the origins, natures, and powers of purely political or civil bodies, such as commonwealths, and their representative institutions, as well as bodies that are political or civil but not purely so, namely, the Church, and its representative institutions. The Church is a non-pure political body, because it has both a supernatural end and dominion (i.e., ecclesiastical), as well as a natural end and partial natural dominion (i.e., the right and duty [ius] to self-preservation). With this foundation, we review scholarly literature on Almain’s political theology, including interpretations on both pure and non-pure political bodies. More specifically, we address the natures of these bodies, the origins and exercise of civil dominion, the nature/s of political consent, what the common good entails, and how ecclesiastical unity is ensured. A dominant theme in this prior scholarship is that Almain adheres to the medieval view that political bodies are corporations (universitates): legal persons that are distinct from their members qua real persons. Another position, albeit less prominent, situates Almain in the Aristotelian-Thomist camp, and suggests that political bodies are formally (i.e., qualitatively) different than the sum of the members.

Chapter four challenges these positions and demonstrates that Almain’s political theology is more “modern,” that is, indebted to the Via moderna, than previously thought. The primary reasons are these. Firstly, Almain does not view political bodies as legally or formally distinct entities; rather, following anti-realism and terminist logic, he views them as the sum of their parts, the members, who can be taken in two ways: collectively (i.e., together) or distributively (i.e.,
individually). Secondly, Almain adopts a modern approach to supposition – a feature of terminist logic: words in simple supposition supposit for concepts, while in personal supposition, they supposit for individual, extra-mental things. (Words never supposit for extra-mental common natures, which do not exist.) In the case of personal supposition, individual things can again be taken collectively or distributively. These distinctions are central to understanding to whom or what Almain is referring when he discusses *homo, homines* or the human *genus*, especially in the context of dominion and ends. Finally, Almain is influenced by two forms of anthropological voluntarism, which emphasize freedom of the will, and that will’s orientation toward the good or affection for justice and advantage, views he applies to political contexts. With these positions, we reassess the scholarly views considered in chapter three, and offer alternatives.

3. Some Methodological Considerations

During and after Almain’s career, nine of his works were published; two have since been translated into English. Apart from secondary scholarship, these nine works are the main sources for this dissertation – indeed, they are our primary objects of analysis. In this section, we will discuss methodological issues pertaining to which editions have been used, as well as how they have been translated, classified, and interpreted.

3.1 Chosen Editions & Translation

From the sixteenth to eighteenth centuries, Almain’s works went through 51/52 printings and editions, if volumes with multiple works are counted as one. And if each work within volumes is counted individually, this rises to 92/95.29 There are no critical editions of the Latin texts. Given

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29 See Appendix E.
the age of Almain’s works, it is fortunate that many are available through Google Books; they have been used in this dissertation. Of these, it was decided that early editions from the sixteenth century – close in time to Almain and his contemporaries – are, in general, preferable to later ones. With this basic principle in mind, the following have been selected:

- *Embammata phisicalia*, ed. Pietro Aymerich (Paris: Denis Roce, 1506);
- *Consequentie*, ed. Benoît de la Noe (Paris: Bernard Aubry, 1508);
- *In tertium Sententiarum* (i.e., *In tertium*), *Expositio*...super potestate summi pontificis* (i.e., *Exposito*), *Libellus de auctoritate ecclesie seu sacrorum conciliorum eam representantium* (i.e, *Libellus*), *Questio in vesperis habita* (i.e., *Questio*), and *Dictata super sententias Holcot*, in *Aurea...Iacobi Almain Senonensis opuscula...*, ed. Vincent Doesmier (Paris: Claude Chevallon, 1518);
- *Moralia*, in *Acutissimi...M. Jacobi Almain...Moralia...Vesperiarum questione...& Libellus de auctoritate Ecclesie...* (Paris: Claude Chevallon, 1525);
- *Clarissimi...Iacobi Almain Senonensis a decima quarta distictione quaestiones Scoti profitentis, perutilis admodum lectura* (Paris: Claude Chevallon, 1526) (i.e., *A decima quarta*).

Unless otherwise indicated, these are the editions cited in this dissertation, and translations of their contents are my own.30 (For precis of their contents, see Appendix C.) In translating, I have stayed as close to the Latin structure as possible, while ensuring comprehension in English. Reference has been made to English editions of two texts – McGrade’s edition of *Questio*, and Burns and Izbicki’s edition of *Libellus*31 – as well as a particularly helpful work on medieval Latin abbreviations by Capelli, *The Elements of Abbreviation in Medieval Latin Paleography*.

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30 In the above order, English titles of these works are as follows: Problems in Physics; Consequences; On [Book] Three of the Sentences; Exposition on the Power of the Supreme Pontiff; A Book concerning the Authority of the Church or of the Sacred Council its Representative; Question at Vespers; Lessons on the Sentences of Holcot; Morals; and From Distinction Fourteen, the Questions of Scotus.

3.2 Classification

In his biography on Almain (1701), the French Church historian Louis Ellies Du pin, who also printed many of Almain’s works, divides his corpus into three “genres”: Philosophical (Consequentie, Embammata phisicalia, and Moralia), Scholastic Theology (Dictata super sententias Holcot, In tertium, and A decima quarta), and Ecclesiastical Power (Questio, Libellus, and Expositio). This simple classification is quite helpful on its face in distinguishing Almain’s works based on content; and, indeed, all of the works fit the categories. There are, however, reasons to question them.

Almain studied and taught philosophy prior to theology, and the focus of his works, unsurprisingly, mirrors this general division: philosophical and then theological works. Hence, Almain’s first two works are clearly philosophical in nature: Consequentie (1504), a work on consequences, that is, “the logical relations between sentences,” which engages with Ralph Strodus’ Consequences; and Embammata phisicalia (1506), a “mixed” work incorporating methods of logic common among Parisian terminists (e.g., calculations, per the Calculator tradition; sophismata; categorematic and syncategorematic approaches in mereology) to solve problems in logic and natural philosophy. Almain’s third work, Moralia (1510), is also suitably categorized by Du pin as a work of philosophy, rather than scholastic theology, pace Farge. Almain likely wrote it while teaching ethics in the Faculty of Arts, and it was later used there as a standard text. As a work of ethics, Moralia is, however, clearly very different from Consequentie.

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33 See ch. 1, sec. 1.1.
34 Quote from Dutilh Novaes, “Medieval Theories of Consequence”; see Prantl, Geschichte der Logik im Abendlande, vol. 4, 238.
35 See ch. 2, sec. 1.2.1 and 1.2.2.1.
37 That Farge classifies Moralia under Scholastic Theology can be deduced from his analysis (see Orthodoxy and Reform, 103; Biographical Register, 11, 16-18, 94-104, 308-311, 427-431).
and *Embammata phisicalia*. In his study of the Faculty of Theology at Paris (1500-1543), Farge distinguishes the literary category of “Logic” from “Scholastic Philosophy (other than logic),” the former being substantial enough – in terms of works produced – to merit its own group.\(^{38}\) Based on this distinction, it seems suitable to establish Logic, and Scholastic Philosophy (other than logic) as sub-groups within the main category of Philosophical works: *Consequentie* and *Embammata phisicalia* are in the former sub-group, and *Moralia* the latter.

The category of Scholastic Theology, in general, is suitable, as are the three works Du pin includes; viz., three commentaries on the *Sentences*, which certainly fit the genre. Studying and commenting on the *Sentences*, after all, were primary exercises in the Faculty of Theology.\(^{39}\) The category of Ecclesiastical Power, in itself, it also suitable, insofar as it fits the overall theme of the three works categorized therein. That said, these writings contain not only discussions on ecclesiastical, but also political (also called natural or civil) authority; authority is often discussed vis-à-vis appeals to Scripture, Church history, the canonist tradition, and theology (e.g., philosophical and political); and ecclesiology is a sub-discipline, for Almain, within political theology.\(^{40}\) Thus, a broader category of Political Theology seems more appropriate than Ecclesiastical Power.\(^{41}\) It seems suitable, moreover, to place Political Theology as a sub-category within Scholastic Theology, alongside a sub-category of Commentaries on the *Sentences*.\(^{42}\) After all, these three writings in Political Theology were written by Almain when he was in roles within the Faculty of Theology: *Questio* was the fruit of an academic disputation and formed his

\(^{38}\) Farge, *Orthodoxy and Reform*, 103.

\(^{39}\) See ch. 1, sec. 1.1.

\(^{40}\) See ch. 3, sec. 1.

\(^{41}\) Burns refers to Almain’s *Libellus* and *Questio* as “‘political’ writings” (Burns, “Scholasticism: Survival and Revival,” 148). Burns does not address *Expositio* but, given its parallels with the content of *Libellus* and *Questio*, it would surely be similarly classified.

\(^{42}\) It can be deduced from Farge’s analysis that he, similarly, categorizes Almain’s Commentaries on the *Sentences*, as well as *Questio*, *Libellus*, and *Expositio*, as Scholastic Theology (see *Orthodoxy and Reform*, 103; *Biographical Register*, 11, 16-18, 94-104, 308-311, 427-431).
resumptiva, the Faculty tasked him with *Libellus*, and *Expositio* is a structured commentary likely written when he was a Faculty regent doctor. That said, it has been argued that *Libellus* should be classified as a polemic\(^{43}\) – a category that Farge distinguishes from Scholastic Theology. However, while *Libellus* is polemical in form, its content strongly parallels *Questio* and *Expositio*. In fact, scholars interested in Almain’s discussion of Political Theology – which forms the majority of modern interest in his work and influence – have, with good reason, tended to examine all three works together.\(^{44}\) When categorizing Almain’s corpus, therefore, I contend that it would be impractical to divide them. In sum, Almain’s works can be divided into two major genres: Philosophical works with sub-categories of Logic (*Consequentie*, and *Embammata phisicalia*), and Scholastic Philosophy (other than Logic) (*Moralia*); and Scholastic Theology with sub-categories of Commentaries on the *Sentences* (*Dictata super sententias Holcot, In tertium*, and *A decima quarta*), and Political Theology (*Questio*, *Libellus*, and *Expositio*).

### 3.3 Interpretive Issues

While classification systems, such as this, serve a necessary purpose in the analysis of an individual’s literary output, it is important to acknowledge that assigning categories and sub-categories has its limitations. For instance, Almain does not restrict his discussion of political theology and related issues to the works in that category; he also discusses such in passages of his

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\(^{43}\) Both Burns and Shogimen respectively refer to *Libellus* as a polemic, although Shogimen applies the genre to *Expositio*, as well. He then distinguishes polemics from “academic”/“theological” works (i.e., it seems, scholastic theology) based on the context in which they were written. (See Burns, “Introduction,” *Conciliarism and Papalism*, vii; Shogimen, “Ockham, Almain, and the Idea of Heresy,” 153-155, 164.) Following Shogimen’s criterion, *Libellus* would, indeed, be a polemic, while *Questio* – the fruit of an academic disputation (Almain’s *resumptiva*) – would be academic theology. *Expositio* would be academic theology too, though, *pace* Shogimen: there is no reason to suspect it was written in a context like *Libellus*, and as noted in-text, it is a structured commentary.

Commentaries on the *Sentences*, albeit to a lesser degree. A more significant categorization issue pertains to the Philosophical works. Granted, as Almain’s earliest works, these are the most thoroughly philosophical and were written while he was a regent in the Faculty of Arts, where philosophy was taught. Nonetheless, philosophical principles and ideas are also scattered throughout his theological works – Almain was a philosopher-theologian after all. Oakley, for instance, significantly points to the application to conciliarism of “universal principles of a philosophic nature,” viz., natural law, by a “small but significant subgroup of thinkers ranging from John of Paris in the early fourteenth century to Almain and Major in the early sixteenth, most of them philosopher-theologians and most Parisian divines…”45 Another key example, which will be shown in chapters 2 and 4, is that Almain applies anti-realist mereology and terminist logic to his political theology. While, therefore, these philosophical elements can be found in Almain’s Philosophical works, especially *Consequentie* and *Embammata phisicalia*, they are also found in his Political Theology works. Finally, philosophical principles can also be found within Almain’s other Scholastic Theology works. For example, as Kitanov et al. have argued, Almain’s strong interest in fourteenth-century philosophical theology – an interest he shared with Mair – is on display in his three Commentaries on the *Sentences*;46 a key example is, again, the application of anti-realism to theological and metaphysical issues.47 Overall, while the aforementioned genre categories are an important tool that will be used in this dissertation to distinguish key traits of

46 Kitanov et al., 411. As one final example of Almain’s application of philosophical principles outside the Philosophical works, Di Luscia discusses Almain’s interest in the Calculator tradition, which was prominent among John Mair and his students at Montaigu, and used by Almain first in his *Embammata phisicalia*. Of particular interest, Almain thereafter applied features of this tradition, e.g., physical *sophismata*, to ethical issues (e.g., in *Dictata super sententias Holcot, A decima quarta, In tertium*; also in *Moralia*). I.e., he analyzes the circumstances of a hypothetical ethical situation and applies physical *sophismata* (e.g., quantitative, distributive considerations). See Di Luscia, “Kalkulierte Ethik,” 92ff.
47 The views and tools Almain adopts from the *Via moderna* are discussed in detail in chapter 2. On Mair’s interest in applying them to theology, see, e.g., Zahnd, “Terms, Signs, Sacraments,” 259.
works, there are also significant interconnections between ideas across these works that must not be overlooked. Thus, while the particular context of each work must be considered in itself and generalizations avoided, some (e.g., earlier Philosophical works) can be invaluable for interpreting others (e.g., later Political Theology works).

In chapter two, it is shown that Almain adopted various *Via moderna* tools and principles, and in chapter four, his political theology is re-assessed in this light. In this way, our approach is similar to some analyses of Ockham’s individual-centered political thought, including discourses on ecclesiastical polity, through the lens of his anti-realism. These efforts, to be sure, have been criticized for drawing connections between two branches of Ockham’s thought developed at different times and in different contexts; in the parallel case of d’Ailly, Oakley acknowledges that his own work is open to the same critique. But given Almain’s short academic career – only 11 years between his first work and his premature death – there are fewer contextual variables. Also, it will be shown that Almain applies *Via moderna* tools and principles across his corpus, not just his early works. Our approach, therefore, is not vulnerable to this critique.

Almain is also largely consistent as a *modernus*, with important exceptions. For this reason, we propose a hermeneutic of continuity: except where there are clear shifts from one work to another, which will be noted, Almain is assumed to be consistent in his modern views and tools.

Another interpretative issue arises given the numerous editions and printings of Almain’s works. While we engage primarily with the editions outlined above, we are aware that their wording differs on occasion from others. Also, our selected editions contain some ambiguous

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50 See Oakley’s acknowledgement, along with his reply: *The Political Thought of Pierre d’Ailly*, 236-40.
abbreviations. When these discrepancies and ambiguities have been discovered, editions have been compared to ascertain the most likely intended wording. When this problem has arisen in connection to scholarship – e.g., a scholar takes a particular position on a Latin word at odds with the choice taken in this dissertation – or the wording in question is particularly pertinent to the argument at hand, the discrepancy or wording is noted in the text.

Finally, in many of Almain’s works, editorial notations briefly summarize and, in some cases, analyze Almain’s arguments. Some of these are very relevant to this dissertation and, given that they were noted by Almain’s contemporaries and may even reflect his own glosses, highly valuable. In order to determine the origin and reliability of these notations, they too have been compared across multiple editions, and are noted in the text.
CHAPTER 1
BIOGRAPHY OF JACQUES ALMAIN

Introduction

In beginning this dissertation, it is necessary to introduce the main figure whose thought is our focus. This first chapter, therefore, is primarily historical in nature and serves two main purposes: first, to establish context so that later discussion of Almain and his works in this dissertation can be properly and fully considered; and second, to provide an exhaustive account of Almain’s life and influence in order to fill lacunae in modern scholarship. While Almain’s works remain understudied, modern interest therein has increased, especially with respect to his political theology, including conciliarism, thanks in large part to the contributions of Francis Oakley. Interest in Almain’s moral theology and his role in natural rights discourse, among other topics, has also increased over the past forty years. Nonetheless, scholarship on Almain’s life, works and influence has been mainly limited to a handful of encyclopedic entries, and narrow discussion in journal and monograph chapters.¹ An exhaustive account of Almain based on extant primary sources and scholarly analyses is needed. To this end, this chapter has two main parts: section 1 will discuss Almain’s life and influences. Variables to be considered include: First, the personal: What do we know about Almain’s life? Who were his colleagues? Second, the socio-political: What structures and political events affected his life and work? And third, the ideological: What systems of belief and thought was he exposed to? Who influenced his thought? These considerations will provide a foundation for section 2: Almain’s legacy and reception. To accompany this chapter, appendices at the end of this dissertation contain updated and/or previously unpublished material.

¹ See Introduction, fn. 22 and 23.
1. Life
1.1 Who was Jacques Almain?

Jacques Almain\footnote{Alternate spellings have included Almany (Faculty of Theology Minutes, December 1, 1513; in Clerval, *Registre des procès-verbaux de la faculté de théologie de Paris*, 135); Allemain (e.g., Entry 84 in Farge, *Students and Teachers*, 49); Ammayn (Preface to Mair, *Inclitarum artium* [1508], in *A History of Greater Britain*, 418), and Almaynum (Letter of Mathurn Alamande to Jacques Lefèvre [May 20, 1517]; Ep. 120 in Rice, *The Prefatory Epistles*, 386).} was born c. 1477-82\footnote{There is virtual unanimity among modern scholars that Almain was born c. 1480, yet, to my knowledge, no one has provided a rationale or source for this date. It is surely correct, however, and we can more precisely set the range, as noted above, to c. 1477-81/2. For an explanation, see Appendix B.} in Sens, France, the seat of the Archdiocese and Province of Sens, which encompassed seven suffragan dioceses, including Paris. He was a secular priest for Sens, and although it is unknown when he was ordained, he must have been at least in training prior to his formal entry into the theology program in 1508.\footnote{A condition of entry into the *primus cursus* at the University of Paris (or *biblicus ordinarium* for mendicants and Cistercians) was that one had been canonically tonsured (Farge, *Orthodoxy and Reform*, 17, 18). Almain entered the *primus cursus* in 1508 (see below).} He also indicates in the dedication to his *Libellus* (1512) that he had maintained a positive relationship with the Archbishop, Tristan de Salazar, for many years.\footnote{*Libellus*, fo. xlv\textsuperscript{v}. It can be trusted that Almain knew Salazar fairly well, given that the former was one of only four secular priests – and one of seven, including religious – from the Diocese of Sens who graduated from the Faculty of Theology at the University of Paris (1500-1536). To put these figures in perspective, the total graduates for this period was 474 (Farge, *Orthodoxy and Reform*, 60, 62).} Otherwise, little is known of Almain’s life before he studied Arts at the University of Paris. Likely due, in part, to his poverty,\footnote{Louis Lassere, doctoral paranymph for Almain’s Licenciate class (1512), later noted that Almain’s poverty had not deterred him in his studies. He then wrote: “*Alma est mens, almum studium, almum almane corpus/ Vis alma, alma salus, alma corona datur*” (BN MS Lat 7812, fo. 87v-90v; cited in Farge, *Biographical Register*, 16).} he enrolled at Collège de Montaigu,\footnote{Farge, *Students and Teachers*, 603.} which was primarily dedicated to poor students in the late fifteenth and early
sixteenth centuries, under the direction of Jan Standonck. The 1499 statute, the first written by Standonck, asserted that one of the college’s objectives was “to bring together ‘poor and brilliantly gifted youth who, depressed by misery, would have fallen victim to sordid occupations unworthy of their talent’ in order for them to become pillars of the church, great men necessary for its direction and elevation.” Given Almain’s poverty and, as will be seen, keen intellect, this likely seemed a suitable fit. As he was a French-speaker from Sens, he became a member of the largest of the university’s four “nations”: the French nation.

For three-and-one-half years, from c. 1497/8-1500/1, Almain studied Arts at Montaigu under the tutelage of John Mair (1467-1550) who, during that time, taught terminist logic while completing his doctorate in theology (c. 1496-1506). Together with David Cranston and Peter Crockaert (i.e., Peter of Brussels), who Mair describes as Almain’s “bosom friends,” as well as Robert Ceneau and others, Almain was part of the John Mair “circle,” a group of terminist logicians who dominated the contemporary discourse. In fact, Mair has been called “the most influential” master regent of his time at Paris based on the sheer number of students that he and his most active

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9 The statutes of 1499 and 1503 refer to 86 poor residents (12 Theology students, 72 Arts students and 2 chaplains), plus an unstated number of paying residents (Feingold, *History of Universities*, 81).
11 The *quinquennium* (5-year Arts program) typically involved three-and-one-half years of study (Farge, *Orthodoxy and Reform*, 12). The estimated dates given above are based on the following: 1) Almain was teaching as a master regent in 1503, and Izbicki reasonably speculates that this was his first year as such (“Jacques Almain,” 579). 2) Launoy asserts that, “When he [i.e., Almain] had become a Magister of Arts, he immediately taught dialectic and natural philosophy” (*Regii Navarrae Gymnasti Parisiensis Historia*, 611; emphasis added). The standard 1.5 year trial regency, which was typically in grammar (Farge, *Orthodoxy and Reform*, 12), would have, therefore, immediately preceded this (1500/1-1502/3). 3) Almain’s MA studies, therefore, can be dated to c. 1497/8-1500/1.
12 A formal certificate of study for Almain, which would contain this information, is not extant, although he requested one on Sept. 28, 1512 (see Farge, *Students and Teachers*, 170; Entry 305). Tellingly, however, in his work on natural philosophy, *Embammata phisicalia* (written 1505), Almain refers to Mair as, “my magister” (fo. cxv1).
15 For an explanation of terminism, see ch. 2, sec. 1. Di Liscia refers to the John Mair circle with particular reference to the members’ involvement in the calculator tradition: see “Kalkulierte Ethik,” 77, fn. 4, 86, 92-3. For more information, see Durkan, “The School of John Major. Bibliography,” 140–57; and Broadie, *The Circle of John Mair: Logic and Logicians in Pre-Reformation Scotland*. Renaudet refers to Mair, Almain, Cranston, Crockaert and Ceneau, in particular, as “les logiciens de Montaigu” (*Prériforme*, 464).
disciples, including Almain, taught. And more broadly, Montaigu became, under Mair’s influence, one of the foremost European philosophical schools, where the *Via moderna* more generally and the thought of William of Ockham and John Buridan in particular thrived. These studies left a strong impression on Almain as reflected, especially, in his first two works: *Consequentie* and *Embammata phisicalia*, published in 1504 and 1506 respectively, would both engage with terminist logic, and the latter would include anti-realist approaches to natural philosophy. Almain would also, like his *magister*, apply these principles in his later theology, as will be shown below. Overall, while Mair’s classes “were probably among the most popular in the University,” Almain was among his closest students and, later, colleagues. One example from this early period: in the preface to Mair’s *Inclitarum atrium* (1508), a collection of his works in logic, Mair notes that his commentary on Peter of Spain’s *Summulae* had been largely the result of discussions with Almain, Cranston, Crockaert, and Ceneau. Other collaborations would occur, in time, as well.

While there are no records, from 1500/1-1502/3, Almain likely continued the *quinquennium* (5-year Arts program) at Montaigu with the standard trial regency of one-and-one-half years. While some exemptions were given, this regency, commonly in grammar, was usually

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16 Farge, “Sources and Problems Facing the Prosopographer,” 17. Two Scotist regents at Collège de Reims, Jérôme de Hange and Pierre Tataret, were masters of 18 and 17 graduates, respectively, according to Registers 89/90 of the Faculty of Arts. Mair supervised only 16, according to these sources, but his six most influential students (Almain, Ceneau, Cranston, Antonio and Luis Coronel, and George Lokart) would teach an additional 56. It should be noted that these registers have serious limitations, only including names of students who applied for a certificate of studies (between 1512-15) in order to apply for benefices. That said, they provide a revealing sample of the situation (Farge, “Sources and Problems Facing the Prosopographer,” 16-17). For these registers in translation, see Farge, *Students and Teachers*.
18 Di Liscia argues that *Embammata phisicalia*, in particular, is “a typical product of the John Major Circle” (“ein typisches Produkt des John Maior-Kreises”) due to Almain’s use of calculations and sophismata (Di Liscia, “Kalkulierte Ethik,” 93).
19 Farge, *Biographical Register*, 305.
required. Thereafter, Almain “immediately taught dialectic and natural philosophy” as a master regent, and would continue teaching Arts from 1503-12 at Montaigu, Collège de Sainte-Barbe, and Collège de Coqueret. It became evident, soon after beginning his master regency at Montaigu, that Almain found Standonck’s rigorous and ascetic rule there – based on the rule of the Brothers of the Common Life – difficult. In this respect, it has been observed that Almain’s perspective was similar to Erasmus, who “spent the winter of 1495-96 in misery at Montaigu.” Likely for this reason, Almain tried to leave his post as a master at that college in 1503, taking some students, perhaps 13, with him. Standonck, in turn, sued Almain before the Parisian Parlement, and Almain was forced to return with the students. Thereafter, Almain continued to teach at the college when Noel Beda succeeded Standonck as principal (1504-13), and Francis Oakley speculates that he continued teaching there until he commenced his formal studies in

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21 Farge, *Orthodoxy and Reform*, 12. In all, Almain was one of only forty-one graduates of the Faculty of Arts at Paris born in the Diocese of Sens out of 1486 total graduates (from 1462-1515) whose origins are known. The earliest students on record were from 1462. Almain was also one of one-hundred-eight known graduates of Montaigu (from 1473-1515). This figure is based on Farge’s analysis, which extends from 1462-1515. However, there were only 9 graduates known from 1462-72, and none of them are known to have been at Montaigu; that said, the college/s of 2 of them are unknown (Farge, *Students and Teachers*, 594, 587; xix, fn. 44; 603; see “Index Supplement 3”).


23 Izbicki, “Jacques Almain,” 579; Farge, *Biographical Register*, 15. Registers 89/90 indicate Almain had students at Sainte-Barbe and Coqueret (see Farge, *Students and Teachers*), and Standonck’s lawsuit indicates he was a master regent at Montaigu, leaving with students whose studies he was directing (see below). It is unthinkable that Almain would have attempted this during his trial regency and, moreover, only master regents could direct students’ studies (see Farge, *Orthodoxy and Reform*, 12). Overall, while, therefore, there is evidence that Almain taught Arts between 1503 and 1512, and did so at the aforementioned three colleges, the specific years he taught at each is unknown with certainty. Although, as noted below, there has been some speculation.


Almain’s experience was different from that of Mair who, like Standonck, greatly appreciated the rigorous ascetic spirit of Montaigu. Mair ‘conservait pieusement la memoire de Standonck; il se glorifiait d’appartenir a la maison de Montaigu, “cette mere,” ecrit-il plus tard, “qu’on ne peut nommer sans veneration”’ (Renaudet, *Préréforme*, 465).

25 Renaudet, *Préréforme*, 358. Villoslada says Almain took 13 students with him, and that this occurred during the summer break of 1503, but he does not cite his source (*La Universidad de Paris*, 166).

26 Arch. Nat., X¹ 1509, f° 22 v°-23 r°, cited in Renaudet, *Préréforme*, 358. Standonck filed suit, according to Izbicki (“Jacques Almain,” 579), in January 1503, whereas Renaudet (*Préréforme*, 358) alleges it occurred in December 1503 with Almain forced to return, specifically, on the 18th. This event is recorded in the French National Archives but, unfortunately, I have not been able to consult the text.

theology at Collège de Navarre in 1508. It was during this time that Almain published the aforementioned *Consequentie* (1504) and *Embammata phisicalia* (1506), based on his lectures.

As a master regent in Arts from 1503-12, Almain was well known and influential; he was among “quelques-uns des plus celebres professeurs de la capitale,” according to Renaudet, alongside Mair and Cranston. Evidence to this end can be found in Registers 89/90 of the Faculty of Arts, compiled from 1512-15. They contain sworn statements of “hundreds, if not thousands, of students and teachers,” testifying to the studies and teaching activity of Master of Arts graduates. Entries include witnesses who confirm the testimony, and details, such as students’ length of study – albeit without dates, in most cases – and their master regents. This information was, then, used as the basis for “certificates of study,” which graduates could use to apply for ecclesiastical benefices. While entry 305 records that Almain was one of many students who, on September 28, 1512, supplicated “for records concerning [their] time of study,” an entry detailing Almain’s studies and teaching is, tragically, not to be found. Registers 89/90 are also incomplete for other reasons – they do not include students who did not apply for a certificate of study (1512-15). They do, however, give a useful sampling of Almain’s involvement in the Faculty of Arts, including the frequency with which he served as master regent vis-à-vis other faculty members. In fact, on the basis of these registers alone, Farge, has argued that the three “busiest arts regents” and, we may surmise, most popular and influential in themselves, were Jérôme de Hangest and Pierre Tatarét (Collège de Reims), followed by John Mair (Montaigu); they were masters of 18,

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31 For these registers in translation, accompanied by an invaluable introduction and annotations, see Farge, *Students and Teachers*.
32 Farge, *Students and Teachers*, x.
33 Farge, *Students and Teachers*, x, xvi-xvii.
34 Farge, *Students and Teachers*, 170, entry 305.
17 and 16 students, respectively.\textsuperscript{35} Significantly, the registers reveal that Almain was the master of 15 students himself, directing the full program of ten students, and parts thereof for another five.\textsuperscript{36} Almain, thus, enjoyed a renown and influence quite early in his career, before his famous dispute with Thomas Cajetan (i.e., Thomas de Vio), Master of the Order of Preachers (1508-18).

While he was teaching Arts, from c. 1503/4-1507/8, Almain was also a \textit{studens in theologia}, during which time he would not have formally registered with the Faculty. Rather, he, along with other students, obtained ten credits from attending lectures: for four years on the Bible and six years on the \textit{Sentences of Peter Lombard}, concurrently if one so chose. Normally, therefore, a six year period minimum, Almain would only have needed five years, since he was a regent in arts.\textsuperscript{37}

In his last year as a \textit{studens}, from Dec. 15, 1507 – Mar. 23/24, 1508,\textsuperscript{38} Almain was also elected to the prestigious (and lucrative!) post of Rector of the university, a position only held by a Master of Arts. This made him \textit{de facto} head of the Faculty of Arts and bearer of the university’s seal. While the university’s highest officer, the power of any given rector was limited in practice by the shortness of his term, only three months.\textsuperscript{39} But likely soon after his term ended, Almain was elected, at least once in 1508, to another (albeit less) important post for a one-month term: Proctor

\textsuperscript{35} Farge, “Sources and Problems Facing the Prosopographer,” 17. As noted above, Farge argues that Mair was truly the most influential Arts regent when we also take into account the strong influence of Mair’s top students, including Almain (i.e., the number of students they supervised).

\textsuperscript{36} According to the registers, a significant majority of Almain’s teaching was at Collège St. Barbare (13 students), with the remainder at Collège Coqueret (two students). Strangely, none of Almain’s students from Montaigu appear to have requested certificates of study. As suggested by the incompleteness of Registers 89/90, and the absence therein of any students from Montaigu, Almain would have had many other students. Farge is correct, for instance, that Benoit de La Noe likely studied Arts under Almain at Coqueret (Farge, \textit{Bibliographical Register}, 238). For a full listing of Almain’s known students, see Appendix F.

\textsuperscript{37} See Farge for information on the theology program (\textit{Orthodoxy and Reform}, 16-17).

\textsuperscript{38} Du Boulay, \textit{Historia Universitatis Parisiensis}, 976. Du Boulay recorded the date of Almain’s election, and noted more generally that his successor, Anton De Mommorancy Tornac, was elected in March 1508 (p. 976). From 1500-1599, when the date is given, this election is almost always recorded as having taken place on March 23 or 24 (pp. 976-81). Thus, it is likely that Almain presided until that time.

\textsuperscript{39} Farge, \textit{Orthodoxy and Reform}, 12, 95; Bauer, “Picturing and Promoting New Identities,” 122.
of the French nation.\textsuperscript{40} That Almain was elected to these posts further demonstrates that he was held in high esteem within both the Faculty of Arts and the (large) French nation.

After completing his courses as a \textit{studens}, Almain was officially admitted into the Faculty of Theology at C\'ollege de Navarre (1508),\textsuperscript{41} and began the first formal phase of the program: the \textit{primus cursus}.\textsuperscript{42} Navarre was the university’s largest and premier theological college, rivalling only the Sorbonne; and there, Almain, likely a \textit{boursier}, given his poverty, good reputation, and the college’s known generosity,\textsuperscript{43} seems to have requested that his former \textit{magister}, John Mair, direct his studies once more, this time in theology.

It is, indeed, the historical consensus that Mair took up this role,\textsuperscript{44} despite evidence being limited; the information, for instance, is not found in any extant university records. This absence, however, can be misleading, for there are no extant records detailing any theology \textit{magister}’s students at Paris. Rather, such must be discerned from other contemporary evidence, such as letters and book prefaces,\textsuperscript{45} as well as known collaborations. Key to this end is a letter from Ceneau to Mair (Dec. 14, 1516), published with the latter’s commentary on Book IV of the \textit{Sentences} (1516), in which Almain is listed first among the \textit{magister}’s “distinguished but [now] deceased attendants”

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\textsuperscript{40} Farge, \textit{Biographical Register}, 15. That the proctorship term was one month, see Rashdall, \textit{The Universities of Europe in the Middle Ages}, 399, fn. 1.
\textsuperscript{41} Launoy, \textit{Regii Navarrae Gymnasti Parisisensis Historia}, 611.
\textsuperscript{42} On the six stages of the theology program, from \textit{studens} and \textit{primus cursus} to \textit{doctor}, see Farge, \textit{Orthodoxy and Reform}, 16-28.
\textsuperscript{43} “Affiliation with a college sometimes meant no more than a financial arrangement for room and board. But in many cases, it entitled the student to reception of a bursary” (Farge, \textit{Orthodoxy and Reform}, 15). Theology bursars at Navarre received “10 sous tournois a week in addition to room and board,” as well as “small financial distributions at obits, or Mass foundations.” This was, in general, more than that provided at the other theological colleges (Farge, \textit{Orthodoxy and Reform}, 32).

Farge cites Launoy in asserting that Almain was a \textit{boursier} (\textit{Biographical Register}, 15), a position taken up by others (e.g., Izbicki, but without noting his source [“Jacques Almain,” 579]). However, Launoy only notes that Almain joined Navarre; he is silent on any financial support therefrom (\textit{Regii Navarrae Gymnasti Parisisensis Historia}, 611).
\textsuperscript{44} E.g., Izbicki, “Jacques Almain,” 579.
\textsuperscript{45} Farge, “John Mair: An Historical Introduction,” 17.
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of his theology lectures, followed by Cranston and Crockaert.\textsuperscript{46} Significant parallels in Mair and Almain’s respective works also point to a continued working relationship; in addition to Almain’s early works in logic, Mair’s influence can be discerned in Almain’s later works in ethics and theology. This includes the latter’s application of the calculator tradition, prominent in the John Mair “circle” and first used by Almain in \textit{Embammata phisicalia}, to ethical issues (see \textit{Moralia}, \textit{Dictata super sententias Holcot, A decima quarta}, and \textit{In tertium}).\textsuperscript{47} Mair and Almain also displayed a keen interest in fourteenth century philosophical theology (see, e.g., Almain’s three commentaries on the \textit{Sentences});\textsuperscript{48} a tendency to apply “modern” principles to theology (e.g., Almain’s \textit{In tertium});\textsuperscript{49} and articulated similar conciliarist views, although Almain’s were published first.\textsuperscript{50} Finally, after Almain died, Mair published an edited edition of Almain’s \textit{Moralia} (1516),\textsuperscript{51} and responded to Cajetan’s \textit{Apologia} (1514) – itself a reply to Almain’s \textit{Libellus} (1512) – seemingly on Almain’s behalf, with a disputation (1518), part of his \textit{In Matthaeum ad literam expositio}. Overall, while these connections do not definitively prove that Mair was Almain’s \textit{magister} in theology, the closeness of the relationship points to this conclusion, and there are no tenable alternatives.\textsuperscript{52}

While studying in the Faculty of Theology, Almain continued teaching in the Faculty of Arts, as noted above. During this time, his \textit{Moralia} went through its first printing (1510)\textsuperscript{53} – a work, as the name suggests, on questions related to ethics. After his death, as will be discussed

\textsuperscript{46} Letter of Robert Ceneau, in \textit{In Quarturn Sententiarum}, by John Mair [1516], in \textit{A History of Greater Britain}, 433. Launoy first noted this connection (Regii Navarre Gymnasti Parisiensis Historia, 611).

\textsuperscript{47} See Di Liscia, “Kalkulierte Ethik,” 92ff.

\textsuperscript{48} Kitanov et al., “John Major’s (Mair’s) Commentary on the \textit{Sentences} of Peter Lombard,” 411.

\textsuperscript{49} On Mair, see Zahnd, “Terms, Signs, Sacraments,” 259.

\textsuperscript{50} Almain’s \textit{Libellus} (1512), in particular, has important parallels with Mair’s \textit{In Matthaeum ad literam expositio} (1518). For Mair’s text in translation, see Burns and Izbicki, \textit{Conciliarism and Papalism}, 285-311.


\textsuperscript{52} Farge thinks it is “highly probable…that many of Mair’s students in Arts” at Montaigu who went into theology “likewise studied theology under him” (“John Mair: An Historical Introduction,” 17).

\textsuperscript{53} Almain, \textit{Moralia} (Paris, Henri I Estienne, 1510).
below, *Moralia* became very influential and a standard class text in the Faculty of Arts for a decade (c. 1516-1526).\(^{54}\)

On January 26, 1512, Almain received his License in Theology, ranked second out of 23 students, behind only Louis Ber.\(^{55}\) As final conditions for the doctorate, Almain and his colleagues would have been obliged to present at two academic disputations: the *vesperia* and *magisterium*. A third, the *resumptiva*, was required to become a regent doctor, and it could be completed after receiving the degree.\(^{56}\) In Almain’s case, only his *resumptiva* survives. It was presented during the *vesperia* of Louis Ber (c. March 18, 1512\(^{57}\)), and, thus, prior to Almain’s own *vesperia*, for the latter disputations were presented in order of licentiate ranking and typically no more than once a week.\(^{58}\) Thereafter, Almain’s *resumptiva* was first published with his *Moralia* (1516) under the title, *Questio in vesperiis habita*.\(^{59}\) While it went through many subsequent editions and printings, the title in Richer (1606) and Du pin (1706) is most helpful in pointing to its origin: *Quaestio resumptiva... de domino naturali, civili, & ecclesiastico*.\(^{60}\)

While the initial question (*questio exspectativa*) chosen by the Masters in Theology for Ber’s *vesperia* is unknown, based on Almain’s response (*Questio*), it broadly dealt with dominion; for he addresses three forms: natural, civil and ecclesiastical dominion.\(^{61}\) Farge has argued that Almain’s text formed his first reply to Cajetan’s *De auctoritate papae et concilii* (1511), in which

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\(^{54}\) That *Moralia* was a class text, see BN MS Lat 12846, fo. 162v; cited in Farge, *Biographical Register*, 16. *Moralia* went through 26/28 printings between 1516-1526, and not again thereafter (with the possible exception of an undated printing by Bernard Aubry). For a full listing, see Appendix D.


\(^{56}\) See Farge, *Orthodoxy and Reform*, 27-8.

\(^{57}\) Maître notes that this took place in March (“Jacques Almain: Introduction,” 13), and it would have been around March 18, 1512, since that was when Ber received his doctorate (Maître, “Les ‘Théologastres,’” 253).

\(^{58}\) Farge, *Orthodoxy and Reform*, 27. Almain’s involvement in Ber’s *vesperia* was likely due to the fact that Ber was first and Almain was second in the licentiate class of 1512.


the latter defended papal supremacy and critiqued conciliarism, following the summoning of the Council of Pisa-Milan (spring 1511) by a small group of cardinals with the support of Louis XII of France and Maximilian I, Holy Roman Emperor.62 Indeed, on January 10, 1512, Pisa wrote an appeal to the Faculty of Theology at Paris, asking them to respond to Cajetan’s tract and providing a copy; and on February 19, Louis also wrote to the Faculty, insisting on a clear response.63 Thus, despite the broad topic chosen for Ber’s vesperia, the political-ecclesiastical crisis was surely in mind. Hence, while Almain does not mention Cajetan directly in his Questio, he deals fairly extensively with ecclesiastical power, defends conciliarism, including the right of a council to depose a harmful pope, and briefly mentions the Council of Pisa.64

On March 31, 1512, Almain received the Doctorate in Theology,65 completing the standard 13-15-year program66 in only 8-9 years. The next day, on April 1, he was admitted into the consortium of the Faculty of Theology, but only after apologizing for not displaying the customary gratitude to the Doctors of Theology expected from a new doctor;67 “some of the regent

62 Farge, Biographical Register, 15. Many regarded Pisa, whose supporters hoped it would be an ecumenical council, as a conciliabulum. Nonetheless, it prompted Julius II to summon the Fifth Lateran Council (1512-17). For a brief historiography of modern scholarship on the council, see Burns, “Angelo da Vallombrosa and the Pisan Schism,” 194-196.
63 Gieseler, A Compendium of Ecclesiastical History, vol. IV, 418; Farge, Orthodoxy and Reform, 223. Farge argues that the council’s appeal and Cajetan’s tract were sent along with Louis’ letter (Orthodoxy and Reform, 223).
64 See esp. Questio, fo. lxv–lxvii. Later, in his Libellus, while strongly critiquing Cajetan and defending conciliarism, Almain avoids any mention of the Council of Pisa, mirroring the Faculty’s growing skepticism of its canonicity; in fact, Pisa “was increasingly seen to be schismatic” (Farge, Orthodoxy and Reform, 223). Thus, pace Oakley, Almain can hardly be seen as “the council’s [i.e., Pisa’s] leading apologist” (“Conciliarism in the Sixteenth Century: Jacques Almain Again,” 112). That distinction is more applicable to Filippo Decio (see Burns, “Angelo da Vallombrosa and the Pisan Schism,” 199-200).
65 Farge, Biographical Register, 15. Almain was only one of four secular clergy from the Diocese of Sens (and one of seven, including religious) who graduated from the Faculty of Theology from 1500-1536. The total graduates for this period numbered 474 (Farge, Orthodoxy and Reform, 60, 62).
66 Farge, Orthodoxy and Reform, 13.
67 Faculty of Theology Minutes, April 1, 1512; Clerval, Registre des procès-verbaux de la faculté de théologie de Paris, 104-5.
doctors [had] complained in full session of the Faculty” about this. Thereafter, Almain continued to lecture in the Faculty.

1.2 Almain’s Libellus: (Un)official Faculty Response to Cajetan?

The incident with the regent doctors notwithstanding, it has been shown that Almain had developed a formidable reputation as an influential and respected instructor of Arts, Rector of the University of Paris, Proctor of the French nation, and bright theology student. Almain’s sobriquet, *Splendor Academiae*, has even led A. S. McGrade to classify him as “the most brilliant of Mair’s students by contemporary estimates,” beyond Pierre Crockart, George Buchanan, John Knox and Jean Calvin. Likely in part for this reason, Almain was tasked by the Faculty of Theology with a serious, yet delicate, task.

As noted above, a council had been summoned to Pisa in May 1511 by a small group of dissident cardinals with support – and likely pressure – from Louis XII and Maximilian I; it commenced that November. France was at war with the Papal States, and the council was, at least in part, a strategic effort to put pressure on Julius II. That said, the official, and also partly legitimate reason, was ecclesiastical: Julius had not honoured his vow – a condition of his election in 1503 – to summon an ecumenical council, which was deemed necessary for *reformatio in capite et membris*. He would only do so that July, two months after Pisa was called; Lateran V, held the

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68 Farge, *Biographical Register*, 16. Other students, some in the same year as Almain, were reportedly rebuked and needed to apologize as well for various offenses (Farge, *Orthodoxy and Reform*, 25-6).
69 Farge, *Orthodoxy and Reform*, 15.
70 McGrade, “Jacques Almain: Introduction,” 13. One instance of Almain being referred to as *Parrisiae splendor Academiae* can be found in a poem that Benedict de la Noe delivered, praising Almain after his *Libellus* was recited in May 1512 (Launoy, *Regii Navarre Gymnasti Parisiensis Historia*, 612). For this poem, see Appendix G.
72 That both secular politics and ecclesiastical concerns were behind summoning Pisa, see Burns, “Introduction,” *Conciliarism and Papalism*, viii. Oakley and Baumgartner, respectively, emphasize the political motivations (Oakley, “Almain and Major: Conciliar Theory on the Eve of the Reformation,” 674; Baumgartner, “Louis XII’s Gallican Crisis of 1510-1513”). In contrast, Ullmann and Thompson, respectively, emphasize ecclesiastical motivations (Ullmann,
following April, would be Julius’ counter-council. Before either council began, though, polemical shots were fired. On behalf of Julius, Cajetan’s *De auctoritate papae et concilii* defended papal authority and critiqued conciliarism; it was published in Rome on November 19, 1511. Soon after, Pisa obtained a copy and, deeming a swift response imperative – Cajetan was “perhaps the greatest theologian of his time” – both they and Louis XII sought assistance from the Faculty of Theology at Paris. As noted above, due to this context, Almain took his *resumptiva* as an opportunity to defend conciliarism and, to some extent, Pisa in particular. Having provided a convincing case, in addition to having a strong reputation, Almain was asked in Spring of 1512 to refute Cajetan.

The standard scholarly view is that the Faculty entrusted Almain with the task of officially replying to Cajetan on its behalf, an interpretation that can be traced back to Launoy’s entry on Almain within his history of the Côte de Navarre (1677). Therein, Launoy writes that Pisa “transmitted to the Faculty of Theology [Cajetan’s treatise], as it might see for it to be answered. Then the Faculty … judged Almain worthy, even if a young Master” to fulfill Pisa’s request. While Launoy does not mention Louis’ intervention, it may be inferred from a poem recited by Benedict de la Noe following the conclusion of Almain’s *Libellus* and recorded by Launoy. In one verse, de la Noe writes: “You [Almain] act justly … you defend the honourable!/ …the King himself will be your friend.” This may simply be hyperbole from one of Almain’s


77 Launoy, *Regii Navarræ Gymnasti Parisiensis Historia*, 612. For the full poem in Latin, see Appendix G.
students, but it may also reflect wide-spread knowledge of the royal intervention and a perception that Almain’s *Libellus* fulfilled it.

Regardless of de la Noe’s meaning, Launoy’s account in itself suggests that Almain was chosen to produce the official reply to Cajetan that the Faculty of Theology had been commissioned to produce; a view since embraced by a majority of scholars.\(^78\) Minutes from the Faculty’s meetings, however, indicate that Faculty theologians were divided over how to respond to the Council and King’s request; most tellingly, they did not conclude their formal examination of Cajetan’s work, even after four years?\(^79\) It is surely correct that, while a majority opposed Cajetan and supported conciliarism, they were reluctant to issue an official public response lest they be seen defending Pisa, whose canonical legitimacy was questionable.\(^80\) Moreover, the

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\(^78\) E.g., Du pin, *Nouvelle bibliothèque des auteurs ecclésiastiques*, vol. 14, 4; Bayle, “Almain (Jacques),” 457-458; Elie, “Quelques maîtres de l'université de Paris vers l'an 1500,” 217; Brosse, *Le Pape et Le Concile*, 25, 185; McGrade, “Jacques Almain: Introduction,” 13. Oakley implies holding this view (“Almain and Major,” 675). Renaudet acknowledges that the Faculty “…négligeait l'examen du livre de Caïétan” (*Préréforme*, 554), yet nonetheless argues that Almain was given “la charge officielle” to refute Cajetan (p. 547). In contrast, Farge (*Orthodoxy and Reform*, 223) provides an important corrective. See fn. 80.

\(^79\) Faculty meeting minutes mention the following regarding the Faculty’s delayed examination of Cajetan’s work: Despite Pisa’s request for a speedy assessment, the Faculty committee tasked with examining the work and distributing what they deemed questionable propositions did not report to the Faculty until Spring (April 24, 1512) or perhaps, as Clerval argues (*Registre des procès-verbaux de la faculté de théologie de Paris*), summer (July 24, 1512) (p. 111); on January 13 and 15, 1513, the Faculty had not finished their examination of Cajetan’s work (pp. 122-3); on April 1, 1514, the Faculties of Arts, Medicine and Law requested that the Faculty of Theology continue its examination (p. 147); and, even by Spring, 1516, it was not completed. The University had commissioned Josse Bade to reprint Cajetan’s treatise, the Faculty offered to pay Bade to delay until their rebuttal was complete, the University declined the Faculty’s offer, and it took a royal edict for the Faculty to win the dispute (Mar. 5, 11, 15, 1516; pp. 190-192; 212, n. 2). Ultimately, however, Francis I ordered the Faculty to stop its examination of Cajetan’s work, lest it interfere with a Concordat with the pope (June 11, 1516; p. 204).

\(^80\) Farge has provided an important corrective to the standard account, arguing the following: firstly, Faculty members’ concerns surrounding Pisa led to the delays in their examination of Cajetan’s text; many did not want to publicly support the council. Secondly, they had Almain reply “in his own name[,] [That way,] the Faculty avoided the horns of the dilemma for a while” (*Orthodoxy and Reform*, 223). Farge notes, citing Faculty minutes, that their examination of Cajetan’s text was supposed to continue (see *Orthodoxy and Reform*, 222-225). Baumgartner also argues that Almain’s *Libellus* “…was published under his own name rather than in the name of the faculty of theology, which supports the view that the faculty was badly divided on the issue of the Council of Pisa.” However, he nonetheless accepts the standard narrative that “The task,” demanded by the king that “a refutation be produced,” “was given to Jacques Almain” by the Faculty (“Louis XII’s Gallican Crisis,” 66-67).

The Faculty’s reluctance to respond officially is most clear from the Faculty minutes, beginning later in January 1513 (see January 4, 5, 10, 13, 15 in Clerval, *Registre des procès-verbaux de la faculté de théologie de Paris*, 119-123).
Jacobins (i.e., Dominicans at Collège de Saint-Jacques) were in a particularly difficult position, for Cajetan was not only their religious superior, but had ordered them not to support Pisa under pain of excommunication. So, by tasking Almain with the response, as a respected regent doctor of the Faculty, it was surely hoped that King and Council would be placated for a time; and by issuing *Libellus* in Almain’s own name, so would be those hesitant among the Faculty.

Almain finished his *Libellus* in May 1512, which, as he notes in his text, was during only the second month of his doctorate. It was then published for the first time in November of that year. Ultimately, Almain, as a secular priest, navigated the concerns of the Faculty by critiquing Cajetan’s *De auctoritate papae et concilii* and defending conciliarism without any mention of Pisa. Insofar as there is no record of Almain being accused of supporting schismatics, the simple strategy can, perhaps, be deemed a success. Beyond that, Almain was praised for his work. If Launoy can be trusted on this point, when Almain concluded his *Libellus*, it was “publicly recited in a very crowded audience of theologians and an approving assembly,” and, as noted above, Benedict de la Noe delivered a poem, praising Almain. Almain’s *Libellus*, for which he became most well-known – with the possible exception of *Moralia* – merited a response from Cajetan, his *Apologia* (1514). Almain, however, would not live long enough to publish a reply (d. 1515); that task would instead be taken up by John Mair.

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81 Renaudet, *Préréforme*, 595-6; Villoslada, *Universidad de Paris*, 174. Renaudet argues that theologians at the University of Paris were divided between the secular clergy, who tended to support Louis XII and conciliarism; the Dominicans, who supported Cajetan and papal authority; and Benedictines and Cistercians, who did not firmly hold to either view (*Préréforme*, 595-6).
82 *Libellus*, fo. li[x2]. Gieseler curiously contended that Almain wrote *Libellus* in June 1512, but there is no reason to think such (*Compendium of Ecclesiastical History*, vol. IV, 418).
85 See Mair, *In Matthaeum ad litteram expositio*. 
1.3 Post-Libellus Career

After delivering his *Libellus*, Almain continued to lecture regularly in the Faculty,\(^{86}\) and chaired at least two academic disputations (June 1, 1512; Dec. 1, 1513).\(^{87}\) The year 1512, in particular, was a prolific period for Almain. In addition to his *Questio* (first printed in 1516) and *Libellus* (1512), Almain wrote a third work on ecclesiastical and temporal authority, engaging with William of Ockham: *Expositio* (1518).\(^{88}\) Additionally, Almain produced three commentaries on the *Sentences* in c. 1512: a fairly short work – addressing only four questions – engaging with Robert Holcot (*Dictata super sententias Holcot*; first printed in 1512),\(^{89}\) a more substantial series of lectures on Book III, following the glosses of Gabriel Biel (*In tertium*; 1516),\(^{90}\) and a commentary on Book IV of the *Sentences*, engaging with John Duns Scotus (*A decima quarta*; 1518).\(^{91}\) Overall, as Elie describes it, Almain left “une production très considérable” considering his brief time.\(^{92}\) In terms of content in these and other works, Almain displayed a strong interest in philosophical theology – from the fourteenth to fifteenth centuries in particular – and critically engaged with notable figures, especially those prone to modern approaches in some form (e.g.,

\(^{86}\) Farge, *Orthodoxy and Reform*, 15. Almain was among a minority of graduate Doctors of Theology (under 32%) about whom there are records that they continued regular lecturing after graduating with the doctorate. Farge notes that there are no records to indicate that c. 40% of graduates with a Doctorate of Theology functioned as regent doctors by, e.g., continuing to lecture, supervising students, and leading academic disputations; and another c. 28% are mentioned only a couple times at most in records from meetings of the Faculty. Since regent doctors during Almain’s time at the University of Paris only had to lecture once a year to maintain their status (on Sept. 16), the number who lectured regularly is under 32% (Farge, *Orthodoxy and Reform*, 15, 34-35).

\(^{87}\) It was initially printed twice in *Opuscula* (1518). That it was written in 1512, see Shogimen, *Ockham and Political Discourse*, 6; and Offer, “The “Influence” of Ockham’s Political Thinking”, 349; 362, n. 90. Renaudet speculates that *Expositio* was finished prior to *Questio*, but he does not explain how he came to that conclusion (*Préréforme*, 547-8, n. 4).

\(^{88}\) Printed in *Jacobi Almain aurea opuscula cum additionibus David Cranston* (Paris, Gilles de Gourmont, 1512).


\(^{90}\) See Launoy, *Regii Navarreae Gymnasti Parisiensis Historia*, 611; Renaudet, *Préréforme*, 594; Farge, *Bibliographical Register*, 296. Constant thought Almain was working on *In tertium* in 1515 at the time of his death, but there is no reason to suppose this (“Almain (Jacques),” 634).

\(^{91}\) *A decima quarta* was initially printed in two editions of *Opuscula* in 1518.

\(^{92}\) Elie, “Quelques maîtres de l’université de Paris vers l’an 1500,” 217.
Ockham, Holcot, Biel, John Buridan, Durandus of Saint-Pourçain); other prominent figures were also included (e.g., Scotus, Marsilius of Padua, Thomas Aquinas). Clearly, Almain’s training under Mair – both in Arts and Theology – had a strong impact on his thought. Due to Almain’s presence at Navarre, along with Louis Lasserre, Renaudet remarks that “[l’]influence philosophique de Montaigu était forte en Navarre.”

In c. 1514/15, Almain visited the Diocese of Condom in south-western France upon the invitation of Bishop Jean de la Marre. According to Mathurin Alamande, a poet and fellow invitee of Marre, Almain came at “no little expense” to the bishop and was given “very honourable stipends.” Given Almain’s reputation, this is very possible, but it should nonetheless be taken cautiously. After all, Alamande (writing in June 1517) was trying to convince Jacques Lefèvre d’Étapes – “the leading Paris humanist” – of the benefits of coming, likely to replace Almain or his successor, Jehan Gledstan (MA regent at Condom 1517-18).

Almain was almost certainly recruited by Marre and given the aforementioned stipends to teach at his small university and local schools. The bishop was invested in education, likely for his seminarians in particular whom were without a seminary. And based on his recruitment of famous theologians, such as Almain – despite Marre’s apparent intellectual differences: he opposed many of Almain’s modern positions and Gallicanism – and attempted recruitment of

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93 Renaudet, Préréforme, 467.
94 The source for this information is a Letter of Mathurin Alamande to Lefèvre d’Étapes. The Latin text can be found in Rice, The Prefatory Epistles, 383-7, esp. 386-7. For a key excerpt in translation, see Appendix G. Almain must have arrived 1514/15, since, apart from Alamande’s letter, there are no other extant records of Almain’s visit. Since he died in 1515 in nearby Auvillar, this suggests his visit was brief.
95 See Appendix G, no. 5.
97 Farge, Orthodoxy and Reform, 170.
98 Société historique de Gascogne, “Jean Marre,” 62. The oldest registers on the regents (or consuls) at Condom date to 1517 (Société historique de Gascogne, “Jean Marre,” 62).
99 Société historique de Gascogne, “Jean Marre,” 63, 61. Rice notes that Almain’s position would have been in the bishop of Condom’s “household” (The Prefatory Epistles, 384).
100 Société historique de Gascogne, “Jean Marre,” 63. That said, Marre’s appointment as bishop of Condom was notably at odds with the pope’s choice, which may suggest that Marre had some Gallican sympathies after all.
Lefèvre, both from the Faculty of Theology at the University of Paris, Marre seems to have been intent on having at Condom “les maîtres les plus illustres,” to give a boost to his educational institutions.\textsuperscript{101} The schools at Condom were operated by just three regents: a Master of Arts, a poet, and a grammarian. The former two taught older students,\textsuperscript{102} and Almain surely was the Master of Arts during his brief time there. He died in Auvillar, southwestern France, in 1515: a small town c. 50 kilometers from Condom.\textsuperscript{103}

2. Works
2.1 Legacy

Having established literary categories for Almain’s corpus in the Introduction, we can here consider a key aspect of Almain’s legacy: printings of his works. During his career, five works were printed a total of ten times:\textsuperscript{104}

\begin{itemize}
  \item \textit{Consequentie} 3 printings (1504; twice in 1508)
  \item \textit{Embammata phisicalia} 2 printings (1506)
  \item \textit{Moralia} 2 printings (1510, 1512)
  \item \textit{Libellus} 2 printings (1512, 1514)
  \item \textit{Dictata super sententias Holcot} 1 printing (1512)
\end{itemize}

Seven of these are Philosophical and of these, five are in Logic (\textit{Consequentie} and \textit{Embammata phisicalia}). Despite the notable circumstances surrounding Almain’s \textit{Libellus}, it curiously went through only two printings prior to his death. Finally, only one of Almain’s Commentaries on the Sentences went through an initial printing.

After Almain’s death in 1515, four other works were published, and overall printings increased dramatically. If Farge is correct that consideration of re-printings and later editions is a

\textsuperscript{101} Société historique de Gascogne, “Jean Marre,” 63.
\textsuperscript{102} Société historique de Gascogne, “Jean Marre,” 61-2.
\textsuperscript{103} “Letter of Mathurin Alamande to Lefèvre d’Étapes,” in Rice, \textit{The Prefatory Epistles}, 386. It is unclear why Almain was in Auvillar, in particular. Farge speculates, on the basis of Alamande’s letter, that he went there with Marre (\textit{Biographical Register}, 16), while Izbicki argues he was there visiting the bishop (“Jacques Almain,” 579).
\textsuperscript{104} For more details and citations pertaining to Almain’s works, including re-printings and later editions, see Appendices D and E.
key way of “judging success of … theologians’ books” in this period, Almain can be deemed successful. In total, from the sixteenth to eighteenth centuries, Almain’s works went through 44/45 re-printings and later editions – if we count volumes with multiple works as one. Based on Farge’s analysis, this would make Almain the fifth “most successful” theologian at the University of Paris between 1500-1536. If we consider Scholastic Theology, in particular – “the most important category” based on both number of titles written and authors who penned them – Almain fairs even better. He was the third “most successful” Parisian theologian (1500-1536) in this area, based on demand for later editions and re-printings: 29/30. Only Josse Clichtove (c. 59) and Francisco de Vitoria (51) outrank him in this category (based on printings from the sixteenth-nineteenth centuries); Almain is followed by Jean Aleaume (16) and John Mair (12). Almain’s success is heightened when we consider that he died prematurely at the age of c. 35.

When we consider specific texts, Almain’s Moralía and Political Theology works (Libellus, Questio and Expositio) have been the most influential. Moralía became a standard text in the Faculty of Arts at Paris after Almain died, and went through an impressive 24/25 printings (including multi-volume works) from 1516-1526; two earlier editions were printed in 1510 and 1512. With the possible exception of one printing whose date is unknown, it was not printed

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105 Farge, Orthodoxy and Reform, 103.
106 If each work within volumes is counted individually, this rises to 83/86 re-printings and later editions. See Appendix E.
107 The top four theologians based on re-printings/later editions up through the nineteenth century were: Josse Clichtove (210), Guillaume Pepin (82), Francisco de Vitoria (61), and Pierre Dore (52). Fifth in this list (who Farge does not name) had 38 re-printings/later editions (see Farge, Orthodoxy and Reform, 102). When works missing from Farge’s bibliography for Almain are considered (see Biographical Register, 16-18), Almain moves to fifth place.
108 Farge, Orthodoxy and Reform, 102.
109 If each work within volumes is counted individually, this rises to 51/53. See Appendix E.
110 See Farge, Orthodoxy and Reform, 103; Farge, Biographical Register, 11, 94-104, 308-311, 427-431; and Appendices A and C in A Companion to the Theology of John Mair, 288-289, 376-380. Note that the figures listed in Orthodoxy and Reform, 102-3 and Biographical Register, 16-18 need to be adjusted based on the updated listing of Almain’s works in Appendix D of this dissertation. Also note, Vitoria tops Clichtove if editions from the twentieth century are considered.
111 BN MS Lat 12846, fo. 162r, cited in Farge, Biographical Register, 16.
112 Almain, Aureum opus moralm (Paris: Bernard Aubry, s.d.).
after 1526. Nonetheless, it left its mark, with Almain’s views discussed by notable contemporaries and later thinkers. As Brett argues, Almain’s “lectures and writings had enormous influence, constituting as they did by far the freshest voice in moral theology at the University of Paris at the beginning of the sixteenth century.” At that time, neo-Thomists of the soon-to-be School of Salamanca were studying at Paris, including Francisco de Vitoria and Domingo de Soto (1494-1560) who, it has been argued, likely attended Almain’s classes. Regardless, it is evident that they were influenced by his thought. Among other factors, perhaps they were intrigued by his incorporation of Thomistic and Aristotelian principles in a manner that tempered the impact of some key modern views. For while Vitoria and Soto were neo-Thomists first and foremost, like other members of the School of Salamanca, they also adopted positions from the Via moderna.

Vitoria engaged with Almain’s *Moralia* on different ethical problems. For example, he cites this text to affirm that fear of an attack cannot justify immoral acts: “no fear, even of death, can excuse an act forbidden in natural law.” He also cites Almain on sin in sensuality, considers the latter’s view to be the common position of the Via moderna, and accepts his argument, rooted in Ockham, that a sudden sensual “movement” is not sinful as long as it is not due to...

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114 Shogimen, “Ockham, Almain, & the Idea of Heresy,” 164-5; see Decock, *Theologians and Contract Law*, 52, fn. 194. Noreña goes as far as to say that Almain and Mair were “both personally known to and admired by Vitoria” and were among his “colleagues and friends.” He errrs, though, when he says that Almain was Vitoria’s *magister* in theology (*Studies in Spanish Renaissance Thought*, 44, 45, 14); Peter Crockaert held that role.
115 For example, Almain embraced the anti-realist view of Ockham and Robert Holcot that every human being has his or her own nature, and that there is no universal nature for any species. Nonetheless, all humans have natures that are maximally similar, with the same ends. Moreover, Almain also adheres to a voluntarist form of natural law, by which God has willed to instill in each individual human (being or nature) access to the same natural law. Thus, his anti-realist view of human natures is somewhat moderated – from a Thomistic perspective – by adherence to teleology and a (voluntarist) form of natural law. This is explained in more detail in chapter 2.
116 As Camacho explains: “The new Thomistic school disliked nominalism in philosophy as much as it followed Thomism, but its members were more or less influenced by nominalism. In some areas, such as their political and moral philosophy, the late scholastics owed a large and unacknowledged debt to the Scotists and nominalists from whom they tried to break free” (“Later Scholastics: Spanish Economic Thought,” 505).
117 Vitoria, *Political Writings*, 212.
118 Vitoria, *In Iam-IIae*, q. 74a. 6, fol. 131v; cited in Couture, *L’Imputabilité Morale*, 66.
negligence, and the will, in particular, is unable to stop it. This view, which Couture attributes to voluntarism, differed from Aquinas.\(^\text{119}\) Other neo-Thomists at Salamanca who engaged with Almain include Martin de Azpilcueta (i.e., Dr. Navarrus; 1493-1586), who agreed with Almain that culpability with respect to sexual movements is rooted in failure of the will, and Francisco Suaréz, who discussed Almain’s views on law as found in his *Moralia* and other texts.\(^\text{120}\)

Almain’s Political Theology works went through a combined 27/28 printings and editions from 1516 through to the eighteenth century, 13/14 of which contain two or three of these works together (e.g., *Questio* and *Libellus* in the same edition). While the conciliarist movement went through a set-back in France following Pisa’s failure and Louis XII’s acquiescence to some papal anti-Gallican demands,\(^\text{121}\) Almain’s writings helped keep the principles alive for future generations. Almain’s *Libellus*, in particular, gained widespread attention for its effective argumentation – Cajetan, recall, felt obliged to issue a reply – and the context in which it was written certainly fueled interest. In March 1529, in his *Responsio ad epistola Alberti Pii*, Erasmus makes a passing allusion to *Libellus* – “Has a certain theologian of the Sorbonne not already replied to Cardinal Cajetan’s book?”\(^\text{122}\) In truth, Erasmus was likely quite familiar with Almain’s text, for the majority scholarly opinion is that he was the author of an anonymous satire that utilized some of its arguments: *Julius exclusus e coelis* (composed/revised 1513-1517; published 1518).\(^\text{123}\)

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\(^{120}\) On Azpilcueta, see Couture, *L’Imputabilite Morale*, 106. Suaréz, in his *A Treatise on Law and God the Lawgiver*, cites Almain’s *Moralia* (p. 63, 189, 287, 289), as well as his *De Potestate Ecclesia* (i.e., *Libellus*) (p. 269), and *A decima quarta* (p. 269, 276, 289). Pagination from Suarez, *Selections from Three Works of Francisco Suaréz*.

\(^{121}\) See Baumgartner, “Louis XII’s Gallican Crisis.”

\(^{122}\) Erasmus, “Reply to the Letter of Alberto Pio,” in *Collected Works of Erasmus: Controversies*, 41. For the date of this letter, see Minnich, “Introduction,” in *Collected Works of Erasmus*, lxvi, fn. 69.

then enter a discussion about the former’s evil deeds and the events surrounding the councils of Pisa and Lateran V. This turns into a debate, which includes the first pope drawing on arguments from *Libellus* to contend that a whole community – secular or ecclesiastical – has power to depose or even execute its ruler – prince or pope – when necessary for that community’s welfare. Julius, in turn, uses some arguments drawn from Cajetan’s *De Auctoritate papae et concilii* (1511) and *Apologia* (1514) to justify his absolutist rule. Ultimately, Julius is refused entry to Heaven. This satire has been described as “[o]ne of the major publishing successes of the sixteenth century,” having gone through twelve editions from 1518-21 alone and translated into multiple languages; it was known by notable figures including Martin Luther, Thomas More and Conrad Grebel. While the arguments drawn from Almain’s *Libellus* by Erasmus can be found in similar form in others’ writings (e.g., Jean Gerson), they gained particular prominence at this time thanks to Almain’s debate with Cajetan.

Gallican and conciliarist principles were further promoted into the seventeenth and eighteenth centuries by two editions of the works of Jean Gerson, which were supplemented by select works by contemporaries and later thinkers, including Mair and Almain (viz. *Libellus*, *Questio* and *Expositio*). The first edition was edited by Edmond Richer (1606) in Paris at a time when Gallicanism was threatened by Ultramontanism. Almain’s arguments against papal temporal supremacy over rulers, especially in *Expositio* in which he engaged with Ockham, complemented other works in the edition (e.g., Mair), and were cited by figures like Jacques-Bénigne Bossuet, bishop and court preacher to Louis IV. Interestingly, among advocates of constitutionalist frameworks too, such as early-seventeenth century English political authors, Almain was the most

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124 For this text in translation, see “Julius Excluded from Heaven: A Dialogue,” 155-197.  
cited conciliarist. The view advocated by Almain and others that authority—ecclesiastic and temporal—lay latent in the community by and as natural *ius* (law, and right/duty) and based in its consent was particularly influential.\(^\text{127}\) Later in the eighteenth century, Almain’s three Political Theology works were again made available when the second edition of Gerson’s works, edited by Louis Ellies Du pin, went through two printings (1706, 1728).

One final significant context in which Almain’s political theology was influential was with the School of Salamanca. Whether or not Vitoria and Soto attended Almain’s classes, it is clear that, in addition to ethics, they were greatly influenced by his political theology. In the case of Vitoria, especially, there are strong parallels with Almain, with respect to secular authority in particular. This has led Van Lier to argue that “Vitoria…knew and admired” Almain’s work.\(^\text{128}\) For instance, there are parallels with respect to the natural origins and end of all temporal power, specifically, such is from the community and for its welfare; a position also adopted from Almain by Soto and later by Dr. Navarrus in his influential *Relectio in c. Novit, De iudiciis*. For Vitoria, this position became “orthodox” thanks to Cajetan, who conceded the point to Almain in his *Apologia*, while rejecting that it pertained to the ecclesiastical power of the Church. While Vitoria agreed with Cajetan, he also argued, in a manner paralleling Almain, that both a king and pope could be justly resisted by natural *ius* (right and duty) if either should cause substantial harm to the community.\(^\text{129}\) Ultimately, while Almain inherited many of these positions from earlier

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\(^\text{127}\) Oakley, *Politics and Eternity*, 119, fn. 59. Following Almain, the most frequently cited conciliarists in England at that time were also advocates of this natural law view; in no particular order, they were Pierre d’Ailly, Jean Gerson and John Mair. Less frequent references were made to John of Paris, William of Ockham, Marsiglio of Padua, and Nicholas of Cusa (Oakley, *Politics and Eternity*, 119, fn. 59). Since Almain has been often grouped with Gerson, d’Ailly and Mair, Villoslada has creatively described the four as the “quadriga of Gallican conciliarism” (“Son la cuadriga del conciliarismo galiano”) (Villoslada, *La universidad*, 165).

\(^\text{128}\) Van Lier, *Vitoria, Cajetan, and the Conciliarists*, 601.

\(^\text{129}\) On Vitoria (and for citations from him and Cajetan), see Van Lier, *Vitoria, Cajetan, and the Conciliarists*, 611-15. On Soto, see Brett, *Liberty, Right and Nature*, 157-8. Finally, on Dr. Navarrus, see Decock, “Martín de Azpilcueta,” 116, 129, fn. 2; 127-9. Others who adopted the prominent position that temporal authority is given by God as a natural right to a people and for their welfare, and that a ruler who abuses it can be justly resisted, include Francisco Suárez;
thinkers, especially Jean Gerson, through his own works, they became particularly widespread in the centuries following his death. In this way, Almain has had a powerful influence on political discourse, both ecclesiastical and secular.  

2.2 Humanist Reception: Critiques

While Almain was a respected and influential instructor and academic in the Faculties of Arts and Theology at the University of Paris, he was not warmly received by all. In addition to the obvious – e.g., critics of conciliarism – Almain was caught up in the rivalry between scholastics and humanists. For instance, Juan Luis Vives, a Spanish humanist, criticized the ethical works of Almain and Martin Le Maistre as part of his broader critique of contemporary scholastic education. Vives wrote that reading “a single page of Seneca or Plutarch” would promote greater virtue than reading “the entire commentaries of Almain and Master Martin,” referring to *Moralia*, and *Quaestiones de fortitudine* and *Quaestiones de temperantia*, respectively.

Almain was also named in two satires (apart from Erasmus’ *Julius exclusus*). The first, *La farce des theologastres* (c. 1524), is a critique of scholasticism likely written by the French humanist reformer Louis de Berquin (d. 1529). Almain is listed “[a]mong the greater” theologians, and while the author is being sarcastic, it nonetheless illustrates Almain’s reputation as a major scholastic theologian. He is also listed between Ockham and Robert Holcot, an Ockhamist, indicating Almain’s own Ockhamist reputation.

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130 Also see the Conclusion for select discussion on Almain’s influence.
132 Garside, Jr., “La farce des theologastres,” 49.
François Rabelais may also allude to Almain in chapter XXI of *Gargantua* (1534) in which he writes satirically about the study and lifestyle supposedly promoted by scholastic instructors at the University of Paris, where the character Gargantua had stayed. According to the text, they make one “so stupid, simple and ignorant”; laziness and senseless luxury are also suggested. In this context, Rabelais writes: “[A]près [Gargantua] se peignait du peigne d’Almain, c’était des quatre doigts et le pouce, car ses précepteurs disaient que soi autrement peigner, laver, et nettoyer était perdre temps en ce monde.” Thereafter, the text describes a lazy and luxurious morning. The irony of the text is clear. Almain may be alluded to for the sake of wordplay: he was a scholastic whose name sounds like à la main. “After he combed himself with a comb of the hand, which is of four fingers and the thumb….” While the passing references to Almain in this and the above works may seem insignificant (or grossly unfair!), they demonstrate that in the decades following his life, he had become a prominent symbol of scholasticism.

**Chapter Conclusion**

It has been shown that Almain built a strong reputation as a scholastic academic, beginning during his time as a master regent in Arts (1503-12) when he was among the Faculty’s most popular instructors, and further demonstrated by his election to the post of Rector of the University of Paris (1507-8) and Proctor of the French nation (1508). His *Consequentie* (1504) and *Embammata phisicalia* (1506) went through a modest number of re-printings, but his *Moralia* (1510) was extremely popular and influential, especially after his death. As a theology student, his second place Licentiate standing and strong defense of conciliarism in his *resumptiva (Questio)*,

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134 Quote from Rabelais, *Gargantua et Pantagruel*, 70; see 70-71. On Rabelais’ critique of scholasticism in *Gargantua*, see Duval, “Putting Religion in its Place,” 97ff.
coupled with his prior reputation, led the Faculty to appoint him to produce a response to Thomas Cajetan. While it was not the Faculty’s formal response and much of the argumentation was rooted in earlier thinkers, Almain’s *Libellus* was very well-received. In addition to dozens of printings of his Political Theology works, key arguments were propagated throughout Europe via Erasmus’ satire, *Julius exclusus* (1518), and were taken up by proponents of Gallicanism and constitutionalisms, as well as by key members of the School of Salamanca.

Indeed, Almain’s Political Theology works were most influential in passing-down central views of earlier conciliarists (especially Gerson and d’Ailly) and other critics of papal absolutism (e.g., Ockham); however, neither these nor any of his works are mere repetition. Rather, Almain critically engaged with and synthesized the views of many, especially prominent fourteenth-fifteenth century philosopher-theologians, *moderni* in particular. This is not surprising given the pivotal role that John Mair played as Almain’s *magister* in Arts and Theology. Thanks in large part to Mair and his students, after all, Montaigu and Navarre became loci of the *Via moderna*. Almain was an important part of this process, and in all genres of his work, he incorporated various “modern” principles. To this we now turn.
CHAPTER 2
JACQUES ALMAIN’S USE OF THE VIA MODERNA

Introduction

As noted in Chapter 1, Jacques Almain studied Arts at Collège de Montaigu (c. 1497/8-1500/1), which under the influence of John Mair was at the forefront of European philosophy and a bastion of the Via moderna.¹ In the early sixteenth-century at the University of Paris, the Via moderna, in which Almain was trained and to which he broadly adhered, tended to include forms of terminist logic (logica moderna), anti-realism, univocity of being, and voluntarism (theological and, to a lesser extent, anthropological).² A person could hold to or utilize some form of one or more of these without being identified with the Via moderna, but among those identified with this school, these views and tools frequently came together.³ Almain explicitly embraced or utilized some form of each of these within his corpus.

As discussed in the Introduction, it has been debated heavily in scholarship the degree to which particular views and tools that became pertinent in the Via moderna led to or contributed to

² On the development of terminist logic at Paris, including under John Mair’s influence, see Noreña, Studies in Spanish Renaissance Thought, esp. 5-6, 13-15. Villoslada (La Universidad de Paris) indicates that theological voluntarism, anti-realism, and univocity of being were commonly held by “nominalists” (i.e., moderni) at Paris (see pp. 83, 86, 205, 206). On the use of the Via moderna in Mair’s thought, including anti-realism (e.g., denying common natures), univocity of being (e.g., denying that essence is distinct from existence), theological voluntarism, and the development of casuistry, see, e.g., Keenan, “John Mair’s Moral Theology and Its Reception in the 16th Century,” esp. 194, 204ff; Keenan, “The Casuistry of John Mair, Nominalist Professor of Paris,” 85ff.; Cross, “John Mair on the Metaphysics of the Incarnation,” 128-9.
³ Anthropological voluntarism at Paris was nuanced and varied, as we see with the cases of Buridan and Mair. (Buridan was still influential in the early sixteenth century, despite his death in 1360.) As Saarinen argues (Weakness of Will in Renaissance and Reformation Thought), “Buridan’s action theory is a synthesis of Stoic, Augustinian, voluntarist, and Albertian elements” (p. 38), and Mair is influenced primarily by Buridan and voluntarism (p. 93). Both “Mair and Buridan underline the voluntaristic nature of the Parisian articles [of 1277] and seek opportunities to show their compatibility with Aristotelian action theory. Although Thomas [Aquinas] also defends free will and the consent theory of morality, especially in his theological works, Buridan and Mair are closer to voluntarism than Aquinas” (p. 90).
³ Some form of each of these views predated Ockham (and the Via moderna). Villoslada (La Universidad de Paris) notes that there could be a significant variety and nuance among those who identified with the Via moderna (p. 86), yet he nonetheless indicates that particular positions – including theological voluntarism, univocity of being, and anti-realism – were commonly held by “nominalists” at Paris, even in underdeveloped form (see pp. 83, 86, 205, 206).
others. (E.g., did concerns in terminist logic and/or theological voluntarism contribute to anti-realism?) However, regardless of their historical development prior to Almain, the latter inherited developed forms of all of the aforementioned positions within the *Via moderna* school. Thus, it is not the case that Almain’s terminist logic, for instance, was a necessary foundation for the development of his anti-realism; that said, both of these and other *Via moderna* views do come together and, at times, reinforce each other in Almain’s thought. To this end, in section 1, we will see some pertinent connections for Almain between terminist logic, anti-realism and univocity of being: linkages between signification/supposition (terminism), individual natures (anti-realism), and the nature of being (univocity of being) (section 1.1); the role of *syncategoremata*, supposition (terminism) and anti-realism in Almain’s mereology (section 1.2); and supposition and anti-realism vis-à-vis the Aristotelian category of relations (section 1.3). Finally, we will consider how these various anti-realist positions, in particular, suggest an underlying acceptance of the principle of parsimony (i.e., Ockham’s Razor), and the denial of any ontological connection between particulars. In section 2, we will see the significance of and connection between Almain’s theological and anthropological voluntarism. Overall, we will have a clear picture of how Almain utilized various views and tools of the *Via moderna* in his corpus. This is significant for two main reasons: first, there has not been an in-depth, systematic analysis of Almain’s “modern” discourse. This chapter is intended to help fill this lacuna. Second, this analysis is essential for understanding how Almain’s use of the *Via moderna* is connected to his political theology, including ecclesiology. While this will be the focus of later chapters, some specific links in this regard will be noted throughout this chapter.
1. Terminist Logic & Anti-Realism

A key feature of the *Via moderna* is terminist or modern logic (*logica moderna*), which emphasises terms “as the basic unit of logical analysis.” While having roots in the twelfth century, the first and most prominent terminist logicians included Peter of Spain (d. 1277), William of Sherwood (d. 1271), and Lambert of Auxerre (fl. 1250s), whose respective texts, *Summulae Logicales*, *Introductiones in Logicam*, and *Summa Lamberti*, generated intense interest. Their work was further developed by William of Ockham, Walter Burleigh, John Buridan, Albert Saxony, and the Mertonian school at Oxford. And their work, in turn, was discussed and developed by figures like Pierre d’Ailly, Paul of Venice, and Gabriel Biel, among others.

Notably, Ockham and thereafter Buridan brought together terminist logic with anti-realist principles (e.g., reduced Aristotelian categories, no extra-mental common natures), producing distinct forms of terminism, sometimes called nominalist semantics. It is important to note that one need not be an anti-realist to be a terminist – Peter of Spain and Walter Burleigh, for instance, were important realists – but Parisian terminists frequently were anti-realists (and vice-versa), largely due to the prominence, by 1360, of Ockham, Buridan and, in time, Marsilius of Inghen at the French capital. (At that time and place, terminist logic had also become the majority approach, having overtaken Modist logic in popularity.) Due to this strong link at Paris (and elsewhere) between terminist logic and anti-realism (or nominalism) within the *Via moderna*, it

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4 Ashworth, “Terminist Logic,” 146.
7 See, e.g., Klima, “Nominalist Semantics.”
10 Courtenay, “Antiqui and Moderni in Late Medieval Thought,” 9.
became common during the fifteenth century to refer to nominalists, moderni, and terminists with reference to the same people.¹¹

John Mair taught the *Via moderna* and continued the philosophical lineage of Ockham and Buridan in particular.¹² As an Arts student under Mair, Almain was not only part of “the most advanced terminist philosophical school in Europe,”¹³ he was a member of the influential John Mair “circle,” which also included David Cranston, Peter Crockaert, and Robert Ceneau.¹⁴ The closeness of this group is indicated in the preface to Mair’s *Inclitarum atrium* (1508), a collection of his works in logic. In this text, written after Almain’s *Consequentie* (1504) and *Embammata Phisicalia* (1506), works engaging with terminist logic, Mair notes the contributions of Almain, Cranston, Crockaert and Ceneau to his own commentary on Peter of Spain’s *Summulae Logicales*.¹⁵ Unsurprisingly, anti-realism also permeates Mair’s work – along with univocity of being, and forms of theological and anthropological voluntarism¹⁶ – a trend that continues with Almain.

With respect to terminist logic’s contributions, Noreña has pointed to three areas of particular note: the concepts of signification and supposition, the study of *syncategoremata*, and the theory of consequences.¹⁷ Significantly, Almain engages in all three areas, and was in fact one of very few authors who wrote a treatise dedicated solely to the latter (i.e., consequences).¹⁸ Most significant for our purposes, however, are Almain’s use of the former two. To this end, section 1.1 will focus on signification and supposition vis-à-vis anti-realism (with some reference to univocity

¹¹ Zahnd, “Terms, Signs, and Sacraments,” 249.
¹⁴ For select bibliography on the circle, see ch. 1, fn. 15.
¹⁶ See fn. 2.
¹⁸ See Ashworth, “The Theory of Consequence in the Late Fifteenth and Early Sixteenth Centuries,” 289-315.
of being), while 1.2 will address Almain’s engagement with *syncategoremata*, supposition and anti-realism.

1.1 Signification & Supposition vis-à-vis Anti-Realism: Individual Natures & Men

1.1.1 Introduction

Two important and related concepts in terminist logic are signification and supposition. Both, moreover, relate to the Aristotelian “semantic triangle,” by which words, concepts and extra-mental things are linked. In brief, there are two types of words. Categorematic words (*categoremata*) can be grammatical subjects or predicates; examples include nouns, pronouns, and action verbs. Syncategorematic words (*syncategoremata*), in contrast, cannot by themselves exercise these functions; examples include conjunctions, prepositions, and adverbs.\(^{19}\) Any words – individually or together – have meaning if they correspond to mental concepts which, in the case of concepts about categorematic words – by themselves (e.g., man, species) or modified by syncategorematic words (e.g., *every* man, *any* species) – correspond to extra-mental things (first order concepts, e.g., man) or are concepts about concepts (second order concepts, e.g., species).\(^{20}\)

For medievals, it was “unanimously accepted” that ‘a term “signifies” what it makes us think of.’\(^{21}\) And signification pertains to categorematic terms, in particular, which can be either common or singular. Common terms can be “predicated of several things without equivocation – that is, by signifying the same concept in the mind.”\(^{22}\) For instance, the term “man” can bring to mind the same concept for all individuals of the human species. Singular terms, in contrast, can be

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19 This grammatical meaning of *categoremata* and *syncategoremata* should not be confused with the mereological/logical meaning. See below, sec. 1.2.1 and 1.2.2.


predicated of several things but only with equivocation. A key example is proper nouns;\textsuperscript{23} if we take the name “Hudson Bay,” for instance, it can be predicated of the Canadian body of water, as well as the company, which respectively evoke different concepts since they are different kinds of things.

With respect to a common term (e.g., man), one may ask on what basis it is applied to those individuals of which it is true. This is the “\textit{semantic problem of universals}.”\textsuperscript{24} According to the standard moderate realist view (e.g., Thomas Aquinas), “common terms are truly predicable of those things that actually have the natures or forms represented by the concepts they signify in the mind.” Common terms immediately signify the concepts and mediately signify “the individualized natures or forms of [extra-mental] things represented by these concepts in an abstract, universal manner.”\textsuperscript{25} Thus, the term “man” immediately signifies the concept of man and mediately signifies the nature of man as it is found (only ever) in individual men.\textsuperscript{26} In contrast, two modern answers were respectively given by Ockham and Buridan, both of whom, like \textit{moderni} in general, rejected extra-mental common natures and forms. For Ockham, terms “signify only individual [extra-mental] things and are subordinated to concepts without signifying them.” Buridan, in turn, held that terms immediately signify concepts and thereafter (i.e., mediately) signify individuals.\textsuperscript{27} Thus, for the former, “man” signifies real individual men, and for the latter, it first signifies man qua mental concept (the only thing that can be truly universal) and then individual men.

\textsuperscript{23} Klima, “Nominalist Semantics,” 160.
\textsuperscript{24} Klima, “Nominalist Semantics,” 160. Emphasis in original.
\textsuperscript{25} Klima, “Nominalist Semantics,” 161; see 160.
\textsuperscript{26} Put another way, “man” qua a concept has primary signification, while the individuated nature of man has secondary signification. For others (realists) “man” qua the nature has primary signification, while individuals with that nature have secondary signification. See Ashworth, “Medieval Theories of Singular Terms.”
\textsuperscript{27} Ashworth, “Medieval Theories of Singular Terms.”
Related to but distinct from signification is supposition, a particularly important medieval development. Supposition refers to what a word “stands for.” Unlike signification, in which a word is considered in isolation from other words and signifies in a static fashion (i.e., with the same meaning/s), supposition of a word only occurs in a proposition and its meaning is context-specific. Thus, “man” supposits for very different things in the propositions, “man is a noun,” “man is a species,” and “every man runs.” In these respective cases, “man” supposits for the word, man (material supposition); for the common nature or form, man (simple supposition, or material supposition); and for individual men (personal supposition). In the case of simple supposition, whether the supposited common nature or form exists extra-mentally or is merely a concept will depend on one’s ontology (realist vs. anti-realist, e.g., Ockham).28

To elaborate on these forms of supposition, material supposition occurs when a term supposits for the term itself qua linguistic sign. The alternative is formal supposition, of which there are two types: simple and personal. Simple supposition was commonly understood to occur when a word supposits for (and signifies) an extra-mental common nature or form. For anti-realists, however, this definition proved problematic. Thus, in Ockham’s mature works (e.g., Summa Logicae), for example, a word has simple supposition when it supposits for a concept – which, for Ockham, as noted above, is not the significate – such as a common nature. Buridan (Summulae de dialectica), in contrast, rejected the category of simple supposition; like Ockham, he considered common natures and forms to be mere concepts, but since he held concepts to be signs like linguistic terms, he categorized them all under material supposition. Finally, personal supposition, occurs when a term supposits for individual, extra-mental things.29  

28 Ashworth, “Medieval Theories of Singular Terms”; Read, “Medieval Theories: Properties of Terms.”  
unsurprisingly given their rejection of common natures and forms, *moderni* had a distinctly strong tendency to focus on personal supposition over other forms.\(^{30}\)

### 1.1.2 Almain’s Usage

#### 1.1.2.1 Signification & Supposition vis-à-vis Anti-Realism

Almain is not very explicit in explaining his views on signification or supposition. However, his views can be discerned in large part from his usage. In various places in *Consequentie* and *In tertium*, Almain indicates that terms signify extra-mental things. In *In tertium*, for instance, Almain writes, “‘man’ [*homo*] signifies a *suppositum* existing in human nature [*natura humana*] and it supposits for the same.”\(^{31}\) “Man,” which, as noted above, is a common cateorematic term, could theoretically signify the extra-mental nature of man (realist), the mental concept of man and/or real individual men (anti-realist). Significantly, Almain follows Ockham by indicating that “man” signifies real individual men – any *suppositum* (i.e., individual substance; *hypostasis*) in human nature – without any reference to signifying the concept of man, let alone an extra-mental nature, the latter of which, as we will see below, Almain rejects.\(^{32}\)

Almain’s use of supposition (and silence thereon) is also suggestive of his views. He does not use the term simple supposition in *Consequentie*. This may reflect that he follows Buridan in rejecting the category and subsuming concepts under material supposition (*contra* Ockham et al.).\(^{33}\) (For clarity sake, I will continue to use the term simple supposition, in order to differentiate it clearly from other forms.) Regardless of how Almain categorizes it, he, like most *moderni*, rarely

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\(^{31}\) *In tertium*, fo. xxiii\(^{1}\).

\(^{32}\) Almain follows the same approach to signification in *Consequentie*. (This text, unfortunately, lacks pagination.) For instance, in tract two, with respect to the consequence, “Sortes runs, ergo a man runs,” Almain writes: “Thus the subject ‘Sortes’ signifies and the predicate ‘to run’ signifies, ergo the whole oration [i.e., ‘Sortes runs’] will signify Sortes to run and not signification of some part, ergo signification of the whole.” And soon after, Almain writes: “Similarly, that proposition ‘every man runs’ adequately signifies every man to run.” In these examples, the grammatical subjects signify extra-mental subjects.

\(^{33}\) Almain occasionally raises material supposition in *Consequentie*. 
applies simple supposition and when he does, it supposits for concepts. Two similar examples will suffice. In *Consequentie*, Almain provides a consequence which includes the proposition, “Man [homo] is a *species specialissima*.”

This means that “man” is one of the lowest or “most specific” species within the genus “animal”; it cannot divide into further species. Similarly, in *In tertium*, Almain states: “man [homo] simply is a *species specialissima*, because it is predicated … quidditatively of many different only in number.”

Almain’s use of *species specialissima* with reference to man in these two cases is simple supposition. By referring in the second quote to “many different only in number,” it is indicted that individual men share something fundamental in common. As we will now see, though, while Almain occasionally uses terms like “humanity” or “human species,” he rejects that common natures or forms exist extra-mentally or, therefore, that participating in such is what individual men have in common. For this reason, terms in simple supposition, such as *species specialissima* above, must supposit for concepts.

For anti-realists (or conceptualists) like Ockham, a species or common nature is a mere mental concept used to categorize all those beings that are maximally similar. Almain does not explicitly assert in *Consequentie* that species or common natures are solely mental concepts, but he reveals in *In tertium* that he rejects the extra-mental existence of such. That all human beings are, nonetheless, maximally similar for Almain by virtue of being rational animals will be shown later.

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34 *Consequentie*.

35 As was broadly accepted, all beings categorized within the genus animal and species man have the essential traits of animality and rationality. In discussing Ockham’s views, Klima explains, “…the species of humans is a *species specialissima*, not divisible by any further essential differences [than animality and rationality], and this is how we get the essential definition of ‘man’ … constituted by the genus ‘animal’ and the specific difference ‘rational’” (Klima, “Ockham’s Semantics and Ontology of the Categories,” fn. 3).

36 *In tertium*, fo. xxiii’.

Almain, citing Ockham, indicates in *In tertium* that all extra-mental natures are particular, equivalent to individual things. Thus, Almain says: “Nature is nothing [other] than a thing *[res]* actually and really existing. Truly whichever thing that really and actually exists is called a nature, just as whiteness, Plato, Sortes, etc. ... [I]n the proposition, nature is nothing other than a thing really existing.”

Almain further emphasizes the link between nature and singular existence: There are “differences among those three terms: person, *suppositum* and a nature or singular [thing]. Truly a nature [conveys] nothing else except actual existence... Truly every person is a *suppositum* and every *suppositum* is a singular [thing] or nature.”

Here, we see that natures – such as humanity – are not common but singular.

Almain reaffirms that natures are singular later in *In tertium* when he equates an essence (i.e., a nature) with its existence. For instance, he writes:

> [B]eing, essence [and] existence do not differ following a thing but are thoroughly the same. For Sortes is his own being and his own existence, because if he is distinguished from his being, Sortes would now be and not be, because God will be able to corrupt that being with Sortes conserved and thus Sortes will not be. But those are ridiculous and most false [positions]: ergo the essence of Sortes is nothing other than Sortes really existing.

Inferring Giles of Rome’s earlier view that “essence and existence are, in principle, separable things,” Almain argues here that if this were so, God could corrupt Sortes’ being (i.e., essence) with him still existing. But Almain considers this ridiculous.

Aquinas and Giles of Rome, among others, asserted a fundamental difference between essence and existence – even while Aquinas did not assert, as Giles would, that they are in principle separable. For these thinkers, an essence is a thing’s nature, which defines what type of thing it is,
whereas a thing’s existence refers to its actuality, that it is; hence one can distinguish the human essence, for example, from any particular human being who exists. (The only exception is God whose essence and existence are the same.) Almain rejects this distinction between essence and existence. Rather, as we saw, nature, which is always singular, is equivalent to a thing (res) existing, and Almain equates existence (existentia) with being (esse) and essence (essentia). He also equates real being with essence and “a thing itself”; and essential being with existential being. In sum, all of these terms, mutatis mutandis, refer to the same thing, and all things that have extra-mental existence are singular.

While tautological, it is important to affirm – given the absence of common natures – that all human beings do indeed have “humanity.” More specifically, Almain seems to follow Ockham in holding that, with the exception of Christ, homo (qua suppositum) and humanitas (qua extra-mental nature) refer to the same subject, namely, each individual human being, even while Almain is more willing than Ockham to distinguish the two conceptually. For instance, Almain explains that all “pure” men (i.e., all men except Christ) subsist in their humanity – in this way, “man” and “humanity” can be distinguished. But he continues that “man” is predicated of each human being in an absolute sense (i.e., as substances) – in this way, all pure men qua substances are their respective human natures. Christ, too, subsists in a human nature, but “man” is predicated of him in a connotative sense (i.e., as a “separable accident”) – in this way, He has a human nature distinct from his (divine) suppositum, unlike any other man.

43 In tertium, fo. xix’.
44 In tertium, fo. xix’.
45 On Ockham’s view, see Freddoso, “Logic, Ontology and Ockham’s Christology,” section III.
46 In tertium, fo. xxiii”; see fo. xxviii’. “Whether ‘man’ is said univocally of God and of me. I say yes [sic]: because following secondary signification as Christ is man following that it is said of me [qua pure man]. For it is said of God according that he subsists in human nature, and also of me following that subsistence in human nature. But it is said of me following some secondary signification which is not said of God, because of me [it is] absolute, and of God [it is] accidental” (In tertium, fo. xxiii’). In the context of “pure men,” Almain clarifies “‘man’ is a concrete [term]”
Indeed, each pure man has, or more precisely, is his own nature, essence or humanity. While this is most clear in *In tertium*, we can safely assume that Almain held these modern views, in which he was trained, from the beginning of his career when he wrote *Consequentie*, only six years earlier. Therefore, under simple supposition, species (or common natures) should not be understood to supposit for extra-mental things in Almain’s writings, but mere concepts. In this way, Almain follows a typical view of the *Via moderna* in the tradition of Ockham.

While simple supposition is rare in Almain’s *corpus*, personal supposition is common. In *Consequentie, In tertium*, and *Libellus*, he predominantly uses the terms *homo*, *homines* and human *genus* (i.e., race) in personal senses: to refer to a man (*homo*), multiple men (*homines*), or every man/all men (*homo, homines, genus*). For instance, in *Consequentie* Almain writes: “First proposition: Sortes differs from man [*homine*] and ass, and yet does not differ from *homine*. The second part is known and the first part is proven: Sortes is, and every man and every ass are at the

(*homo e[st] concretum*) and “man is defined well [as] an absolute [term] to be that composite from body and rational soul” (*In tertium*, xxiii). For Ockham, absolute terms can be concrete or abstract (Goddu, “Connotative Concepts and Mathematics in Ockham’s “Natural Philosophy,”” 107), and here we see that Almain takes “man” normatively (i.e., in the case of pure men) to be a concrete absolute term.

With respect to Christ, Almain clarifies that, “Gabriel [Biel] says: *homo* is accepted in the category of substance. But I believe not. Indeed, it is a separable accident” (*In tertium*, fo. xxiii*r*). And “if that term *homo* is taken [as a] connotative [term], Christ is man” (*In tertium*, fo. xxiii*r*).

In the above texts, Almain suggests that absolute terms correspond to substances, while connotative terms correspond to accidents. Assuming he is being precise, he differs from Ockham for whom absolute terms include terms from the categories of substance and quality, while connotative terms are terms of the other accidental categories (quantity, relation, action, passion, when, where, position, and habit). Ockham embraces this position even while these eight accidental categories do not truly exist extra-mentally; only substance and quality do (see Zheng, “Ockham on Connotative Terms”).

47 In *In tertium*, Almain later asks, “Whether God from eternity has loved [*dilexerit*] himself, all creation and [all] that is to be created equally from charity.” As part of his answer, he affirms that, indeed, God loves all creatures He will create which, he notes, He has eternally cognized: “from eternity He [i.e., God] has loved creatures to be created. It is clear, because from eternity He has cognized those and He has held to will to impart the good to any creature [*cuilibet creature*]. And this is nothing other than to love [*amare*]” (*In tertium*, fo. c*†*). Assuming Almain’s consistency, “all creation” in this proposition would supposit for “all creatures,” which are particular. We may infer that God likely does not love common natures, in the sense of simple supposition, as He has not cognized them – at least not in the way that he has cognized all particular creatures – and they do not have extra-mental existence.

48 Almain raises discrete, confused and distributive, and merely confused forms of personal supposition multiple times in *Consequentie*. In *In tertium*, he also refers to formal supposition (fos. xvii*, xxiii*, fo. xxi*), supposition in general without specifying which form (e.g., fo. xxi*), and uses personal supposition, albeit without the term (e.g., fos. xxi*, lv*). On the different types of personal supposition, see Read, “Medieval Theories: Properties of Terms”; Kann, “Supposition and Properties of Terms,” 228ff.
same time, and Sortes is not man and ass.”⁴⁹ In the first part of the proposition, “man and ass” are
taken in personal supposition; for Almain is clear that they supposit for “every man and every
ass…at the same time.” What are we to make, though, of homine in “Sortes…does not differ from
hominé”? Almain takes its meaning for granted, saying, “the second part is known.” Prima facie,
it could supposit for multiple things: “every man,” the species “man,” or “a man.” “Every man”
can be ruled out, for Almain later states in the fourth proposition: “Sortes differs from every man
[omni homi[n]e] and yet Sortes does not differ from man [homi[n]e]. The second part is known
and the first is proven[:] Sortes is and every man is and Sortes is not every man. Ergo Sortes differs
from every man.”⁵⁰ The species “man” can also be excluded, for – in addition to his rejection of
common natures in In tertium – following Almain’s template in this part of Consequentie, we can
assert, “Sortes is and mankind is, and Sortes is not mankind.” A final possibility is that “man” in
“Sortes does not differ from man” supposits for “a man” (discrete personal supposition). This
follows, for “Sortes is and a man is, and Sortes is a man.”

In Almain’s later texts, we find a similar tendency to use homo, homines or human genus
to refer to individual men (personal supposition). For instance, in the context of discussing Christ
qua man (homo) in In tertium, Almain provides three definitions of “man” which fall under
personal supposition.⁵¹ Also in In tertium, Almain asks if there was any necessity in God’s
redemption of the “human race” (generis humani). He then notes that Anselm similarly asked if
redemption was necessary for “man” (hominem), and finally notes that Scotus answered in the
negative, for God could have annihilated “all men” (omnes homines). The text suggests that

⁴⁹ Consequentie.
⁵⁰ Consequentie.
⁵¹ In tertium, fo. xxi‘.
Almain also holds to Scotus’ view. Significant for our purposes, Almain seems to use “human race,” “man” and “all men” in the same sense here: the former two seem to supposit for the latter.\textsuperscript{52}

Finally, we find a similar pattern in \textit{Libellus}. Almain writes: “God, the author of nature, created man [\textit{hominem}] with a natural right and duty [\textit{iure}] or power [\textit{potestate}]” to get what he needs for “his [\textit{sue}] sustenance and conservation.” The meaning of “man” here is indicated by Almain’s subsequent assertion that, by analogy with “man,” “any community of persons,” which is like “one body,” also has a “natural power to conserve itself.”\textsuperscript{53} “Man,” in the original sentence, refers to those to whom God has granted a natural \textit{ius} to conserve themselves, and whose status allows a community to be like “one body” by analogy. Based on context, “man” seems to supposit for “every man.” Also in \textit{Libellus}, Almain argues that, when the “human race” (\textit{humanum genus}) was created, God gave it a natural end and a natural power of jurisdiction for that end.\textsuperscript{54} Almain indicates that this power is held by every given “community” (\textit{communitate})\textsuperscript{55} or “people” (\textit{populus}) formed of individual human beings.\textsuperscript{56} Here, therefore, “human race” seems to supposit for all men, who come to make up their respective communities.\textsuperscript{57}

Almain, in these aforementioned cases from \textit{Consequentie}, \textit{In tertium} and \textit{Libellus}, refers to “the human race” (\textit{genus}), “man” (\textit{homo}) and “men” (\textit{homines}) primarily following personal supposition, that is, referring to one or more individual men. And when he uses simple supposition,

\begin{footnotesize}
\begin{enumerate}
\item \textit{In tertium}, fo. lv\textsuperscript{r}.
\item \textit{Libellus}, fo. xlvi\textsuperscript{r}.
\item \textit{Libellus}, fo. li\textsuperscript{r}. In \textit{Questio}, Almain specifies this end as “political felicity, namely, of those mutually associating [with each another] in a civil context” (\textit{Questio}, fo. lxvi\textsuperscript{r}), while in \textit{Libellus}, he notes that the natural end of a “political body” is “to live according to virtue” (\textit{Libellus}, fo. xlvi\textsuperscript{r}). On Almain’s further discussion of natural and eternal ends of man, see below.
\item \textit{Libellus}, fos. li\textsuperscript{r}, xlvi\textsuperscript{r}.
\item \textit{Libellus}, fo. xlvi\textsuperscript{r}.
\item This is different from the first passage from \textit{Libellus} in that Almain is here asserting an end and power that is held by persons \textit{communally}, rather than individually. This will be discussed in chapter 4.
\end{enumerate}
\end{footnotesize}
he does not seem to accept that the human species has extra-mental existence; rather, it appears to be a mere mental concept.

1.1.2.2 What Does it Really Mean to Be Human?

Now that we have clarified Almain’s use of signification and supposition, which has metaphysical implications, we can further flesh out his anthropology. Despite the fact that there is not a common nature in which all men participate, and each has his or her own nature or humanity, Almain still refers to the concept of the human species: “man [homo] simply is a species specialissima, because it is predicated… quidditatively of many only different in number.”58 For Almain, like other anti-realists,59 all beings classified as human are maximally similar for which reason they are conceptualized as being from the same species.

What does it mean to be a man or to have humanity? In what way are human beings maximally similar to each other so that together they can be conceptualized as a species? Much can be gathered from Almain’s discussion on what it means for Christ to be a man. For Almain explains that Christ, in order to be head of the Church, must have a “likeness…in nature” (conformitatem...in natura) with the faithful.60 He writes,

the head is required [to have] some likeness in matter and nature [conformitas in materia & natura]. Namely, the head is a likeness [conforme] with the members as to nature… [I]t is said that the head of a congregation ought to be of the same nature with the members: this is [why] an angel is never called the head of the congregation of men because it is not of the same nature in species, but Christ is of the same nature with men.61

58 In tertium, fo. xxiiiii.
59 See Panaccio, Ockham on Concepts, 10-12, 123; Ashworth explains, “Nominalists…argued that terms of second intention [i.e., signs about signs, e.g., “species”] merely gave a way of classifying terms of first intention [i.e., signs about extra-mental reality, e.g., “man”], so that to say “Man is a species” (homo est species) was to say that the term ‘man’ is one we use to group individuals together according to their maximal similarity…” (Ashworth, “Philosophy of Language: Words, Concepts, Things, and Non-things,” 356-7).
60 In tertium, fo. xxxiii.
61 In tertium, fo. xxxiiii-xxxiii.ii.
If we may extrapolate from Almain’s christology, one’s humanity is, unsurprisingly, the fruit of one’s biological human parents. Almain explains: “we allow that the humanity [of Christ] would [have been] born and produced [producta] from the Virgin.” Secondly, to be human most fundamentally means having a rational soul and animal body, with all that entails. This is clearly expressed by Almain: a “human nature is that composite from body and rational soul.” For this reason, when that composite was not intact when Christ was in the tomb, he “was not in a human nature that would have been produced from the Virgin…. Therefore in the Triduum [i.e., in the tomb], Christ was not son of the Virgin Mary but he resurrected son of the Virgin. For if God would resurrect [resuscitaret] me having died I would be called son of my father just as before.”

Thirdly, if the humanity of Christ, and all humans by extension, is taken “concretely” (concreta) – i.e., not referring to the nature abstractly (which is possible for Christ) but a real, living human – being human also entails being “passible, [and] mortal.”

It is, moreover, by virtue of a rational nature that “every human being is a person”: an “individual substance of a rational nature” (rationalis natur[a]e individua substantia), as Boethius says; an “incommunicable substance of an intellectual nature” (intellectualis natur[a]e incommunicabilis substantia), according to Richard of St. Victor; or an intellectual suppositum, as Ockham says. In the case of a human person, it is the soul that is rational, but having a rational nature is not sufficient to be a human being. Rather, human beings have bodies, and the soul has “a natural inclination to inform a body.”

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62 In tertium, fo. xxivv.
63 In tertium, fo. xxivv-v.
64 In tertium, fo. xxv.
65 In tertium, fo. xxviiiii.
66 In tertium, fo. iiv.
67 In tertium, fo. xxxiiii.
68 In tertium, fo. iiv.
In addition to his christology, Almain provides many other insights into his anthropology. A key emphasis is that being human entails having common ends to one’s nature: both a natural end (earthly felicity and/or virtuous living) and a supernatural end (eternal felicity). In particular, “all human actions ought to be ordained to pursuing eternal life” qua their ultimate end. Knowledge of those things that are necessary in order to obtain these ends is accessible – at least in part, in the case of eternal happiness – via natural law which every human has a natural right and duty (ius) to follow.

The terms ius naturale and lex naturalis serve related functions in Almain’s thought. He uses ius naturale in both objective and subjective senses, whereas lex naturalis seems to be used only in an objective sense. When used in an objective sense, natural ius or lex refers to the natural law, a natural and objective source of morality and moral knowledge, whereas when used in a subjective sense, natural ius refers to one’s natural rights and duties based in the natural law.

Thus, as Brett explains based on Questio and A decima quarta, for Almain, “Natural right is a function of natural law,” and “Almain asserts repeatedly that one has a natural right to or dominium in only that which one is obliged to do by natural law.”

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69 Almain refers to Earthly felicity of individuals in general (In tertium fo. ciii); and living by virtue as the end of a political body (e.g., the Church), viz., it is implied, the individual members thereof (Libellus, fos. xlvi-xlvi'). Otherwise, Almain refers to “political happiness” of individuals as the end of coercive civil power (Questio, fo. lxvi'), and he refers to an unspecified natural end of the “human genus,” which as indicated above likely refers to all men (Libellus, fo. lii').

70 Almain refers to eternal felicity of individuals in general (In tertium fo. ciii'; Libellus, fo. xlix'); and of Christians in particular (Libellus, fos. xlvi-xlvi', lii', lxii'). He also refers to eternal felicity of Christians as the end of coercive ecclesiastical power (Libellus, fo. lxii'; Questio, fos. lxvi', lxiii').

71 Libellus, fo. xlix'.

72 The only natural end mentioned in In tertium, fo. ciii', is “human [i.e., earthly] happiness” (felicitatis hu[m]ane), but it is reasonable to assume that Almain’s discussion of virtuous living as an end in Libellus should be treated the same way, i.e., as something that is knowable via natural law. (“Eternal felicity” [felicitates eterne] is also discussed in In tertium as the “immediate” end of the divine law [fo. ciii'].)

73 E.g., Moralia, fo. ix'.

74 E.g., Questio, fo. lii'; Libellus, fo. lxii'; A decima quarta, fo. 48r', 49r.

75 E.g., Questio, fo. lii'; Moralia fo. ix'; In tertium, fo. cii'ff.; A decima quarta, fo. 48'-49r.

76 E.g., Almain argues that one has a natural ius to self-preservation (in the subjective sense) due to the obligations of natural lex; see A decima quarta, fo. 47'-48', Questio, fo. lxii'.

77 Brett, Liberty, Right and Nature, 120-1, 120.
In *In tertium*, natural law is described as “a sign to us instilled from nature,” and in *Moralia*, “a natural light instilled at birth [inditum a nativitate] through which we are able to know enough from within which is of the natural law. Ergo, [it] has to be done which [is] in us; we are not able to be ignorant of those [laws] which are of the law of nature: because what [is] in us has to be done.” In dismissing any excuse of invincible ignorance of natural law principles, Almain appeals to Psalm 4:6: “The light of your face is sealed upon us, Lord.” Ultimately, it is clear that natural law consists in “awareness” of what one should do or not do, and Almain explains this occurs by right reason.

In *Moralia*, Almain suggests that all of the Decalogue overlaps with natural law, and that all natural law principles are *per se nota* truths or easily follow therefrom. In *In tertium*, however, he explains that natural law “strictly understood” (stricte capta) overlaps with the first three commandments of the Decalogue, and “largely understood” (large capta) overlaps with the other seven. In this text, Almain follows Scotus, for whom the first tablet contains natural law “strictly speaking,” because these commandments are practical principles that are self-evident/analytic, or conclusions that follow therefrom. The second tablet contains “natural law in an extended sense” because it has truths which are “in accord” with natural law in a strict sense and can be recognized as such, in principle, through reason – even though not all may recognize aspects of it due to such

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78 *In tertium*, fo. ciii\*.  
79 *Moralia*, fo. ix\*.  
80 *Moralia*, fo. ix\*. Almain’s language and view here is similar in key ways to that of Albert the Great and Thomas Aquinas. Albert says that natural law qua law of our mind is “innate” (innatus) (*Summa theologiae*, Pars II, tract.16, q. 99, m. 3, art. 1), and in his Commentary on Psalm 4, Aquinas calls natural law “natural reason,” “as a light that is pressed within us,” “within one’s soul”; by it one is able to know goodness (“Thomas Aquinas: Commentary on Psalm 4,” verses 6-7).  
81 *In tertium*, fo. ciii\*.  
82 “Ignorance of the law is manifold: [e.g.,] something of the law of pure nature [iuris pure naturalis], as ignorance of the mandate of the Decalogue” (*Moralia*, fo. ix\*).  
83 *Moralia*, fo. x\*.  
84 *In tertium*, fos. ciiii\*, v\*.
factors as an intellect that is poor or clouded due to sinful habits. Whether Almain follows Scotus on these particular exceptions is unclear.

In addition to the Decalogue, there are other principles of natural *ius* or *lex*. One principle on which Almain is particularly emphatic across multiple works is the natural *ius* or *lex* to and on self-preservation. For instance, in *Questio*, Almain writes: “For by natural law [lege] everyone is bound to conserve himself in being. From this obligation, a power [*potestas*] arises in everyone to take inferior things to use for their own conservation. This power is called natural dominion [*dominium naturale*],” and it “cannot be abdicated” altogether. Similarly, in *Libellus* Almain writes: “God, the author of nature, fashioned man [*hominem*] with a natural *ius* or power [*iure seu potestate*] to take those things that are necessary for his sustenance and conservation and also to repel those that are harmful.” In these and other texts, Almain is consistent in “equating *ius* and *dominium* in the sense of *potestas*.”

In *In tertium*, Almain explains that the “immediate” end of natural law (*lex naturalis*) is not one’s eternal felicity but earthly felicity; it is implied, therefore, that its mediate end is one’s

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86 E.g., *Questio*, *Libellus*, *A decima quarta*.

87 *Questio*, fo. lxii'. Almain gives certain limited exceptions to the *ius* of self-preservation. E.g., it is likely that a “worse” person should allow a “better” person to have sustenance if there are not enough resources for both (*Questio*, fo. lxii').

88 *Libellus*, fo. xlvi'.

89 Brett (*Liberty, Right and Nature*) shows that Almain is consistent in this respect from his earliest political theology work, *Questio*, to *Libellus*, and *A decima quarta*, all of which were written c. 1512 (p. 121). As Almain writes in *A decima quarta*, this position is based on his interpretation of Jean Gerson: “*Dominium* in every genus is nothing other than a *ius* of using something following right reason. And *ius* (as Gerson says) is nothing other than an immediate *potestas* or *facultas* corresponding to someone following the dictate of right reason. And *dominium* is that corresponding *ius*: and *ius* is that *facultas*. *Dominium* therefore in general is that *facultas* or *potestas* by which someone is able to use a thing immediately, either by renting, or selling, or consuming it etc. following the dictate of right reason. Whoever, therefore, has the *ius* to use something following a right dictate has the immediate *potestas* corresponding to him following right reason: & such a person is said to have *ius* and *dominium* in that thing” (*A decima quarta*, fo. 48'). Just prior to this text, Almain argues that there are four forms within the genus of dominion: original, natural, ecclesiastical and civil (fo. 48'). Effectively, while Almain’s definition in the above quote suggests that dominion is limited to objects, its scope is actually broader; it is a faculty or power following right reason – a form of valid authority – to act on or have authority over an object or person.
eternal happiness.  

This follows especially given natural law’s overlap with the Decalogue. That said, fulfillment of various divine positive laws is also necessary for eternal felicity. In particular, faith qua belief in Christ, the one mediator known via revelation, is fundamental for all, along with circumcision (formerly, under the Mosaic law) or baptism (now, under the law of grace). Belief in the Church’s teachings is also necessary for Catholics. Hence, that which is necessary for eternal happiness is only partially accessible via natural law.

As indicated above, Almain indicates that human beings have been given epistemic access to the natural law by God through their natures by use of right reason. Thus, Almain is clear that, while natural law principles overlap with the Decalogue, people can learn the former in a natural way (i.e., without revelation), with possible exceptions; indeed, these principles are truths that are self-evident or analytic, follow therefrom and/or are in accord therewith. We can conclude, therefore, that it is by virtue of having a rational soul in particular – an essential feature of human natures – that human persons in general can know the natural law, and thereby fulfill those rights and duties essential to their ends. Due to the profound likeness of human beings in these and other ways related to being rational animals, Almain can speak of a human species. His views on common human ends and natural law, moreover, moderate the impact of his anti-realist views on

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90 In tertium, fo. ciii⁷.
91 Moralia, x'; In tertium, fos. lxxxv-lxxxvi⁷. With regard to baptism, Almain mentions baptism by water and desire, as well as its precursor, circumcision (In tertium, fo. lxxxi⁷). In discussing Church teachings in which Catholics must believe, Almain explains that laity need to believe explicitly in articles of faith celebrated by solemn feasts (e.g., the Nativity), while implicitly believing all others, i.e., accepting teachings “in general” and not dissenting from any in particular. Prelates, however, have an elevated responsibility: they must believe explicitly in many more unspecified teachings (In tertium, fo. lxxxv⁷).
92 In part Almain explains: “[N]atural law differs in two ways from divine [law]. By the first because it is not revelation as divine [law is]” (In tertium, fo. ciii⁷).
93 As noted in-text, it is unclear if Almain follows Scotus in allowing certain exceptions to the principle that the precepts of extended natural law are knowable by all through right reason (viz., for those whose intellect is poor or clouded by sin).
natures. They do not, for instance, result in a radical individualist ethics; rather, all human beings have the same natural ends, and rights and duties rooted in natural law by God.

1.1.2.3 The Nature of Being

Almain’s views on the nature of “being” re-enforce the distinction and connection between the human and divine. For instance, in *In tertium*, Almain notes a difference between mental existence (“objective being”) and extra-mental existence (“real being”). He writes: “The doctors say, a thing has being in two ways: namely objective being and real being. The objective being of a thing is nothing other than cognition of [that] thing [*res*], which is [that] thing known.” And “all things from eternity [i.e., that will have real being] have been in the divine intellect as much as to objective being.” “Real being” refers to “a thing having been made and really existing... and thus real being, essence of a thing, and a thing itself are thoroughly the same. I mark the following: to exist does not differ from being.”94

In various places in *In tertium*, Almain elaborates on synonyms for “being.” For as we saw earlier, he writes: “being, essence [and] existence do not differ following a thing but are thoroughly the same.” Later, he adds that “essential being & existential being are not different.” And in equating “a nature” with “a singular [thing],” he writes, “A nature is nothing [other] than a thing

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94 *In tertium*, fo. xix*. While Almain’s focus is on real being, it is linked to objective being: that which has one has or will have the other; that which God has eternally cognized (objective being), at least in this context, is that which has or will exist extra-mentally (real being). As we saw, Almain asserts in *In tertium* that only singular things have or will exist. We can conclude, therefore, that “all things” in the divine intellect to which Almain is referring, and which will at some point exist extra-mentally, must be singular things only. Notably absent is any reference to “ideas” (or universals) of genera and species which, for many realists, such as Aquinas, also exist in the divine intellect (e.g., see Aquinas, *ST* I q. 15, art. 1-3, esp. art. 3 ad. 4). Perhaps, they could exist in the divine intellect alone as concepts, in the same way that they exist in human intellects, but Almain does not make this nuance here. What is central is that “all things” that have or will exist extra-mentally (real being) are particulars, and they have been eternally cognized by God (objective being).

In *A decima quarta*, Almain makes a similar distinction between “real being,” which “is what has being beyond an operation by our intellect,” and “being of reason [*ens rationis*] that has being only through an operation of intellect” (fo. 107*).
[res] actually and really existing…. Truly a nature [conveys] nothing else except actual existence.”

In addition to indicating Almain’s anti-realism, by equating these terms – in particular, by establishing that individual creatures have (or are) being qua that which really exists – it suggests that Almain rejects the *analogia entis*, by which created being is considered like or analogous to God qua True Being. Rather, according to univocity of being, God and creation have being in the same sense and, therefore, creation could be understood as existing without its source in God.95 Almain, unsurprisingly, does not make this latter link that later moderns would; for while using being in a univocal sense, Almain makes a direct connection between “objective being” (i.e., being that is known) and God qua being: “all things [i.e., real being] from eternity have been in the divine intellect as much as to objective being, and it is being itself [that is] known and it is God. And that [objective] being is not called that [created] thing nor essence of a thing and, thus, it differs well from essence of a [created] thing just as cognition [differs] from a thing cognized.”96 Here, the distinction between real and objective being allows Almain to defend, albeit implicitly, a link between Creator and creation, for objective being qua that which the Divine Intellect cognizes is God – a connection that also suggests divine simplicity – as well as a distinction between Creator and creation, for real being qua that which is created is not God.

1.1.3 Conclusion

In this sub-section, we have seen some central features of Almain’s ontology and language theory, specifically, anti-realism, signification and supposition in terminist logic, and univocity of being; they are foundational to Almain’s understanding of reality, as well as how it is conceptualized and articulated in language. Most significantly, the only things that have extra-

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95 See Boersma, “Theology as Queen of Hospitality,” 301.
96 *In tertium*, fo. xixv.
mental existence are particulars; common natures and forms are mere concepts. Our study has focused on the implications of these views for Almain’s anthropology, in particular. To this end, we have seen that every human being has his or her own nature, but they are maximally similar such that Almain can categorize them together as a species. A key feature of human beings’ maximal similarity is that each is a composite of an animal body and rational soul, the latter of which enables them to know the natural law by which they can achieve their natural end and, to a degree, their supernatural end.

While the lack of a common human nature could complicate the Incarnation, it does not for Almain: Christ was able to take on a “likeness… in nature,” becoming similar to human beings in the same way we are similar to each other. As a result, Christ was able, through His Passion and death as a human, to redeem humanity. Christ’s humanity, moreover, was necessary for Him to be head of the Church, by which He gives grace and merit to the faithful.97

Finally, we have begun to see that Almain’s application of the Via moderna does not result in a hyper-individualism – humans still have common natural ends, for instance, and are obliged by natural law – nor a radical divorce between the natural and supernatural, as it would with some later moderni. It does, however, result in an individual-focused logic and ontology, which helped pave the way. Throughout the rest of this chapter, we will be building on this trend.

1.2 Syncategoremata, Supposition & Anti-Realist Mereology
1.2.1 Introduction

In his Embammata phisicalia (1506), Almain uses Aristotle’s Physics as a starting point to address a series of problems, both physical and conceptual, especially pertaining to the concept of

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97 All of this was in accord with God’s ordained power (i.e., how He ordained that human beings would be redeemed) and could have been otherwise. This is discussed below (sec. 2.1.2) in connection with Almain’s voluntarism.
a whole (\textit{totus}) and its parts. We just saw some features of Almain’s terminist logic: links between
signification/supposition and anti-realist approaches to individual natures. Now, in Book II of
\textit{Embammata phisicalia}, Almain applies certain terminist and anti-realist concepts and approaches
to mereology (i.e., the study of wholes and parts).

Some central words and concepts in mereology were analyzed in the context of
\textit{syncategoremata} (i.e., syncategoretic words), which as we saw are words that cannot by
themselves be grammatical subjects or predicates, and \textit{categoremata} (i.e., categoretic words),
which can be subjects or predicates. A strong emphasis on \textit{syncategoremata}, in particular,
developed with the rise of terminist logic and influenced by the rediscovery of Aristotle’s treatise
on fallacies (c. mid-twelfth century). It remained significant for terminists and went through
different stages of usage until the end of scholastic logic.\textsuperscript{98} Two common \textit{syncategoremata} for
logicians were the words “whole” and “all/every” (\textit{omnis}), despite the fact that grammatically they
can function as \textit{categoremata}.\textsuperscript{99} In fact, a number of \textit{categoremata} (grammatically) were treated
as \textit{syncategoremata} by logicians. As Kretzmann explains, this “may be among the reasons that led

\textsuperscript{98} Kretzmann, “Syncategoremata, Exponibilia, Sophismata,” 211-14; According to Kretzmann’s analysis, the terminist
emphasis on \textit{syncategoremata} went through three stages. First, in the twelfth century (especially 1150 onward),
\textit{syncategoremata} arose as “focal points of certain logical or semantic relationships or special problems of
interpretation” (p. 215). Second, c. 1175-1275, there was a rise of “a distinguishable set of topics worthy of
development in separate treatises called, typically, \textit{Syncategoremata}” (p. 215). And third, c. 1300 to the end of
scholastic logic, \textit{syncategoremata} were used in “general treatises on logic,” as well as part of \textit{Sophismata} (i.e., problem
sentences), “where a particular \textit{syncategorema} may serve as the germ of a paradox the interest of which is often
associated with metaphysics or natural philosophy more than with logic or semantics proper” (p. 215). In fact,
\textit{Sophismata} (as well as other “techniques of linguistic analysis,” e.g., \textit{expositio}) may have developed due to interest in
\textit{syncategoremata} (p. 215). At the very least, these “developments owed a great deal of their form and content to
problems associated with \textit{syncategoremata} and to techniques developed first in order to cope with those problems”
(p. 216). Hence, it is fair to say that the development of \textit{Sophismata related to syncategoremata}.

\textsuperscript{99} See Kretzmann, “Syncategoremata, Exponibilia, Sophismata,” 212, 216; Kretzmann (p. 212) discusses words that,
while they could be taken as \textit{categoremata} by grammarians, were frequently taken as \textit{syncategoremata} by logicians
(e.g., \textit{omnis}). While he does not use \textit{totus} as an example, it fits his description.
to a further distinction between categorematic and syncategorematic uses of a single word,”¹⁰⁰ such as “whole” and “all/every.”¹⁰¹

1.2.2 Almain’s Usage
1.2.2.1 “Whole” (Totus) & “All/every” (Omnis): Parallel Uses

A key example of Almain’s application of terminist logic to mereology is his use of the terms and concepts, cathegoreumatice and synchathegoreumatice. (He also uses the synonyms collective and distributive.¹⁰²) If a whole is taken (i.e., understood) categorematically or collectively, it means that it is taken complete with all its parts, or as the sum of its parts.¹⁰³ If, however, a whole is taken syncategorematically or distributively, it is taken according to each part or integral (i.e., essential) part, individually.¹⁰⁴ To give an example of how these terms could be used, let us consider the sophisma (i.e., problem sentence), “The whole Sortes is less than Sortes” (Totus Sortes est minor Sorte), which Almain rightly refers to as “common.”¹⁰⁵ One standard resolution, although there were others,¹⁰⁶ was to assert that the sentence is ambiguous. If “whole” is taken categorematically, it would mean that Sortes taken complete with all his parts is less than himself; this would be false. If “whole” is taken syncategorematically, however, it would mean that each part (or integral part) of Sortes is less than Sortes; and this would be true. According to

¹⁰¹ On the applicability of “all/every” here, see Kretzmann, “Syncategoremata, Exponibilia, Sophismata,” 212; Henry (Medieval Mereology) explains that the categorematic and syncategorematic senses were “a central medieval distinction within the sense of ‘whole’” (p. xi).
¹⁰² That categorematic and collective, and syncategorematic and distributive were, in this context, synonyms, see Henry, Medieval Mereology, 437-8.
¹⁰³ See Kretzmann, “Syncategoremata, Exponibilia, Sophismata,” 233. As Arlig explains, “If ‘whole’ is a categorematic term, ‘the whole x is φ’ means that the sum of the parts that compose x is φ” (“Is there a Medieval Mereology?” 166, fn. 14).
¹⁰⁴ Kretzmann, “Syncategoremata, Exponibilia, Sophismata,” 232-4; Henry, Medieval Mereology, 416, 455. Kretzmann indicates that a whole taken syncategorematically could refer to each part or each integral part of a whole (p. 233-4).
¹⁰⁵ Embamnata phisicalia, fo. xvii.
¹⁰⁶ On three basic types of resolutions, see Kretzmann, “Syncategoremata, Exponibilia, Sophismata,” 234ff.
Henry, the terminist Walter Burleigh – as the likely author of *De Toto et Parte* – was the first to use “categorematic” and “syncategorematic” to describe these two ways of taking a “whole,” and he did so in his discussion of this very *sophisma*, which he resolved in the aforementioned way.¹⁰⁷ In *Embammata phisicalia*, Almain indicates that these distinctions between a whole taken categorematically/collectively and syncategorematically/distributively, which were prominent in terminist approaches to mereology, are also key to his own.¹⁰⁸ He also applies them in his later works, including *Libellus*, in which the Church qua *Collectio fidelium* can be taken categorematically (i.e., all the faithful taken together).¹⁰⁹ And a link can be drawn between Almain’s preferred designation for the Church, *Collectio fidelium*, and the term and concept, collective.¹¹⁰

Significantly, “all/every” (*omnis*) can also be taken categorematically/collectively or syncategorematically/distributively. For instance, in *Embammata phisicalia*, Almain provides two propositions: “*omnes* two apostles of God are two” and “*omnes* creatable souls are able to be created,” and he indicates that they can be understood in two ways depending on whether *omnes* is taken collectively or distributively.¹¹¹

¹⁰⁷ Henry, *Medieval Mereology*, 414-15; Burleigh also made this basic argument in his *De puritate artis logicae* (Kretzmann, “Syncategoremata, Exponibilia, Sophismata,” 234-5).

¹⁰⁸ Abelard had earlier argued that “whole” can occasionally be a syncategorematic term (like “every,” “no” and “some) (Henry, *Medieval Mereology*, 69). And he argued that a whole could be taken in terms of its “distribution” (diffusionem) or “collectivity” (conjunctionem), terms equivalent to “categorematic,” and “syncategorematic,” and “collective” and “distributive” (Henry, *Medieval Mereology*, 67-8; 417, 436-7).

¹⁰⁹ *Libellus*, fos. lii, liii, lxvi. See also, e.g., *In tertium*, in which Almain writes that God can cognize an infinite number of souls taken categorematically or syncategorematically/distributively (*In tertium*, fos. xxxvi-xxxvii).

¹¹⁰ This point is developed in chapter 4.

¹¹¹ *Embammata phisicalia*, fo. xxiii. Notably, the subjects of these propositions, viz., *omnes* two apostles of God and *omnes* creatable souls are also wholes-in-quantity and, according to Almain, continua. We will discuss them in depth below.
“All/every” (*omnis*) is both dissimilar and similar to “whole” (*totus*). They are dissimilar for, while both terms “effec[t] distribution,” they can operate differently. For instance, consider the difference in meaning between “every person,” where “every” distributes to multiple – indeed all – persons, and “the whole person,” where “whole” distributes to every part of a single person. They can also operate similarly, though, as in the case of a whole-in-quantity. A whole-in-quantity is the sense of “whole” attained by one or more categorematic words that are given a universal meaning “ranging over individuals” due to the inclusion of a universal sign, such as “whole,” or “all/every,” as in the phrases, “people as a whole,” and “all people.” As we can see, the meaning in both cases is the same. Finally, in some contexts, “whole” and “all/every” operate differently but produce similar results. Consider, for instance, the following two descriptions given by Almain: the Church is “the whole collection of the faithful” (*tota collectio fidelium*), and “the collection of all Christians” (*collectione omnium Cristianoru[m]*). In the first phrase, “whole” modifies “collection of the faithful,” where “collection” is a singular thing, while in the second, “all” modifies “Christians,” multiple individuals. The second, therefore, contains a whole-in-quantity (“all Christians”), while the first does not. Despite these differences, though, the basic meaning of the two phrases is the same: the Church is the totality of the faithful.

### 1.2.2.2 Realist vs. Anti-Realist Mereology

Soon after discussing categorematic and syncategorematic forms of “whole” in *Embammata phisicalia*, Almain notes in his discussion on Book I of Aristotle’s *Physics* what is

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112 Kretzmann, “Syncategoremata, Exponabilia, Sophismata,” 232; see 231.
115 In tertium, fo. xxxii⁷.
116 In tertium, fo. lxviii⁷.
117 Almain may be referring to Aristotle, *Physics* 1.2, 185b11-14, or the *Metaphysics* 8, 1045a.8–10.
explicitly identified in the marginalia as a “nominalist” (i.e., anti-realist) position on a whole’s ontological status: “a whole is the sum of all its parts.” It is contrasted with what is identified as a “realist” position: “a whole is distinguished from the sum of its parts,” a position Almain later associates with the Scotists. Unsurprisingly, Almain sides with the nominalist view. Notably, this view closely parallels the meaning of a whole taken categorematically or collectively. For as Arlig explains, “If ‘whole’ is a categorematic term, ‘the whole $x$ is $\varphi$’ means that the sum of the parts that compose $x$ is $\varphi$. This parallel, however, needs to be qualified. The nominalist and realist approaches to a whole have to do with ontology: what a whole is. The categorematic and syncategorematic (or collective and distributive) approaches, however, have to do with perspective; a whole can be taken (i.e., understood) from the perspective of all its parts together, or all of them separately. In either case, though, it does not change the ontological status of that whole. In this way, the categorematic/syncategorematic distinction within terminist logic was not exclusive to nominalists. The realist Duns Scotus, in fact, used it in his corpus, which includes accepting that all parts of a whole can be taken together. However, according to Almain, in a

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118 Two editions of *Embammata phisicalia* were produced by different publishers, but they have the same marginalia (Paris: François Regnault: Jean Petit, 1506; Paris: Jean Barbier: Denis Roce, 1506). For instance, they both label this first view “nominalist” (*primus modus nominalium*) and the second view “realist” (*secundus modus realium*) (fo. xv in both editions). This suggests that either Almain or, more likely, the editor, Pietro Aymerich, Almain’s student, were involved. (That Aymerich was Almain’s student, see Pietro Martini, *Biografia sarda del dott. in leggi Pietro Martini cagliaritano*, Vol. 1 [Cagliari: Reale Stamperia, 1837], 78-9). In either case, it seems very likely that the marginalia – including the aforementioned designations of nominalist and realist views – reflect Almain’s thought.

119 *totum est omnes suas partes simul sumpte* (*Embammata phisicalia*, fo. xv). This view is similarly described as, “any whole is its parts” (*aliquod totum sit sua partes arte*) (fo. xv), and “a whole is the sum of its parts” (*totum est sum totum simpe* (fo. xv)).

120 *totum distinguetur a suis partibus simul sumptis* (*Embammata phisicalia*, fo. xv). This view is described with more detail as, “a whole, at least a whole not taken collectively, is an entity really distinct from the sum of its parts” (*totum salte capie non collective est entitas realiter distincta a suis partes simul sumptis*) (fo. xxii). This nuance will be explained below.

121 *Embammata phisicalia*, xxii.

122 This is discernable from the “solution” statements provided after nominalist and realist replies given to various mereological questions and problems, as well as when Almain uses words such as, *Dico* (“I say”), *Concedo* (“I grant”), and *Nego* (“I deny”).


strict sense, “a whole” for the Scotists, with the exception of an aggregate, “…is an entity really distinct from the sum of its parts.” As a nominalist, in contrast, Almain holds that a whole is never distinguished from its parts, and those parts are always taken categorematically or syncategorematically. In this way, the categorematic/syncategorematic distinction, while not nominalist as such, complements the nominalist position in Almain’s work.

For the vast majority of Book II of *Embammata phisicalia*, Almain presents arguments for and against the realist and nominalist views. In discussing the former, he writes:

> [T]he Scotists say: a whole [*tótum*], at least a whole not taken collectively [*non collective*], is an entity really distinct from the sum of its parts [*entitas realiter distincta a suis p[ar]tibus simul su[m]ptis*]. Thus, that proposition which has to be denied [is that] the matter of Sortes and soul of Sortes [qua form] are Sortes. Similarly, this is impossible that Sortes is some beings [*aliqua entia*]. And all authorities which are seen to make noise: they explain causally that the whole would be many [*multa*]… [However,] it would be a [mere] perception that a whole consists from many or is arranged [*tótum ex multis constat sive co[m]ponitur*].

Here, the Scotists are adamant that a whole – unless its parts are merely “taken collectively” – is “an entity really distinct from the sum of its parts,” and that the opposite view is a “[mere] perception.” Historically, Scotus held this view in relation to material substances that are composites of matter and form (i.e., essential wholes), in particular. Similarly, the majority of realist arguments provided in *Embammata phisicalia* – especially eight “principal” arguments

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125 *tótum*… *entitas realiter distincta a suis p[ar]tibus simul su[m]ptis* (*Embammata phisicalia*, fo. xxii?).
126 See *Embammata phisicalia*, fo. xv’.
127 *Embammata phisicalia*, fo. xxii’.

In the context of a substance/material whole (i.e., essential whole), Scotus offers a number of arguments in favour of his view that it is an entity numerically distinct from the sum of its parts. For instance, he argues that unless this is true, any substance would be numerically identical to the sum of its parts, which would make it an aggregate. But most want to distinguish substances from aggregates. Secondly, Scotus follows Aristotle in asserting that matter and form are “causes of something—they are respectively Aristotelian material and formal causes of a composite. And if the substance that has matter and form as parts is numerically identical with the sum of these two parts, then there is no object for the matter and the form to cause” (Cross, “Ockham on Part and Whole,” 147).
against the nominalist view\textsuperscript{129} – are focussed on or otherwise involve matter and form qua parts of
a thing, typically Sortes’ body and soul (i.e., essential wholes). However, Almain suggests that,
for realists and nominalists alike, various types of wholes, and perhaps all types (with the exception
of aggregates for realists),\textsuperscript{130} are distinguished from or are the sum of their parts, respectively. In
addition to essential wholes, this includes integral wholes, continua, and (for nominalists)
aggregates.\textsuperscript{131}

An essential whole is anything formed of matter and form.\textsuperscript{132} An integral whole, in turn, is
a particular thing (rather than a universal thing, which would not exist extra-mentally for an anti-
realist anyway) that has actual (rather than potential) parts;\textsuperscript{133} and these parts, for Almain, can be
“quantitative” (i.e., have extended matter) or “intensive” (i.e., qualitative).\textsuperscript{134} Among medievals, a
minority held to the “maximal proposition” on integral wholes: all parts are integral parts (i.e.,
essential to the whole’s existence). Thus, if any part of an integral whole were removed, the whole
would cease to exist as that whole. Most, however, distinguished between a whole’s integral and
non-integral parts.\textsuperscript{135} That said, Almain makes no distinction between integral and non-integral
parts. Rather, in one case he indicates that if one or more parts of a whole were destroyed (e.g.,

\textsuperscript{129} {\textit{Embammata phisicalia}}, fo. xv'-xxi'.
\textsuperscript{130} While Almain provides examples that include specific types of wholes, he does not qualify the realist or nominalist
views as being limited to them. To the contrary, he refers to unspecified wholes in his definitions: “a whole” is the
sum of its parts, or greater thereto. Also, at the beginning of Book II, Almain suggests that a particular genus of wholes
is excluded from his analysis: wholes under second intention (i.e., concepts about concepts), viz., whole-in-quantity
and whole-in-respect (fo. xv'). However, near the end of Book II, Almain gives two instances of wholes-in-quantity
that are relevant and to which the realist and nominalist views do apply (xxii'-xxiii'). This type of whole and Almain’s
examples are discussed in-depth in this section below.
\textsuperscript{131} Examples of each can be found as follows in \textit{Embammata phisicalia}: essential wholes (fo. xv'-xxi', xxii'), integral
wholes (fo. xxii'), continua (fo. xxii'-xxiii'), and aggregates (fo. xvi').
\textsuperscript{132} \textit{Embammata phisicalia}, xv'.
\textsuperscript{133} Many wholes were classified as integral by medievals. As suggested in text, an integral whole was often contrasted
with a universal whole, which is not strictly speaking formed of parts, and a potential whole, which is particular (rather
than universal) and has potential parts or other potency (e.g., a soul, which has operations). See Arlig, “Mereology,”
766-7; Arlig, “Medieval Mereology.”
\textsuperscript{134} \textit{Embammata phisicalia}, xv'.
\textsuperscript{135} Arlig, “Medieval Mereology.”
Sortes’ soul), that whole (e.g., Sortes) would not be “preserved,” at least from a nominalist perspective.136 (It ought to be preserved from a realist perspective, though, for reasons we will see below). This suggests that Almain may have adhered to the maximal proposition.

A third type of whole discussed, a continuum, is typically understood to be a continuous whole formed of parts that are connected – sharing a common boundary – either spatially and/or temporally, depending on the context.137 Finally, an aggregate is the opposite of a continuum; it is a whole generally understood to lack numerical unity and formed of parts that remain discrete.138 Almain gives “a heap of stones” as an example.139 The Scotists, according to Almain, consider only “an entity” (entitas) to be distinguished from the sum of its parts, excluding even a whole when its parts are merely “taken collectively.”140 In his brief discussion on the aggregate, Almain contrasts it with a whole that is “one being” (ens),141 a qualification similar to “an entity” in the Scotist definition. If this analysis is correct and an aggregate is not an entity, it would be the mere sum of its parts, for Scotists, which is consistent with the view of Duns Scotus himself.142

In the section immediately following the above excerpt, in which the Scotist position is given that “a whole … is an entity really distinct from the sum of its parts,” Almain depicts some consequences of this view from a nominalist perspective. He writes that, for Scotists,

... Ergo, the weight of one pound [libre] placed on one scale [in una p[ar]te statere]143 ought to weigh more than two half pounds placed on the other [scale] [ex altera parte posite]. [However,] given that on the first scale [in prima p[ar]te...
there would be two half pounds from a distinct pound [libra distin\(\text{cte}\) out of itself nevertheless it reflects one pound. Similarly, nor is it able to be brought forward from that [Scotist] position [as it should] that a whole would be able to be preserved [with] the parts of it having been destroyed, because Sortes in the view of all [realists] is really different from his soul\(^{144}\) and yet he is not able to be preserved the soul of him having been destroyed. And this [Scotist] opinion would be denying that the superior half and the inferior half of Sortes would be matter and form of the same [being]. Nor does that consequence prevail [that] matter and form of Sortes really are different from those halves: ergo, out of themselves it results in another being [\(\text{ens}\)] differing from that being that results out of those halves. Similarly, they [i.e., Scotists] would reject that consequent which seems sufficiently apparent: whatever is part of Sortes is part of those two [halves taken] conjunctly [\(\text{copulatim}\)], and everything [that] is part of those two [halves] is part of Sortes; ergo Sortes and those two are the same. And consequently, they would have to reject that proposition: all parts are in a continuum [om\(n\)es partes a continu\(\text{ii}\)\.\(^{145}\)

In this text, Almain suggests that, from a nominalist view, Scotists would have to reject four similar positions for the same reason, that a whole is distinct from the sum of its parts.\(^{147}\) These positions are: (i) two half pounds collectively weigh the same as one pound, where pound (\(\text{libre}\)) is referring to the measure of weight and/or the contemporary French coinage;\(^{148}\) (ii) if one or more of a given thing’s parts (e.g., Sortes’ soul) were destroyed, the whole thing itself (e.g., Sortes) would not be preserved; (iii) the matter (body) and form (soul) out of which Sortes was created are the same as

\(^{144}\) While Almain may not affirm that a human, such as Sortes, is “really different from his soul” in the sense of being an entity distinct therefrom, he does affirm that a human qua human is not his soul in itself, but the \(\text{composite}\) of his body and soul (see Embammata phisicalia, fos. xvi'-xvii', xx'; In tertium, fos. xxiv'-xxiv\(\text{'})\).

\(^{145}\) \(\text{Continui}\) can be genitive, singular masculine/neuter, or nominative, plural, masculine. It is very strange, therefore, that it is preceded by “\(a[b]\),” which takes the ablative, an error made stranger by its use more than once (e.g., see xxiii\(\text{'})\). The nominative, plural, masculine possibility can be excluded, for Almain soon after uses the singular pronoun “\(eum\)” to refer to \(\text{continui}\) (fo. xxii\(\text{'})\). He also refers to two examples of \(\text{continua}\) and each time uses \(\text{continui}\) (see xxiii\(\text{'})\). This, therefore, also excludes the possibility that “\(\text{continuis}\),” the dative and ablative plural, is intended. It is not certain whether the error is the presence of “\(a[b]\)” or the spelling of “\(\text{contini}\),” but the latter mistake seems more likely. Hence, the proposition can be rendered: “all parts are from a continuum” or “all parts are in a continuum.” The latter, as we will see below, seems to reflect better Almain’s meaning.

\(^{146}\) Embammata phisicalia, fo. xxii\(\text{'})\.

\(^{147}\) Note how Almain introduces each position with similar language: “\(\text{Ergo}\),” “\(\text{Similarly}\),” “And this position would be denying,” “\(\text{Nor does that consequence prevail}\),” “\(\text{Similarly, they would reject}\),” “\(\text{And consequently they would have to reject}\)...” (Embammata phisicalia, fo. xxii\(\text{'})\).

the matter and form of Sortes;\textsuperscript{149} and the two halves of Sortes (viz. matter/form or body/soul) united are the same as Sortes; (iv) “all parts are in a continuum.” Recall that a continuum is a whole formed of parts that are connected (i.e., not discrete).\textsuperscript{150} With this and the Scotist view on wholes in mind, the proposition can be understood as follows: from the nominalist perspective, Scotists ought to reject that a continuum is formed of all its parts for qua non-aggregate whole, a continuum (like one pound and Sortes) should be an entity distinct from the sum of its parts.

Significantly, the four aforementioned positions, which are portrayed as contrary to Scotist realism, are suggested to be true from the nominalist perspective. Indeed, they are consistent with the view that a whole is the sum of its parts, and some of them are affirmed by Almain contra realist critiques elsewhere.\textsuperscript{151} We can, therefore, affirm that, for a nominalist like Almain, a given thing (e.g., a pound) ought to weigh the same as its two material halves; if one or more parts of a thing (e.g., Sortes’ soul) were destroyed, the thing itself (e.g., Sortes) would not be preserved; the united matter and form out of which a person or thing is created (e.g., Sortes’ body and soul) are identical both to that person or thing (e.g., Sortes) and that person or thing’s matter and form; and “all parts are in a continuum,” i.e., a continuum is formed of all its parts.

\textsuperscript{149} This is the gist of two positions: “And this [Scotist] opinion would be denying that the superior half and the inferior half of Sortes would be matter and form of the same [being]. Nor does that consequence prevail [that] matter and form of Sortes really are different from those halves: ergo, out of themselves it results in another being [\textit{ens}] differing from that being that results out of those halves.”

\textsuperscript{150} Bell, “Continuity and Infinitesimals.”

\textsuperscript{151} Almain confirms that, from a nominalist (but not a realist) perspective, one pound ought to weigh the same as two half pounds (\textit{Embammata phisicalia}, fo. xv\textsuperscript{v}). In \textit{In tertium}, Almain does not raise the issue of whether a whole is preserved when a part is destroyed, but he does raise the issue of whether a whole, specifically, a human nature qua composite of animal body and rational soul, is able to be preserved when its parts are separated, and his answer is no: after death and before resurrection – when one’s body and soul are separated – neither Christ nor anyone is truly “human” (see \textit{In tertium}, fos. xxiv’-xxiv’). Almain also agrees that Sortes is identical to his matter and form, and that both Sortes and his matter and form are “an entity” (\textit{Embammata phisicalia}, fo. xx’). Similarly, he considers the following consequence: “Sortes is composed from these parts: … matter and form. And these parts are Sortes. Ergo Sortes is composed from Sortes” (\textit{Embammata phisicalia}, fo. xvi’). Almain accepts as true the minor premise if “these parts” is taken “complexively” (\textit{complexive}) (i.e., collectively); and he accepts as true the major premise if “these parts” is taken “divisively” (\textit{divisive}) (i.e., distributively) (see fos. xvi’-xvii’). He acknowledges that if “these parts” are taken complexively in one premise and divisively in the other, the consequence is logically invalid (fo. xvii’), but taking them as such does not diminish the ontological implications of the minor and major premises: Sortes is composed from matter and form taken divisively, and Sortes is this same matter and form taken complexively.
Based on Almain’s nominalist arguments and examples, not only are various types of wholes (if not all of them) the sum of their parts, but every particular whole – be it an object, person or group thereof – seems to be too.\(^{152}\) We have seen examples of individual objects and persons (e.g., one pound and Sortes, respectively). Interestingly, Almain also gives two examples of wholes formed of rational beings (i.e., groups): “all \(\text{omnes}\) creatable souls,” and “all \(\text{omnes}\) two apostles of God.” (Almain borrows these examples from \textit{sophismata} which he addresses: \textit{omnes} creatable souls are able to be created” and “\textit{omnes} two apostles of God are two.” And he indicates that they can be interpreted in two ways, depending on whether \textit{omnes} is taken distributively or collectively.\(^{153}\) Each of these is a whole-in-quantity which, you will recall, is the sense of whole attained by one or more categorematic words that are given a universal meaning due to the inclusion of a universal sign, such as “whole” (\textit{totus}) or “every” (\textit{omnis}).\(^{154}\) Almain, moreover, classifies these particular wholes-in-quantity (viz., “\textit{omnes} creatable souls,” and “\textit{omnes} two apostles of God”) as continua.\(^{155}\) By classifying them as such, Almain is able to suggest that both qua non-aggregate wholes ought to be, for Scotists, distinct from the sum of their parts.\(^{156}\) (Scotus does not seem to have actually held this position, because he took groups of people to be aggregates,\(^{157}\) which \textit{are} the sum of their parts.)

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\(^{152}\) See, e.g., \textit{Embammataphisicalia}, fos. xvii, xvi, xviii, xxii-xxiii.

\(^{153}\) \textit{Embammataphisicalia}, fo. xxii.

\(^{154}\) See Arlig, “Mereology,” 765; Arlig, “Is there a Medieval Mereology?” 166; Arlig, “Medieval Mereology”;

\(^{155}\) \textit{Embammataphisicalia}, fos. xxii-xxiii.

\(^{156}\) \textit{Embammataphisicalia}, fos. xxii-xxiii.

\(^{157}\) See, e.g., \textit{A decimaquarta} (fo. 47'--48'), where Almain actually follows Duns Scotus in depicting society, as Brett (\textit{Liberty, Right and Nature}) puts it, as “a simple collectivity,” i.e., fundamentally a group of discrete individuals (p. 121). Quillet (“Community, Counsel and Representation”) affirms that for Scotus, “[t]he political community…is a \textit{communitas aggregationis}, its unity entirely composite” and a post-lapsarian necessity (pp. 536-7). Scotus’ “view of political society is Augustinian, with the state as \textit{remedium peccati}, and he thus describes the community as a result of a pact which men, free by nature, reach among themselves despite their fall, to form a political body so that they can live in the least bad conditions possible…” Scotus then goes further, arguing that “personality requires an ultimate solitude – the negation of any dependence, actual or potential, in regard to any person of another [?] nature” (p. 536). Scott (“Duns Scotus, John (1266-1308)) also confirms that society is an aggregation of individuals, for Scotus.
It must be asked, then, apart perhaps from trying to put Scotists in a difficult position metaphysically, on what basis does Almain classify these groups, or wholes-in-quantity, as continua? Unfortunately, he is not explicit. He does however leave some clues. For instance, later in Book III of *Embammata phisicalia*, Almain refers to a (hypothetical) proposition in which, “God creates all creatable souls…by means of many singular [souls] [singulares] coniunctum sumptas,” the latter phrase of which can be translated “taken in connection.” As we saw, Almain indicates that the creation of “omnes creatable souls” can be taken collectively or distributively. If the former, they would seemingly be created all at once (i.e., together), and if the latter, successively (i.e., separately, one immediately after the other). In this example, then, the act of creation could be understood as a continuum, i.e., a process without gaps in time, rather than all souls as a group being a continuum. There is reason to question this interpretation, however. For what are we to make of “omnes two apostles of God”?

Another possibility is that coniunctum sumptas should be translated as “taken conjunctly.” This is reinforced by Almain’s language earlier where he indicates that the subjects of the *sophismata* or wholes-in-quantity (viz., “omnes creatable souls” and “omnes two apostles of God”) are composed of “singulars” (singuli) that are “conjunctly one” or “copulatively one” (unum copulatum). Given this, it seems likely that both subjects are continua in the same sense: within terminist logic and semantic theory related to supposition. We have seen that “[s]upposition refers to the way in which a subject or predicate term [in a proposition] can have various different referential meanings.” In our case, the propositions are the aforementioned *sophismata*, the

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158 *Embammata phisicalia*, fo. xxxii.
159 *Embammata phisicalia*, fo. xxiii. In the context of continua, John Mair uses the term *copulatim*, which Hubert Elie translates as “d’une manière copulative,” with a meaning based in semantic theory and connected to the word *omnes* (*Le Traité « De L’Infini » de Jean Mair*, 47). For context, see below in this sub-section (1.2.2.2)
160 Mozzillo-Howell, “Dante between Scholasticism and Humanism” 38.
subject terms of which we just mentioned: “omnes creatable souls” and “omnes two apostles of God.” Both of these subject terms, moreover, involve some form of personal supposition. While it is uncertain which form Almain might have intended, confused and distributive supposition, and conjunct supposition are two very likely possibilities.

Confused and distributive supposition occurs when a subject term in a proposition includes a universal quantifier (e.g., omnes in “omnes creatable souls”) and, as a result, the subject term “stands for all of its individual instances in such a way that the descent to singulars yields a conjunction of propositions.” Thus “omnes creatable souls are able to be created” would be equivalent to “creatable soul 1 is able to be created, and creatable soul 2 is able to be created, and creatable soul 3 is able to be created (etc.).” Similarly, “omnes two apostles of God are two” would be equivalent to “apostles 1-2 are two, and apostles 3-4 are two … and apostles 11-12 are two.”

Conjunct supposition, in contrast, involves a “descent” from the subject term “to a proposition with a conjunctive term,” that is, a conjunctive subject. Thus, “omnes creatable souls are able to be created” would be equivalent to “creatable soul 1 and creatable soul 2 and creatable soul 3, (etc.) are able to be created.” And similarly, “omnes two apostles of God are two” would be

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161 Personal supposition occurs when a term supposits (i.e., stands for) extra-mental things.
162 “Descent” to singulars has a slightly different meaning depending on the form of supposition involved. In this context, it involves shifting from a general term in a proposition (e.g., “all men” in “all men are running”) to a conjunction of propositions with the same meaning (e.g., “man 1 is running and man 2 is running [and so on for all men]”).
163 As Kann (“Supposition and Properties of Terms”) explains, “When a term in a universal affirmative proposition is combined with a universal quantifier, e.g. ‘human’ in the proposition ‘Every human is running’, it has confused and distributive supposition (suppositio confusa et distributiva). This kind of common supposition given by the universal quantifier to the term immediately following it means: the term stands for all its individual instances in such a way that the descent to singulars yields a conjunction of propositions” (p. 230).
164 Read (“Medieval Theories: Properties of Terms”) explains that in conjunct supposition, “descent [is] permissible [from a subject qua general term] to a proposition with a conjunctive term. The standard example was ‘All the apostles of God are 12’, which entails ‘Matthew and Mark and so on are 12’, with a conjunctive subject.”
equivalent to “apostles 1-2, and apostles 3-4, … and apostles 11-12 are two.” (This proposition appears to be true if the groups of two apostles are taken distributively rather than collectively.165)

We have now seen that both confused and distributive, and conjunct supposition involve a proposition in which the subject term stands for, and can descend to, its singulars. In confused and distributive supposition, this results in a “conjunction of propositions,” that is, a series of propositions taken together as one due to the conjunction “and,” while in conjunct supposition, it results in all parts of the subject taken together as one (conjunctive) subject, also due to “and.” Could either of these be what Almain is referring to when he says that “omnes two apostles of God” and “omnes creatable souls” (in their respective propositions) are formed of “singulars” that are “conjunctly one”?166 It seems quite possible and, if correct, conjunct supposition, in particular – where the singulars are clearly linked as one conjunct subject – seems the most likely. In this semantic context, therefore, perhaps the subject terms (or wholes-in-quantity) could be understood as examples of a form of continuum (i.e., a “semantic continuum”). Even if this is true, though, it is only a partial answer to the problem, for supposition does not merely deal with semantics: it links words with concepts and/or extra-mental reality. In personal supposition, in particular, terms supposit for extra-mental individuals, in our cases: omnes two apostles of God together and omnes creatable souls together. Therefore, it seems that it is these extra-mental groups that are, in some sense, extra-mental continua. In what way, though? They are not continua in any traditional sense (i.e., with no gaps between parts, spatially or temporally); indeed, the beings in question are seemingly discrete individuals from the past (in the case of the apostles), or potentially throughout time (in the case of creatable souls).

165 Almain also suggests this (Embammata phisicalia, fo. xxiii’). Notably, it would be true under both confused and distributive, and conjunct supposition.
166 Embammata phisicalia, fo. xxiii’.
Notably, it does not appear to have been common within terminist logic for wholes-in-
quantity or extra-mental groups of beings to be described as continua. It is worth noting, however,
that Marsilius of Inghen, an adherent of the *Via moderna*, and John Mair, Almain’s Doktorvater,
do so or come close. According to Mair, Marsilius of Inghen asserted: “it is said of a multitude,”
such as “all the apostles of God,” “that it is all things taken together in relation to a term” – the
“term,” seemingly, being “all” (*omnes*) – such that that multitude is so strongly a “unity” (*unitas*)
that the particular apostles of God which form it are no longer recognized, only the whole is:
“Marsilius gives as an example that, if we admit that all the apostles of God are twelve, it is
necessary that there be none of the apostles of God when it is a unity [*unitas*] of these twelve.”
Mair continues, ‘Marsilius says, moreover, that there are no parts that can be said to be or that can
be all the parts of a continuum, taking “all” in the collective sense,’ for any part can be divided
into further parts.167

Like Marsilius, Mair emphasizes the parallel between “All apostles of God” and a
continuum, if not suggesting that the former is an instance of the latter. He, however, disagrees
with Marsilius that the unity of parts in a continuum (or all of the apostles of God) is such that the
parts are no longer recognized: ‘I say that certain parts *de facto* are all the parts; this is how the
two halves [of a continuum] are all the parts, that three-thirds are all the parts. In fact, these parts,
and these other parts, and so on of the other parts by ascent [*ascendendo*]168 are all the parts … in
a copulative manner [*copulatim*], under the term “all”. The word “all,” if [it is] taken in the
collective sense, performs a meeting function in a merely confused way [*confuse tantum*] [sic].169

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168 “Ascent” is the opposite of “descent,” and it has a slightly different meaning depending on the form of supposition involved. In the context of this passage, it involves shifting from a conjunctive subject (“these parts, and these other parts, and so on of the other parts”) to a general term with the same meaning (“all” the parts).
169 Mair’s reference to merely confused supposition must be an error. This form of supposition occurs when confused and distributive supposition is not possible, but descent is possible from a general term (e.g., “animal”) to a proposition
by way of ascent. Having said that, we prove that all the apostles of God are twelve.’ Overall, Mair holds the view that a continuum, including (or as well as) all the apostles of God, is a unity by virtue of its parts being taken ‘in a copulative manner, under the term “all.”’ Moreover, it seems to be the sum of its parts – hence, contra Marsilius, “some parts are all the parts” of a continuum, and “All the apostles of God are twelve.”

In these ways, therefore, there seems to be a link, for Marsilius and Mair, between terms and extra-mental reality via semantic theory, such that how terms are linked semantically (e.g., under “all,” by “and”) can affect how the extra-mental subject of those terms is understood. This is similar to Almain.

Based on the evidence from Almain, Marsilius and Mair, it seems likely that omnes two apostles of God and omnes creatable souls qua extra-mental beings are being taken together in Embammata phisicalia as respective multitudes; but not literal multitudes, spatially together. Rather, it seems likely that all members of each group are simply being supposited together, i.e., taken or understood together, at the same time. In this way, omnes two apostles of God and omnes creatable souls are not continua in a traditional sense of extra-mental reality as it is; rather, we seem to have continua formed of extra-mental reality as it is conceived or understood.

We can summarize the full argument as follows: (1) omnes creatable souls and omnes two apostles of God are both wholes-in-quantity and conjunctly one, respectively, within semantic theory (i.e., “semantic continua”). (2) Under personal supposition – be it confused and distributive, or conjunct – they each supposit for all of those extra-mental beings to which they refer taken with a disjunct term. E.g., “Every ape is an animal” can descend to “Every ape is this animal or that animal or that animal (etc.).” (See Read, “Thomas of Cleves and Collective Supposition,” 50-51; Read, “Medieval Theories: Properties of Terms.”) However, Mair’s propositions – “the two halves [of a continuum] are all the parts,” “three-thirds [of a continuum] are all the parts,” and “all the apostles of God are twelve” – and his description of the form of supposition involved – e.g., referring to parts being taken ‘in a copulative manner, under the term “all,”’ (emphasis added) – is not merely confused. However, conjunct supposition would be permissible: “half one and half two [of a continuum] are all the parts,” “third one and third two and third three [of a continuum] are all the parts” and “apostle 1 and apostle 2 and apostle 3 and… apostle 12 are twelve.”

Mair, Le Traité « De L’Infini » de Jean Mair, 47.
together; and because they are taken together as one, each can be described as a continuum. (3) Under Scotist realism, these continua qua continua ought to be distinguished from the sum of their parts. While (4) from Almain’s nominalist perspective, they are merely the sum of their parts.

If this analysis is correct, there is a serious flaw with (3). For there is not a clear difference between these so-called continua and wholes whose parts are merely taken collectively/categorematically, a type of whole that Almain already exempted from the realist view. He wrote, “[T]he Scotists say: a whole, at least a whole not taken collectively, is an entity really distinct from the sum of its parts.”¹⁷¹ (1), (2) and (4) still stand, though, by which we can see that Almain applies his nominalist-terminist mereology to groups of beings. This will be relevant when we analyse his approach to the Church, councils and other political bodies.

1.2.3 Conclusion

In this sub-section, we have considered additional links between Almain’s anti-realism and terminist logic, specifically, syncategorema, and how they both effect his mereology in Embammata phisicalia. Two common syncategorema among logicians, which are significant for our study, are “whole” (totus) and “all/every” (omnis); these terms can be applied to social bodies (e.g., “the Church as a whole” or “all Christians”), functioning as wholes-in-quantity. Almain also applies the terminist concepts of cathegoreumatice and syncathegoreumatice to mereology, as well as the synonyms, collective and distributive. If a whole is taken categorematically or collectively, it is taken complete with all its parts, or as the sum of its parts. And if a whole is taken syncategorematically or distributively, it is taken according to each part (or integral part). This is significant because Almain applies these distinctions to the Church in Libellus. Finally, Almain

¹⁷¹ Embammata phisicalia, fo. xxii°. Emphasis added.
compares and contrasts Scotist realist and nominalist approaches to mereology, siding with the latter view that “a whole is the sum of all its parts.” This applies to various types of wholes (if not all of them), and every particular whole, including an object, person or group thereof. Overall, as a nominalist, Almain holds that a whole is never distinguished from its parts, and those parts are always taken categorematically or syncategorematically.

1.3 Anti-Realist Views on Relations
1.3.1 Introduction

We will now consider Almain’s view on relations, which is linked to anti-realism and terminist logic. One of the ten Aristotelian categories, relations are “anything by which one thing is related to another,”172 and Almain provides the following as examples: filiation, fatherhood, and similarity; divine lordship; conformity to a moral dictum; stain of sin, guilt and offense; and divine accusation of human sin. A central debate during the medieval period regarding relations pertained to “the precise nature of the properties or accidents that relate particular substances.”173 Key to this was the identity of and difference between real relations and relations of reason. While thinkers had their own nuances, some of which will be elaborated below, a basic view among the anti-realisits and realists with whom Almain engaged was that real relations have an extra-mental reality of some sort, whereas relations of reason depend on a mental act.174 In In tertium, Distinction Eight, Almain is primarily concerned with real relations, and he embraces what “all nominalists [nominales] regularly say” on the subject,175 although he disagrees with some more specific elements of the two nominalist (i.e., anti-realist) positions that he discusses. In Moralia and A

173 Brower, “Medieval Theories of Relations.”
174 See In tertium, fos. xxiii’-xxiv’; A decima quarta, fos. 2r, 3r. As we will see below, Almain describes two nominalist views, both of which involve real relations being extra-mental substances or qualities.
175 In tertium, fo. xxiii’; see xxiii’-xxiii’r. v.
decima quarta, Almain raises real relations and relations of reason; these discussions are more limited but consistent with In tertium. Finally, there is a connection between Almain’s discussion on relations and terminist logic, for Almain is interested in what particular relational terms (filiation, similarity, etc.) supposit for in extra-mental reality, if anything.

1.3.2 Almain’s Usage

In In tertium, Distinction Eight, Almain raises two main positions on real relations,\textsuperscript{176} cited as “nominalist” and “realist.” The context of this Distinction is christological: “whether the filiation from which Christ is eternally called son of the Father and the filiation from which he is temporally called son of the Virgin Mary are distinctly two relations toward each other.”\textsuperscript{177} Unsurprisingly, the primary relations discussed in this Distinction are filiation and similarity, although fatherhood and lordship are also mentioned. Almain explains, “All nominalists [nominales] regularly say that every thing is absolute and [real] relations are nothing except absolute thing[s], but they are called relations somehow [aliqualiter], insofar as they hold themselves toward another thing [se habent ad alias res].”\textsuperscript{178} In the first two clauses, Almain indicates a standard anti-realistic view that, in the context of the Aristotelian categories, only those things that fall under the absolute categories, i.e., substance and quality, are real. (In this Distinction, only persons or things [i.e., substances] and qualities are noted as examples of objects of supposition from nominalist perspectives. This suggests that the anti-realistic tradition with which Almain is engaging is Ockhamist, whereby only extra-mental things that fall under the categories of substance and quality truly exist; the other eight Aristotelian categories, including relations, are

\textsuperscript{176} In this text, Almain avoids the language of “real relation” and “relation of reason” with one exception, but his interest in real relations is clear from context.
\textsuperscript{177} In tertium, fo. xxiii”.
\textsuperscript{178} In tertium, fo. xxiii”.
subsumed under these two.\textsuperscript{179} The final clause above in which Almain states that “relations” are so-called “insofar as they hold themselves toward another thing” indicates that he is following the standard Aristotelian tradition in which relations are a “toward something” (\textit{ad aliquid}; \textit{pros ti}). He is only loosely following it, though, using the language. For while many medievals understood relations “as existing” in one of the related things (\textit{relata}) and “‘pointing to’ or ‘being-toward’ [\textit{esse-ad}] the other,”\textsuperscript{180} nominalists did not. According to Almain’s account, they rejected the idea that relations are distinct from the \textit{relata}.

After explaining the general nominalist view, Almain elaborates on two, more specific, nominalist positions. Either real relations are: (i) the two \textit{relata} (i.e., two substances or qualities), or (ii) one \textit{relatum}. Moreover, abstract words (e.g., filiation, fatherhood, similarity) supposit for: either (i) the aggregation of those related qualities (e.g., “similarity” supposit for “two qualities …of the same species”) or related substances (e.g., “filiation” supposit for father and son); or (ii) the same thing as that for which the respective concrete words supposit,\textsuperscript{181} whether a quality (e.g., “similiarity” supposit for a common quality had by two \textit{relata}, e.g., whiteness) or substance (e.g., “filiation” supposit for a person, a son). Thus, in Christ there are either: (i) two filiations, one eternal and one temporal, where the term “filiation” modified by “eternal” supposit for God the Father and Son, and “filiation” modified by “temporal” supposit for God the Son and the Virgin Mary; or (ii) one filiation, for the term “filiation,” whether modified by “eternal” or “temporal,” supposit for the same person, God the Son.\textsuperscript{182}

\textsuperscript{179} Kaye, “William of Ockham (Occam, c. 1280—c.1349).”
\textsuperscript{180} Henninger, Relations: Medieval Theories 1250-1325, 5. See Brower, “Medieval Theories of Relations.”
\textsuperscript{181} The nominalists in question may be influenced by Ockham for whom, “the abstract terms corresponding to … [concrete absolute terms] will signify and supposit for … [the particulars falling under them]. So, for example, the [abstract] term \textit{arboreitas} ['treeness'], will also signify and supposit for individual trees, just as the [concrete] term \textit{arbor} ['tree'] does” (Klima, “Ockham's Semantics and Ontology of the Categories”).
\textsuperscript{182} See \textit{In tertium}, fo. xxii\textsuperscript{v}.
In contrast to the nominalists, “realists” (reales), Almain explains, “say that a [real] relation is some entity that by no mode is absolute but merely [duntaxat] relative, thus its being is not toward itself [ad seipsam] but toward another [ad alterum], as fatherhood, filiation [and] similarity. For to be of [the relation] fatherhood is [to be] toward the son just as toward the term [terminus], etc.”183 And again, “relations are to be ordained things [res] distinct from absolutes, so filiation is a relation [respectus] having a foundation and term…. And from such a relation [relatione] something is formally named, such as from filiation, someone is formally named son.”184 Thus, real relations are entities and they are not subsumed under any absolute category (i.e., substance or quality), contra nominalists, but a relative category, presumably relation. Moreover, a relation for realists was often understood to exist in one relatum as a result of an inhering accident called the “foundation” (fundamentum); that relation is then “toward” the other relatum, called the “term” (terminus). As Henninger explains,

If \( a \) is really related to \( b \), then \( a \) is called the subject of the relation \( R \) (of, say, colour similarity) to \( b \), the term [terminus]. Inhering in \( a \) is an accident of whiteness \( c \), which is called the foundation for the relation \( R \). Conversely, if \( b \) is also really related to \( a \), \( b \) is the subject of the co-relation \( R' \) of similarity to the term \( a \). The whiteness \( d \) in \( b \) is the foundation of the co-relation \( R' \).185

With regard to whether Christ has two different filiations, Almain explains that “there has been great controversy among antiqui, among Scotus, Bonaventure and St. Thomas.” However, “all ancients generally say” – with Scotus as a noted exception – “that there are not diverse filiations, because then Christ would be two sons.”186

While, in his typical fashion, Almain is less explicit with regard to his own view than one would prefer, it can be discerned that he holds to the general nominalist view on real relations:

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183 In tertium, fo. xxiii°.
184 In tertium, fos. xxiii°-xxiii°.
185 Henninger, Relations: Medieval Theories 1250-1325, 5.
186 In tertium, fo. xxiii°.
they are not distinguished from absolutes (i.e., substance and quality). For instance, the marginalia refers to the nominalists’ view as their “opinion,” but it refers to the realists’ view as not only their “opinion” but, suggesting Almain’s perspective, “the imagination [imaginatio] of realists.”

This pejorative comment is telling. Like in *Embammata phisicalia*, the marginalia here were likely produced by the editor: in this case, either Nicolas Maillard, who attended the lectures off of which *In tertium* is based and edited the original 1516 edition; or Vincent Doesmier, a friend of Almain and the general editor of the *Opuscula* (1518) in which this version of *In tertium* is located. Both Maillard and Doesmier were likely familiar with Almain’s perspective.

Almain also discusses the relations of “filiation” and “likeness” in the context of and using examples of absolutes, qualities in particular, rather than categorical relations (i.e., accidents under the category of relations):

In regard to the first [realist position], I say it does not follow [that] there are two filiations, ergo two sons. Just as it does not follow [that because] there are in me two qualities [qualitas], therefore I myself am two qualities. Similarly, in anyone there are two filiations: one from part of the father and another from part of the mother; and, nevertheless, [a person] is not two sons. Similarly, there are in me two likenesses by which I am called similar to two others [i.e., his parents] who participate with me in a [respective] quality and, nonetheless, I am [sunt] not two likenesses.

Almain compares having two filiations to having two qualities, and indicates that a person has likeness to another and is called similar to him or her because they both participate in the same quality. This suggests that the terms filiation and likeness do not supposit for categorical relations, *contra* realists, but particular qualities. In this way, Almain also shows disagreement with the nominalist views that filiation is linked to substance, but general agreement with them that

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187 *In tertium*, fo. xxiii\(^7\).
188 See the prefaces to *Opuscula* (1518), as well as *Acutissimi divinorum archanorum scrutatoris Magistri Iacobi Almain In tertium Sententiarum utilis edition* (Ed. Nicolas Maillard. Paris: Jean Granjon, 1516).
189 *In tertium*, fo. xxiii\(^7\).
similarity is linked to quality. Finally, Almain disagrees with the standard realist view that if Christ had two filiations, there would be two sons.

Almain expresses further disagreement with the nominalist views on filiation elsewhere in Distinction Eight. For instance, he reaffirms that filiation does not supposit for (a) person/s (i.e., substance/s): “I say that it is a question of fact which is to be held: filiation is an inhering accident.” He also says that the first nominalist view is “not very likely,” namely, that in Christ there are two filiations: eternal filiation suppositing for God the Father and Son, and temporal filiation suppositing for God the Son and the Virgin Mary. And based on his discussion on filiation in “anyone” – each man has two filiations, one from the father and another from the mother, which Almain deems analogous to Christ’s two filiations with God the Father and the Virgin Mary – he would also reject the second nominalist view that in Christ there is one filiation and it supposits for Christ Himself. Indeed, as we have seen, Almain holds that filiation supposits for a quality, “an inhering accident” of some sort.

Interestingly, Almain is tempted by Duns Scotus’ position on the relation of divine lordship: “In regard to the second [realist opinion], it is known that God is called from time dominus, just as from time he has a servant. I say that dominus conveys [i.e., supposits for] a distinct temporal relation from eternity not in God,” “a real relation in the term and [a relation] of reason in the foundation in accordance with Scotus.” The term here would be each individual creature qua servant of God and the foundation would be God. For Scotus, the real relation exists in the creature to avoid a real relation coming to exist in God, which would upset divine simplicity and entail a change in God when a creature is created. Instead, a simple relation of reason eternally

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190 *In tertium*, fo. xxivv.
191 *In tertium*, fo. xxiii.
192 *In tertium*, fo. xxiiii.
193 *In tertium*, fo. xxiii.

exists in the divine mind.\textsuperscript{194} For Almain, “lordship” of God may be a real relation falling under quality, like likeness and filiation, or distinguished from absolutes in this one instance, like Scotus. (Even Ockham allowed for real relations distinguished from absolutes in rare theological cases, e.g., in the Trinity and Eucharist.\textsuperscript{195}) In either case, though, Almain immediately follows his discussion with “It is doubted, however,”\textsuperscript{196} and does not address it further.

Based on these considerations, we can conclude from \textit{In tertium} that Almain accepts (with, possibly, rare exceptions, e.g., divine lordship) the general nominalist view on real relations – that they are not distinguished from absolutes – and he agrees with both nominalist views that the relation of likeness falls under quality. However, he disagrees with the nominalist views that the relation of filiation falls under substance (supposing for [a] person/s). Rather, he indicates that it too falls under quality.

In addition to \textit{In tertium}, Almain discusses relations in his \textit{Moralia} and \textit{A decima quarta}. He does not provide detailed distinctions between nominalist and realist views, like we have seen in \textit{In tertium}, but he provides additional insights into what do and do not qualify as relations – both real and of reason – from various perspectives. In \textit{Moralia}, for instance, Almain considers the status of conformity (\textit{conformitas}) to a moral dictum, specifically, whether such “would be something distinct from acts of conformity..., or whether it would be itself an act of conformity.”\textsuperscript{197} Almain explains that “Scotus and realists” accept the former view, specifically, conformity is a real relation (\textit{respectus}) distinct from any act of conformity, while Ockham accepts the latter view.\textsuperscript{198} Almain, unsurprisingly, sides with Ockham: “I say that conformity is nothing

\textsuperscript{196} \textit{In tertium}, fo. xxiii�.
\textsuperscript{197} \textit{Moralia}, fo. xxxii�.
\textsuperscript{198} \textit{Moralia}, fo. xxxii�.
other than an act of conformity.”  

While we may assume some underlying anti-realist reasoning, Almain’s stated reason is linked to another tenet of his modern thinking: theological voluntarism. He holds his view on conformity, he writes, “because from the opposite [view] given, that act could be freely elicited [by God] and not be good. It lies open [patet], God is not necessitated to act along with [ad coagendum] the production of that relation [illius respectus].” That is, God could will a particular act (which, therefore, ought to be good) that would, nevertheless, not conform to the production of a relation of conformity and, thus, not actually be good from the realist perspective. The implication is that this realist-voluntarist possibility is a contradiction and absurd (and Scotus was both a realist and voluntarist); thus, it cannot be that conformity is a relation distinct from any act of conformity.

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199 *Moralia*, fo. xxxii’.

200 This view is discussed below in the context of Almain’s theological voluntarism. Specifically, it is argued that Almain is defending the possible exercise of divine absolute power in the ordained world.

201 *Moralia*, fo. xxxii’.

202 Almain also notes the question of whether a lack of conformity is distinct from or identical to an act lacking conformity (*Moralia*, fo. xxxii’). He does not really answer this question, though. Rather he discusses the nature of an act lacking conformity in itself. To this end, he offers a series of possibilities and critiques thereof rooted in Scotus and Ockham. Scotus argues that “a malicious act [i.e., an act lacking conformity] is a privation of rectitude owed to be in such an act” (fo. xxxii’). In an Addition to *Moralia* made by David Cranston, however, it is asserted that “Ockham most ingeniously impugns Scotus in this matter” (fo. xxxii’); that is, it may involve a privation of rectitude in the will. “Second, a privation of rectitude is not always properly belonging to the will” (fo. xxxii’). Put another way: “A malicious act or lack of conformity is not a privation of rectitude properly belonging to an act” (fo. xxxii’), as in the case of “hatred of God or the volition to steal” (fo. xxxii’); that is, it may involve a privation of rectitude in the will. “Third, sometimes a privation of rectitude is properly belonging to an act or the will,” as in the case of a sin of omission, “for omission is a privation of a right act” (fo. xxxii’). Ultimately – albeit in an Addition by Cranston – it is asserted that an act lacking in conformity is not a privation of rectitude as such; rather, “something is to be added [aliquid est addendum], that is to say even [vel] a position of wicked [circumstance] [positio malit[ae] not properly belonging” (fo. xxxii’). However, this proves to be a muddled point.

Earlier in the context of Almain’s discussion of Ockham’s critique of Scotus, he makes reference to “a position of evil circumstance” (*positionem mal[ae] circumsta[n]ti[ae]*) or “a defect of a good circumstance” (*defectum bon[ae] circumstanti[ae]*) (fo. xxxii’). He notes: “it stands that some act is evil not on account of a position of evil circumstance, but at least on account of a defect of good circumstance: as Sortes at some time not only is held to support the poor, but truly on account of God. Hence if he would support [the poor] truly not on account of an evil end, only for omitting a good circumstance, that is to say, on account of God, such an act is evil” (fo. xxxii’). Based on this, with which Almain seems to agree, it appears that when it says in the Addition that “something is to be added” to an act or will to make it lack conformity, “a position of wicked [circumstance]” is being used as a key example. However, this distinction between an evil circumstance and a defective good circumstance is trivial at best, and needlessly confusing at worst. For Almain explains that “evilness is a privation of rectitude owed at that time” (fo. xxxii’); thus, an evil circumstance and a defective good circumstance are effectively the same thing: a privation of
In *A decima quarta*, in which Almain engages primarily with the thought of Duns Scotus, Almain considers similar problems, including the nature of a stain of sin, guilt, offence, and an accusation from God, and whether relations are involved in any of these cases. Almain addresses stain, guilt and offence together; the context is for what reason one is called a sinner.\(^{203}\) One possibility Almain considers is that a person is called a sinner “from some really existing relation [*respectu reali existente*] in the soul or in the power of the soul.”\(^{204}\) He explains, “Thus a soul is called a sinner, and a man from reason of the soul.”\(^{205}\) This, Almain explains, is the view of Thomas Aquinas.\(^{206}\) Almain offers another possibility, though, with which he aligns himself:

The resolution, therefore: someone is called a sinner from a relation of reason [*respectu rationis*], which is placed in a sinner in proportion as he is the object of the divine intellect and will. And such [a relation of reason] hitherto is called a stain [*macula*] inasmuch as it is inconsistent with power and spirit [*potentiae & animae*]. Inasmuch as truly there is an obligation to punishment [*poena*], it is called guilt [*reatus*]. But inasmuch as it is inimical to God, and God wills that to effect punishment, it is called an offense. Triply, therefore, that relation is designated…. I say with the moderns, with Holcot & de Baffolisa… a sin of commission is called to remain behind unto guilt, not that guilt would be a thing existing in the sinner, but inasmuch as an accounting of such a preceding act of sin remains, a sinner [is] bound to punishment…. A sinner is who conducts an act by reason of which he is hitherto ordained to sustain perpetual punishment. And sin is said to be remitted when it is no longer understood to [be ordained to] that eternal punishment.\(^{207}\)

We see here that stain, guilt, and offence are different words for the same relation of reason placed in a person due to sin qua an act and as a result of which one is called a sinner. Significantly, then, these are all forensic in that they are based not on a real accident in one’s soul – neither a quality, real relation, or otherwise – nor an absence thereof. With respect to sin, Kennedy explains, “For Almain, as for [Robert] Holcot, mortal sin is not a disorder within the soul but simply an act which

\(^{203}\) *A decima quarta*, fos. 2r-4r.
\(^{204}\) *A decima quarta*, fo. 2r.
\(^{205}\) *A decima quarta*, fo. 2v.
\(^{206}\) *A decima quarta*, fo. 2r.
\(^{207}\) *A decima quarta*, fos. 3v-4r.
requites with eternal punishment; and the remission of this sin is simply the remission of the punishment."\textsuperscript{208} Nor, Almain later explains, is sin an absence of the habit of grace, which is itself likely a quality:\textsuperscript{209} "Whence never is the absence of grace in a thing sin, because sin is not other than an act not ordained [\textit{deordinatus}] or the privation of an act ordained … which is obliged. But the privation of grace is not an act nor the privation of an act, but it is the privation of a habit.” That said, “the privation of grace … is a penalty accompanying sin."\textsuperscript{210} Finally, with the same logic Almain notes, “not that guilt would be a [real] thing existing in the sinner.”\textsuperscript{211}

Later in \textit{A decima quarta}, in his discussion of satisfaction, Almain notes another relation of reason related to sin: an “accusation” from God. Almain explains: “It is certain, by every sin man incurs an accusation [\textit{reatum}]; this is an obligation [\textit{obligatione[m]}], and he does not incur an obligation to an act equally as good as the act is bad, but incurs an obligation to [endure] eternal punishment.”\textsuperscript{212} And “following the doctors, such an accusation is a relation of reason [\textit{relatio rationis}] alleged in the soul by the divine will as He wills to impose eternal punishment following present justice [\textit{praesentem iustitia[m]}].”\textsuperscript{213} An accusation, thus, is similar to stain, guilt and offence in that it is a relation of reason placed in a sinner by God.

\subsection*{1.3.3 Conclusion}

In this sub-section, we have seen that Almain accepts (with possible exceptions) what is defined as the nominalist view on real relations in \textit{In tertium}: they exist but are not distinguished

\textsuperscript{208} Kennedy, \textit{The Philosophy of Robert Holcot, Fourteenth-Century Skeptic}, 115.
\textsuperscript{209} Following Aristotle, habits are qualities. As a result, it was commonly thought by medievals (e.g., Scotus) that grace qua supernatural habit falls under the category of quality (see Cross, \textit{Duns Scotus}, 107-8). Given this and that Almain, as we saw earlier, likely only accepts the categories of substance and quality, it is highly probable that habitual grace for him is a quality.
\textsuperscript{210} \textit{A decima quarta}, fo. 109\textsuperscript{r}.
\textsuperscript{211} \textit{A decima quarta}, fo. 4\textsuperscript{r}.
\textsuperscript{212} \textit{A decima quarta}, fos. 35\textsuperscript{v}-36\textsuperscript{r}.
\textsuperscript{213} \textit{A decima quarta}, fo. 41\textsuperscript{r}.
from absolutes (viz., substance and quality). In his other works, Almain’s views are more circumspect: he says little about his views on relations overall, other than to reject that numerous things are, in fact, real relations (sometimes explicitly following *moderni*, e.g., Ockham). Rather, in the texts we have considered, Almain categorizes them as a type of act (e.g., conformity to a moral dictum, sin), or a relation of reason (e.g., stain, guilt, offence; and accusation). By rejecting real relations as distinct from absolutes, Almain further rejects that there is an ontological connection between particulars.

1.4 Section Conclusion

In section 1, we have considered some pertinent connections between features of Almain’s modern discourse, specifically related to terminist logic, anti-realism and, to a lesser degree, univocity of being. In particular, three major trends stand out. First, Almain’s terminism — including signification, supposition, and *syncategorema* — is an important feature of his anti-realist positions: providing foundational principles and, in many cases, the apparatus for putting them into effect.

Second, Almain’s anti-realism, like medieval anti-realism in general, has a clear tendency toward ontological simplicity. Almain considers if common natures exist and answers no, just individual natures, which are identical to individual beings. He asks if a whole is distinguished from the sum of its parts, and answers no; it is simply the sum of its parts. Finally, he asks if real relations exist apart from absolutes, and answers no; like Ockham, Almain suggests that only absolutes (viz., substance and quality) exist extra-mentally. In each of these cases, Almain considers realist and anti-realist views and sides with anti-realism (Ockhamist anti-realism in

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214 Theological voluntarism was also briefly discussed in connection with certain anti-realist views. It will be discussed in-depth in the next section.
particular). In doing so, he reflects a tendency within the *Via moderna* to employ Ockham’s Razor, rejecting what are deemed superfluous, non-existent things.\(^{215}\) (In one case, whether conformity to a moral dictum entails a real relation, Almain supports an answer rooted in a simplified ontology – he affirms that such conformity is nothing but an act of moral goodness – in order to defend another key tenet of the *Via moderna*, theological voluntarism.) We will see this tendency toward a simplified ontology again when we consider Almain’s application of corporation theory to political bodies, including the Church, in chapter 4.

Third, Almain rejects that there is any ontological connection between particulars. That is, while different species of particulars, such as human beings, have maximal similarity with each other, there are not common natures or forms in which they participate; wholes are not distinguished from the sum of their parts; and relations do not exist in *relata* as accidental qualities that hold themselves “toward” the other. In this way, relations between human beings – in a non-technical sense – must be rooted elsewhere, some of which we have already seen, such as concepts (e.g., common natures, relations of reason), semantics (e.g., “semantic continua”), and law (e.g., common obedience to dictates of *ius* or *lex*). We will see more examples when we discuss another key feature of the *Via moderna* in Almain’s thought: voluntarism.

### 2. Voluntarism: Theological & Anthropological

Voluntarism can be divided into two main forms: as it pertains to God (theological), and as it pertains to human beings (anthropological). Theological voluntarism is, in essence, a view in which the sovereignty of God’s will is emphasized prior to and above His intellect, often as long as it does not involve logical contradiction. As a result, what God ordains or commands is good

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\(^{215}\) “Ockham's razor...was the basic spirit of the [*via moderna*] movement” (Bunnin and Yu, “Via moderna,” 725).
simply because He wills it and not because it conforms to His own goodness. The will, in this way, is the ultimate source of divine activity (although, according to divine simplicity, the will is the same as God). Prior to Duns Scotus, theological intellectualism, according to which God’s intellect is prior to and moves His will, such that the latter conforms to the former, was prominent in medieval scholasticism. And with Scotus, theological voluntarism became very influential as well. Its place in the *Via moderna*, in particular, can be traced to Ockham, a fellow Franciscan. Like its theological form, anthropological voluntarism entails the view that the human will precedes and is superior to the intellect, and is the ultimate explanation for human decision-making. Anthropological intellectualism entails the opposite.\(^{216}\) Scholastics and early moderns held to various, nuanced forms of all of these positions. Almain can be numbered among those who was a fairly traditional theological voluntarist, albeit radical at times, and a moderate anthropological voluntarist.

**2.1 Theological Voluntarism: Ordained Power**

**2.1.1 Introduction**

From the thirteenth century onward, the divine intellect and will were discussed by many in connection with the scholastic distinction between the “ordained power of God” (*potentia dei ordinata*) and “absolute power of God” (*potentia dei absoluta*). The former is bound by God’s prior decisions in ordering creation, while the latter is bound only by the principle of non-contradiction.\(^{217}\) A first issue to consider is, why has God willed that creation be the way that he has ordained it? For intellectualists, like Aquinas, God is absolutely free in His decision to create – there is no necessity; but what God has willed to ordain in and for His creation is always in

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accord with His intellect, which recognizes and is in accord with His intrinsic goodness. Thus, the Decalogue, for instance, has not been commanded arbitrarily but due to and consistent with divine goodness itself. Voluntarists, like Scotus, Ockham, and various moderni disagreed. Not only is there no necessity in God’s decision to create, there is not any – or, for some, very little – necessity in what He has ordained; thus, that which God has commanded was typically understood to be good, for the most part, simply because He has willed it. For Scotus, for instance, God could have willed the inverse of the commandments of the second tablet, making murder licit, for example, although He could not have made the inverse of the first tablet licit, such as hatred or irreverence toward Himself. This is because the proposition that God qua the highest good ought to be loved to the greatest extent is analytically/self-evidently true; if it was commanded that God be hated, it would entail a contradiction. The commandments of the second tablet, however, while contingent on God’s will are, nonetheless, in accordance with those of the first tablet. And they are fitting given the good nature of God as well as the created natures God has ordained. In this way, the Decalogue as a whole and obedience thereto is consistent with human nature and ends.

Ockham goes even further than Scotus in His attempt to defend divine omnipotence: hypothetically, God could have ordained as licit anything that does not involve logical contradiction, even hatred of Himself. While God could have ordained anything, does that mean that Ockham thinks creation was arbitrarily designed and/or lacks natural order, such as natural law and ends? Ockham does raise natural law in his political works, which he asserts is knowable

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220 Wood notes that, while it is logically possible for Ockham that God could have ordered that He be hated, it, unlike any other possible command, would be impossible to fulfill: “If in obedience to divine command, I hate God, then I am hating God because I love God [for this is the reason why I obey Him], which is an impossible state of affairs” (Wood, *Ockham on the Virtues*, 270).
through right reason. It is clear, though, that natural law is not the same for him as it is for Aquinas: the latter accepted common natures, final causes and rooted natural law in divine goodness known by the divine intellect, while the former rejected common natures and final causes, and rooted natural law in the divine will. This has led many to argue that Ockham’s view on natural law is simply divine command theory by another name, where the divine commands are the fruit of an inscrutable will.\textsuperscript{221} (What exactly Ockham meant in applying the traditional formula that natural law is knowable via right reason is particularly unclear.\textsuperscript{222}) According to some advocates of this interpretation, elements of the created order could indeed be arbitrary; for Ockham, there is no natural human end,\textsuperscript{223} and natural law is detached from the nature of creation.\textsuperscript{224}

Given this range of views between forms of theological intellectualism and voluntarism, where does Almain fit? His views shift over a short period of time and conclude in a traditional voluntarist position, albeit radical in ways.


\textsuperscript{222} Ockham says, for instance, that it is “by the very fact that the divine will wishes it that right reason dictates what is to be willed” (Ockham, Sent. I, dist. xli, qu. 1, quoted in Oakley, “Medieval Theories of Natural Law: William of Ockham and the Significance of the Voluntarist Tradition,” 70).

Lisska argues that to exercise “right reason,” for Ockham, is to have good reasons for a given act; and caring for one’s own wellbeing is a good reason to obey the divine commands, as known through Scripture (“Right Reason in Natural Law Moral Theory: Thomas Aquinas and William of Ockham,” 171ff). Coleman, in contrast, argues: “Ockham explains that right reason may be construed either as purely by nature (foundational moral principles which are known indubitably and immutably), or it can be understood as what right reason accept as following from nature (the necessary inferences from moral first principles) which to Christians is divinely revealed” (\textit{A History of Political Thought From the Middle Ages to the Renaissance}, 186).

\textsuperscript{223} Gillespie, \textit{Nihilism before Nietzsche}, 21.

\textsuperscript{224} See Bastit, \textit{Naissance de la loi moderne}, 300-304. Lisska has convincingly argued that divine commands, for Ockham, are only good because God has commanded them (see “Right Reason in Natural Law Moral Theory: Thomas Aquinas and William of Ockham”). As Jacobs summarizes, “there is no real connection with good as grounded in substantive features of the created order or an end proper to human nature” (“Introduction,” 21).
2.1.2 Almain’s Usage

In *Moralia* (1510), Almain is surprisingly inclined toward a view that appears more theologically intellectualist than voluntarist. On the question of whether there are acts that are intrinsically evil, Almain writes:

Another more probable opinion is that there are some acts that are intrinsically evil, so that it is not in the power of God [*potestate Dei*] to make [it] that such acts should be elicited freely from man and not be evil, such as stealing, [and] lying. And this is held by many, such as Gregory...Ockham, St. Thomas and Bonaventure.\(^{225}\)

Notably, Almain’s examples of intrinsically evil acts – the status of which not even God could change – are from the second tablet of the Decalogue: a view more akin to Aquinas than Scotus, let alone Ockham, despite the fact that Almain cites the latter as holding this view along with the former!\(^{226}\) Indeed, Almain is consistent here with another view in *Moralia*, noted above, that both tablets of the Decalogue contain commandments that are *per se nota* (i.e., self-evident). And in the context of our current passage, Almain explains that if a moral precept is *per se nota*, it is necessarily true.\(^{227}\) Thus, not even God could make it otherwise.

In his later works, Almain increasingly engages with voluntarists and is clearly influenced thereby. Hence, in *In tertium* (written 1512), Almain considers whether there are intrinsically good acts and he answers: “… it seems to me that nothing is an intrinsically good act except love of God [*dilectio dei*] above all; and on account of this,\(^{228}\) God is not able to prohibit such love.”\(^{229}\) Almain explains the source of this position and suggests why it is the case:

And this is held by Scotus (q. i. *De matrimonio*) that love of God above all is an intrinsically good act, because this dictate is necessary: God is to be loved above all; and God is not able to prohibit such love. I say with Scotus … that God is not

\(^{225}\) *Moralia*, fo. ciii\(^{v}\).
\(^{226}\) I am unaware of Ockham holding this view.
\(^{227}\) *Moralia*, fo. cv\(^{r}\).
\(^{228}\) “And on account of this” is my translation of this curious construction: *Et propter hoc quia. Quia* may be a typo.
\(^{229}\) *In tertium*, fo. lxxiii\(^{r}\).
Almain rightly notes that Scotus held the view that love of God, which is reflected in the first three commandments, is the only necessary moral truth that God Himself could not change, and the only intrinsically good act, because its goodness is not contingent on divine decree. By implication, moreover, the second tablet of the Decalogue is contingent, consistent with Scotus. Later in In tertium, Almain provides a similar reason why God could not prohibit His creatures from loving Him: it would entail a logical contradiction as a result of obedience being an act of love. If one obeys God by not loving Him, they would be loving Him precisely because they are obeying Him. Hence, due to a necessary truth rooted in the being of God, and the principle of non-contradiction, Almain embraces a traditionally voluntarist position (Scotist) in In tertium.

In a series of works from 1512 – Questio, Libellus, and In tertium – Almain argues that God has ordained that human beings have a natural end (earthly felicity and/or virtuous living) and a supernatural end (eternal felicity). As we saw above, those things necessary to achieve these ends are knowable by right reason – at least in part, in the case of eternal happiness – via natural law, which God has ordained, and apart from Revelation. This natural law, moreover, overlaps with the Decalogue, and includes other principles, such as the right and duty (ius) to self-preservation. According to Oakley, Almain was among a group of nominalist philosopher-theologians who propagated a voluntarist form of natural law in the tradition of Ockham, whereby the natural law is rooted in the divine will and knowable via right reason. It is incorrect, however,

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230 In tertium, fo. lxii^v.
231 In tertium, fo. xciii^v.
232 In tertium, fo. ciii^v; Libellus, fos. xlvi^r-xlviit; Questio, fo. lxvi^r.
233 In tertium, fo. cii^v; Libellus, fos. xlvi^r-xlviit, xlxi^v, lii^v, lxi^v; Questio, fos. lxvi^r, lxiirt.
to situate Almain squarely as an Ockhamist with respect to the natural law ordained by God in creation. Rather, by 1512, Almain’s sources, while somewhat eclectic, include Scotus first and foremost, and to a lesser but not insignificant degree Jean Gerson and a tradition initiated by John of Paris. That said, Almain was influenced by Ockham too, albeit indirectly, for the view he adopts from Gerson was influenced by Ockham.235

In *In tertium*, Almain affirms Scotus’ theologically voluntarist approach in a number of areas. These include holding the following views, either explicitly or implicitly: (i) God has freely and contingently ordained that creation would contain natural order, including natural law and a natural human end;236 (ii) Natural law overlaps with the first tablet of the Decalogue in a strict sense, and the second tablet in an extended sense; (iii) Love of God above all – contained in the first tablet of the Decalogue – is the only intrinsically good act that not even God could prohibit; and (iv) Natural law precepts are knowable, in principle, through right reason alone, because they are truths that are self-evident/analytic, follow therefrom or are in accord therewith.237 In *Questio*, *Libellus*, and *A decima quarta* (1512), Almain follows Gerson by affirming that (v) all humans have a natural *ius* or *dominium* only in that which they are obligated by natural law. Notably, Gerson’s position developed from “fus[ing] Ockhamist right with Scotist law to produce a sense of right as a faculty conditioned by an externally given law...”238 Also in *Questio* and *Libellus*, Almain affirms the common view that (vi) self-preservation is an important natural law principle, and then (vii) applies it to political bodies by analogy (e.g., cities, kingdoms). Almain justifies (vii)

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235 Almain cites many others to prove his arguments, as well. But these figures and traditions are the most influential.
236 This view is implicit. Almain is clear that God has ordained that there is natural law in creation and a natural human end. He is also clear that God is radically free, able to do anything non-contradictory. The one exception Almain notes, following Scotus, is that God cannot prohibit love of Himself or make it intrinsically evil (*In tertium*, fos. lxii′, lxiii′). See sec. 2.2.2 below on Almain’s operationalized view of the divine absolute power.
237 See *In tertium*, fos. lxii′, lxiii′, ciiii′, civ′.
238 Brett, *Liberty, Right and Nature*, 122; see 119-121.
in part by citing Aquinas,\textsuperscript{239} but his primary source is likely a tradition initiated by John of Paris and adopted by Nicholas of Cusa and the Parisian conciliarists Pierre d’Ailly and Jean Gerson.\textsuperscript{240} Overall, views i-iv are the most clearly voluntarist (specifically, Scotist), and given their foundational place in Almain’s understanding of the natural order, they are a convincing lens through which to understand views v-vii; this is especially so given that the four works considered here were all written in the same year (1512). Thus, all principles of natural law, \textit{ius} and ends, for Almain, can be understood to have the sovereign will of God as their ultimate source, and they are all contingent, apart from love of God above all qua intrinsically good.

Almain’s views on the supernatural order are also influenced by his voluntarism. For instance, he indicates – either explicitly or implicitly – that by God’s ordinary power, He has freely ordained the following and could have done otherwise: He predestined to eternal beatitude select persons whom He loves more than those for whom “He does not will beatitude,”\textsuperscript{241} and He predestined prior to any foresight or volition concerning the means to that end, that is, Christ’s Passion;\textsuperscript{242} He would accept Christ’s Passion and death for human salvation,\textsuperscript{243} and make reception of grace likewise necessary;\textsuperscript{244} He ordained that “infused faith coincides in an assent of faith,”\textsuperscript{245} and that this assent is meritorious;\textsuperscript{246} and He ordained that mortal sin is simply an act that will

\textsuperscript{239} \textit{Questio}, fos. lxii\textsuperscript{r}-lxiii\textsuperscript{v}; \textit{Libellus}, fos. xlvii\textsuperscript{r}-xlvi\textsuperscript{v}.
\textsuperscript{240} They make this argument so that they can then draw a parallel with the Church: it too has a right to self-preservation rooted in natural law. (See Oakley, “Natural Law, the Corpus Mysticum, and Consent in Conciliar Thought from John of Paris to Matthias Ugionius,” 794ff.) As we will see below, Almain adopts this line of argument.
\textsuperscript{241} \textit{In tertium}, fo. ci\textsuperscript{r}. Almain explains, “to be predestined is nothing other than to have future glory: this argument is formed from Scotus. … It lies open: predestination is none other than a firm will [\textit{firma voluntas}] and a firm design of given beatitude” (\textit{In tertium}, fo. liii\textsuperscript{r}).
\textsuperscript{242} \textit{In tertium}, fo. liii\textsuperscript{r}.
\textsuperscript{243} \textit{In tertium}, fo. lv\textsuperscript{r}.
\textsuperscript{244} \textit{Dictata super sententias Holcot}, fo. iii\textsuperscript{r}.
\textsuperscript{245} \textit{Dictata super sententias Holcot}, fo. v\textsuperscript{r}.
\textsuperscript{246} \textit{Dictata super sententias Holcot}, fo. i\textsuperscript{r}.
result in eternal punishment (i.e., it is not a disorder in the soul), and remission of sin is simply the remittance of that punishment.\footnote{A decima quarta, fos. 3r-4r; Kennedy, The Philosophy of Robert Holcot, Fourteenth-Century Skeptic, 115.}

We can also safely infer that features of Almain’s ecclesiology would fall under divine ordinary power. The Church qua 
\textit{Collectio fidelium} is both a political body and a supernatural body,\footnote{Questio, fo. lxvi\textsuperscript{r}; Libellus, fos. xlvi\textsuperscript{r}, xlvi\textsuperscript{v}. The significance of this distinction will be explained in chapter 3.} and membership therein is required for eternal felicity; this occurs via faith qua belief in Christ, the one mediator, and baptism by water or desire, or by circumcision (prior to Christ). The result is grace and condign merit.\footnote{Moralia, \textit{x}; In tertium, fos. lxxxv-lxxxvi, xxxii\textsuperscript{v}-xxxiii\textsuperscript{v}.} It is also through membership in the Church that one can receive an increase in grace and congruent merit through the sacraments and good works, or sacrifice of the law (prior to Christ).\footnote{In tertium, fo. liii\textsuperscript{r}.} The \textit{Collectio fidelium}, therefore, existed in Old Testament times among those who anticipated Christ and were circumcised.\footnote{In tertium, fo. lxxxi\textsuperscript{v}.} Christ Incarnate later founded the clerical hierarchy and ecclesiastical power or dominion (\textit{dominium}) to help bring about the eternal felicity of the faithful.\footnote{In tertium, fo. lxiii\textsuperscript{r}, lxvi\textsuperscript{r}; Libellus, fo. xlvi\textsuperscript{r}.} Finally, influenced by the aforementioned tradition initiated by John of Paris and the Gersonian notion of \textit{ius}, the Church as a political body has a natural \textit{ius} to self-preservation,\footnote{See Questio, fos. lxiii\textsuperscript{r}, lxvi\textsuperscript{r}; Libellus, fo. xlvi\textsuperscript{r}.} which Almain refers to as a “divine command” (\textit{divino precepto}).\footnote{Questio, fo. lxvi\textsuperscript{r}; see Libellus, fo. lxii[x2].}
point is vital to Almain’s conciliarist case: the Church has a natural ius to defend itself, even from its ruler, the pope.  

2.2 Theological Voluntarism: Absolute Power
2.2.1 Introduction

We have seen that from the thirteenth century onward, the divine intellect and will were discussed in relation to the distinction between God’s ordained and absolute power. The ‘original or “classical”’ understanding of these powers entailed that, post-creation, God does not violate his ordained power; rather, reference to God’s absolute power by these thinkers pertains to what He could have done pre-creation and which is always within His power to do, but which He consistently chooses not to do. Near the end of the thirteenth century, Duns Scotus offered a new formulation of divine absolute power, rooted in an earlier canon law tradition, whereby God’s absolute power is “a presently active and extraordinary power” that can override the ordained order established by His ordained power. Oakley calls this the “operationalized” view of absolute power, and notes that many thinkers, including Holcot, Biel, Mair, and Almain, embraced or tended toward it: their works contain this “Scotistic imprint (though unevenly so).” (Whether Ockham accepted the classical or operationalized account is debated.) This reinforces our view

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255 See fn. 253. This point will be explained in detail in chapter 3.
256 Oakley provides a brief historiography of scholarship that has shown that the ‘original or “classical” meaning possessed by the distinction’ between God’s ordained and absolute power “emerged in the early thirteenth century” and was explained by theologians including, Alexander of Hales, Albert the Great, and Thomas Aquinas (Oakley, “The Absolute and Ordained Power of God in Sixteenth- and Seventeenth-Century Theology,” 446).
258 Oakley, “The Absolute and Ordained Power of God in Sixteenth- and Seventeenth-Century Theology,” 448; see 447-451. Oakley cites Oberman as using the term “operationalization” to signify “the transition from the speculation about what God could have done to what he actually does ‘extra ordinem.’” (Oberman, “Via Antiqua and Via Moderna: Late Medieval Prolegomena to Early Reformation Thought,” 39; quoted in Oakley, 447, fn. 36).
260 The former view is held by Oberman, The Two Reformations, 32; Courtenay, “Nominalism and Late Medieval Religion,” 37-43, and Capacity and Violition, 16-21; Oakley, “The Absolute and Ordained Power of God in Sixteenth-
that Almain’s theological voluntarism is primarily Scotist, although it is very likely that he was influenced in this regard not only by Scotus’ works but through figures like Holcot, Biel, and Mair. Not only was the latter his teacher, but in two of Almain’s commentaries – *Dictata super sententias Holcot* and *In tertium* – Almain engages with the voluntarist thought of Holcot and Biel, respectively.

### 2.2.2 Almain’s Usage

While Almain advances a view in *Moralia* (1510) that is more in keeping with theological intellectualism than voluntarism – the second tablet of the Decalogue forbids certain intrinsically evil acts that God could not make otherwise – and thereafter advances a Scotist view on the natural law in *In tertium* (1512), he is consistent throughout his *corpus* in advancing positions that suggest the operationalized view on divine absolute power.

In *Moralia*, for instance, we saw that Almain considers whether conformity to a moral dictum would entail a real relation, as “Scotus and realists” argue, and he answers in the negative; rather, he agrees with Ockham that such conformity is nothing but an act that is consistent with a moral dictum. The reason Almain rejects the realist view appears to be that it would require that (i) an act “be freely elicited” by God as good, (ii) a person perform that act, and (iii) a relation of conformity be produced. The problem, Almain explains, is that “God is not necessitated to act along with the production of the relation.” That is, it is possible that (i) and (iii) conflict, with the result that God elicits an act, which therefore would be good, but a relation of conformity not be produced, and therefore it not be good. The

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261 See *Embamnata phisicalia*, fo. Ixxvi; *Moralia*, fos. xxxii, xxxiiiv; *Dictata super sententias Holcot*, fos. ii-iii, v-vi; *In tertium*, fos. vii, xxxv, lv; *A decima quarta*, fos. 3-4v, 4v, 23v, 36v, 40v, 41v.

262 *Moralia*, fo. xxxii.

263 *Moralia*, fo. xxxii.
result is a contradiction. While Almain does not use the terms ordained and absolute power here, there does not appear to be a reason why God could not have willed (i), and (iii) given (ii) by His ordained power. Rather, it seems likely that Almain is defending the possibility that God could, by His absolute power, intervene so that (i) and (iii) would not both be true at a given time.

In *In tertium*, Almain presents many examples of his operationalized view of divine absolute power. For instance, he argues that God could hypostatically unite Himself to any creature, rational or irrational, by His absolute power;\(^{264}\) that Christ, by His divinity, could separate from His humanity, deprive it of grace and allow it to sin;\(^{265}\) and he suggests that he accepts Scotus’ view that, while God accepted the Passion of Christ, the God-Man, in reparation for sin, by His absolute power, He could have accepted “another passion of a pure man [i.e., not divine]” instead.\(^{266}\) Similarly, in *Dictata super sententias Holcot* (1512), Almain argues that, by His absolute power, God could deceive human beings\(^{267}\) – a possibility presumably ruled-out by Almain in *Moralia*, given the intrinsic evil of lying. Also, God could ordain that a man receive merit or demerit for anything whatsoever, such as having been under sunlight,\(^{268}\) or even make grace unnecessary for salvation.\(^{269}\) Kennedy has rightly referred to this last view as “implicit Pelagianism.”\(^{270}\) Finally, we can infer that if neither Christ’s Passion nor grace are necessary for salvation according to God’s absolute power, neither is the Church qua Body of Christ and normative medium of sanctifying grace. Overall, while God may be more restricted in what He can do by His absolute power in *Moralia* than in Almain’s later works, the exercise of absolute power in the ordained world is a very real possibility throughout Almain’s *corpus*.

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\(^{264}\) *In tertium*, fo. v\(^\prime\).
\(^{265}\) *In tertium*, fo. xxix\(^\prime\).
\(^{266}\) *In tertium*, fo. lv\(^\prime\).
\(^{267}\) *Dictata super sententias Holcot*, fos. iv\(^\prime\)-v\(^\prime\).
\(^{268}\) *Dictata super sententias Holcot*, fo. ii\(^\prime\).
\(^{269}\) *Dictata super sententias Holcot*, fo. iii\(^\prime\).
2.3 Anthropological Voluntarism: The Will & Individual Human Beings

2.3.1 Introduction

Theological and anthropological voluntarism frequently complemented each other, as did theological and anthropological intellectualism.\(^{271}\) In both forms of intellectualism, as Aquinas explains, the intellect precedes and moves the will by presenting to it its object, the good. In the case of God, the divine intellect recognizes God’s intrinsic goodness, which moves His will. In the case of human beings, “that which is apprehended as good and fitting, moves the will by way of object.”\(^{272}\) In both forms of voluntarism, in contrast, the will precedes the intellect and is considered the ultimate explanation for decisions: it is superior to the intellect, is not bound by its dictates, and is the source of freedom.\(^{273}\)

According to Williams, anthropological voluntarism became common in Franciscan moral thought in the 1270s.\(^{274}\) As Scotus had advocated voluntarism with respect to God, so too did he advocate anthropological voluntarism. From his early works onward, he accepts that the will can act contrary to the intellect, and while his view on the role of the intellect in the will’s action underwent development, in his mature works, he accepts the view of Henry of Ghent that “the will is the total cause of its act and the intellect’s presentation of an object [is] merely a \textit{sine qua non} condition”; thus, it is the will’s discretion to accept or reject that object.\(^{275}\) This needs qualification, however, for the will does have some important restrictions as a result of having a two-fold appetite: one natural and the other “free willing” (\textit{liberum velle}). The will’s natural appetite

\(^{271}\) As Aquinas, an intellectualist, explains: “There is will in God, as there is intellect: since will follows upon intellect. For as natural things have actual existence by their form, so the intellect is actually intelligent by its intelligible form…. Hence in every intellectual being there is will, just as in every sensible being there is animal appetite. And so there must be will in God, since there is intellect in Him. And as His intellect is His own existence, so is His will” (\textit{ST} I, q. 19, art. 1). For Scotus, a voluntarist, “free choice applies univocally to God and man” (Pabst, \textit{Metaphysics: The Creation of Hierarchy}, 299).

\(^{272}\) Aquinas, \textit{ST} I-II q. 9, art. 2; see \textit{ST} I, q. 19, q. 82; I-II, q. 9, art. 1.

\(^{273}\) See Williams, “The Franciscans,” 168-9, 171ff.

\(^{274}\) Williams, “The Franciscans,” 171.

\(^{275}\) Williams, “The Franciscans,” 173; see 172.
inclines it toward the good as its own perfection, whereas free willing is simply the operation of the will, whereby it actively wills. This division, moreover, appears connected to another Scotist distinction, this time between two affections of the will: “affection for advantage” (affectio commodi) – the will’s natural inclination to its own good or perfection – and “affection for justice” (affectio iustitiae) – by which the will can seek beyond its own good to the good itself.\textsuperscript{276}

According to Scotus, humans can only will what they apprehend to be good and will-against what they apprehend to be evil. In the case of perfect happiness, for instance, “an object in which there is good and no evil—we can refrain from willing it, but we cannot will-against it.”\textsuperscript{277} But again, this is not because the intellect moves the will to the good – it does not; it simply presents the good that it apprehends. Rather, this occurs due to the will’s intrinsic inclination. In these ways, Scotus is a fairly moderate voluntarist. There are more radical.

Just as Ockham advocated theological voluntarism, he likewise advocated anthropological voluntarism.\textsuperscript{278} In fact, Ockham thought that, since humans are created in the imago Dei, they are primarily free and willful, rather than rational.\textsuperscript{279} And Ockham pushed this voluntarism to an extreme: human beings can will or will-against everything, including that which is perceived to be the good and will enable happiness. In this way, the will is not only superior to the intellect but is

\begin{footnotes}
\textsuperscript{276} Drummond, “John Duns Scotus on the Role of the Moral Virtues,” 63ff., esp. 66-67. Scotus borrows the language of these two affections from Anselm of Canterbury, but he employs them in a different way (p. 66, fn. 53).
\textsuperscript{277} Williams, “The Franciscans,” 175.
\end{footnotes}
radically indifferent to its object. After Ockham, many moderni were anthropological voluntarists too, although their views took different forms.

### 2.3.2 Almain’s Usage

Almain advances forms of anthropological voluntarism across his corpus. The first, articulated most clearly in *Moralia*, is eclectic, largely influenced by Scotus, but also Buridan and Ockham. According to this position, the “effectual will” (i.e., the will as put into effect) is divided into two parts: an internal act, which is the source of goodness (and frequently evilness), and an external act, which naturally follows the internal act, putting it into effect, unless there is an impediment. The internal act alone can exercise freedom, while the external act is natural. But what exactly does it mean for the internal act to be free? Almain follows Scotus in arguing that the will has two inclinations: one is “natural” and the other is “truly free.” The former belongs to the “essence” of the will and is an inclination to “undertake its [i.e., the will’s] operations as [its] own perfections.”

“Perfection” is synonymous with “good,” and it can refer to a thing’s end. The “ultimate end” and inclination of the will is God, just as the supernatural end of man is eternal.

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Whether Ockham thought that human beings nonetheless have a natural inclination to the good is debated. Farrow argues that “The freedom of the will lay in its supposed indifference, in its lack either of inherent dispositions or of external compulsions, in its capacity to do evil as well as its capacity to do good” (*Theological Negotiations*, 174-5). Spade, in turn, argues that human beings, for Ockham, are intrinsically inclined to the good, even though the will is free to accept or reject it, as well as to accept or reject evil as evil (“William of Ockham,” *Stanford Encyclopedia of Philosophy*).

281 Evil acts can also be due to other factors, such as an error by the intellect.

282 *Moralia*, fos. i_r, v_r.

283 *Moralia*, fo. v_r.

284 *A decima quarta*, fo. 184v.

285 *Moralia*, fo. xxvii_r.
felicity with God.286 “Good” can also be understood in a broader sense, as the three-fold “reasons of goodness”: utility (utilis), pleasure (delectabilis), and virtue (honestus).287

In contrast to the natural inclination, the “truly free” inclination of the will is an accidental quality, and “is nothing other than to will and not will” (velle & nolle).288 Significantly, however, “true” freedom does not provide an indifferent choice, contra Ockham, for the will “is not able to take upon itself those [things] against its natural inclination.”289 For instance, the will cannot refuse an object in which there is no “reason of evilness” (ratio malitie[s]), and likewise, it cannot will an object in which there is no “reason of goodness” (ratio bonitatis). Here, Almain differs from Scotus for whom the will cannot will against a perfectly good act but can suspend action, not willing at all. Rather, as Almain explains, the view he supports is “a common opinion” held by “all antiqui,”290 including Aquinas, but also Buridan. And Almain suggests that he is following his fellow modernus in particular: “Truly Buridan proves his own dictum.”291

This does not mean, however, that the will must choose the good because it is moved by the intellect. Indeed, in this regard Almain appeals to Ockham contra Aquinas and rooted in a voluntarist understanding of virtue: “Whence if an act of the will which is conformed to a prudential dictum of the intellect by necessity follows that dictum…, by necessity choice follows in the will; [but] such choice is not by the first [internal act of the will] praiseworthy, that is to say, with true praiseworthiness. But this is false.” That is, Almain accepts as a premise that acts are virtuous and praiseworthy due to the free exercise of the internal act of the will; but if it is obligated

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286 In tertium fo. ciii²; Libellus, fo. xlix².
287 Moralia, fo. lxxxvi³.
288 Moralia, fo. v⁴.
289 Moralia, fo. v⁴.
290 Moralia, fo. lxxxviii⁴.
291 Moralia, fo. lxxxvii⁵.
to follow the intellect, it is not free. Rather, it would be like the external act of the will and be “pure nature.”

This would seem to leave Almain in a tension, for he contends that the will is free qua able to will and not will, and not necessitated by the intellect to act (like “pure nature”) and yet it is not able to act against the natural inclination to the good. Despite his assertions that the will is free, does not the natural inclination bind it in a manner that he refuses to allow for the intellect? This tension seems resolvable for two reasons. First, recall that the will’s “truly free” and natural inclinations are both features of the same will. In this way, the will is free in the sense that no outside source can force it – at least not its internal act – to a particular outcome; therefore, it is not the case that the will is moved by the intellect to will or not will \( x \). To the contrary, “the operation of the will is moved by means of itself” (\( fertur ipsa \), e.g., its inclinations). The intellect does, however, normatively provide the will with necessary information, and as such is needed for an act to be “formally voluntary”; thereafter, the will decides how to act based on its own inclinations. As Almain argues, “just as [Sortes] should love Plato, nothing leading the way of necessity is required except knowledge of that man, chiefly under that reason of the good [\( ratione boni \)].” This appears similar to the mature Scotus’ view that the object presented by the intellect to the will is a \( sine qua non \) operation that does not necessitate the will to act as such in any particular way. This would, nonetheless, suggest that the intellect precedes the will and, in a sense, has priority, but Almain indicates that this is not actually the case. For the will directs the intellect

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292 *Moralia*, fo. lxxxvii’.
293 *Moralia*, fo. i’; see fo. lxxxvii’.
294 *Moralia*, fo. iii’.
295 *Moralia*, fo. ii’.
to provide it with information: “operations of the intellect are first [per prius] in the power of the will as operations of the same will.”

If the will is not necessitated to follow the intellect as such, but “is not able to take upon itself those [things] against its natural inclination” to the good, for what reason do people commit evil acts or omit good ones? Sometimes it is due to an error of the intellect. To this end, Almain cites Ockham that evils can occur due to ignorance, “because the badness of man blinds the intellect.” “Yet,” he continues, “it is not necessary [that] error always be [due to] blindness itself.” In this regard, it seems likely that Almain accepts the views of Buridan, which he cites, that as long as a given object is not understood to be perfectly good and lacking all evil, the will does not have to will it. Thus, if an object is judged useful, pleasurable, or virtuous but not all three; if it is judged to be good “following universal reason of goodness” (ratione[m] universale[m] bonitatis) but “not following some particular reason,” that is, utility, pleasure or virtue; or, if it is judged to be good following universal reason and every particular reason of goodness, but “not with certainty” but only “opinion,” the will does not have to will it. If Almain does hold this view, as seems likely, his assertion that the will cannot “take upon itself those [things] against its natural inclination” can be understood as follows: with the exception of an object taken to be perfectly good, the will is not bound to will anything, but it also cannot actively will against that which is taken to be a good, however imperfect. This may explain an evil caused by omitting a good act, in particular.

296 Moralia, fo. lxxxviiɹ.
297 Moralia, fo. iiiɹ.
298 Moralia, fo. lxxxviiiɹ.
299 Moralia, fo. lxxxviɹ.
300 Moralia, fo. lxxviɹ-lxxxviiɹ.
Elsewhere in *Moralia*, Almain explains that “evilness is a privation of rectitude owed at that time”301 – for God, by his absolute power, could will something to be good that was formerly evil.302 For an act to be evil, therefore, it may have a defective “good circumstance” (*circumstantia*) that is, a privation of rectitude owed at that time “to an act or the will” (e.g., one’s intention). Almain gives the example of someone who helps a poor person but not on account of God, for which reason it is an evil act.303 Overall, then, we have seen evil acts that are, in effect, omitted good acts, either because no act is commanded by the will at all, or the will or commanded act lacks rectitude.

While evil acts can occur due to an error of the intellect, Almain’s emphasis on the will leads him to hold that there is no sin where there is no error on the part of the will: “every sin presupposes a share of freedom.”304 This is in line with Ockham and other *moderni*, and contra Aquinas.305 Similarly, an act is praiseworthy or virtuous only if it is a free act of the will.306

While Almain advances his most original form of anthropological voluntarism in *Moralia*, he engages with two other forms elsewhere: a more exclusively Scotist position in *A decima quarta*, and an Ockhamist position in *Dictata super sententias Holcot*.

In *A decima quarta*, Almain follows Scotus in asserting that the will has an “affection for advantage” (*affectionem co[m]modi*), which is its natural inclination, and an “affection for justice, which is following right reason.” The affection for justice is the will’s “liberty” or “free will,” precisely because it allows the will to choose following right reason;307 without it, one would choose by necessity what the intellect reveals to be advantageous (or good) for oneself, that is,

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301 *Moralia*, fo. xxxii\*.
302 *Moralia*, fo. xxxii\*.
303 *Moralia*, fo. xxxii\*; see fos. xxxiii\*, xxv\*–xxvi\*, *Libellus*, fo. xlviii\*.
304 Couture, *L’Imputabilite Morale*, 70; see 71, 208, 213.
306 *Moralia*, fo. i\*; *In tertium*, fo. lxviii\*.
307 *A decima quarta*, fo. 7\*. 
fitting and enjoyable. As a result of these two affections, the will can do either: follow its natural inclination or follow right reason.\textsuperscript{308}

Almain is clear what the object is of affection for advantage, but he appears to take it for granted what the object is of the affection for justice, which right reason reveals. This is likely because only a handful of folios earlier, at the beginning of \textit{A decima quarta}, Almain discusses two forms of justice, habitual and actual, and he identifies conformity to a dictate of right reason with actual justice: “actual justice is rectitude existing in an elicited act conformed to a right dictate, as I hold this dictate that this is to be done, and I conformibly will to act toward that judgment. Such conformity to a right prudential dictate is called actual justice. Whence actual justice, rectitude, [and] conformity to a right dictate are the same.”\textsuperscript{309} If this interpretation is correct, then the affection for justice is affection for actual justice. We will see the significance of this when we discuss political consent in chapter 4.

In \textit{Dictata super sententias Holcot}, Almain engages with a third, more radical and largely Ockhamist form of voluntarism via Robert Holcot’s commentary on the \textit{Sentences}. In his text, Almain considers whether the will would be able to act contrary to a “perfect and full judgment.” Aquinas, he explains, argues no: such a judgment would be “evident” and, therefore, “naturally caused”; it would “cause an act of the will similar to it.” However, Almain explains, this would mean that the act of the will would not be in its own power and, therefore, that its act would not be meritorious. For this reason, and on account of an unspecified “Parisian article,” Almain argues that “it seems more probable to me” that the will is able to act contrary to “a particular, perfect and

\textsuperscript{308} \textit{A decima quarta}, fo. 7'; Lee, “Scotus on the Will,” 43-44.
\textsuperscript{309} \textit{A decima quarta}, fo. 1’. This corresponds also with his understanding of dominion or \textit{ius}, according to which right reason reveals one’s rights and duties under law (e.g., natural law).
By emphasizing the power of the will in this way, Almain maintains a voluntarist position. Is it moderate, though, as in *Moralia* or *A decima quarta*?

Almain explains that “the will is called ‘free’ in three ways”: it can will $x$ or not will $x$ (freedom of contradiction), it can will $x$ or $y$, the opposite of $x$ (freedom of contrariety), and “it is not more inclined to one act…than to its opposite” (freedom of indifference). Almain is not offering his position here as such, but providing positions. It was common to distinguish between freedom of contradiction and contrariety (e.g., Scotus, Mair), whereas freedom of indifference is a squarely Ockhamist position. To determine Almain’s leaning in this text, therefore, we will consider his view on this latter form of freedom.

Almain considers what the will can and cannot do when presented with an object that is evil “under every mode of reason. Thus…nothing appears [under] the reason of goodness,” such as supreme misery. Is the will able to choose it? Almain notes two positions: according to the first, rooted in Aristotle, the will is not able to choose this object, because “the good is assigned [as] the object of the will,” that is, as its “disposition” or inclination. And the object in question is completely evil. Almain then explains that there is an opposing view held by Ockham in his commentary on book three of the *Sentences*: if the will could not choose a completely evil object, then a person could not merit for having not willed it, but this is false. Therefore, the will can choose a completely evil object. Almain continues, “When it is said that a good is the object of the will,” according to Ockham, it is referring to a “transcendent good as it is converted with being.” In Ockham’s commentaries on books one and three, he ‘defines transcendental goodness not as “being considered as proper object of appetite” but as “being considered as willable or lovable…”’

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310 *Dictata super sententias Holcot*, fo. xii′.
311 *Dictata super sententias Holcot*, fo. v′.
313 *Dictata super sententias Holcot*, fo. vi′.
respectively, due to an object’s natural goodness. Thus, Almain would seem to mean that, for Ockham, “a good is the object of the will” when the will finds a given object willable and/or lovable. While “natural goodness supplies the agent with a reason to will it,” though, freedom of indifference means that the will is not naturally inclined to that good and, thus, can consciously will against it with full knowledge.

What view does Almain accept? He does not say. He does, however, critique Ockham’s arguments – in particular, his argument on merit – while leaving the intellectualist position unchallenged. It seems likely, therefore, that Almain’s view mirrors that in *Moralia*: the will has a natural inclination to the good, and cannot choose evil qua evil. Would not his view mentioned above that the will can act contrary to a particular, full and perfect judgment suggest otherwise, though? Not necessarily. For Almain’s concern there is to affirm that an act of the will is within its own power, that is, that it does not act because the intellect presents it with a judgment, however unimpeachable it may be, but on its own accord. Almain, moreover, does not indicate the nature of the judgment, whether it is fully or partly under reason of goodness or evilness. In *Moralia*, for instance, the will is naturally inclined to the good, yet, it can reject an object if it is not understood to be perfectly good. This (or something similar) may also be the case here.

### 2.4 Anthropological Voluntarism: The Will & Social Bodies

The parallel between the divine and human meant for many that the intellect-will relationship in God complements that found in humans; hence, for voluntarists in general, the will has priority and supremacy over the intellect in both cases. Some, however, pushed the parallel

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316 *Dictata super sententias Holcot*, fo. vi‘.
further. In particular, the distinction between divine ordained and absolute power was applied by some to human rulers, such as kings and popes, and was operationalized. That is, absolute power became a real power of rulers that could override established positive law, and this occurred before the operationalized form of the theological distinction became influential. For instance, the canonist Hostiensis (d. 1271) refers to papal plenitude of power as the pope’s absolute power, by which he can dispense from provisions of his ordained power, that is, the norms of positive canon law and divine law to which he is normatively bound, with good cause. The pope cannot, however, repeal or change a divine law. While Hostiensis held that the pope needed good cause to dispense from the ordained law, later thinkers who applied the distinction between absolute and ordained power of rulers did not always require it.317

While Almain clearly accepts the distinction between divine ordained and absolute power, including the operationalized form of the latter, he rejects attempts to apply the distinction to human rulers, such as the pope. For instance, he writes in Questio that prelates and titulars have a “true right” (verum ius) to maintain their benefices “of which no one who is unwilling can be deprived without reasonable cause.” Yet the contemporary pope, he claims, exercises “that absolute power [potestate absoluta] over our prelates,” illegitimately depriving them.318 Almain also indicates in Libellus that no purely human community is perfectly royal, such that the earthly ruler is absolutely superior to the whole community and able to rule legitimately by his will alone (i.e., without any other source of law). The only possible ruler is Christ, because He “is thought” to be (censetur) “indivertible” (indevia[bi]lis) in the exercise of His will – presumably His

318 Questio, fo. lxiiiiv.
Notably, there is no prerequisite that a ruler of a perfectly royal community be righteous or have any other quality than this “indivertible” will. In reality, for Almain, the ruler of every political body has authority that derives from the collective authority and consent of the people (either each individual or his representative).

2.5 Section Conclusion

In this section, we have seen that Almain is a fairly traditional theological voluntarist. By 1512, his views on divine ordained and absolute powers largely follow Scotus, as well as Gerson and a tradition initiated by John of Paris. Almain holds that the divine will precedes and is superior to the intellect, and that God is bound solely by the principle of non-contradiction and love of Himself. Yet, God freely chose to create the world with natural order, including natural ends and natural law, including the *ius* to self-preservation, which binds political bodies, including the Church, by analogy. This is central to Almain’s conciliarism. By his ordained power, God also ordered the supernatural order by which membership in the Church qua *Collectio fidelium* is necessary for salvation. With the exception of love of God qua intrinsically good act, though, all of this could change by God’s absolute power.

On anthropological voluntarism, Almain is fairly moderate and again is influenced primarily by Scotus; to a lesser extent, the imprint of Buridan and Ockham is also discernable. The will, for Almain, precedes the intellect and is superior thereto, is not bound by the intellect’s dictates as such, and is the ultimate explanation for decisions, including why certain sinful, virtuous or meritorious acts occur. However, the will does not choose indifferently; rather, *in Moralia* and *A decima quarta*, it has a natural inclination to the good, and advantage and justice,

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319 *Libellus*, fo. xlvi°.
320 See, e.g., *Libellus*, fo. xlvi°. See ch. 4, sec. 2.3.3.
respectively; it cannot will evil for evil’s sake. Almain’s view in *Dictata* is less clear but appears similar.

Our study – in particular, the link in Almain’s thought between the will and the good qua its end and natural inclination in *Moralia* – complements our earlier observation that Almain’s view on natural *ius* (in a subjective sense) is linked to obligation and natural *ius* or *lex* (in an objective sense). Brett makes this latter point in her own study on natural *ius* and *lex* in Almain’s *Libellus, Questio* and *A decima quarta*. She then concludes based on this and related points that “Almain cannot be subsumed under any sweeping category of ‘nominalist-voluntarist.’”\(^{321}\) Indeed, Almain is not a radical on this front. If this is all Brett means – and it seems that it is – then she is surely correct. However moderate his anthropological voluntarism/s might be, though, Almain is a thorough-going anti-realist and voluntarist, both theologically and anthropologically, and does fall squarely within the “nominalist-voluntarist” camp. Moreover, this impacts his political theology, as we will see in chapter 4.

**Chapter Conclusion**

In this chapter, we have navigated Almain’s many uses of the *Via moderna* and how they are interconnected. Like Ockham and other *moderni*, Almain’s anti-realism entails rejecting the following: common natures and forms, that wholes are distinguished from the sum of their parts, that real relations are distinct from absolutes, and that all ten Aristotelian categories are based in extra-mental reality. Put positively, it entails the existence of only singular natures that are equivalent to the things that have (or are) them, that any whole is identical to the sum of its parts, that real relations fall under substance or quality, and that only substances and qualities exist extra-

mentally. Almain, who holds that being and existence are synonymous, likewise suggests that he embraces univocity of being, by which God and all creation have being in the same sense.

Almain’s terminist logic, in turn, includes signification, supposition, and syncategoremata: tools for understanding how words and concepts are linked to this ontologically simple extra-mental reality. In this regard, Almain again follows Ockham and other moderni in holding that: terms signify extra-mental things; simple supposition, which is rarely used, applies to concepts (not extra-mental common natures); personal supposition applies to particular extra-mental things; and relational terms (e.g., filiation) supposit for substances or qualities. Two common syncategoremata within logic that are also significant for Almain are “whole” (totus) and “all/every” (omnis), both of which can be wholes-in-quantity (e.g., omnes two apostles of God), and taken categorematically/collectively or syncategorematically/distributively. These are not tools for anti-realism per se – realists could use them too – but they complement Almain’s anti-realist mereology, helping to articulate the connection or distinction between parts of a whole.

By 1512, Almain embraces forms of voluntarism that are primarily influenced by Scotist traditions: a traditional theological voluntarism with radical elements – the will precedes the intellect, love of God is the only intrinsically good act, and the divine absolute power is operationalized – as well as moderate anthropological voluntarism/s – the will precedes the intellect; it has a natural inclination to the good and cannot will against what is taken to be perfectly good (Moralia), or it has affections for advantage and justice (A decima quarta); and human rulers do not have an absolute power. Overall, therefore, there is not a complete parallel between the divine and human exercises of the will, but they nonetheless work in tandem, the latter subordinate to the former. Voluntarism, moreover, is not strongly linked to other tenets of the Via moderna in Almain’s thought, but there are some connections. In particular, the natural order is ontologically
simple by the ordained power of God; and in one case, Almain rejects a real relation as distinct from absolutes (viz., conformity to a moral dictum) by, it seems, appealing to the divine absolute power (God may declare $x$ good but not create a relation to correspond to it, resulting in a contradiction. Conformity, thus, is simply an act).

Overall, Almain embraces an ontologically simple extra-mental reality, in which the connection between particulars is not ontological, but conceptual or semantic (e.g., common natures; relations of reason; “semantic continua”), forensic/legal (e.g., some relations of reason; common obedience to dictates of $ius$, $lex$, the good) or rooted in mutual consent of wills (e.g., use of social bodies’ authority).

Almain’s use of sources also bears consideration. As should now be clear, he engages thoroughly with fellow moderni, including Ockham, Buridan, Biel, and Holcot. He also engages with non-moderni too, including Aquinas and, of course, Scotus. His two primary sources in articulating his modern views are mixed: one modernus (Ockham) and one non-modernus (Scotus). This engagement with Ockham and Scotus, moreover, extends beyond Almain’s explicitly modern views and can be seen throughout many of his works.\(^{322}\) It was also likely the reason why some thought Almain was a Franciscan within only c. thirty years of his death.\(^{323}\) Significantly, it has been shown that the Via moderna school in early sixteenth-century Paris tended toward eclecticism in sources and, to some degree, views. Moderni did not rely as exclusively on the thought of other moderni as, say, Dominicans relied on Aquinas and Albert the

\(^{322}\) E.g., Almain engages frequently with Scotus in *A decima quarta, Embammata phisicalia, and In tertium*; and with Ockham throughout *Expositio* and *In tertium*.

\(^{323}\) This is Launoy’s speculation. He notes that Conrad Gesner thought Almain was a Franciscan in his *Bibliotheca universalis* (1545-9) (Regii Navrae Gymnasti Parisiensis Historia, 614).
Great. In fact, one frequently invoked non-*modernus* was Scotus.\(^{324}\) In this way, Almain’s use of sources, like much of his thought, is quite typical of the *Via moderna*.

Finally, we have begun to consider how various features of Almain’s modern discourse affect his political theology, including ecclesiology. This will be our main focus in chapter 4.

CHAPTER 3
THE NATURE OF A COMMUNITY:
LEGAL & PHILOSOPHICAL PERSPECTIVES

Introduction

This chapter will focus on Almain’s political theology. We will first outline some key principles, including what political theology entails, as well as some central features of political bodies or communities – both pure and non-pure forms (e.g., commonwealths and the Church, respectively) (section 1). Then, we will review a series of scholarly views on Almain’s thought (section 2); viz., the nature of ecclesiastical and purely political bodies, the origins and exercise of civil dominion, as well as the nature of political consent, the common good, and ecclesiastical unity. This discussion is significant for two reasons. First, our introduction to Almain’s political theology and extended review of major scholarly positions is the first of its kind. Second, it will provide a foundation for chapter 4, in which we will critique these scholarly views and offer alternatives rooted in Almain’s “modern” discourse: terminist logic, anti-realism, and anthropological voluntarism/s.

1. Almain’s Political Theology: Key Principles

Almain’s political theology focusses on the origins, natures, and powers of “political” bodies, also called “natural” or “civil” communities,¹ and their representative institutions (e.g., councils). This includes communities that are “purely” political, such as commonwealths, as well as those that are not purely so, the Church. In this way, Almain’s ecclesiology is a sub-discipline of his political theology. This is not overly surprising, though, for Almain wrote many works – especially those in political theology – as a conciliarist, and “conciliar theory,” as Oakley explains,

¹ Almain tends to use “political,” “natural” and “civil” interchangeably when discussing political societies. See below.
borrowing from Figgis, “was not only an ecclesiological but also a political theory,”² one in which the Church was taken to be “one of a class [of] political societies.”³

Brett argues that, for Almain, “the ecclesiastical society cannot be denied to be a perfect society [i.e., self-sufficient]; but this perfection is analogous to that of the civil society.”⁴ However, Almain actually follows earlier thinkers⁵ by indicating subtly and axiomatically that the Church is both a mystical or supernatural community and a political, natural or civil one. In Questio, Libellus and Expositio, for instance, he compares the ecclesiastical polity to “a purely civil polity,”⁶ “a purely natural polity” and “a purely civil and natural polity.”⁷ In Expositio, he refers to the Church’s “purely ecclesiastical power,” instituted by Christ,⁸ and in Libellus, he argues that the Church has certain powers (namely, to remove a destructive ruler) by natural law.⁹ Finally, in Libellus he writes, “the collection of the faithful in Christ is not only a political body and ordained to a natural end, which is to live according to virtue, but also is Christ’s mystical body and ordained to a supernatural end, namely, eternal life.”¹⁰

A number of earlier conciliarists, including fathers at the Council of Basel, argued that the Church is both mystical and political: if considered as a mystical body, Christ is head, and if considered as a political body, the pope is ministerial head.¹¹ Almain does not make this

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⁵ For discussion on many, varying views, see Oakley, “Natural Law, the Corpus Mysticum, and Consent,” 794ff.
⁶ *Questio*, fo. lxvi⁰; *Libellus*, fo. lxⅰ⁰; *Expositio*, fo viⅰ⁰.
⁷ *Libellus*, fo. lxiⅰ⁰.
⁸ *Expositio*, fo. iiiⅰ⁰.
⁹ *Libellus*, fo. lxiⅰ⁰.
¹⁰ *Libellus*, fo. xlviⅰ⁰.
¹¹ As argued by Cracow University (1442): “The Church may be regarded in two ways: first, as a mystical body, and in that way it is regarded as ruled by Christ…this is a true body living by a spiritual life…Secondly the church may be regarded as a political body, in which case it is regarded like any other society or state…In this sense, it could be considered proper to call the pope the head of the church” (quoted in Black, *Monarchy and Community*, 14; emphasis in original). Black further explains, “The church as a whole, the mystical body of Christ, was jurisdictional sovereign [for the Baslean fathers]; the church in its dispersed form, which they called a ‘political body’ (meaning that in this respect the church was just like any other society) was subordinate to the pope.” Black calls this distinction between
distinction, though. Rather, the same body for him appears to be both mystical and political under one “true and principal” head, Christ, and his subordinate, the pope, whose authority is ministerial. In this sense of being under Christ, Almain can say, “the Church is one mystical body of which the pope is head.”

With these clarifications in place, we will proceed to do three things: first, explain the organic analogy (section 1.1); second, address features of political bodies in general (section 1.2); and third, consider features of the one mystical body in particular (section 1.3).

1.1 To be a “Body”: The Organic Analogy

An important feature in Almain’s political theology is the organic analogy, a motif made prominent in the Christian tradition by the Pauline Epistles: the Church is the Body of Christ formed of many members and with Christ as head. Up through the early medieval period, the term “mystical body” (corpus mysticum) was applied to the Eucharistic host; in the eleventh century, the term “true body” (corpus verum) was increasingly used as well, and by the thirteenth century, it overtook “mystical body,” which came to refer to the Church instead. At the same time, “mystical body” took on more socio-political associations, such that the Church, as a mystical body, came increasingly to be seen socio-politically, and political communities came to be called “mystical bodies.” Thomas Aquinas contributed to this development by applying the organic metaphor with particular emphasis to both civil and ecclesiastical commonwealths. At the same time, he maintained the distinctiveness of the two: “only the civil commonwealth was a corpus mysticum, and the two senses of the Church “the essence of Baslean Conciliarism” (p. 14). See also Oakley, “Natural Law, the Corpus Mysticum, and Consent,” 802-3; Tinteroff, “The Councils and the Holy Spirit,” 144.  

Expositio, fo. vi; see In tertium, fo. xxxiiii.  

See Rom. 12:4-5; 1 Cor. 12:12-31; Eph. 1:22-23, 3:6, 4:1-16; Col. 1:18, 2:18-19.  

Kantorowicz, The King’s Two Bodies, 195-203, 207ff.
politicum.” Influenced by Aristotle, it was of natural origin and bound by natural law, “while the Church, as a corpus mysticum, the mystical body of Christ,” was of supernatural origin and bound by divine law.\textsuperscript{15}

Almain, too, applies the organic analogy to the Church specifically,\textsuperscript{16} and political bodies in general. For instance, in Questio, he says that “any community of people mutually associating is like one body of which the individuals [singuli] are members one of another [Rom. 12:5].”\textsuperscript{17} In Libellus, Almain uses almost identical language, “…any community of people mutually associating [conversantium]\textsuperscript{18} in a civil context…is like one body of which the individuals [singuli] are members one of another [Rom. 12:5].”\textsuperscript{19} In his discussion of self-defence, Almain also cites Aquinas, arguing that, just as a human person – a natural body – can and ought to cut off a corrupt member (i.e., body part) if necessary for the health of the body, so too can and ought a community qua one body cut off (i.e., kill) a member harmful to it. Indeed, for Almain, both human and political bodies have the natural ius (i.e., right and duty) to do so.\textsuperscript{20}

While Almain is, therefore, influenced by Aquinas, he goes further by applying the argument to the Church qua political body. In this way, he follows other thinkers, including John of Paris and a number of conciliarists, such as Pierre d’Ailly and Jean Gerson, who drew quite extensive parallels between ecclesiastical and political bodies. In particular, these thinkers, including Almain, treated

the Church less as a unique and mysterious community of salvation than as one of a class of rightly ordained societies, by focusing their attention on ecclesiastical power under its most unambiguously political guise, by disengaging their

\textsuperscript{16} E.g., Expositio, fo. vi’; see In tertium, xxxii’-xxxiii’, lxxxi’; Libellus, xlvi’.
\textsuperscript{17} Questio, fo. lxxii’.
\textsuperscript{18} Brett, following a different edition with “co[ ]versantiu[m],” argues that this word should be understood as “co[ ]versantiu[m]” (Liberty, Right and Nature, 118, fn. 96). However, other editions of Libellus explicitly state “conversantium” (e.g., Libellus in Opuscula, fo. xlvi’), and this matches parallel texts in Questio (fo. lxii’, lxvi’).
\textsuperscript{19} Libellus, fo. xlvi’.
\textsuperscript{20} Questio, fo. lxii’.
See Aquinas, ST II-II, q. 64, art. 2; Libellus, fo. xlvi’.
essentially constitutionalist theories from the particularizing elements of ecclesiastical, national, and regional law or custom, and by bringing them into connection with the more universal mandates of the natural law.\(^{21}\)

As Almain indicates, every political community, at least those that are “perfect” – borrowing the Aristotelian concept meaning “self-sufficient” – including the Church, has the natural *ius* or dominion to self-preservation, which it is not able to reject.\(^{22}\) In fact, any such community can exercise it even against its ruler, deposing him, “if he rules not unto [its] edification but destruction, because such power is natural.”\(^{23}\) And if this does not stop his destructive behaviour, the community can execute the former ruler.\(^{24}\)

### 1.2 Political Bodies

Almain’s claim, then, that the Church is a political body is a strategic part of his conciliarist argument. It also has profound implications for his ecclesiology and political theology more broadly, because it means that that which is true of a political body is, with important exceptions, true of the Church, and that which is true of the Church qua political body is true of other such bodies. There are also parallels between a political body and the Church qua mystical body.

Before exploring these connections, though, we need to elaborate further on what being a political body involves. Central to this discussion is dominion. In *A decima quarta*, Almain explains that it is:

> nothing other than a right/duty [*ius*] of using something following right reason. And *ius* (as Gerson says) is nothing other than an immediate power [*potestas*] or faculty [*facultas*] corresponding to someone following the dictate of right reason. And dominion [*dominium*] is that corresponding *ius*: and *ius* is that *facultas*. Dominion,

\(^{21}\) Oakley, “Natural Law, the *Corpus Mysticum* and Consent,” 805.  
\(^{22}\) *Questio*, fo. lxiii\(^{v}\).  
\(^{23}\) *Questio*, fo. lxiii\(^{v}\).  
\(^{24}\) *Libellus*, fo. lxiv\(^{v}\). The context of this passage is the Church, but Almain indicates that the power to remove the pope from office and execute him if necessary is a power the Church has naturally, as one among other political bodies. That said, the Church also has the power to excommunicate and depose (but not execute!) a pope by its ecclesiastical dominion in the external forum (see *Questio*, fo. lxv\(^{v}\), lxvi\(^{v}\)).
therefore, in general is that faculty or power by which someone is able to use a thing immediately, either by renting, or selling, or consuming it etc., following the dictate of right reason. Whoever, therefore, has the *ius* to use something following a right dictate has the immediate power corresponding to him following right reason: and such a person is said to have *ius* and dominion in that thing.  

Thus, dominion is synonymous with *ius* in the sense of a power – a view Almain holds from his earliest political theology work, *Questio*, to *Libellus*, and *A decima quarta*, all of which were written c. 1512. While Almain’s definition suggests that dominion is limited to objects, its scope is actually broader. It is a form of valid authority to act on or have authority over an object or person, and it can be held by “individuals or groups.” Finally, Almain explains that “the genus of dominion is fourfold: natural, original, evangelical or charitable, and civil.”

Significant for our purposes is civil dominion of which there are two forms: jurisdiction and property, which were granted by God through natural law and are held by political communities. Dominion of jurisdiction includes the power to make a judgment, put it into effect, and punish those who violate it; ensuring peaceful living in the community is a particular priority. Dominion of property, in turn, entails appropriation of private property; who obtains what, though, is based on the positive human law of the community. These forms of dominion are then transferred non-irrevocably to a ruler (or rulers) by the consent of the people for the common good.

Almain refers to the good or end of a political body, its dominion and citizens using similar, general terms, including the “common good,” “common utility,” “edification,” and “health” of the

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25 *A decima quarta*, fo. 48r.  
27 McGrade, “Jacques Almain: Introduction,” 14; McGrade argues that, based on *Questio*, “We must now think of rights [*iura*] as capacities for action possessed by individuals or groups, rather than as their due in an impartial distribution...” (“Jacques Almain: Introduction,” 14).  
28 *A decima quarta*, fo. 48v. Civil, charitable and evangelical dominion are discussed below.  
29 *Expositio*, fo. i; *A decima quarta*, fo. 47r-48v; *Questio*, lxii*v*, lxiii*, *Libellus*, fo. xlvi*, lii*.  
30 See *Questio*, fo. lxv*, *A decima quarta* 51v; *Expositio*, fo. iii*. 
community. In *Libellus*, for instance, Almain explains that the end of a “political body” is “to live according to virtue.” In *Questio*, in contrast, he explains that the end of coercive civil power (i.e., dominion of jurisdiction) and, we can infer, the natural end of human beings, is “political felicity, namely of those mutually associating in a civil context.” In *In tertium*, too, “human [i.e., earthly] happiness” is mentioned as human beings’ natural end. While divergent, these ends are reconcilable, for following the Aristotelian tradition (e.g., Aquinas), earthly happiness entails growth in virtue, which is attained as part of the community. Peaceful living and/or the temporal welfare of citizens are also ends of civil dominion across *Questio, Libellus, Expositio* and *A decima quarta*, although the particulars vary; in *Questio*, at least, peaceful living appears directly linked to political felicity.

With this context, we can consider whether and how far the Church is a political body and compares to pure political bodies. Brosse argues in his analysis of *Libellus* that Almain provides an incomplete and at times confusing argument regarding the origin of the Church’s power, specifically, how and to what degree it is of natural versus supernatural origin. Oakley’s various accounts of Almain’s thought seem indicative of this lack of clarity. In one work, he asserts that ecclesiastical power in general, for Almain, is “neither natural nor of human institution,” that ‘Christ had given the Church and general council representing it “authoritative power” to act as ordinary judge of the pope…,’ but also that “Christ did not deprive the Church of [the] natural power” to deprive its ruler of his position, even by execution. Oakley does not clearly reconcile

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31 See ch. 4, sec. 2.4.1 and 2.4.3.
32 *Libellus*, fo. xlvi’.
33 *Questio*, fo. lxvi’.
34 *In tertium*, fo. ciii’.
35 See ch. 4, sec. 2.4.3.
these views. In a later work, he explains that d’Ailly, Gerson, Mair, and Almain follow a tradition initiated by John of Paris according to which the power of jurisdiction in the external forum is “the most natural” form of ecclesiastical power; it, moreover, seems to include – although it is unclear – the natural right of the community to withdraw consent from its leader, deposing him if necessary for the common good.\(^{39}\) This seems to conflict, however, with Oakley’s assertion in yet another work that ecclesiastical power of jurisdiction in the external forum, for Almain, is of supernatural origin, directly given by Christ to the Church.\(^{40}\)

Indeed, Almain does not straightforwardly lay out his view, however, it can be discerned clearly enough. As noted above, Almain provides parallels between a political body and the Church as a mystical body, and he posits that the Church also has certain features of a political body, including ends and partial dominion. To begin with the parallels, civil dominion was originally held by a given community and non-irrevocably transferred to a ruler, just as ecclesiastical dominion in the external forum was originally held by the Church and non-irrevocably transferred to Peter, the first pope, by Christ.\(^{41}\) Although, “a congregation of gathered nobles” or “a council of a polity” has greater authority than the ruler, just as the Church, represented by an ecumenical council, has greater authority than the pope.\(^{42}\) In both cases, a ruler (or rulers, in the case of a purely political society) was delegated authority because the respective

\(^{39}\) Oakley, “Natural Law, *Corpus Mysticum*, and Consent,” 800; see 798-99.

\(^{40}\) Oakley, “Conciliarism in the Sixteenth Century: Jacques Almain Again,” 119. In one of his latest works on conciliarism, *The Conciliarist Tradition*, Oakley lists a series of views but neither reconciles them nor asserts that they are unreconcilable. He explains that the Church, for Almain, “is ordained to no merely natural end but to the supernatural goal of life eternal and that its power, accordingly, is not of human institution but from God alone.” Nonetheless, Almain appeals to natural law, makes an analogy between the Church and secular polity (p. 124), and argues that the Church has a power to “punish or depose” the pope, if need be, “a power which by natural law pertains to ‘any community’ whatsoever” (p. 126; see 127).

\(^{41}\) *Libellus*, fo. lii-liii; *Questio*, fo. lxvi'.

\(^{42}\) *Expositio*, fo. xxvii'.
congregations or councils are not perpetually gathered.\textsuperscript{43} Finally, the end of both civil and ecclesiastical dominion is the community’s “edification,” that is, the common good.\textsuperscript{44}

As noted above, Almain clearly indicates that the Church is a political body with a natural end. One may expect, therefore, that it would also have full civil dominion of jurisdiction and property, which are rooted in natural law. Thus, as Badini Confalonieri argues, based primarily on \textit{Libellus}:

\begin{quotation}
It is important… to highlight the presuppositions he [i.e., Almain] did not explicitly thematize but which appear to underlie his reasoning: (1) ‘grace does not destroy nature’; therefore (2) the church does not lose its nature as a corpus politicum, so that what applies to the latter remains valid in the church; hence (3) correct insights into the human polity – Almain could refer especially to those expressed in Roman and canon law as well as Aristotelian political philosophy – inasmuch as they express something of the ‘natural law’, are valid within the church, and must therefore be respected by its organizational structure.\textsuperscript{45}
\end{quotation}

Similarly based on \textit{Libellus}, Parsons argues that “[t]he most striking thing about Almain’s view of the Church was that it almost entirely avoided any implication that the Church was distinguishable from a secular government, or that God operated within it in any direct way….”\textsuperscript{46}

Both Badini Confalonieri and Parsons, however, seem to simplify Almain’s view, which is more complex. This is particularly clear if Almain’s three Political Theology works, \textit{Questio}, \textit{Libellus}, and \textit{Expositio}, are considered together, along with \textit{A decima quarta} – all from c. 1512. In this context, we see that Almain applies only particular principles of natural law to the Church qua political body, which are available to other political bodies (e.g., commonwealths) in full.

Specifically, Almain indicates that the Church has the capacity by natural \textit{ius} to depose and, if necessary, execute its ruler, the pope, if he rules unto the Church’s destruction, that is,

\begin{footnotes}
\footnotetext{43} \textit{Expositio}, fo. xxvii\textsuperscript{r}.
\footnotetext{44} See ch. 4, sec. 2.4.
\footnotetext{45} Badini Confalonieri, \textit{Democracy in the Christian Church}, 111-12.
\footnotetext{46} Parsons, \textit{The Church in the Republic}, 32-33.
\end{footnotes}
contrary to the common good. This authority is rooted in civil dominion of jurisdiction, which was
given by God and includes the power of the sword to cut-off criminal members.\textsuperscript{47} However, this
capacity of the Church to remove its ruler for self-preservation – a view central to Almain’s
conciliarism – appears to be where the Church’s civil dominion of jurisdiction ends. Neither the
Church nor the pope, its minister, have other coercive civil/temporal power in the Church, e.g., to
punish sinners with corporal punishment; at their disposal is only spiritual punishment.\textsuperscript{48} Nor does
the Church seem to have normative dominion over the acquisition of property among Christians
as would a purely political body.

In addition to the Church’s civil dominion as a political body, Almain considers whether
Christ added any civil dominion to ecclesiastical dominion, such that the Church has the former
by divine institution. The answer is a clear no.\textsuperscript{49} Thus, Almain is not willing to grant the pope qua
Vicar of Christ temporal authority over each of the faithful like the king of France has over his
people: “the pope does not have supreme power of [civil] dominion or property from divine
institution over every man and every temporal thing.”\textsuperscript{50} And, “I say… the king [of France] has
greater dominion over our bodies than the pope, because he [i.e., the pope] does not rule [over]
odies” qua Vicar of Christ.\textsuperscript{51}

Almain also considers whether the pope has temporal power by human institution
throughout France and Europe, specifically by the donation of Constantine, by which the emperor
is said to have given the western Roman empire to the pope. Unsurprisingly, Almain rejects this.
He not only finds the donation unlikely, he asserts that, even if it did happen, it would have been

\textsuperscript{47} Libellus, fo. xlvii$^{-v}$, lxii$^{e}$, lxii$[x2]$; Questio, fo lxii$^{h}$. On the nature of the ecclesiastical common good, see ch. 4, sec.
2.4.2. Also, see fn. 24 above.
\textsuperscript{48} Libellus, fo. xlvi$^{r}$.
\textsuperscript{49} Questio, fos. lxxiii$^{r}$, lxv$^{-v}$.
\textsuperscript{50} Expositio, fo. vii$^{r}$-viii$^{r}$; see fo. viii$^{r}$.
\textsuperscript{51} Expositio, fo. xlii$^{r}$. 
void without the free consent of the people. And, he argues, the Gauls never even freely consented to Roman rule, making it, and therefore Constantine’s donation, invalid. As a result, the contemporary King of France is not subject to any superior in temporal matters, apart from the republic as a whole.

Almain does seem to accept, though, that the pope has civil power in certain lands, presumably as civil ruler of the Papal States. That said, he also has a superior: “the emperor is judge of the pope in temporal matters.” The Church also has private property over which it has civil dominion. More specifically, Almain explains that the Church has “civil dominion [of property] largely understood,” that is, it has immovable property that it can defend (e.g., estates). However, it does not have “civil dominion strictly understood,” except for movable property, that is, it is permitted to sell, rent, give or exchange only its movable property. In this way, the Church is prohibited “to many uses” of her property.

Finally, while Almain accepts that, in principle, monarchy, aristocracy or timocracy/democracy are possible forms of polity, monarchy is the “best” form, following Aristotle. For this reason, as well as practical considerations, Christ established the Church – “a chosen people, a royal priesthood” – as a monarchy with Peter as ruler, and it cannot be transformed to another form. Other civil polities could, though, because they were instituted by purely positive human law.

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52 *Questio*, lxv°.
53 *Libellus*, fo. lv°.
54 *Expositio*, fo. xxxii°.
55 A decima quarta, fo. 53°.
56 *Expositio*, fo. v°, xxvii°.
57 See ch. 4, sec. 2.1.3.
58 *Expositio*, fo. xxvi°.
59 *Expositio*, fo. v°; *Questio*, fo. lxv°.
60 *Expositio*, fo. vi°.
1.3 The One Mystical Body

In addition to being a political body, the Church is mystical or supernatural. With Christ as its head, it is formed of those who give an assent of faith in Him, the one mediator (an exercise of the will), and are circumcised (formerly, under the Mosaic law) or baptised (now, under the law of grace). It also has a supernatural end, eternal life of the faithful (the common good), for which reason Christ gave the Church the clerical hierarchy and a unique form of dominion.\(^{61}\)

Recall that Almain distinguishes between four forms of dominion; central now is the form called, “evangelical or charitable”. “Some doctors,” including Almain, it seems,\(^{62}\) differentiate evangelical dominion from dominion of charity or grace, making in fact five forms: “they say that evangelical [dominion] is a power from the Gospel delivered to someone or some people…which before the Gospel never had been granted or committed.” It is normatively exercised by individual clergy,\(^{63}\) or at councils.\(^{64}\) Dominion of grace or charity, in contrast, is equal among all who live in charity – clergy and laity alike, during the state of innocence, under the old law and under the law of grace. By it, that is, in a state of charity, one can use anything and undertake “every single thing in the faculty of the will,” loving what is lovable and hating what is hateable, to attain merit for eternal felicity.\(^{65}\)

Evangelical (or ecclesiastical dominion, as it is called elsewhere\(^{66}\)) can be divided between the power of orders and power of jurisdiction. The power of orders is a form of dominion held by

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\(^{61}\) See ch. 2, sec. 2.1.2, and ch. 4, sec. 2.4.2.

\(^{62}\) Almain does not indicate in this passage that he agrees with these doctors, but his discussion on ecclesiastical dominion in various works (e.g., *Questio, Libellus*) is, in general, consistent with how it is described here and does not include dominion of charity.

\(^{63}\) *A decima quarta*, fo. 52v.

\(^{64}\) *Questio*, fo. lxv.

\(^{65}\) *A decima quarta*, fo. 52v.

\(^{66}\) e.g., *Questio*, fo. lxiii, lxiii, lxv.
priests from Christ’s institution for the end, it seems, of eternal life of the faithful. Following John of Paris, and thereafter Pierre d’Ailly – who “discuss very well” six forms of ecclesiastical dominion there is one power of orders: consecration of the Eucharist. It is “a sacerdotal power and is essentially the sacerdotal character itself.” It is equal in all priests.

The second form of ecclesiastical dominion is the power of jurisdiction in the internal and external forums. Both are of supernatural origin and rooted primarily in Matthew 18:15-18 (the teaching that, should a brother sin and refuse to be privately corrected, one should “tell the Church”) and in Christ’s gift of “the keys” to bind and loose. The end of ecclesiastical dominion in both forums is the eternal life of the faithful. The power of jurisdiction in the internal forum includes forgiving and imposing penance in the sacrament of penance, which is private and can only be exercised over willing Christians. It seems that it is held equally by all priests.

The power of jurisdiction in the external forum, in contrast, is public and can be exercised over willing and unwilling Christians. It includes powers to define what ought to be believed in faith and morals and what ought to be done or not done; to grant ecclesiastical offices (e.g., bishoprics, curates), dignities and benefices; to grant indulgences, remitting temporal punishment for sin; and to censure (e.g., excommunicate, depose).

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67 Almain does not discuss the power of orders in much detail. However, we can safely infer that the end of this power is the same as the supernatural end of the Church and its power of jurisdiction: eternal felicity of all the faithful (see below).
68 Almain gives this compliment in Libellus (fo. xlvi) and explains the six forms in Expositio (fo. i-ii).
69 Expositio, fo. i.
70 Expositio, fo. iii.
71 Questio, fos. liii-li, lxvi; Libellus, fo. li; Expositio, fo. i.
72 Libellus, fos. xlvii-xlvi; Questio, fos. lii-lvi; Expositio, fo. i-v.
73 Questio, fo. liii; Libellus, fo. l; Expositio, fo. i.
74 Expositio, fos. iii-v.
75 Questio, fo. liii; Libellus, fos. xlvii, li; Expositio, fo. i.
76 Questio, fo. lvii; Libellus, fos. i-li.
77 Expositio, fos. l-v.
78 Questio, fo. lvii; Libellus, fos. l-li; Expositio, fo. v. That indulgences cannot be granted for souls in purgatory, see Questio, fo. liii.
79 Questio, fos. liii, lvii; Libellus, fo. li; Expositio, fo. v.
forum is not held equally by all clergy. The pope, for instance, is the only individual who has a supreme form of this power, which he can exercise across the whole world as the earthly head of the Church. It is also inalienably held by the pope’s superior, that is, the Church itself qua Collectio fidelium or the successors of the Apostles and disciples, in either case represented at an ecumenical council. (While Almain engages with the clerical definition of the Church, his preference is to define it as Collectio fidelium and situate supreme dominion in the external forum therein. Finally, following the principle that equals do not have dominion over one another (parem nullum habet imperium), priests, for example, cannot use coercive dominion in the external forum over other priests.

Almain also mentions the power to preach the Word of God and administer the sacraments to the people. It is also unequal among clergy: all priests can baptize, and it is suggested that all of them can confer the sacrament of penance. But only bishops can confirm or ordain to holy orders. Given that consecration of the Eucharist is the only act specified as falling under the power of orders, it appears that the power to preach the Word and administer the sacraments falls under the power of jurisdiction. If so, some sacraments are under the internal forum while others the external forum. For instance, penance is clearly under the former, for Almain refers to it as “jurisdiction in the internal” or “secret forum.” While consecration of the Eucharist falls under

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80 Expositio, fo. v.v.
81 Libellus, fos. l-v, lii.
82 See Libellus, fos. l-v, lii; Expositio, fo. i.
83 See ch. 4, sec. 2.1.2. Oakley (The Watershed of Modern Politics, 246) and Badini Confalonieri (Democracy in the Christian Church, 108, 109) respectively appear to agree with this assessment.
84 Expositio, fo. v.v.
85 Libellus, fo. liii; see Expositio, fo. i.
86 Expositio, fo. i.
87 Expositio, fos. iii-v.
88 Expositio, fo. v; Libellus, fo. lv.
89 See also Expositio, fo. i. Oakley seems to accept this view also, but his wording lacks clarity (see “Conciliarism in the Sixteenth Century: Jacques Almain Again,” 118-119).
90 Expositio, fo. iii.
the power of orders, Almain cites Durandus that reception of the Eucharist is an external act of the external forum. Finally, the pope “is called pastor of the whole universal Church as concerns the administration of the spiritual nourishment of the word of God and sacraments”; he can, for instance, appoint ministers to various regions to feed his flock. Notably, though, the pope’s authority qua pope is purely one of jurisdiction in the external forum.

Like most conciliarists, Almain’s chief interest is in dominion of jurisdiction in the external forum, for this is the principle authority of the Church exercised at ecumenical councils; an authority by which it can teach and discipline authoritatively, binding all the faithful, including the supreme pontiff. Coupled with its natural ius to self-preservation, therefore, Almain provides the Church with a strong bulwark against a pope ruling against the common good. This natural ius in itself also provides political bodies more broadly with strong support.

1.4 Conclusion

As we have begun to see, Almain’s political theology focusses on the origins, natures and powers of political bodies – both pure and non-pure forms. And a major feature is the latter. Almain permits a very limited overlap of the civil and ecclesiastical in the Church, likely linked to his desire to defend his vision of Church and State, as well as conciliarism and Gallicanism. In his view, the Church needs a means for self-preservation even against its earthly head, the pope, which Almain locates (in large part) in civil dominion of jurisdiction, rooted in natural law. The Church

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91 Libellus, fo. xlix.
92 Libellus, fo. liii”; see Expositio, fo. i”.
93 See Oakley, “Conciliarism in the Sixteenth Century: Jacques Almain Again,” 122. That said, as a priest, the pope’s dominion in the internal forum of penance is identical to all other priests, as is his ability, under the power of orders, to consecrate the Eucharist. Similarly, as a bishop, his power to administer the sacraments of confirmation and ordination are equal to all other bishops (see Oakley, “Conciliarism in the Sixteenth Century: Jacques Almain Again,” 119).
94 See fn. 24.
also possesses property, the more substantial of which (i.e., immovable property) rulers are unable to alienate. Almain, moreover, wants to keep temporal authority away from the pope as much as possible, and to defend the rights of the French monarchy in France. After all, medieval popes, including the contemporary pontiff, Julius II, engaged in state politicking and exercised the sword against Christians, including the French, about which Almain expresses strong concern. In these ways, therefore, Almain’s political theology, ecclesiology in particular, is affected by his ideology and contemporary events. It is also affected by philosophical and theological considerations, as in the case of the Church’s perpetually monarchic structure: the best form, which Christ willed for His Church.

We have as of yet only considered select principles of Almain’s political theology, laying a basic foundation to consider more specific scholarly analyses thereon. To this we now turn.

2. Scholarly Analyses on Almain’s Political Theology

The rest of this chapter will discuss a series of scholarly positions on Almain’s political theology; viz., the nature, qualities and dominion of ecclesiastical and purely political bodies. Most of these point to an emphasis on the community as such, that is, as distinct from or greater than the members. They include the following: the Church and other ecclesiastical bodies are corporations (universitates); political bodies more broadly are also, and civil dominion may be linked to corporation theory too; socio-political consent is given in a communal or corporate context and rooted in corporation theory, or consent is given by individuals qua rational agents upon recognition of the divine will; the common good, which is the end/good of civil and ecclesiastical dominion, is a good of the community as such, legally or formally distinct from that

95 See, e.g., Questio, fo. lxvii'.
of the members; and ecclesiastical unity is rooted in the corporate status of the Church. The next chapter will offer critiques of these positions.

2.1 Ecclesiastical Bodies as Corporations (Universitates)

Almain’s political theology has often been situated vis-à-vis earlier conciliarists and scholastics for whom the organic analogy and social bodies (e.g., Church, society) were linked to the concept of the corporation (universitas). As Oakley explains, by the fifteenth century, the Church qua corpus Christi or corpus Christi mysticum “had begun to acquire corporational and political associations,” being understood “as a judicial entity.” This view can be discerned among conciliarists in general, including, it has been argued, Almain. Indeed, it has been established that the organic analogy more broadly was linked by many medievals to the corporation, even though the term corpus could also be employed in a non-technical sense “to describe any collection of individuals (as in our English usage, ‘a body of people’).”

Medieval corporation theories were developed chiefly by jurists and canon lawyers beginning in the twelfth century, based on ancient Roman law on incorporation and contemporary corporation practice, especially cathedral chapters. While medieval lawyers had nuanced views, a succinct definition of the medieval corporation that would fit most is “a group of persons who

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96 Oakley, “Conciliarism in the Sixteenth Century: Jacques Almain Again,” 117; see Mansell and Sison, “Medieval Corporations, Membership and the Common Good,” 582.
99 See Kantorowicz, The King’s Two Bodies, 199-206; Black, Council and Commune, 140.
100 Tierney, Religion, Law, and the Growth of Constitutional Thought, 20; see 19.
101 Ryan, “Corporation Theory,” 236ff; Tierney, Religion, Law and the Growth of Constitutional Thought, 11, 19-28. Tierney (Religion, Law, and the Growth of Constitutional Thought) explains that, “while there were hundreds of individual variations, medieval universitates fell into two major groups”: “the Roman law model,” based on Roman law on incorporation, and “the canon law model,” based primarily on the relationship between a bishop and his cathedral chapter (p. 26; see pp. 27-28).
were considered for legal purposes as if they formed a single entity. Thus a corporation could own property, enter into contracts, sue or be sued.\textsuperscript{102} It had a “legal capacity distinct from its transient ‘members,’” such that it did not change as a legal body when the membership shifted, and actions taken against the corporation (e.g., a lawsuit) did not affect the members as private persons (e.g., their property).\textsuperscript{103} In these ways, therefore, the corporation was conceptually and legally distinct from the members qua real persons, having its own legal personality, that is, it itself functioned to a limited degree as a person under law. Especially from the pontificate of Innocent IV (r. 1243-54) onward, the dominant view – although there were detractors\textsuperscript{104} – was that the corporation was a “legal fiction”; any personality one might ascribe to it had its basis solely under law. Since it was not a real person with a soul, however, it could not be excommunicated.\textsuperscript{105} Corporation theories were applied to many social bodies and institutions, such as universities, cities, and ecclesiastical councils. They were also applied to the Church itself. Thus, as Mansell and Sison explain, citing Kantorowicz: “With regard to the medieval Church, the corpus mysticum or ‘mystical body’ of Christ was more than a name for the ‘totality of Christian society’: it acquired ‘legal connotations’ and became identified as a ‘juristic person.’”\textsuperscript{106} This was certainly true for conciliarists overall,\textsuperscript{107} even while many, especially theologians, could also accord the Church a “higher” spiritual or mystical existence.

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\textsuperscript{102} Tierney, “Corporatism, Individualism, and Consent,” 62.
\textsuperscript{103} Mansell and Sison, “Medieval Corporations, Membership and the Common Good,” 583; see Tierney, Religion, Law, and the Growth of Constitutional Thought 1150-1650, 19-20.
\textsuperscript{104} See discussion below on realists at the Council of Basel who coupled corporation theory with Neoplatonic realism, affecting their view of the Church and ecumenical council.
\textsuperscript{106} Mansell and Sison, “Medieval Corporations, Membership and the Common Good,” 583; Kantorowicz, The King’s Two Bodies, 209.
\textsuperscript{107} Oakley, “Conciliarism in the Sixteenth Century: Jacques Almain Again,” 117-18; see Oakley, “Natural Law, the Corpus Mysticum, and Consent,” 794-5.

I argue in ch. 4 that Almain is an exception among conciliarists, for he did not view the Church as a corporation or legal person.
Hostiensis (d. c. 1271), an influential Italian Decretalist, made an important contribution to corporation theory. Inspired by operations in the Roman curia in which the cardinals held important roles in Church governance, and which had already inspired theoretical justification, Hostiensis provided his own: he applied the corporate relationship between a bishop and his cathedral chapter to the local Roman church, that is, the pope and cardinals. Together, they “formed a single corporate body subject to the normal rules of corporation law.” In this way, the plenitude of papal power was understood to reside in the whole corporation, not just the pope.

Following Hostiensis, the canonist Johannes Monachus (d. c. 1313) made the same claim. The proto-conciliarist John of Paris (d. c. 1306), and various conciliarists at the councils of Constance and Basel also adopted and developed this view, holding that the College of Cardinals was a constitutional check on papal power (“quasi-oligarchic strand” of conciliarism); and/or that an ecumenical council acting as or on behalf of the Church qua corporation could assemble with supreme ecclesiastical power of jurisdiction in the external forum. Influenced also by a Decretist tradition, this included the ability to depose and excommunicate the pope for the good of the Church. The supreme pontiff, in turn, did not have absolute but merely ministerial power (“strict conciliar theory”).

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109 Tierney, Foundations, 184, see 117, 149-53; see also Tierney, “Hostiensis and Collegiality,” 401-9. Oakley, citing Tierney’s analysis, writes: ‘Hostiensis and Johannes Monachus, who, taking as their premise the idea that “Pope and cardinals together formed a single corporate body subject to the normal rules of corporation law,” [Tierney, Foundations, 184] had maintained that the cardinals share therefore with the pope the exercise of the plenitudo potestatis.’ (Oakley, “Almain and Major,” 686-7). Oakley reaffirms this view in The Conciliarist Tradition, 69. Others who hold this view include: Ryan, “Corporation Theory,” 238; and Gazal, “Conciliarism,” 152. Still others, however, disagree. Watt, for instance, argues that canonists, such as Hostiensis, stressed the cardinals’ advisory role but did not advocate that they participated in the papal plenitude of power, nor could they limit the pope’s exercise thereof. See Watt, “The Constitutional Law of the College of Cardinals: Hostiensis to Johannes Andreae,” 129-30, 132-34; “The Use of the Term ‘Plenitudo Potestatis’ by Hostiensis,” 161-87. Cardinal Burke agrees with Watt that, for Hostiensis, the College of Cardinals does not participate in the papal plenitude of power. See Burke, “The plenitudo potestatis of the Roman Pontiff in service of the unity of the Church.”
At the councils of Constance and Basel, moreover, it was broadly accepted that a council is legally distinct from its particular members and identical to the Church. According to the analysis of Black, three of the most prominent conciliarists at Constance, d’Ailly, Gerson, and Zabarella, the former two of whom greatly influenced Almain’s conciliarism, “equat[ed] Church and council,” in large part on the grounds that the council was the representative of the Church corporation. Soon after Constance, too, at the Council of Basel, a corporate view of Church and council was prominent: “The church does not delegate its powers to anyone; church and council are, from the point of view of legal status and political power, identical, a single legal entity or power-bearer (Rechtssubjekt).”

A number of conciliarists, especially at Basel, went even further: advocating forms of ecclesiastical holism by coupling corporation theory with ideas of a more philosophical order. Several council fathers advanced Neoplatonic realist accounts according to which “the council [is] a visible manifestation of the invisible essence of the Church,” and “the Church as a whole is prior in being to any of its ‘parts,’” the members. It was also widely supposed that the council functioned as one entity, with a personality by which it could express the “collective mind or will of [the Church] community.” Granted, not all of the council fathers who advanced ecclesiastical holism at Basel were realists – Juan Segovia, for instance, was not a known member of a realist or anti-realist school – and it was not uncommon to ascribe personality to corporations, even

111 Black, Council and Commune, 22; see 20-21.
112 Black, Monarchy and Community, 18; see 15-17.
113 Black, Council and Commune, 113.
114 Quotes from Black, Council and Commune, 1, 2. Cf., Black’s statement in “Society and the Individual,” 155: “several conciliarists [at Basel] described the council as the visible manifestation of the invisible essence of the church.”

Heimerich van de Velde explicitly appealed to Neoplatonic realism; see Black, “Society and the Individual,” 155, and Black, “The Realist Ecclesiology of Heimerich van de Velde,” 278ff. Black also refers to statements at Basel with “overtones of realism” (Black, Council and Commune, 114).
115 Black, Monarchy and Community, 18; see 19.
117 Black, “The Realist Ecclesiology of Heimerich van de Velde,” 279-81, 283. Van de Velde’s collection of tracts, “On Ecclesiastical Power” (De ecclesiastica potestate) was likely composed 1433-4 for fellow council fathers at Basel (see Black, Council and Commune, 59).

118 Black, Council and Commune, 115.

119 Black, Monarchy and Community, 54-56. Black argues, further, that the fiction theory Torquemada used was linked to nominalism and could be found in Baldus (Council and Commune 82-3; see also, Black, “The Realist Ecclesiolo- gy of Heimerich van de Velde,” 283). However, Padovani and Stein argue that Baldus’ view has no connection to Ockhamist nominalism. On the contrary, they argue that Baldus was a Thomist (“Preface,” in The Jurists’ Philosophy of Law from Rome to the Seventeenth Century, xvi).

120 Black, Monarchy and Community, 55.


122 Almain cites these figures throughout his works.

123 Du Boulay, Historia Universitatis Parisiensis, 976.

124 Farge, Biographical Register, 15.

125 Du Boulay recorded the date of Almain’s election as Rector, and noted more generally that his successor, Anton De Mommorancy Tornac, was elected in March 1508 (Historia Universitatis Parisiensis, 976). That the proctorship was one month, see Rashdall, The Universities of Europe in the Middle Ages, 399, fn. 1.
but Almain surely would have left these posts with an awareness of their corporate structure, if he
did not know it before. Overall, he would have had knowledge of corporations, and was likely
aware of some different approaches to, or ways of discussing, them. This invites the question: did
Almain apply this knowledge of corporations in his own work?

Oakley and Skinner have respectively argued that Almain embraces corporation theory as
part of his conciliarism, which includes the view that the Church is a corporation (universitas). Indeed, for Oakley, the Church’s corporate structure is a feature of strict conciliar theory to which
Almain adhered. And for conciliarists in general – among whom, it seems, Almain is included
– “the true principle of Christian unity” lay … in “the corporate association” of the Christian
faithful. Brosse, in turn, argues that the Apostles, for Almain, formed a corporate body; Parsons
agrees and argues that so too does the Church at an ecumenical council.

2.2 Political Bodies as Corporations

In addition to Almain’s corporate view of the Church and other ecclesiastical bodies (e.g.,
councils), it has been argued that he applies corporation theory to political communities more
broadly. We will consider these positions, and then consider scholarly arguments regarding the
origins of civil dominion.

Skinner argues, based on Questio, that Almain joins two concepts. The first is the
Aristotelian “perfect community” (communitas perfecta), the notion that a given community is a

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127 Oakley, The Conciliarist Tradition, 71, 118.
128 Oakley, “Natural Law, the Corpus Mysticum, and Consent,” 787. Oakley refers to conciliarists in general between the time of the Great Western Schism (1378-1417) through to the Council of Pisa (1511) of Almain’s context. In The Western Church in the Later Middle Ages, moreover, Oakley argues that this corporate view on Church unity was a central feature of strict conciliar theory (p. 170).
129 Brosse, Le pape et la concile, 234; Parsons, The Church in the Republic, 32.
completely self-sufficient body. The second is the universitas, which is linked to political consent: “the government of any ‘perfect’ society, if it is to count as legitimate, must be installed in office by the consent of the members of that society as a whole.” This community originally holds civil authority, including the power of the sword, delegates it to ruler/s for the sake of the common good, and can retract it if he or they fail to uphold that good.130

Based on the same texts from Questio, Burns also points to the role of the universitas in Almain’s political thought. He argues that civil dominion of jurisdiction, which includes the power or ius of the sword (ius gladii) – and presumably dominion of property – is rooted in nature and held by “the community as a corporate entity.”131 Burns is not explicit with respect to why the community, in this text, should be understood as a corporation, but he suggests that it is due to Almain’s use of the organic analogy by which society is compared to a body: “any community of people mutually associating is like one body of which the individuals [singuli] are members one of another [Rom. 12:5].”132 As we noted above, many medievals linked the organic analogy to the corporation in not only ecclesiastical but (other) political contexts too.

Skinner and Burns have debated the origins of civil dominion of jurisdiction in Almain’s thought – including the civil ius gladii to execute malefactors and ensure the community’s preservation – as well as the bodies that hold it: individual persons and/or communities, which may be corporations. Based on Questio and Libellus, in both of which Almain argues that “no one can give what he does not possess,” Skinner argues in The Foundations of Modern Political Thought vol. ii (1978) that a ruler is delegated the ius gladii to execute justice (e.g., punishment). In Questio, this is delegated from what appears to be a pre-political “community” “in the act of

130 Skinner, “Political Philosophy,” 404; see 405.
131 Burns, “Jus Gladii and Jurisdictio,” 372.
132 “Jus Gladii and Jurisdictio,” 372; Questio, fo. lxiiv.
forming a political society,” and similarly in *Libellus*, it comes from “the community under the law of nature.”133 At the same time, Skinner argues based on *Questio* that “Almain develop[s] a theory which was later characterized by John Locke – who also accepted it – as the ‘very strange doctrine’ that each individual in his pre-political state must be pictured as the ‘executioner of the law of nature’, with the right to wield the sword of justice on his own behalf.”134 For Skinner in this text, each individual had the *ius gladii*. It would then appear that either each transmitted it to a pre-political community, which in turn transmitted it to the ruler upon the formation of the commonwealth. Or a group of individuals formed a pre-political community, and qua that community, they transferred their *ius gladii* to the ruler upon the formation of the commonwealth. Ultimately, it is unclear.

Burns responded to Skinner in “*Jus Gladii* and *Jurisdictio*: Jacques Almain and John Locke” (1983), relying primarily on *Questio*. In his text, Burns explains that Almain does refer to natural dominion of individuals, including the power to kill for one’s self-preservation. However, *contra* Skinner, Almain does not refer to this “as a power to inflict *punishment,*” which is part of what civil dominion of jurisdiction entails.135 This jurisdiction, moreover, along with dominion of property, was part of post-lapsarian civil dominion, not natural dominion of individuals.136

After noting that civil dominion of jurisdiction and property were granted distinctly from natural dominion, Burns explains that, “immediately and without preamble,” Almain argues that

134 Skinner, *The Foundations of Modern Political Thought*, vol. ii, 119. Also see Skinner, (“The Origins of the Calvinist Theory of Revolution”): ‘This leads [Almain] to argue – just as Locke was later to do – that since there is undoubtedly a right of judicial execution in any commonwealth, this must be due to the fact that a similar right already existed before the commonwealth was brought into existence – a right, as Locke was to describe it, to act as the “executioner of the law of nature” on one’s own behalf. This enables Almain to conclude that even “the right of the sword,” the essential criterion of sovereignty, must originally have been possessed by the people, and must subsequently have been “conceded by them to their ruler” with the sole intention of securing its more efficient employment for the benefit of all.’ (p. 323).
136 Burns, “*Jus Gladii and Jurisdictio*,” 372.
“the community as a corporate entity,” as one body (following the organic analogy in Saint Paul), has dominion of jurisdiction (and presumably property). In this way, the power of jurisdiction in the community is not “the result of any act or gift or transfer by individuals,” but is directly from God. It is “the community as such” that has the civil ius gladii, the natural ius to do what is necessary to defend its “peace and wellbeing.” These positions, Burns explains, are largely the same in chapter one of Libellus.

Burns contends, however, that Almain does consider “what we may call the Lockean theory” in Expositio:

Having argued that no private individual is authorized to kill a wrongdoer, whereas such authority does, emphatically, belong to the ruler as the ‘public person’, Almain then states a possible objection. The ruler, it may be argued, more especially if his position is elective, derives his authority from private persons: if, therefore, he has authority to kill wrongdoers, that power must have belonged originally to the private individuals from whom the ruler’s power is derived. How does Almain respond to this argument? The response is brief but decisive. It is a reiteration of the argument that the ruler’s power of life and death comes from the community as such and not from the individual members as such…. Strikingly, Almain does not seem to have thought it necessary to devote more than a few lines of his text to dismissing the suggestion that the derivation of political authority from the community is equivalent to deriving it from personae privatae.

According to Burns, therefore, Almain rejects the idea that the civil ius gladii that the ruler wields originates from individuals, or that the community is equivalent to private persons. But did the commonwealth receive the ius gladii from a natural community – “an entity distinguishable” from it – as Skinner also alleges? Burns argues, no: Almain makes no distinction between a community prior to the formation of a commonwealth and the commonwealth itself, the latter of

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137 Burns, “Jus Gladii and Jurisdiction,” 372.
138 Burns, “Jus Gladii and Jurisdiction,” 373; see 372; Burns reiterates this point in “Introduction,” xix. Oakley agrees with him (The Watershed of Modern Politics, 251).
139 Burns, “Jus Gladii and Jurisdiction,” 372.
140 Burns, “Jus Gladii and Jurisdiction,” 373.
141 Burns, “Jus Gladii and Jurisdiction,” 373-4.
142 Burns, “Jus Gladii and Jurisdiction,” 370.
which is formed when the former gives its ruler the *ius gladii*. Burns argues that this “distinction seems to be drawn by, e.g., George Lawson” (1657),\(^{143}\) who differentiates a community qua “a corporate entity” from a commonwealth,\(^{144}\) the former of which forms the latter with its binding power.\(^{145}\) Burns argues that Almain makes no such case; rather, he uses the term “commonwealth” (*respublica*), as well as “people” (*populus*) and “state” (*politia*), as synonyms for “community” (*communitas*).\(^{146}\)

In his *Visions of Politics* (2002), Skinner maintains his earlier assertion that the commonwealth does not receive its power of jurisdiction immediately from God. Rather, based on *Questio*, “the capacity to establish ‘civil dominion’ must originally have been granted to mankind after the Fall.”\(^{147}\) Skinner also refers to this power as held by a pre-commonwealth “Community.” Almain’s position, he continues, is a critique of the Thomist view that the people, in forming a commonwealth, created “an authority greater than themselves.” Indeed, Skinner holds that, for Almain, “we cannot speak of any new rights of sovereignty being established at the inauguration of commonwealths.”\(^{148}\) This having been said, following Burns’ critique (1983), Skinner abandons his earlier view that the (pre-commonwealth?) “community” acquires the civil *ius gladii* “from the fact that its individual members possess it,” i.e., individually as natural dominion. “But the inference seems a natural one,” he continues, “and a number of sixteenth-century schoolmen (for example, Domingo de Soto) duly went on to draw it.”\(^{149}\)

\(^{143}\) Burns, “*Jus Gladii and Jurisdictio*,” 370, fn. 7.
\(^{144}\) Burns does not specify, but presumably the commonwealth would also be a corporate entity.
\(^{146}\) Burns, “*Jus Gladii and Jurisdictio*,” 370-371, fn. 7.
\(^{147}\) Skinner, *Visions of Politics*, 257.
\(^{148}\) Skinner, *Visions of Politics*, 258.
\(^{149}\) Skinner, *Visions of Politics*, 259, fn. 86.
In discussing Skinner’s and Burns’ respective writings on the origins of civil dominion and the bodies that hold it, we have seen divergent views. While Skinner concedes that he was incorrect that the (civil) *ius gladii* was originally the possession of each individual person, he continues to hold his view that, pre-commonwealth, this *ius gladii* was held by a pre-political community and/or mankind. What is the status of this communal body, for Skinner? It is uncertain. But in comparing Skinner’s earlier interpretation to the view of Lawson, Burns seems to suggest that Skinner views “the community under the law of nature,” at least, as a corporation for Almain. Burns himself explicitly affirms that the commonwealth, which is given civil dominion immediately from God, is “a corporate body.” Either once it is held by the commonwealth (Burns), or in the formation of the commonwealth (Skinner), civil dominion is transferred non-irrevocably to rulers.\(^{150}\)

In his work, “Jacques Almain on *Dominium*” (1994), Burns explains the nature of political society, structure and authority in Almain’s *A decima quarta* (1512). In this text, there are three forms of governance based on whether authority is held by one (monarchy), a small number of individuals acting together (*simul iuncti*)\(^{151}\) (aristocracy), or many individuals acting together (*simul iunci*) (timocracy [or democracy])\(^{152}\). In an aristocracy or timocracy, “no individual on his own (*seorsum*) has any authority. It is only when the relevant individuals act together (*simul cuncti* [sic]) that effective political power can be exercised.” Burns then suggests that persons are members of these or other political bodies qua corporations and can only act as politicians in this corporate context: “An individual citizen can take political action only by virtue of a ‘commission’ from his fellow citizens in their *corporate capacity* (*ex commissione aliorum*).” Almain provides

\(^{151}\) Burns ("Jacques Almain on *Dominium*: A Neglected Text") provides the Latin as *simul cuncti* (p. 155), but the edition he cites (*Opuscula*, 1518, fo. xxix’) and the edition used in this dissertation (1526, fo. 51’) say *simul iuncti*. This is a very minor deviation.  
\(^{152}\) The 1518 edition refers to a “timocratic state” (*timocratica*) (fo. xxix’), while the 1526 edition refers to a “democratic state” (*democratica*) (e.g., fo. 51’).
two comparable cases: the lords of Parlement (domini de parlamento) and a cathedral chapter. Normatively, “neither group can take action except as a body, collectively.”\footnote{Burns, “Jacques Almain on Dominium: A Neglected Text,” 155. Emphasis added.} Significant for our purposes, Burns seems to interpret Almain’s language of “acting together” or, more literally, being “joined together” or “joined at the same time” (simul iunci), as acting collectively or as a corporation.

2.3 Political Consent

Some Almain scholars have recognized that consent is an important feature of his political theology, which is unsurprising given the prevalence of medieval discourse on consent.\footnote{On medieval discourse on consent, see Oakley, “Legitimation by Consent”; Oakley, The Watershed of Modern Politics, 172ff.; Monahan, Consent, Coercion and Limit, esp. 97ff.; Tierney, “Corporatism, Individualism, and Consent,” 49ff.} The origins and implications of Almain’s view, however, are more open to debate.

According to Oakley, whose focus is on Almain’s conciliarist literature, the normative role of the consent of the governed – including the giving and retracting of jurisdiction – is, for Almain, both corporate and rooted in natural law. Almain embraces this view, which had earlier been articulated by John of Paris, and thereafter taken up by various conciliarists, including d’Ailly, Gerson and Mair. In particular, John had linked notions of consent originating in corporation theory with natural law. Thus ‘all “rightly ordained” political communities,’ including the Church and civil polities, ultimately hold and can consent to the exercise of their dominion, at least in certain circumstances.\footnote{Oakley, “Legitimation by Consent,” 322; see 320-1; Oakley, “Natural Law, Corpus Mysticum and Consent,” 798-800, 804-5; The Watershed of Modern Politics, 119-120.} Finally, Oakley stresses that, for Almain, conciliarists generally and medievals overall, political consent was given by corporate bodies, not a “concatenation” of...
individual wills. Thus, persons could be bound by a community’s decisions, even if they personally had not consented to them.\textsuperscript{156}

In the civil sphere, this principle of corporate consent of communities normatively included choosing leaders, at least originally, maybe the form of government and, perhaps, having an ongoing role in “the governmental process.” (Notably, this seems to suggest that there was a pre-commonwealth community, as Skinner argues.) An important caveat, however, is that it was thought that authority of some sort must exist as part of the natural condition of human life; having no leader was not a legitimate choice. Moreover, Oakley notes that there were arguments (e.g., by Augustine, Aquinas) that “we must exercise our individual will” to act against political authority if it violates the divine law. However, the idea that each individual could freely choose to enter into political life – in a manner akin to the role of a person’s will in attaining moral virtue – and, thus, that the will had a “positive role” in the “constitution and legitimation” of political authority is absent from Western medieval thought. It would not be found until the seventeenth century.\textsuperscript{157}

Finally, Oakley notes that Ockham, d’Ailly, Gerson and Almain were “nominalists” (i.e., anti-realists) and briefly considers whether this affected their politics. His answer is straightforward: no. They did not extend the individualist features of their metaphysics – in which there is “a collection of singular existents linked solely by relations of an external type and comprehensible each in isolation from the rest” – to their political discourse. Absent, therefore, is the individualist notion that political legitimacy is rooted in a social contract in which original consent was granted by a “concatenation” of individual wills, each of which was free to accept or reject it.\textsuperscript{158}

\textsuperscript{157} Oakley, “Legitimation by Consent,” 324, 330, 329, 331.
In her analysis of *Expositio*, Shuger comes to some similar and different conclusions regarding Almain’s understanding of consent in political society – even while she does not use the word “consent.” She writes that Almain embraces a “political teleology” the ends of which are determined by God.\(^\text{159}\) Thus, like Oakley, Shuger’s analysis suggests that there is a sense of necessity or obligation in political life, including the decision to form a polity. It is not something that one is truly free to reject. Unlike Oakley, however, Shuger indicates that this particular decision to form a polity is rooted in the capacity of *individuals* to know the natural law through their respective right reason – rather than the decision of, say, a corporate community.\(^\text{160}\) Otherwise, Almain is terse with respect to explicit civic activity (e.g., elections, collective decision-making) and more interested in the activity of individual rational beings in a community: “individuals enter the public stage,” Shuger explains, “not *qua* citizens but *qua* rational agents.”\(^\text{161}\)

As evidence, Shuger points to the opening of *Expositio* in which Almain stresses the capacity of human beings to know what God wants: “God has naturally instilled in us the light of his face.”\(^\text{162}\)

As Shuger puts it, there is an “affirmation of the cognitive and ethical capacities of human reason—truth and right are, on the whole, knowable,” and this includes the right judgement to create a polity.\(^\text{163}\) In this way, there is a positive role for the individual will in political life, *contra* Oakley.

There is also a negative role for the will. Within a polity or Church, one can consult the *prudentes* – likely “those members of a community known for their wisdom and integrity”\(^\text{164}\) – regarding what is just in a situation (e.g., whether a civil ruler, pope, or even one’s confessor made a just decision, or if an exception to a norm is warranted). If there is doubt, one should obey the

\(^{159}\) Shuger, “Other Republicanisms,” 278; see 275.

\(^{160}\) Shuger, “Other Republicanisms,” 275, 278.

\(^{161}\) Shuger, “Other Republicanisms,” 278.

\(^{162}\) *Expositio*, fo. i\(^v\) (translation mine); Shuger, “Other Republicanisms,” 278; see 274-5.

\(^{163}\) Shuger, “Other Republicanisms,” 278; see 274-5.

\(^{164}\) Shuger, “Other Republicanismas,” 278.
authority; however, “where the truth is clear (apparens), the ‘epistemic authority inalienable from individuals’ counts for more than the ‘coercive authority residing in institutions.’” Almain’s view is again related to his political teleology, according to which all authority exists for particular ends. In the case of the polity and Church, the end of authority is the common good, and if any ruler’s decision is found not to serve it, that decision is invalid. This was a prominent position in late medieval discourse. Notably, however, Shuger points to a nominalist influence, as well: “This focus on the singular, on the exception [to a rule], is of a piece with Ockham’s nominalist epistemology.” And in Expositio, Almain’s primary interlocutor is Ockham. Overall, based on Shuger’s analysis, there is an essential place for the individual and his consent and assent in political life, rooted in Almain’s high regard for the human capacity to know the divine plan through reason.

In his analysis of dominion in A decima quarta, Burns notes particular Scotist features of Almain’s views on consent. While private appropriation of property was unnecessary in a pre-lapsarian world, it could have occurred “‘by common consent’ (ex communi consensus),” a position that, for Burns, demonstrates “the creative potential of consent in Almain’s theory.” In a political society, moreover, various systems are possible – monarchy, aristocracy and democracy/timocracy are highlighted – but for the rulers to be legitimate, their authority ordinarily must derive “‘from the free consent of the people’ (a libero consensus populi).” Finally, appropriation of property could be determined by one or more rulers, but even in the absence thereof, it could occur

165 Shuger, “Other Republicanisms,” 278, citing O’Donovan (From Irenaeus to Grotius, 391), who is referring to Ockham and Wyclif.
166 Shuger, “Other Republicanisms,” 277-278.
by common consent of the people “acting for and among themselves.” According to Burns, these various positions are influenced by Scotus.\(^{168}\)

Carpintero et al. point to another source (although it could be Scotist): “voluntarism,” they write, “permeates” Almain’s discourse on the origins of civil dominion via common consent.\(^{169}\) In particular, they point to a passage in \textit{A decima quarta} in which Almain writes that property can be assigned to particular persons for their exclusive use “from common consent” or the consent of a ruler whose authority originated with the people.\(^{170}\)

We have reviewed the positions of Oakley, Shuger, Burns, and Carpintero et al. on political consent in Almain’s thought. This has included discussion on origins – corporation theory and natural law (Oakley) vs. Scotist (Burns) and voluntarist elements (Carpintero et al.); who are consenting actors – corporate communities (Oakley) vs. rational individuals (Shuger); and some particulars regarding what political consent entails – obligatory action (Oakley) / political teleology (Shuger).

\section*{2.4 The Common Good}

Throughout the medieval period, the common good was expressed in a multitude of ways. Common terms include: common good (\textit{bonum commune}), common utility (\textit{communis utilitas}), public good (\textit{bonum publicum}), public utility (\textit{utilitas publica}), good of the republic (\textit{bonum rei publicae}), and status of the republic / status of the Church (\textit{status rei publicae} / \textit{status ecclesiae}). The meaning of these terms could be roughly the same or vary, depending on the context and author, including the school/s of thought to which one adhered (e.g., corporatist, individualist, \textit{bonum commune}, \textit{communis utilitas}, \textit{bonum publicum}, \textit{utilitas publica}, \textit{bonum rei publicae}, \textit{status rei publicae} / \textit{status ecclesiae}). The meaning of these terms could be roughly the same or vary, depending on the context and author, including the school/s of thought to which one adhered (e.g., corporatist, individualist, 

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\begin{itemize}
\item \footnotesize 168 Burns, “Jacques Almain on \textit{Dominiun},” 152, 155, 156.
\item \footnotesize 169 Carpintero et al., \textit{El Derecho Subjetivo en su Historia}, 99.
\item \footnotesize 170 \textit{A decima quarta}, fo. 53’.
\end{itemize}
realist, anti-realist, Aristotelian, and/or Augustinian, among others). Indeed, investigating the common good involves “confront[ing] a host of interpretive controversies concerning its origins and implications.” With this complex context in mind, we can narrow our problematic. It is broadly recognized that conciliarists thought that the ecclesiastical common good should be an overriding concern of the Church: e.g., as the end of ecclesiastical power, as a motivation for reform, and/or, if the pope acted contrary to the common good, as a primary reason for his deposition. What did conciliarists understand this common good to involve, though? And more importantly, for our purposes, how did Almain understand it? How did he understand the common good of a purely political body?

It has been argued that the common good of the Church was or included eternal felicity. Thus, as Lange writes of conciliarists overall, at least up through the fifteenth century: “The conciliarists’ pope would have governed for the common good, never forgetting that this meant the salvation of Christian souls.” It is not a widely held view among scholars, though, that conciliarists at large made a direct and exclusive equation of the common good with salvation. It must be granted, nonetheless, that salvation is linked to the common good by various proto-conciliarists and conciliarists. Conrad of Gelnhausen, for instance, refers to “the common good, in which the salvation and utility of each and every believer in Christ is included…” For John of Paris, d’Ailly, and Gerson, in turn, the common good includes but is not limited to salvation; other

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171 On these and other complexities pertaining to the notion of the common good in the medieval period, see Kempshall, The Common Good in Late Medieval Political Thought, 1-25; Kaye, A History of Balance, 1250-1375, 247-8; Black, Political Thought in Europe, 1250-1450, 25ff.


173 See Tierney, Foundations, 51, 245; Oakley, The Political Thought of Pierre d’Ailly, 111-113; Oakley, The Conciliarist Tradition, 71, 72; Avis, Beyond the Reformation? 184, 186-7; Milroy, Tracing Nicholas of Cusa’s Early Development, 73; Lange, The First French Reformation, 80.

174 Lange, The First French Reformation, 80.

175 Conrad quoted in Bernstein, Pierre d’Ailly and the Blanchard Affair, 57.
features of temporal ecclesiastical life are included too. I am unaware of scholarship linking the common good and salvation in Almain’s thought.

Tierney locates the origin of the general conciliarist view on the common good of the Church up through the early fifteenth century in canonist (Decretist) thought. Moreover, when it and other Decretist views merged with canonist (Decretalist) corporation theory, it provided a foundation for conciliar theory more broadly. In the canon law glosses of the Decretists, the common good or status ecclesiae was “a living reality, closely identified with the rules of ecclesiastical life laid down in the laws of General Councils and confirmed ‘by universal consent’,” which Tierney specifies elsewhere as “[s]tandards of faith and order.” Similar definitions of the status ecclesiae by other scholars include, “the constitutional order of the Church,” “the right order of [ecclesiastical] society,” “an inviolable body of law, custom, and tradition,” “the public welfare of the Church and…the security of the faith,” “above all the faith,” and teachings on “unity, orthodoxy, and discipline” that became part of “the permanent patrimony of the Christian faith.”

Particular instances in which the status ecclesiae could be threatened were parsed out in Decretist thought. Gratian had influentially argued that a pope cannot be judged, unless he has fallen into heresy (a nemine est iudicandus, nisi deprehendatur a fide devius). And a number of

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177 See Tierney, Foundations, 51, 245. Many scholars have since agreed with Tierney’s analysis; see, e.g., Gerald Christianson, “Conciliarism and the Council,” 97; Oakley (see below).
178 Tierney, Foundations, 51-52; see 245.
180 Reid, Jr. “‘Am I, by Law, the Lord of the World?’” 1657.
181 Pennington, The Prince and the Law, 1200-1600, 236.
182 Pennington, The Prince and the Law, 1200-1600, 278
183 Post, Studies in Medieval Legal Thought, 264, 265.
185 Tierney, Foundations, 57.
thinkers explained that the reason was rooted in the Church’s welfare. For instance, Hugguccio, who was the first to provide an elaborate explanation of this passage, argued that the pope could be deposed for heresy because it was “peculiarly injurious to the Church as a whole.” He then expanded the principle: any notorious offence committed with “contumacious persistence” that scandalizes the Church can also cause it serious harm: “danger” (periculum) and “general confusion” (confusionem generalem). The views of Gratian, Huggucio and others would become very influential among proto-conciliarists (e.g., John of Paris) and conciliarists, who adopted forms thereof alongside corporation theories. The latter provided a helpful legal framework in which the pope, while ruler, was less in authority than the Church corporation for whose wellbeing he functioned. As a result, proto-conciliarists and conciliarists had at their disposal a standing “doctrine that a Pope could not legitimately act against the general well-being of the Church [generalis status ecclesiae], and that, at least in the case of heresy, he could be deposed by the Church.”

Avis, who refers to the influence of Roman and canon law on pre-existing Christian understandings of the common good, argues in a manner similar to Tierney that “[t]he central conviction of conciliarism – its pivotal ecclesiological axiom” was the position that the whole Church is responsible for the well-being or common good of the Church – the status ecclesiae – which he frames as securing the Church’s “doctrine, worship and mission.”

Oakley largely embraces Tierney’s analysis, but extends it to later conciliarists. In The Political Thought of Pierre d’Ailly, he indicates that it was “characteristic…of the Conciliarists in

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186 Tierney, Foundations, 58.
188 Tierney, Foundations, 142; see 132ff, 165ff, 225ff.
189 Avis, Beyond the Reformation? 184; see 186-7.
"general" to restrict the pope’s authority in many matters to the “common welfare” or status ecclesiae, understood, it appears, in the Decretist sense. In The Conciliarist Tradition, Oakley is more specific, arguing that for those who embraced strict conciliar theory, which includes Almain, “the well-being” or “good” of the universal Church qua corporation was the end of papal power, a good that he seems to identify with the status ecclesiae, which the whole Church can defend. It appears, then, that the good of the Church corporation involves securing the universal ecclesiastical life. However, in other works, Oakley notes at least one potential avenue to ensure this that is excluded: Almain, alongside Mair but unlike many of their conciliarist predecessors, shows little interest in what Oakley calls the “oldest strand in the full pattern of conciliarist thinking,” that is, the belief that ecclesiastical reform was needed and was best attained at ecumenical councils. This invites the question: to what degree is Almain truly interested in the status ecclesiae or good of the corporate Church?

Burns, in his discussion of Almain’s views on political bodies in A decima quarta, distinctions 14 and 15 in particular, argues that there are corporate and, especially, individual-focussed elements to the common good. Firstly, there is a strong emphasis on “the paramount

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191 Oakley, The Political Thought of Pierre d’Ailly, 111; see 111, fn. 26; 112-13.
   This view, Oakley explains, applies to Pierre d’Ailly. However, in the same text Oakley also asserts that the common good for d’Ailly is the salvation of the faithful. Oakley explains that ecclesiastical power of jurisdiction, for him, is “the power of regulating subjects and guiding them to their salvation.” This is the end he has in mind when he refers, as he constantly does, to the common good or common utility of the Church [or status ecclesiae (p. 107, fn. 16)]. This is that common good for which jurisdictional authority within the Church is established. This, too, is the criterion by which we must judge the worth of all types of ecclesiastical policy and of every form of ecclesiastical government (The Political Thought of Pierre d’Ailly, 107-108). This vision of the common good is left unreconciled with the Decretist sense of status ecclesiae.

192 Oakley, The Conciliarist Tradition, 71, 72; see 119.

193 Oakley, The Watershed of Modern Politics, 249; see 248.

In The Watershed of Modern Politics (p. 249) and “Almain and Major” (p. 688), Oakley claims that Almain makes no reference to reform, while in “Natural Law, the Corpus Mysticum, and Consent” (p. 793), Oakley writes that Mair, Almain and Cordier (Parisian defenders of Pisa) “scarcely mention” reform at all. In truth, Almain refers to reform in passing twice in Libellus (fos. lii, lv'), and he does so polemically, asserting that reform of the whole Church can only occur by means of a council and that the papalist view that the pope is above the council hinders it. The precise nature of this reform, though, is left unsaid, and Oakley’s primary point is granted: Almain does not show any serious interest in it.
interest of the community as a whole,” “the collective, corporate element in the good which law and government exist to promote” and “the need to subordinate individual interests to the overriding claims of the body politic.” While “collective” and “corporate” can be used to refer to a group or individuals taken together without connotations of corporation theory, Burns uses these terms earlier in this text with these connotations. Prima facie, this would then seem to suggest that the common good is in some sense greater than or distinct from the sum good of citizens; that it is, at least in part, the good of the corporate persona. Secondly, however, Burns also argues that human law, for Almain, “has only one proper end: the common good of those who are to live under its authority,” that is, “the benefit of its subjects.” This indicates at minimum that the common good includes the good of all citizens.

Burns frames these positions – “the collective, corporate element in the good” and the common good of all citizens, the former of which human law “exist[s] to promote” and the latter of which is its “one proper end” – as “two poles between which we can locate the axis of [Almain’s] thinking.” How they can be reconciled is left unclear. However, one reading is that human law is ultimately for the good of all citizens; it is used to bolster the good of corporate society as a means to benefit them. Thus, it can be said that the law promotes the community as such even while its proper end is the good of subjects. This reading retains corporate personality – there is a corporate good as such, and it is instrumental.

In addition to those who have connected Almain’s views on the common good to Decretist-Decretalist positions and/or corporatism, others have linked them to another influential tradition:

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194 Burns, “Jacques Almain on Dominium,” 158.
195 See sec. 2.2 above. Also, see “Jacques Almain on Dominium,” 157, where Burns refers to a situation in A decima quarta in which a tyrant demands a large sum of money from his community. According to Burns, “[t]his is not, it seems, the political community at large, but, rather, a corporate or local ‘commune’.”
196 Burns, “Jacques Almain on Dominium,” 158, 152; see 151.
197 Burns, “Jacques Almain on Dominium,” 158.
Aristotle. According to Izbicki, Almain’s political theology “was rooted in Aristotelian doctrine. It required obedience to duly constituted authority, sacred or secular; but it placed limits on the exercise of power by pope or prince… Human positive law was enacted for the common good, and it could vary with circumstances.”\textsuperscript{198} Precisely the nature of this common good is left unsaid, apart from the suggestion that it is Aristotelian. We will see some features of this perspective below.

Avis sees a more indirect connection between Almain and Aristotle. While he calls the whole Church’s duty to secure the \textit{status ecclesiae}, viz., “doctrine, worship and mission,” “[t]he central conviction of conciliarism,”\textsuperscript{199} he views a series of conciliarists in a different and more nuanced light. Almain, he argues, preceded by John of Paris, d’Ailly, Gerson, and Cusa, invoked natural law to support their conciliarist arguments. In doing so, they were influenced by Aquinas, specifically, his views on natural law and the common good. Central for our purposes is the common good, on which Aquinas was influenced by Aristotle, as well as Roman and Patristic sources, especially Augustine. For Aquinas, positive law is enacted by a ruler and should be directed, following practical reason, to “the common good, the well-being of the whole community. The common good reflects the social, collective nature of humankind.” This presumes, according to Avis’ analysis, a common human nature by which humans are disposed to survive, flourish and experience the \textit{visio dei}. Significantly, the attainment of these dispositions “applies to communities and institutions,” such as (purely) political societies and the Church, “as

\textsuperscript{198} Izbicki, “Jacques Almain,” 580.
\textsuperscript{199} Avis, \textit{Beyond the Reformation?} 184; see 186-7.
much as to individuals.” And pursuing the common good “leads to greater human well-being”: earthly and eternal happiness (eudaimonia and beatitudo, respectively).\footnote{Avis, Beyond the Reformation? 42; see 41. Also see Aquinas, ST II-II, 31.3 ad 3 (newadvent.org/summa/3031.htm), where he refers in passing to the common good of the Church alongside that of the State (communis utilitas Ecclesiae vel reipublicae).}

Implicit in Avis’ account seems to be Aquinas’ view, rooted in Aristotle, that the community and its end/good\footnote{On the equivalence of “end” (finis; τέλος) and “good” (bonum; ἀγαθός), see Aristotle, Nicomachean Ethics 1.7, 1097a-b; Aquinas, ST I-II q. 94 art. 2.} (i.e., the common good) are formally distinct from the members and their goods. That is, the former cannot be reduced to the latter:

The common good of the realm and the particular good of the individual differ not only in respect of the “many” and the “few,” but also under a formal aspect. For the aspect of the “common” good differs from the aspect of the “individual” good, even as the aspect of “whole” differs from that of “part.” Wherefore the Philosopher says (Polit. i, 1) that “they are wrong who maintain that the State and the home and the like differ only as many and few and not specifically.”\footnote{Aquinas, ST, II-II, q. 58, art. 7, ad. 2 (newadvent.org/summa/3058.htm). See Aristotle, Politics 1.2, 1253a. On Aristotle’s notion of the common good in brief, see Duke, “The Distinctive Common Good,” 241ff., esp. 247.}

Nonetheless, the common good requires collective, communal action to be attained (e.g., hierarchy and order), and pursuing it helps the members attain their own ends/goods.\footnote{Avis, Beyond the Reformation, 42.}

We have seen three main approaches to the common good, two of which have been linked to Almain. Oakley and Burns respectively situate Almain among those who defend the status ecclesiae or common good of the Church or purely political bodies in a corporate context, although the implications of their work are very different. Izbicki and Avis, in contrast, note the influence of Aristotle on Almain’s political theology. Izbicki is sparing with details. Avis’ analysis, however, indicates that Almain – among other conciliarists – was influenced by Aquinas on the common good, which seems to have included Aristotelian notions about a community and its good.

Significantly, both corporate and Aristotelian-Thomistic views typically assume that the Church or purely political bodies are in some sense distinct from or greater than the sum of the members
– either legally or formally; thus, the community would appear to have a good that cannot be reduced to the members’ individual goods. We saw this most clearly with Oakley and Avis. This does not mean, however, that the common good has no bearing on the members in their accounts. After all, the rules of ecclesiastical life are to be observed by all members of the corporation, the faithful, and the common good of an Aristotelian-Thomistic community requires collective action and is beneficial to all. Similarly, with Burns’ reading, the “corporate element in the good” appears to be primarily an instrumental means to bolster the good of citizens.

2.5 Ecclesiastical Unity

As Oakley has argued based on the analysis of Tierney, medieval canonist glosses relayed two main views on Church unity. The first and more well-known was that the subordination of all the faithful to the pope qua Earthly head and ultimate authority was essential to unity; a theory that bolstered papal sovereignty. The second view, rooted in corporation theory, was that unity was maintained by corporate membership. This view was originally applied to local churches, then the Roman church, and finally the universal Church. While papal defenders tended to defend the first view, conciliarists stressed the second: unity was rooted for them in the corporate status of the Church or Mystical Body of Christ, of which all the faithful, even in the absence of a pope, were members by virtue of their baptism. According to Oakley, this view was a key feature of “strict conciliar theory” to which Almain adhered.204

204 Tierney, Foundations, 240; Oakley, The Conciliarist Tradition, 107, 109, 118; see Oakley, The Western Church in the Later Middle Ages, 163-4; Oakley, “Natural Law, the Corpus Mysticum, and Consent,” 787; Oakley, The Watershed of Modern Politics, 225.
Chapter Conclusion

In this chapter, we have introduced Almain’s political theology, considered what it entails and laid-out some central features of political bodies. Essential to this discussion has been the thesis that the Church is a political body, for Almain, and ecclesiology is a feature of political theology. With this context and basic foundation established, we have then examined a series of scholarly positions. While we have seen diverse views, there are important trends. First and most evident is the prevalence of the corporation qua entity legally and conceptually distinct from the members. In the vast majority of scholarly views, the corporate status of purely political and/or ecclesiastical bodies is either established or assumed. This includes the commonwealth (Skinner, Burns, Oakley), possibly a pre-political community (Burns on Skinner), the Church (Oakley, Skinner), the Apostles (Brosse, Parsons), and the ecumenical council (Parsons).

A second and related trend is the place and importance of the community as such rather than or in addition to the individual. If a corporation is a legal persona, this follows as an understandable consequence. Thus, Burns is adamant that the civil ius gladii is held by the community, which is distinct from private persons. Oakley similarly argues that political consent, while based in the members’ decision-making, is fundamentally communal and corporate; the common good of the Church, likely the status ecclesiae, is likewise corporate; and the faithful are united by virtue of their membership in the Church corporation. Izbicki and Avis have pointed to a different influence on Almain: Aristotle, whose views on the common good, nonetheless, also highlight the community as such and its good. Finally, while not discussed above, Tuck refers to
the “communitarian, conciliarist case” of Almain (alongside d’Ailly, Gerson and Mair), and Burns similarly notes the “‘communitarian’ radicalism which characterizes his theory of political society” in *Questio*.

A third, albeit minor trend, shifts the emphasis to the individual. Shuger, in her analysis of *Expositio*, does not situate political decision-making in a corporate context. Rather, it is made by individuals qua rational agents upon recognition of the divine plan. Similarly, and on the same basis, each individual also has the capacity to assent to or dissent from the decisions of superiors. As we have seen, Burns tends to highlight the corporate and communal aspects of Almain’s thought. He does this also in his analysis of law and the common good in *A decima quarta*, but alongside another theme. There are, he writes, “two polls”: “the collective, corporate element in the good” and the common good of all citizens; we have speculated that the corporate good of society is instrumental, for the sake of individual citizens.

Finally, some discussion has been raised as to the influence (or lack thereof) of the *Via Moderna* in Almain’s political thought. Shuger, in her analysis of Almain’s *Expositio*, briefly refers to the influence of Ockham. In this text, Almain discusses exceptions to rules and laws, which individuals as rational beings have the capacity to decide; in large part for this reason, Shuger argues that the “focus on the singular, on the exception” is symptomatic of a nominalist epistemology. Carpintero et al., in turn, argue that anthropological voluntarism is an important feature of civil consent in *A decima quarta*. Finally, Oakley considers and rejects the possibility that Almain’s anti-realism was applied to his political discourse.

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206 Burns, “*Jus Gladii and Jurisdictio*,” 374.
The next chapter will provide an analysis of Almain’s political theology, including responses to these various scholarly positions, through the lens of the *Via moderna*, specifically, terminist logic, anti-realism, and anthropological voluntarism/s.
CHAPTER 4
THE COMMUNITY AS NON-CORPORATE COLLECTIVE:
THROUGH THE LENS OF THE VIA MODERNA

Introduction

In chapter three, we introduced Almain’s political theology, including his ecclesiology, and provided an overview of scholarship thereon. In this chapter, we will reconsider features of Almain’s thought and critique scholarly analyses through the lens of the Via moderna, given its strong impact on Almain. With chapter three, section 1 as a foundation, we will revisit the organic analogy, namely, what it means to be a political body, before re-considering the scholarship.

Influential features of the Via moderna that impacted Almain’s political theology include, most importantly, anti-realism and terminist logic. Mereological references overall should be interpreted via the principles in Embammata phisicalia, especially a whole being the sum of its parts. This includes Almain’s frequent use of “whole” (totus), a word he uses dozens of times referring, for instance, to a “whole body,” “whole community,” “perfect whole community,” “whole kingdom,” “whole people,” “whole Church,” “whole diocese,” and “whole council,” among others.\(^1\) While some of these are borrowed wording,\(^2\) the extent to which Almain uses the word “whole,” in particular, suggests that he was often thinking mereologically. Almain also uses “categorically” (cathegoreumatice), “collectively” (collective), “conjunctly” (copulatim), “joined at the same time” (simul iunctis), “distributively” (distributive) “dispersed” (dispersa),

\(^1\) E.g., “whole body” (Libellus, fos. xlvi, liiiii); Questio, fo. lxiiii), “whole community” (Libellus, fos. xlvi, liiiii); Questio, fo. lxiiii; Expositio, fos. vii, xxxv), “perfect whole community” (Questio, fo. lxiiii), “whole kingdom” (Libellus, fo. liiiii), “whole people” (Libellus, fo. liiiii), “whole Church” (Libellus, fos. xlvi, liii, liii, liiiii, lv, lvii, lixiv, lix[x2]; Questio, fo. lxiiii), “whole of Christianity” (i.e., whole Church) (Libellus, fo. lv), “whole collection [of the faithful]” (Libellus, fo. lv), “whole diocese” (Libellus, fo. liiiii), “whole congregation” (Libellus, fo. liiiii), and “whole council” (Libellus, fo. i; Expositio, fo. xxvi).

\(^2\) E.g., Almain quotes Aquinas, which includes reference to a “whole body” and “whole community” (Questio, fo. lxiiii; Libellus, fo. xlvi).
“separately” (*divisim*), and related terms numerous times.³ Recall that a whole taken categorematically or collectively refers to all parts of a whole taken or understood together, as the sum of its parts; conjunctly and joined at the same time are used in a similar way. A whole taken distributively, dispersedly, separately (or syncategorematically), in contrast, refers to each part (or integral part) understood separately. Thus, our conclusion in chapter two is worth repeating here: as an anti-realist, Almain holds that a whole – including a political body or community – is the sum of its parts, and as a terminist, those parts are always taken collectively or distributively. Almain embraces these principles in place of the corporation qua entity legally and conceptually distinct from the members (sections 2.1-2.5).

Almain also applies supposition – a feature of terminist logic – like most *moderni*: words in simple supposition supposit for concepts, while words in personal supposition supposit for individual, extra-mental things. This distinction is central to understanding to whom or what Almain is referring when he discusses *homo, homines* or the human *genus*, especially in the context of dominion and ends. As we will see, dominion and ends are always given to or are the possession of men altogether (collectively) or individually (distributively) (sections 2.2, 2.4.3).

Finally, Almain is influenced by two forms of anthropological voluntarism (both primarily Scotist), which emphasize freedom of the will, and that will’s orientation toward the good, or affection for justice and advantage. These views affect Almain’s approach to the nature of political consent (section 2.3).

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³ E.g., “categorematically” (*Libellus*, fos. liii, liiiii, lx[lxii]); “collectively” (*Libellus*, fo. lv); “conjunctly” (*Questio*, fo. lxv); “joined at the same time” (*Expositio*, fo. vii; *A decima quarta*, fo. 51v); “distributively” (*Libellus*, fo. lv), “dispersed” (*Libellus*, fos. liii, lviii), and “separately” (*Questio*, fo. lxvii). For these phrases used in context, see sec. 2.1 and 2.2 below.
1. To Be a “Body”: The Organic Analogy – Revisited

As we saw in the last chapter, Almain applies the organic analogy to the Church specifically and political bodies in general. Hence, he writes in *Questio*, “any community of people mutually associating is like one body of which the individuals [*singuli*] are members one of another [Rom. 12:5]”, an argument he repeats at the beginning of *Libellus*. He then cites Aquinas in his discussion on communal self-defense, writing that a community has,

by natural *ius*…a certain power by which those whose life leads to its disruption [should] be cut away from the body, even by death. And that is deduced *a priori* from the reasoning of Saint Thomas, [*ST*] II-II, q. 64, [art. 2]⁶, ‘Every part is ordered to the whole of which it is a part like imperfect to perfect. And if, for the welfare of the whole body, the cutting off of some member is expedient, suppose, because it is putrid or corruptive of the other [members], it will be laudable to cut it off. With, therefore, any individual person compared to the whole community as part to whole, for that reason, if someone be pernicious to the community and corruptive of it, it is laudable that he be killed’ by the community.⁷

We have discussed how Almain applies this logic to the Church qua political body so that it can depose and execute the pope, if necessary. In this way, the logic serves a very useful conciliarist function.⁸ Now, however, it is suitable to re-consider a fundamental premise of the argument: in what sense is a political body with citizens truly like a biological body with members? And similarly, given that Almain quotes Aquinas using mereological language, what is the relationship between a whole and its parts?

Almain’s use of the organic analogy suggests that members function together for the well-being of all, as does his reference to Romans 12:5, part of a larger relevant passage: “For as in one

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⁴ *Questio*, fo. lxii⁷v.
⁵ The one difference in this passage, when compared to *Questio*, is that Almain clarifies that he is referring to a civil context: “…any community of people mutually associating [*conversantium*] in a civil context…is like one body of which the individuals [*singuli*] are members one of another [Rom. 12:5]” (*Libellus*, fo. xlvi⁷v). Almain also uses the organic analogy in *Expositio* to justify the execution of criminals (see fo. xxxv⁶v, xxxvi⁷v).
⁶ McGrade notes that Almain is referring to article 2 (“Jacques Almain: Introduction,” 16).
⁷ *Questio*, fo. lxii⁷v. See parallel text in *Libellus*, fo. xlvi⁷v.
⁸ See ch. 3, sec. 1.1 and 1.2.
body we have many members, and all the members do not have the same function, so we, though many, are one body in Christ, and individually members one of another. Having gifts that differ according to the grace given to us, let us use them…”

Almain’s definition of this organic community as involving the mutual association of members also points to his embrace of the Aristotelian-Thomistic view that the human person is social and political by nature. And, similarly, Almain indicates or implies that the end of the political community is virtuous living and the political happiness of its members, both of which are attained as part of the community in the Aristotelian-Thomistic tradition. In this way, people need and are naturally ordered to the community to achieve their own ends. This helps explain what Aquinas means in the passage Almain cites: “Every part is ordered to the whole of which it is a part like imperfect to perfect.” In the Aristotelian tradition, individuals (as well as smaller communities within a state) are imperfect in the sense that they are not self-sufficient. A state, in contrast, is perfect, in the sense that it is self-sufficient.

Aquinas goes further than this, though. As we saw in discussing the common good, he writes:

The common good of the realm and the particular good of the individual differ not only in respect of the “many” and the “few,” but also under a formal aspect. For the

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9 Rom. 12:4-6a, RSV.
10 See Aristotle, Politics 1.2, 1253a; Aquinas, ST I-II, q. 72, art. 4.
11 Libellus, fo. xlvi; see fo. xlix.

Almain says that “to live according to virtue” is the natural end of “a political body.” In context, he is referring to the Church, which is also the “mystical body of Christ” with a supernatural end, “eternal life”; and he clarifies that this life, which Christ became incarnate to give, is for “individuals” (singulos) (Libellus, fo. xlvi). Since the supernatural end of the Church is for individuals, it is very likely that its natural end is also.

12 Questio, fo. lxvi.
13 See Aristotle, Politics 1.2, 3.9, 4.11, 8; Aquinas, Commentary on Aristotle’s Politics, 7-8 (comment 2), 16 (comment 20), 18-19 (comment 23), 205 (comment 4). In the Aristotelian-Thomistic tradition, earthly happiness entails growth in virtue (Aristotle, Politics 4.11; 7.3, 8, 13; Aquinas, ST I-II q. 3, art. 6; q. 5, art. 5). Almain likely intends this connection between virtue and happiness as well, but he is not explicit in Libellus.
14 See Aristotle, Politics 1. As Aquinas writes, “As one man is a part of the household, so a household is a part of the state: and the state is a perfect community, according to Polit. i. 1. And therefore, as the good of one man is not the last end, but is ordained to the common good; so too the good of one household is ordained to the good of a single state, which is a perfect community.” (ST I-II, q. 90, art. 3, ad. 3, www.newadvent.org/summa/2090.htm).
aspect of the “common” good differs from the aspect of the “individual” good, even as the aspect of “whole” differs from that of “part.” Therefore the Philosopher says (Polit. i, 1) that “they are wrong who maintain that the State and the home and the like differ only as many and few and not specifically.”\(^{15}\)

Thus, influenced by Aristotle, Aquinas formally differentiates a community (viz., a state) from its individual citizens, and the common good from the individual good; the former is not simply the sum of the latter. In other writings, Aquinas explains that a community (including the Church\(^ {16}\)) is a unity of order in which the members are ordered toward the common good as their common end. And precisely as a unity, the community is greater than the sum of its parts, for it – the community – has an operation that cannot be reduced to the members as individuals. A part of the whole can act independently, such as a soldier in an army; that said, the whole itself has “an operation that is not proper to its parts but to the whole,” such as a battle involving the whole army.\(^ {17}\) Here we have additional insights into what Aquinas means by, “Every part is ordered to the whole of which it is a part like imperfect to perfect.” Not only is every human being ordered to the community for his own natural end, but in order to contribute to the common good of the community as such. And the community of which the members are a part is formally distinct from them as individuals. It is the whole and the “perfect.”

In *Questio* and *Libellus*, Almain accepts the view, alongside Aquinas, that the community has a natural *ius* to self-preservation like a real body. (Almain goes beyond Aquinas, however, by including the Church.) The community must, therefore, be one in some sense. Citizens, moreover, need one another and communal living to achieve their own ends; there is, therefore, also some


\(^{16}\) “In the Church we also find a unity of order, since the members of the Church are of service to each other and are ordained to God; and in this respect Christ is called the head of the Church as its ruler” (Aquinas, *Truth*, vol. 3, q. 29, art. 4).

\(^{17}\) Aquinas, “Commentary on the Ethics” I.5; see Duke, “The Common Good,” 374. It is important to note that the unity of order of a community entails less unity than a substance, such as a human being, but greater unity than an aggregate, like a pile of rocks (Duke, “The Common Good,” 374; Lewis, “Catholic Social Teaching on the Common Good,” 245). This is an important limit on the organic analogy for Aquinas.
sense of order natural to the community. Does Almain understand this unity and order, though, in the sense of Aquinas?

In *Embammata phisicalia*, Almain addresses problems in mereology, including the question of whether a whole is distinct from or greater than the sum of its parts; and his answer is consistently, no. While Almain focusses primarily on real bodies in this text (e.g., Socrates is his body and soul together, not something greater), he indicates that his logic extends to social bodies too. Indeed, nothing is distinct from the sum of its parts. This emphasis on the singular, rooted in anti-realism, is an important emphasis in Almain’s *corpus*, as we saw in chapter two. And it presents us with a hermeneutical lens for our study of Almain’s political theology. Considering this, it would be incredible if Almain were to have adopted Aquinas’ view that a whole is or can be distinct from its parts, even if only in the context of the unity of a political body. Indeed, Almain does not even raise this possibility. Rather, it is more appropriate to understand his view of the community in *Questio* and *Libellus* as analogous to his anti-realist view of the human person. A human person is a body and soul together, the sum of these two parts; and the soul has a natural inclination to a body.\(^{18}\) So, too, a community is a number of citizens together, joined in a civil context – the sum of its parts, albeit a much looser unity than a biological body – and they each have a natural inclination to this social and political life. In this way, the community is neither distinct from the sum of its parts, the members, nor are those members without need of one another.

In *Expositio* and *A decima quarta*, Almain’s view is similar, albeit more influenced by Ockham and Scotus, respectively, than Aristotle or Aquinas. Thus, a community is still the sum of its parts, the members, but they are not naturally inclined to political life, even though they are –

\(^{18}\) See ch. 2, sec. 1.2.2.2; *In tertium*, fo. i\(^{v}\).
post-lapsarian – subject to civil dominion under one or more rulers by natural law.\textsuperscript{19}

Finally, across his Political Theology works and \textit{A decima quarta}, Almain defends the importance of the common good, but not in the sense of Aristotle or Aquinas. Rather, his logic leads him to view it in a more atomist sense, as the good/end common to all members of a community, members who need one another to some extent and ought to defend their own ends and those of others.\textsuperscript{20} This reinforces a recurring theme: Almain’s political theology is heavily focussed on individuals, but rarely in isolation and often collectively. Many of these conclusions, moreover, are applicable beyond purely political bodies to the Church.\textsuperscript{21}

\textbf{2. Scholarly Analyses on Almain’s Political Theology – Re-considered}

In this section, we will critique the scholarly analyses of Almain’s political theology we considered in chapter 3, and provide alternative interpretations largely rooted in the \textit{Via moderna}. We began to apply this hermeneutical lens above to aid us in understanding what it means to be a political body. With this foundation, we will apply it in other ways to understand better the nature of ecclesiastical and political bodies, the origins and exercise of civil dominion, as well as the natures of political consent, the common good, and ecclesiastical unity.

\textbf{2.1 The Church & Ecclesiastical Bodies as Non-Corporate Collectives}

\textbf{2.1.1 Introduction}

We saw that the organic analogy was often linked to corporation theory: a socio-political body frequently was understood to be a \textit{universitas}. There were exceptions, though: the term

\textsuperscript{19} See below, sec. 2.2.3, 2.2.4, 2.3.4.2, 2.4.3; also see Wolter, \textit{John Duns Scotus’ Political and Economic Philosophy}, 16, fn. 50; and Coleman, \textit{A History of Political Thought}, 171, 176-180.

\textsuperscript{20} See below, sec. 2.4.

\textsuperscript{21} See below, sec. 2.1, 2.4.2.
corpus could be used simply “to describe any collection of individuals.” Ockham, for instance, refers to the Church as the mystical body of Christ while rejecting that it is a fictive corporate person. Rather, it is simply a collection of “true persons.” He applies this understanding of the corporation, moreover, to all ecclesiastical and political bodies, including religious orders, councils, and the state: they are all simply the sum of their members. In Questio, Libellus, and Expositio, Almain also applies the organic analogy to the Church and other political bodies; and like Ockham, he indicates that both ecclesiastical bodies (e.g., a hypothetical conjunctly-held papal office; councils), as well as purely political bodies (e.g., a kingdom), are not distinct corporate entities, but the sum of their parts.

2.1.2 The Church & Dominion: Libellus

In chapter three, we saw that many scholars have linked Almain’s conciliarism to corporation theory. And, indeed, we can affirm that this is partly correct. Almain largely adhered to strict conciliar theory which, influenced by canonist corporation theory, rooted supreme ecclesiastical power in the external forum with the whole Church qua universitas. This power could be exercised by that body at ecumenical councils and would be binding on all the faithful, including the pope, whose authority was ministerial. Almain accepted this position with one key exception: he did not view the Church as a universitas. Granted, he refers to the Church as the

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24 E.g., Questio, fo. lxii; Libellus, fo. xlvii; Expositio, fos. vii, xii.
25 Libellus, fos. f-iv. Almain emphasizes that supreme power (or dominion) in the external forum is the possession of the Church qua Collectio fidelium. He also allows the interpretation that the Church qua “collection of all greater and lesser prelates” (i.e., all bishops and curates), the successors of the Apostles and disciples, collectively have this
universitas fidelium, but for a designation that was common among other writers, it is exceedingly rare for Almain. And the term universitas could be used without its usual legal meaning. This helps explain Almain’s usage.

Almain was influenced by other corporation theory too, including the principle that a ruler is superior not to his corporation but the members individually. Medieval jurists developed this view based on analyses of Roman law, chiefly collected or codified by Justinian, with Azo of Bologna (b. c. 1150) providing its classical formulation: “The emperor does not have more power than the whole people but [more] than each individual of the people.” The basis of this view was the distinction “between the people considered as a corporate body - a universitas - and the people considered as a mass of individuals.” While a minority view among jurists, it became influential during and after the Great Western Schism, when its logic was applied to the pope and Church by various conciliarists. Some also found the distinction nascent in other sources, such as Aristotle’s distinction between “all” taken separately versus together.

An early and key form of the argument was that the pope is not superior to the Church universitas, which truly holds supreme dominion, but he is superior to all as “individuals” (singuli). It was adopted by various thinkers at the councils of Constance and Basel (e.g., Alfonso García de Santa María [d. 1456]). While this formulation most explicitly invokes the corporation, there

27 Black, whose study focusses on the period right before Almain, notes that universitas fidelium and “the body of Christ” were “[t]wo of the commonest descriptions of the church” (Political Thought in Europe, 1250-1450, 15). I am aware of one passage in which Almain uses the phrase universitas fidelium (Libellus, fo. lvi’).

28 Tierney makes this point in the context of earlier canonists’ discussions on the Church as universitas fidelium and “body of Christ” (Foundations, 134).

29 Azo, Lectura ad Cod. 8.53.2; quoted in Tierney, Religion, Law, and the Growth of Constitutional Thought, 58; see 26, 57.


were others too. Pierre d’Ailly (d. 1420), for instance, indicates that the pope can be judged by all clergy “taken collectively” (capitur collective), but not by all clergy “taken distributively” (capitur distributive), i.e., each individual cleric or a particular body of clergy. Jean Gerson (d. 1429), in turn, argues that the pope is not superior to the Church “taken collectively,” i.e., all the faithful taken together, but is superior to it “taken dispersedly” (dispersive), i.e., all the faithful dispersed across the world. As a final example, Nicholas of Cusa (d. 1464) asserts that the pope is not superior to “all” (omnium) of the Church but is superior to the “members individually” (membra singulariter). Significantly, scholars have indicated that universitas, “collectively” (collective), and “all” (omnium), in this context, were equivalent terms that connoted the Church as a corporation.

In Libellus, Almain refrains from using the juristic formulation, the most explicitly corporate, but he uses the terminology of d’Ailly, Gerson, Cusa and others. In De auctoritate papae et concilii, Cajetan cites c. Nemo to demonstrate that the Church cannot judge the pope. According to this text, “No one will judge the First See. Truly, the judge will be judged neither by the emperor, nor by all the clergy…” In his reply, Almain notes that “all the clergy” could mean that a council cannot judge the pope, but then borrows language from d’Ailly to argue that the

34 Black, Monarchy and Community, 13. This formulation was later used at the Council of Basel (see again, Monarchy and Community, 13).
35 Cusa, Opera Omnia, vol. XIV: De Concordantia Catholica, liber secundus, 301-2 (art. 259).
36 E.g., For Black, collective-dispersive and collective-distributive are equivalent to universitas-singuli (Monarchy and Community, 13, 15; Council and Commune, 148-9; see 21-22), Coleman refers favourably to Black’s analysis that collective-dispersive is equivalent to universitas-singuli (“The Interrelationship Between Church and State During the Conciliar Period: Theory and Practice,” 44). Oakley holds that collective-distributive and universitas-singuli are equivalent (“Natural Law, Corpus Mysticum and Consent,” 803). Miroy (Tracing Nicholas of Cusa’s Early Development) argues that Cusa embraces “most of Basel’s political position[s]” in his DCC (p. 197), including corporation theory – which, he notes, includes the universitas-singuli distinction (pp. 69-70) – as well as the collective-distributive/dispersive distinction (pp. 192, 83), and that Cusa’s own formulation is equivalent to the latter (p. 192; see p. 61). He is less explicit than Black, Oakley, and Coleman in directly equating universitas-singuli and collective-distributive or distributive, but it is implicit in his analysis.
38 Libellus, fo. liii’. 
phrase should “not [be] understood collectively but distributively” (non capitur collective sed distributive).\textsuperscript{39} Using language similar to Gerson, in turn, Almain argues that the pope can “exercise jurisdiction throughout that whole body [i.e., the Church] dispersed as it is regularly” (jurisdictionem exercere...per totum illud corpus dispersum ut regulariter est).\textsuperscript{40} And the “Church as dispersed” (ecclesia ut dispersa) cannot exercise jurisdiction, formally define, or exercise infallibility, but it can “as gathered in a council” (ut con[gregat]e in co[n]cilio).\textsuperscript{41} Thirdly, citing Cusa, Almain explains that “Peter and any supreme pontiff has been established the superior of individuals [singulorum] but not of all [omnia].”\textsuperscript{42} In addition to these references, Almain cites Pope Gelasius, claiming that “he does not say that the Roman church is set above the universal Church... but other particular churches.”\textsuperscript{43}

Because the distinction between the pope lacking superiority over the Church as a whole, while having it over its parts is essential to Almain’s conciliarist argument, he bolsters it with these prominent citations even at the expense of consistency. Thus, we have seen differences that are not trivial, even while they are not mutually exclusive either. In replying to c. Nemo, Almain situates the pope’s authority in relation to “all the clergy,” while in discussing Gelasius, it is all particular churches, and for Cusa, it is all the faithful. These differences should be considered, though, in light of the following clarification from Almain:

> when it is said that the pope has supreme power in the Church...it is a comparison only of the pope to some other particular person [suppositum], for instance, some other patriarch, primate, archbishop and bishop, but not to the whole collection [collationem; i.e., Collectio fidelium] or the council immediately representing it, whose minister he is, just as when the king is said to have supreme power in his kingdom.\textsuperscript{44}

\textsuperscript{39} Libellus, fo. lv\textsuperscript{r}; see fo. liii\textsuperscript{r}.
\textsuperscript{40} Libellus, fo. liii\textsuperscript{r}.
\textsuperscript{41} Libellus, fo. lviii\textsuperscript{r}.
\textsuperscript{42} Libellus, fo. liii\textsuperscript{r}.
\textsuperscript{43} Libellus, fo. liii\textsuperscript{r}.
\textsuperscript{44} Libellus, fo. lv\textsuperscript{r}.
A few things are noteworthy here. Firstly, overall, the pope’s authority is in relation to individuals; the Gelasius citation, therefore, is an outlier. Secondly, the pope is not superior to a council, which Almain seems to think “all the clergy” (taken collectively) can signify in c. Nemo; and those clergy represent “the whole collection,” that is, the Collectio fidelium. Therefore, thirdly, the pope is ultimately not superior to the Collectio fidelium but “some other particular person.” (Indeed, he is inferior to the Collectio fidelium or an ecumenical council.) While Almain refers to different clergy in the above quote, he indicates that these are just examples to help explain texts. It includes the laity too, indeed the whole Church: all the faithful.

This is evident when we consider Almain’s more distinctive ways of phrasing the distinction. These include four descriptions of the pope lacking superiority over the “whole … taken categorically” or the “whole Church taken categorically,” albeit without parallels using syncategorematically.45 He writes, for instance: “John, patriarch of Antioch…denies that the pope is head of the whole Church taken categorically” (totius ecclesie cathegoreumatice), although it is true for Christ.46 In fact, John, who was present at the Council of Basel, does not refer to the Church “taken categorically,” but says that the pope is not head of the “universal Church.”47 The adjectives “whole” and “universal” indicate that the subject is not a subset of the

45 Pace Burns and Izbicki, therefore, Almain is not referring to the whole “categorically” (A Book concerning the Authority of the Church, 164, 169, 196). Indeed, he uses the term “categorically” four times in Libellus:
1/2. “If the supreme pontiff would have jurisdiction over the whole remainder [apart] from himself taken categorically [totu[m] residuum ab ipso cathegoreumatice], therefore, he has power in that whole [totu[m]], even yet unwilling, to exercise any act of jurisdiction … He [i.e., the pope] is not able to excommunicate or interdict that whole taken categorically [illud totu[m] cathegoreumatice], as is known” (fo. liii
3. “John, patriarch of Antioch…denies that the pope is head of the whole Church taken categorically” [totius ecclesie cathegoreumatice], although it is true for Christ (fo. liii’).
4. “Christ did not institute the supreme pontiff as His vicar general in every mode of power that He had according to [His] humanity. For He had power [over various things, e.g.,] over the whole Church taken categorically [totam ecclesiam cathegoreumatice]. And the supreme pontiff has none of those” (fo. lixiv).
46 Libellus, fo. liii’.
47 Burns and Izbicki refer to Mansi, Sacrorum conciliorum, 29.525-529 (Conciliarism and Papalism, 169, fn. 74). These passages, from John of Antioch’s De superioritate inter concilium & papam, have been consulted.
Church but all the faithful. Almain also indicates that the pope is not superior to “all the rest” (*toto residuo*), that is, the Church without the pope, but superior to “any particular member” (*quodlibet partiale membrum*);\(^{48}\) not superior to the “whole community” (*tota communitate*), but “any other [member]” than himself (*qu[a]elibet alterum*);\(^{49}\) and not superior to “the whole remainder” (*toto residuo*) but “any other” person than himself (*quolibet altero*).\(^{50}\)

Having provided this overview, in which we have seen that Almain uses various terms and phrases, none of which are explicitly corporate, it begs asking: is he using them in the narrow, technical sense of a corporation? Is the Church or council a *universitas*? No. Almain’s use of *cathegoreumatice*, in particular, stands out. As we saw, he uses this terminist term along with *collective* in the context of mereology, in which they both mean that a whole is taken complete with all its parts.\(^{51}\) Their counterparts, *syncathegoreumatice* and *distributive*,\(^{52}\) refer to each part (or integral part) of a whole,\(^{53}\) which in our context is every given member. Notably, these terms roughly correspond with the others in our list above, taken in a non-corporate and mereological sense. Thus, when Almain says that the pope is not superior to “all the clergy” taken collectively at a council, he is not referring to a corporation but to all the clergy thereat understood together, who at that time hold the Church’s dominion; and taken distributively, he means that the pope is superior to each cleric. The same logic applies to the whole Church. By using *cathegoreumatice* and other terms loaded with meaning from terminist mereology, Almain’s primary argument is that the pope does not have dominion over the whole Church in the sense of all the faithful together,

\(^{48}\) *Libellus*, fo. liii\(^{v}\).

\(^{49}\) *Libellus*, fo. xlvi\(^{v}\).

\(^{50}\) *Libellus*, fo. liii\(^{v}\).


\(^{52}\) Almain uses these terms in, e.g., *Embammata phisicalia*, fos. xxiii\(^{v}\), liii[x2]\(^{v}\), lxxvi\(^{v}\), lxxvi[x2]\(^{v}\), lxxvi\(^{v}\), xcii; *In tertium*, fos. xxxvi\(^{v}\)-xxxvii\(^{v}\).

complete as *Collectio fidelium* – a view distinct from that of a corporation; but the pope does have authority over each member of the Church.

This analysis of Almain’s anti-realist and terminist approach provides insights into the meaning of *Collectio fidelium*, Almain’s favoured term for the Church. While not particularly common, it was used by Ockham, who influenced Almain’s thought and also understood the Church in a non-corporate sense.\(^{54}\) There is another two-fold connection, though: first, in a few cases, Almain uses *collectio* to refer to the council representing the Church. For instance, he interprets c. *Si papa* as follows: “It is said that no one [individual] *[nullum]* can judge the pope, and it is not said concerning a collection *[collectione]*,” i.e., a council.\(^{55}\) Similarly, referring to a hypothetical council he writes that, “the authority of the whole Church resides with that collection *[collectione]*.”\(^{56}\) Second, in at least one case, apart from the term *Collectio fidelium*, Almain uses the term *collectio* to refer explicitly to the Church itself, saying that the pope does not have authority over “the whole collection [of the Church] *[collectione]* or the council its immediate representative.”\(^{57}\) In these cases, Almain uses *collectio* to describe the council or Church in a manner equivalent to either one taken collectively (*collective*), as the sum of its parts. There is also a potential linguistic link, for *collectione* (*collectio*) and *collective* (*collectivus*) are both derived from *colligo*: to collect or gather.\(^{58}\)

Overall, while both the Church taken *collective* (or qua *collectio*) and *distributive* are legitimate ways of understanding the Church, for Almain, the Church is able to utilize its supreme authority only collectively, literally gathered at a council. This indicates that Almain’s view of the

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\(^{54}\) See Coleman, *A History of Political Thought From the Middle Ages to the Renaissance*, 179-80.

\(^{55}\) *Libellus*, fo. lxi[x2]'\(^{5}\).

\(^{56}\) *Libellus*, fo. lxi[x2]'\(^{5}\).

\(^{57}\) *Libellus*, fo. lv'.

Church, like other political bodies, retains importance for the whole (taken collectively), even while it is only the sum of its parts. His emphasis is less on the individual as such than on individuals together.

In *Libellus*, Almain also applies the *collective-distributive* distinction to ecumenical councils, which represent the Church, as well as any community. We have seen three references to councils already: “all the clergy” taken collectively at a council vs. distributively; “a collection” (*collectione*) of the faithful at a council vs. any individual (*nullum*); and the Church “as congregated in a council” vs. “the Church as dispersed.” Almain, moreover, applies the distinction to the Church as a form of community; it equally applies to others. Thus, he explains, “For, although a king is called head of a kingdom in civil affairs, nonetheless, it is not to be conceded that he is superior in [these] civil affairs to the kingdom congregated [*congregato*].” Rather, he is “superior to any other” person and can exercise dominion of jurisdiction “in place of the people…who cannot regularly congregate.” Therefore, our non-corporate, anti-realist and terminist interpretation applies equally to these ecclesiastical and civil bodies. We will now see that it applies to others too.

### 2.1.3 The Papal Office & Dominion: *Questio & Expositio*

Almain, like other conciliarists, recognizes the papacy to be divinely instituted by Christ and to have an important function, especially since the Church “cannot always be congregated” at

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59 With more detail: the pope can be judged by “all the clergy” taken collectively at a council, but not taken distributively, that is, as individuals (*Libellus*, fo. lv*"; see liii*"). Almain similarly argues that the pope can be judged by “a collection” (*collectione*) of the faithful at a council, which represents the Church and has its authority, but cannot be judged by any individual (*nullum*) (*Libellus*, fo. lxi[x2*""). Finally, he notes that “the Church as dispersed” (*ecclesia ut dispersa*) cannot exercise supreme authority, but only the Church “as congregated in a council” (*ut co[n]gregate in co[n]cilio*) (*Libellus*, fo. lvi*"").

60 *Libellus*, fo. liii*".

61 *Libellus*, fo. liii". See also *Libellus*, fo. xlvi".
Moreover, this office is monarchical, and since Christ ordained it such, it cannot be changed. A primary reason that Christ chose this constitution is that, following Aristotle, monarchy is the “best” form of government. In *Questio*, Almain also provides practical reasons:

*[Ecclesiastical] dominion is not changeable to an aristocracy or timocracy so that, excluding a universal council, supreme ecclesiastical power might be shared by many, either a great number or a few.... William of Ockham thinks the opposite probable [in] the third part of the *Dialogue*. I prove [my position] thus: If it were shared by many, it would be shared by them either conjunctly or separately [*copulatim aut divisim*]. If the first, it could be shared by two, and none of them would have it separately; then one of them having been captured would not have supreme jurisdiction, [and] that power can be bound, and as a consequence then, it does not then reside in them conjunctly. If [it were shared] separately, therefore, none [of them] would be able to bind or loose [another], for an equal does not have command over an equal. And, thus, that proposition “whatever you shall bind” will be falsified.*

As we see, Almain considers whether the papal office could be transformed from a monarchy into an aristocracy or timocracy, and his answer is no: it would create practical problems. If it were either form of government, supreme power would be shared between a number of equals, either “conjunctly or separately.” If separately, then not supremely. If conjunctly, then collectively; the members would need one another to exercise it. Almain objects that the power would not then be exercisable if one of the officials were captured and prevented from participating. And, for this reason, he objects to the possibility of papal power being shared.

Almain cites a gloss on the text, *Non autem*, and the opinion of Armachanus to support his position that papal authority cannot be held by multiple men separately. As to the view that it

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62 *Libellus*, fo. lii\*.  
63 *Expositio*, fo. vii\*.  
64 *Expositio*, fo. v\*, xxvii\*.  
65 *Questio*, fo. lxv\*.  
66 *Questio*, fo. lxv\*; see Gratian, *Decretum gratiani emendatum et notationibus illustratum. Una cum glossis, gregorii xiii. pont. max., iussu editum*, 1085-6; Aramachanus, *Summa in questionibus Armenorum*, 48\*-49\*.
cannot be held conjunctly, he does not cite an authority; his position rests on the strength of his argument. Notably, he suggests that if the papal office were held by more than one person, it would be comparable in constitution to an ecumenical council. In both cases, power would be shared by several persons; it makes no difference whether it be a great or small number. Ecumenical councils, though, were understood by many at the councils of Constance and Basel to be corporate bodies.\textsuperscript{67}

Thus, while certain criteria might need to be met regarding a council’s makeup — e.g., the “weightier part” (\textit{pars valentior}), or the greater part in number and/or authority (\textit{maior et sanior pars}) from the Church corporation might need to be present for decision-making\textsuperscript{68} — the specific members could largely vary. Thus, the absence of one or more council fathers at a given session would not alter a council’s legal status or authority nor force it to conclude \textit{per se}. Similarly, a number of conciliarists (e.g., Zabarella, d’Ailly), following earlier canonist thought, viewed the local Roman church as a corporation formed of pope and cardinals. As a result, papal authority was thought to reside in the whole corporate body, and not all of the members were necessarily needed for decision-making.\textsuperscript{69} In these legal contexts, the council and Roman church were distinct from the sum of their parts.

Almain, however, does not seem to understand the hypothetical papal office in a corporate sense. Notably, he makes no reference to papal authority being held by a corporate body of pope/s and cardinals, indicative of his lack of support for what Oakley refers to as the “quasi-oligarchic strand” of conciliarism.\textsuperscript{70} Rather, if papal power were held conjunctly, it would be held by two or more popes, and they would appear to be integral parts of an integral whole, which is the sum of

\textsuperscript{67}Fathers at Constance, e.g., Zabarella (Tierney, \textit{The Foundations}, 223) and Gerson (Oakley, \textit{The Conciliar Tradition}, 80), and fathers at Basel (Black, \textit{Council and Commune}, 22), e.g., Segovia (Gilomen, “Conciliar Bureaucacy,” 176), viewed ecumenical councils as corporations.

\textsuperscript{68}See Tierney, \textit{Foundations}, 111, 223-4, 231.

\textsuperscript{69}Oakley, \textit{The Conciliarist Tradition}, 69-71.

\textsuperscript{70}On the quasi-oligarchic strand, see Oakley, \textit{The Conciliarist Tradition}, 67-71.
its parts. Recall that an integral whole is composed of actual (rather than potential) parts, including integral (i.e., essential) parts without which the whole would cease to exist as that whole. And Almain seems to adhere to the maximal proposition: all parts are integral parts. Thus, if any part of an integral whole were removed, the whole would cease to exist as that whole.\textsuperscript{71} It is worth revisiting a passage from \textit{Embammata phisicalia} here:

Similarly, nor is it able to be brought forward from that [Scotist realist] position [as it should] that a whole would be able to be preserved [with] the parts of it having been destroyed: because Sortes in the view of all [realists] is really different from his soul and yet he is not able to be preserved the soul of him having been destroyed. … Similarly, they [i.e., Scotists] would reject that consequent which seems sufficiently apparent: whatever is part of Sortes is part of those two [halves taken] conjunctly \textit{copulatim}, and everything [that] is part of those two [halves] is part of Sortes; ergo Sortes and those two are the same.\textsuperscript{72}

While Almain critiques Scotist realism in this text, it is applicable to understanding his non-corporate view; for in both cases, his own position is also anti-realist and mereological. With this context, two things are notable from this passage. Firstly, Sortes is his body and soul taken “conjunctly,” literally together, just as the papal office and dominion would be the popes and their dominion respectively taken conjunctly. Secondly, while Almain does not use the terms “integral whole” or “integral part” in this passage (or the above passage from \textit{Questio}), his logic suggests them. Just as Sortes requires the union of his body and soul to exist as Sortes, so too would all members of the papal office need to be present for papal dominion to be actualized.

In \textit{Expositio}, Almain again considers the question of whether there could be more than one pope simultaneously. He argues that, regardless of whether the popes’ supreme power would be held separately, on the one hand, or conjunctly (\textit{copulative}) or joined at the same time (\textit{simul iuncti}), on the other hand, it would not be possible. In the latter case, a practical problem of similar

\textsuperscript{71} See ch. 2, sec. 1.2.2.2.

\textsuperscript{72} \textit{Embammata phisicalia}, fo. xxii\textsuperscript{v}.
import to that found in *Questio* is raised: if Linus and Cletus shared papal authority conjunctly, could Linus be excommunicated? The answer is no. “Cletus alone” cannot do it “because Linus has that [power] also, and he will not consent.” And likewise for the reverse. A consensus would be required for exercises of conjunctly shared papal dominion.\(^{73}\)

It might be objected that the problem is rooted, at least partly, in corporation theory. In the case of two popes, one of whom is captured, fifty percent of the governing members would be missing. And in the case of a papal excommunication, only fifty percent would consent. Perhaps the problem is then one of quorum. Almain, however, suggests that he is only using two popes as an example. In *Questio*, he says that the question is whether “supreme ecclesiastical power might be shared by many, either a great number or a few.” And “If it were shared by many…it could be shared by two…”\(^{74}\) In *Expositio*, he likewise states, “I say that plenitude of power is not able to be [in] many.”\(^{75}\) It seems to follow, then, that if there were dozens of popes, the consequence would be the same; if any were captured or refused to consent, the papal power would be bound. For Almain, this is the result of a conjunctly held papal office qua non-corporate collective.

### 2.1.4 The Ecumenical Council & Dominion: *Questio*

Almain’s mereological approach to the papal office and dominion is also applicable to the ecumenical council. As we saw above, Almain argues in *Questio* that ecclesiastical “dominion is not changeable to an aristocracy or timocracy so that, *excluding a universal council*, supreme ecclesiastical power might be shared by many...”\(^{76}\) While divinely ordained a monarchy, the

\(^{73}\) *Expositio*, fo. vii\(^{r}\).

\(^{74}\) Emphasis added.

\(^{75}\) *Expositio*, fo. vi\(^{r}\).

\(^{76}\) Emphasis added.
Church is the pope’s superior and, represented by an ecumenical council, it is able to exercise supreme ecclesiastical dominion of jurisdiction in the external forum.

In *Questio*, Almain considers whether a pope can be excommunicated without being deposed from papal office. He explains that Louis Ber, “the Lord of the Vespers,” the context for which Almain wrote *Questio*, argued that this is possible, and Almain says he is “not willing to contradict” it. Nonetheless, he provides a series of arguments that do. His second argument is as follows:

> [I]f the supreme pontiff could be excommunicated without deposition by a council, therefore, he would be able to remain an excommunicate supreme pontiff when the council dissolved. The consequence holds because after such a sentence, it could be dissolved without deposition and absolution. But I ask, who then will absolve him? And it is apparent that no one will be able to absolve [him] except at the time of death, because no one can absolve a censure carried by a man or men except expressly he who has ratified it, or they who ratified it if ratified by a community [*communitate*], or the superior to him or them. Then, second, to be absolved from such a censure is an act of jurisdiction of the external forum, which no one nor any society [*collegium*], except a general council, is known to have over the pope.

While it was commonly held that a council is legally distinct from its particular members and identical to the Church, here Almain suggests otherwise, again appealing implicitly to an anti-realist mereology. The council, for him, is identical to the council fathers who form it and who, during their time together, collectively hold the Church’s authority as, it seems, integral parts of an integral whole. He argues that if a pope were excommunicated by a council – the only authority able – he could be absolved by “no one…except expressly…they who ratified it”; the only exception is if the pope were dying. Almain, here, is appealing to the principle that a censure can

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77 *Questio*, fo. lxviir.
78 *Questio*, fo. lxviiv.
79 Ecumenical councils were considered by many at Constance and Basel to be legally identical to the Church corporation. For instance, d’Ailly, Gerson, and Zabarella, council fathers at Constance, held this view (Black, *Council and Commune*, 22; see 20-21). At Basel too, a corporate view of Church and council was prominent: “The church does not delegate its powers to anyone; church and council are, from the point of view of legal status and political power, identical, a single legal entity or power-bearer (*Rechtssubjekt*)” (Black, *Monarchy and Community*, 18; see 15-17).
normatively be lifted only by the one(s) who impose it or by their superior, and an ecumenical council has no superior.\textsuperscript{80} But why could not a council-imposed censure be lifted by a legally identical council that just happens to have different members? The reason seems to be that the council, for Almain, is not a corporation, but one and the same as the members who form it as integral parts and who collectively hold ecclesiastical authority while gathered: hence, all who impose a papal censure – and only they – must agree for it to be overturned. Another council formed of different members could certainly assemble, which would have the same authority as its predecessor councils, but it would not be the same legal body. In this way, contra Parsons, Almain viewed the council, like a hypothetical conjunctly shared papal office, as a non-corporate collective. Notably, Almain also indicates that the council qua “society” (collegium) or “community” (communitate) is identical to its members; a claim with implications for Almain’s understanding of communities more broadly.

2.1.5 Conclusion

We have seen that Almain applies anti-realist and terminist principles to ecclesiastical bodies, shifting from corporations to collectives of individuals. Now it is suitable to ask, what are the implications of conjunctly held authority for the Church itself? Given that the locus of ecclesiastical dominion in the external forum is the Collectio fidelium, which is all of the faithful taken collectively, does this mean that they form and hold dominion as an integral whole? This seems a logical possibility and would result in serious consequences. For instance, since the Church exercises its supreme dominion at an ecumenical council, it would suggest that all of the

\textsuperscript{80} Questio, fo. lxvii\textsuperscript{v}; see fo. lxv\textsuperscript{v}. In Libellus and Expositio, Almain provides similar principles. In Libellus, he explains that a power (e.g., the power to make a pope) can be dissolved only by “the same causes” that created it (fo. lvi\textsuperscript{v}). And in Expositio, “Each [power] is dissolved by the same cause from which it is composed, as the rule of law holds” (fo. xxvii\textsuperscript{v}).
faithful would need to be present and consent for it to function legitimately. Ultimately, Almain does not suggest an answer to the question and side-steps this consequence through the principle of representation.

In a manner paralleling Almain, Ockham argues that a corporation is not a persona but a collection of real, rational persons. A corollary of this for Ockham is that wills cannot be represented: “An individual cannot alienate his moral autonomy and responsibility to another.” On this point, Almain disagrees: wills can be represented. Indeed, Almain frequently says that the council “represents” the Church. The principle of representation also enables him to embrace another traditional position. While one might expect that since the Collectio fidelium has ultimate authority that laity and clergy alike could vote at councils, this is not so. Rather, while any of the faithful can attend and voice his concerns pertaining to the faith, only clergy can vote, specifically, bishops, representing the Apostles, and curates, representing the disciples. Not all of these clergy are needed, though; rather, those present represent the Church. In this way, while ecclesiastical dominion in the external forum is the possession of the whole Church, it is exercised collectively by particular clerics in practice.

2.2 Political Bodies as Non-Corporate Collectives
2.2.1 Introduction

In chapter three, we explained the views of Skinner and Burns, who respectively argue that Almain’s political theology contains corporation theory; their focus is on Questio in particular. Skinner argues in “Political Philosophy” that Almain joins the Aristotelian notion of the perfect

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81 Coleman, A History of Political Thought, 180.
82 E.g., Libellus, fos. l¹, l³, lii⁺, lv⁺, lvii⁺; Expositio, fo. xxiii⁺; see Questio, fos. lxvi⁺-lxvii⁺.
83 Questio, fo. lxvi⁺; Libellus, fo. lxi[x2]⁺; Expositio, fo. xxiii⁺.
84 See sec. 2.3.3 below for further discussion on the implications of representation for political consent.
(i.e., self-sufficient) community and the universitas. In particular, he highlights that a government must receive its mandate from the whole people, who originally wield civil dominion. In The Foundations of Modern Political Thought, Skinner further argues: (1) the civil ius gladii is delegated to a ruler during the formation of a commonwealth by “the community under the law of nature.”\(^8\) At the same time, (2) each person in this pre-political context originally held the ius gladii by himself. To reconcile these positions, we speculated that either each person delegated his ius gladii to the pre-political community, or a group of individuals qua pre-political community transferred their ius gladii to the ruler upon the formation of the commonwealth.

In Visions of Politics, Skinner abandons (2) but largely maintains (1): post-lapsarian “mankind” and/or the pre-political community originally had civil dominion, which was transferred to the ruler of the commonwealth. In “Jus Gladii and Jurisdictio: Jacques Almain and John Locke,” Burns rejects Skinner’s original views on (1) the pre-political community, which Burns seems to see as “a corporate entity,” as well as (2). Rather, civil dominion of jurisdiction, including the ius gladii – and presumably property, but this is not Burns’ focus – was granted immediately by God to “the community [i.e., commonwealth] as a corporate entity.” While Burns is not explicit, the reason for the community’s corporate status appears to be linked to Almain’s use of the organic analogy. Burns cites: “any community of people mutually associating is like one body of which the individuals [singuli] are members one of another [Rom. 12:5],”\(^8\) and then he notes Almain’s use of Aquinas to justify communal self-preservation.\(^8\)

\(^8\) *Questio*, fo. ixii’.
\(^8\) Burns, “Jus Gladii and Jurisdictio,” 372. For this passage, see sec. 1 above.
2.2.2 Collectives & Civil Dominion: *Questio & Libellus*

We will first consider Skinner’s and Burns’ contentions that Almain appeals to corporation theory in *Questio*, before considering the origins and bearers of civil dominion. We can confirm that, just as Almain applies features of the *universitas* to the Church in particular, so too does he apply it to political bodies in general. Thus, Skinner is correct that the political community has constitutionalist foundations that are rooted in corporation theory; this includes all government authority – including the power of the sword – being delegated to one or more rulers for the sake of the common good, and the community being able to retract it in the case of detrimental ruling.\(^88\) However, it is unnecessary to deduce from this that the political community is a corporation qua body legally and conceptually distinct from the members. It is likewise unnecessary to deduce this conclusion from Almain’s use of the organic analogy.

We discussed the passages that Burns cites from *Questio* in section one above, where it was argued that a community is the sum of its members who need one another and socio-political life for their own natural ends. While it is possible that Almain could have embraced a view that was anti-realist yet corporate, the evidence suggests otherwise. In our discussion of Almain’s non-corporate approach to the ecumenical council in *Questio*, a central argument was that “no one can absolve a censure carried by a man or men except expressly he who has ratified it, or they who ratified it if ratified by a community…”\(^89\) As we noted, Almain applies this principle to the council qua community (*communitate*) – the term he most frequently uses for a political community in *Questio*.\(^90\) This language, therefore, suggests that it is not limited to the ecclesiastical context. Indeed, given that the council qua community is a non-corporate collective, it is likely that other

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\(^88\) See Skinner, “Political Philosophy,” 404-5.
\(^89\) *Questio*, fo. lxvii.
\(^90\) Burns, “*Jus Gladii* and *Jurisdictio*,” 370-371, fn. 7.
communities would be too. This is reinforced by evidence from Libellus, in which Almain applies the collective-distributive distinction to kingdoms and the Church qua kingdom;\footnote{See, e.g., Libellus, fo. liii\textsuperscript{v}.} they are not corporations but collectives. Even without this support, though, the strong parallels between Church and purely political bodies would make it unlikely that Almain would apply an anti-realist, terminist and non-corporate approach to the former but not the latter.

Having now argued that Almain viewed political bodies from a non-corporate perspective, we can consider the origins and bearers of civil dominion. Almain is clear in both Questio and Libellus that civil dominion of jurisdiction, including the \textit{ius gladii}, is the ultimate property of the “community,” which can transfer it to its ruler/s to exercise on its behalf, and retract if necessary.\footnote{See Questio, fos. lxi\textsuperscript{ii}-lxiii\textsuperscript{r}; Libellus, fos. xlvi\textsuperscript{v}-, lii\textsuperscript{r}.} In order to determine the status of this community though – is it a pre-political community (Skinner) or a (political) commonwealth (Burns)? – and whether it directly receives dominion from God, we will consider a series of passages. The first three are from Questio:

The natural dominion fitting to man [\textit{hominis}] from the gift of God cannot be abdicated absolutely … After [the original] sin, it was fitting to add above and beyond [it] the civil dominion of property and, similarly, of jurisdiction, by which those exercising [it] have execution of the material sword…\footnote{Questio, fo. lxi\textsuperscript{r}.}

[I]t was fitting for the civil dominion of property and that of jurisdiction to be added above and beyond [natural dominion]. For which proof [is as follows]: any community of people mutually associating is like one body of which the individuals [\textit{singuli}] are members one of another [Rom. 12:5].\footnote{Questio, fo. lxii\textsuperscript{r}.}

The community confers to the prince the authority to kill, [so] it follows that it is originally in the community, and not from the gift of any other, unless it be said [to be] of God. Therefore, that power is in it by nature… No one gives what he does not have…. From this it follows … A fourth corollary: a community is not able to renounce the power it has over its ruler from its arrangement, namely, by [that]
power it is able to depose him if he rules not unto edification but destruction, for such power is natural.95

We see in Questio that civil dominion was a post-lapsarian gift. In the first passage, natural dominion parallels civil dominion and was given to man or mankind (homo). This may suggest that civil dominion was also given to man or mankind, albeit post-lapsarian. This appears to be a conclusion that Skinner draws in Visions of Politics, where he writes that it was given to post-lapsarian “mankind.”96 We too must ask, to what or whom precisely does homo refer here? As we argued in chapter two, Almain rarely uses simple supposition and when he does, it supposits for a concept. However, he frequently uses personal supposition. Thus, he often uses the terms homo, homines and human genus in personal senses: to refer to a man (homo), multiple men (homines), or every man/all men (homo, homines, human genus). Based on context, Almain is using personal supposition – referring to real men – and more than one. This leaves us with one likely outcome: homo in the passage refers to every man. And indeed, every man individually has natural dominion. The parallel between natural dominion and civil dominion could then suggest that civil dominion was also given to man qua every man, individually. (Notably, this does not appear to be how Skinner understands it in Visions of Politics, for there he rejects his earlier view that the civil ius gladii was originally held by each man as an individual). This possibility is also complicated by the second passage from Questio. There, Almain mentions the gift of civil dominion and, “immediately and without preamble,” to borrow Burns’ wording,97 turns to the community as the locus thereof.

In the third passage, Almain indicates that the “community” that transfers authority to the ruler is the same body that can depose him: “a community is not able to renounce the power it has

95 Questio, fos. lxii-lxiii.
96 Skinner, Visions of Politics, 257.
97 Burns, “Jus Gladii and Jurisdiction,” 372.
over its ruler… by [that] power it is able to depose him…” For this reason, we can reject Skinner’s suggestion that a pre-political community, distinct from the commonwealth, transfers dominion to the ruler. This does not in itself rule out the possibility, though, that the community *is* all of a people taken collectively, which therefore has the civil *ius gladii* of each of its members. This reading, in fact, helps reconcile the passages, but it has its problems. It seems to leave open the possibility that each member could still use the civil *ius gladii* him or herself; a possibility Almain explicitly rejects elsewhere,\(^{98}\) and which runs counter to the functioning of other political bodies in *Questio* itself – e.g., dominion in a conjunctly held papacy or ecumenical council can only be exercised by the members taken collectively, never distributively. Ultimately, we must leave the question unresolved as to whom the original bearer of civil dominion is in *Questio*, as well as precisely how it is held by the community.

Almain also provides ample discussion on the origin of dominion of jurisdiction in *Libellus*. Here are two pertinent passages:

God, [in] creating the human race [*humanum genus*], has imparted to it a natural power of jurisdiction for a natural end, and did not regularly [impart it] to any individual [by himself]; but it is communicated from a community to particular individuals who are the ministers of the community in the exercise of that jurisdiction… In this way, Christ [in] regenerating the Church for a supernatural end has communicated to it that positive power for that end; and this [power], which it could and was indeed obligated to communicate to some individual, because [the Church] cannot always be congregated… [But] positive ecclesiastical power [was] communicated to Peter [by Christ], preempting the Church.\(^{99}\)

God, the author of nature, has fashioned man [*hominem*] with a natural *ius* or power to appropriate those things necessary for his sustenance and conservation, and to repel those which are harmful…. Similarly, any community of people mutually associating in a civil context, which according to Paul is like one body of which individuals [*singuli*] are members one of another [Rom. 12:5], naturally has power to conserve itself not only in being but also in peaceful being…\(^{100}\)

\(^{98}\) See 2.3.2 below.

\(^{99}\) *Libellus*, fo. liir.

\(^{100}\) *Libellus*, fo. xlvir.
Here, we see that Almain is a bit clearer as to the origin of civil dominion than in *Questio*. He is explicit in the first passage that God has given the power of jurisdiction to the “human race” (*humanum genus*) in his act of creation. (It would, therefore, appear to be – or include – pre-lapsarian man, whereas it is strictly post-lapsarian in *Questio.*) Almain then immediately indicates that this power is held by every given “community” (*communitate*). ¹⁰¹

Almain occasionally uses terms like “human race” (*genus*) in his *corpus*. In simple supposition, it refers to a mere mental concept used to categorize all those beings that are maximally similar; in the case of humans, being rational animals. In personal supposition, in contrast, it tends to refer to every man or all men. ¹⁰² Based on context, “human race” is in personal supposition – its subject is real – and it supposits for all men, who come to make up their respective communities. This is reinforced by Almain’s application of the collective-distributive distinction to communities (e.g., kingdoms) in *Libellus*, according to which a community is nothing other than all its members. Should all men of the human race be taken collectively or distributively, though? That is, do all men have the civil *ius gladii* together in the state of nature, or does each man as an individual? Almost certainly the former: God “did not regularly [impart the power of jurisdiction] to any individual.” In context, Almain means that God did not regularly confer this on any individual ruler/s, but the wording seems to exclude the possibility of all as individuals, as well. Rather, God granted jurisdiction to all men taken collectively, and thereafter it is held by all men taken collectively of (and qua) a given community, who can transfer it to one or more rulers. The unitary nature of this dominion within the community is reinforced in the second passage in which Almain again compares the community and its *ius* to self-preservation to an individual and his analogous *ius*.

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¹⁰¹ *Libellus*, fo. lii; see xlvi.
¹⁰² See ch. two, sec. 1.1.2.1. Almain is using human *genus* here as a synonym for *species*.
2.2.3 Collectives & Civil Dominion: *Expositio*

As part of his critique of Skinner, Burns writes that Almain considers “what we may call the Lockeian theory” in *Expositio*, that is, the idea that the civil *ius gladii* that a ruler (or “public person”) wields comes from each individual.\(^{103}\) The context is a potential objection to a proposition that Almain raises, viz., that a private citizen is not permitted to kill a criminal,\(^{104}\) whereas a public person is permitted. The objection is as follows:

A public person does not have authority except from private persons, and chiefly when he is made [a public person] through an election; therefore, private persons have authority which they give [to] that man. Therefore, it is permitted [for] private persons to kill criminals. Whence it is certain that where the king would be by election, he does not have power unless from the electing subjects: therefore, they have such power; and by consequence it is licit for them to execute an act of that power. Ergo it is licit for private persons, just as public [persons,] to kill wicked persons.\(^{105}\)

Almain’s answer to the objection is as follows:

The king has no power except from the people [*populo*]. Ergo the whole community [*tota communitas*] has authority to kill. I say thus that if no one were king, just as anyone is able to cut-off a rotten member from his own body, when it is not another who would cut [it] off; thus, similarly, the whole community [*tota communitas*] is able, etc. But that single person [*ista persona singularis*] or that [person] is not able. Whence, as a king is able, thus a community from which the king has authority; but a particular person [*particularis persona*] is not able.\(^{106}\)

According to Burns, Almain asserts here that the *ius gladii* of the public person “comes from the community as such and *not* from the individual members as such.” Similarly, Almain “dismiss[es] the suggestion that the derivation of political authority from the community is equivalent to deriving it from *personae privatae*.”\(^{107}\) Another interpretation is possible, though. Almain writes in the objection that “private persons” give the public person authority, “therefore, private persons

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\(^{103}\) Burns, “*Jus Gladii and Jurisdictio*,” 373-4.

\(^{104}\) *Expositio*, fo. xxxiii\(^{v}\).

\(^{105}\) *Expositio*, fo. xxxv\(^{v}\).

\(^{106}\) *Expositio*, fo. xxxv\(^{v}\).

\(^{107}\) Burns, “*Jus Gladii and Jurisdictio*,” 373-4. Emphasis in original.
have authority which they give [to] that man. Therefore, it is permitted [for] private persons to kill criminals.” In his reply, Almain suggests that when there is a ruler, no one but him is permitted to kill a criminal. When there is not one, though, he is clear that the “people” or “whole community” is permitted, “but a particular [private] person is not.” Notably, Almain does not reject the premise of the objection that the community is equivalent to private persons, nor that the political authority of the community is equivalent to that of private persons, pace Burns. Rather, “whole community” should be taken in a non-corporate and anti-realist fashion, as the sum of its parts, that is, all private persons. With this foundation, Almain simply applies the collective-distributive distinction to political authority. It is held by all private persons taken collectively (i.e., the whole community), but not any one individually.

### 2.2.4 Collectives & Civil Dominion: *A Decima Quarta*

In *A decima quarta*, Almain approaches the origins of the community and dominion with different premises than appear in the other texts we have seen, but he largely comes to the same outcomes. Almain writes:

Likewise, that proposition lies open: there ought to be superiority among men during the state of lapsed nature for the coercion of evil and rewarding of the good; this is concerning the law of nature. Yet, that such superiority should reside in that [man] or in that [man] is not concerning the law of nature, but only concerning positive law. Similarly, I say that proposition is concerning the law of nature: there ought to be appropriation [of property] among men during the state of lapsed nature. But that this thing should be appropriated by this [man], and that [thing] by that [man]: this is concerning positive human law.108

In this text, Almain refers to dominion of jurisdiction and property using different terminology, namely, “superiority among men...for the coercion of evil and rewarding of the good,” and “appropriation [of property],” respectively. Both of these are post-lapsarian, as in *Questio*, and are

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108 *A decima quarta*, fo. 47v-48r.
rooted in natural law, as in *Questio* and *Libellus*; but they are not held by a political body. Almain does not, for instance, invoke the organic analogy. Rather, he refers to “men during the state of lapsed nature” (*inter homines pro statu nature lapsae*),\(^{109}\) which Brett aptly describes as “a simple collectivity.”\(^{110}\) Here, Almain “is following Scotus very closely, as befitted an expositor,”\(^{111}\) and Scotus, despite his strong realist mereology, viewed society as a mere aggregation of individuals.\(^{112}\) Thus, for Almain, too, a community is fundamentally a group of individuals in this passage, as we saw in *Questio* and *Libellus*, but without the organic elements of an Aristotelian natural society.\(^{113}\) While a reductionist reading of the community is necessary given Almain’s engagement with Scotus, it is also fitting given Almain’s anti-realism.

In this passage, Almain also follows Ockham,\(^{114}\) who invokes terminist logic. In his *Dialogus*, Ockham writes: “For since it is often just (and natural) that someone should be lord over many…and yet it is not natural justice that these should rule rather than those, it must therefore be determined by positive justice…”\(^{115}\) And again, “It is therefore possible that it is natural justice that *someone* should rule those who are similar to himself, and yet not natural justice that *this* man should rule…., and not natural justice that *this* [other] man… and so on of each man.”\(^{116}\) Notably, Ockham provides an explanation rooted in supposition theory according to which, “someone should rule” is equivalent to “this man *or* that man [etc. for every man] should rule,” but not “this

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\(^{109}\) *A decima quarta*, fo. 47r-48v.

\(^{110}\) Brett, *Liberty, Right and Nature*, 121.

\(^{111}\) Brett, *Liberty, Right and Nature*, 121.

\(^{112}\) See Quillet, “Community, Counsel and Representation,” 536-7; Scott, “Duns Scotus, John (1266-1308).”

\(^{113}\) See sec. 1 above. Brett (*Liberty, Right and Nature*, 121) points in part to this difference between *Questio* and *Libellus* vs. *A decima quarta*. For the impacts of Almain’s view of society on the common good in *A decima quarta*, see sec. 2.4.3 below.

\(^{114}\) Brett (*Liberty, Right and Nature*, 121, fn. 105) cites Ockham, III *Dialogus*, I. 2. 17.


man should rule or that man should rule [etc. for every man].” It is necessary that some man rule, but not necessary that any given man rule. Almain passively borrows features of this language.

Almain raises other questions pertaining to civil authority in *A decima quarta*. He explains that political authority “either consists in one or in multiple [pluralibus].” If in one, it is a monarchy, if in a few, it is an aristocracy, and if in many [multis], it is a democracy. This authority is, sometimes in one, [and] sometimes in some joined at the same time [simul iunctis], thus … no one is able to execute separately some of that power except from the commission of the others. Thus, if someone should try to do so ordinarily, his sentence prevails nothing. As it is [for] the lords of Parlement: ordinarily, they are able [to do] nothing except at the same time. As furthermore it is for a [cathedral] chapter: not any of them [– i.e., canons – individually] has power, but the whole chapter.

Based on this text, Burns suggests that persons are members of aristocratic or democratic governing bodies qua corporations and can only act as politicians in this corporate context: “An individual citizen [in these bodies] can take political action only by virtue of a ‘commission’ from his fellow citizens in their corporate capacity (ex commissione aliorum).” In discussing Almain’s two examples, the lords of Parlement and a cathedral chapter, Burns explains that normatively, “neither group can take action except as a body, collectively,” “act[ing] together” (simul iunci).

A few points are noteworthy here. Firstly, Almain uses some of the same language as in other texts to refer to power that is jointly shared. In *Questio*, he uses “conjunctly” (copulatim),

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117 “[I]t is possible” Ockham explains, “that a categorical proposition about a disjunct term, having as its subject discrete terms contained under some common term, is necessary.” Yet, it could also be that “the corresponding disjunctive with the mode of necessity is nevertheless false, and that therefore none of those singulars is necessary” (Ockham, “A Dialogue, Part III, Tract I, On the Power of the Pope and Clergy,” 160-1). For example, it is true that “this man or that man or that man [and so on] …ought necessarily to rule”; however, it is false that “this man ought necessarily to rule or that man ought necessarily to rule [and so on].” (see 161, fn. 71).

118 E.g., “[T]here ought to be superiority among men… yet, that such superiority should reside in that [man] or in that [man] is not concerning the law of nature, but only concerning positive law” (emphasis added).

119 *A decima quarta*, fo. 51v.

120 *A decima quarta*, fo. 51v; see fo. 54v.

and in *Expositio*, “conjunctly” (*copulatim*) and “joined at the same time” (*simul iuncti*) to describe (hypothetically) shared papal dominion;\(^{122}\) here in *A decima quarta*, he also uses “joined at the same time” (*simul iuncti*) to describe shared authority. Given that he wrote all of these texts (in this order) in the same year (1512) and he is employing these terms in similar contexts, it seems probable that he is consistent with what they entail: a non-corporate and mereological approach.\(^{123}\)

Secondly, based on Almain’s approach to conjunctly-held papal dominion and an ecumenical council in *Questio*, this would suggest that Almain’s examples in *A decima quarta* – French Parlement or a cathedral chapter, both of which were normally viewed in corporate terms – are actually the sum of their parts and integral wholes. Given the limited evidence in *A decima quarta*, this remains speculative. But if correct, Almain provides a potential solution to the practical problems that his approach entails and which he raises in *Questio*. In the context of governing bodies, he writes in *A decima quarta* that “no one is able to execute separately some of that power except from the commission of the others.” Delegated authority may solve the problem of a captured pope, a dissolved council whose members alone are able to reverse a decision, or numerous other problems caused by the needed presence and consent of all members to act.

### 2.2.5 Conclusion

We have considered the status of various political bodies, as well as the origin and bearers of civil dominion, and have seen that Almain again uses anti-realist and terminist principles. In addition to helping us flesh-out features of the political sphere as an end in itself, this information helps us understand the ecclesiastical sphere in two ways. Firstly, given the parallels that Almain draws, our finding that political bodies are non-corporate collectives reinforces our earlier

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122 *Questio*, fo. lxv'; *Expositio*, fo. vii'.
123 See sec. 2.1 above, esp. 2.1.3 and 2.1.4.
conclusion that ecclesiastical bodies are also. Secondly, since the Church is a political body with the *ius* to self-preservation – a feature of civil dominion of jurisdiction – the origin of this power and how it is held is also relevant for Almain’s ecclesiology.

Civil dominion of jurisdiction is rooted in natural law and, in many of Almain’s texts we have considered, is of post-lapsarian origin (e.g., *Questio, A decima quarta*). While *Libellus* may diverge on this point – civil dominion appears to be pre-lapsarian in origin – this text provides the clearest explanation as to how it was originally held: by the “human race” qua all men taken collectively, and thereafter by all men of (and qua) a given community. In *Expositio*, too, the civil *ius gladii* is held collectively. What does this tell us about the Church? The *Collectio fidelium* received ecclesiastical dominion strictly speaking (i.e., the power of orders and jurisdiction) from the Incarnate Christ, but this body existed prior to Him in Old Testament times. As a political body, we can safely assume that it has had the *ius* to self-preservation since its origin, and that it has been held by all the faithful taken collectively; that is, in a manner paralleling how ecclesiastical dominion in the external forum is held.

### 2.3 Political Consent

#### 2.3.1 Introduction

In chapter three, we reviewed the respective positions of Oakley, Shuger, Burns, and Carpintero et al. on political consent in Almain’s thought. This included, firstly, different perspectives on the origins of Almain’s views. Oakley points to the influence on Almain’s conciliarism of a tradition originating with John of Paris, who joined notions of consent from corporation theory with principles of natural law. Oakley also explicitly rejects the influence of nominalism on Almain’s political thought. Burns, in turn, highlights Scotist influences in *A decima*...
quarta, while Carpintero et al. point to voluntarism. Secondly, we considered two positions on who exercises consent. For Oakley, Almain embraces a position that is corporate: it is not a series of individuals who consent to ecclesiastical or civil decisions but corporate communities. For Shuger, who focuses on the civil sphere in Expositio, it is individuals qua rational agents who can know the divine plan for man and follow it, including the decision to form polities. Otherwise, Almain provides few insights into civic activity in this text and focuses instead on the activity of individual persons in the community. Finally, we saw some consideration as to what exactly political consent entails. For Oakley, consent to many political actions is not as such optional, even if there is some choice with regard to particulars; thus, the creation of political authority is necessary, while the form of government or who rules may be negotiated. Shuger similarly argues that Almain embraces a “political teleology,” according to which polities and authorities exist for certain ends, and laws, rules and decisions are legitimate when they are in accord therewith. Again, therefore, there appears to be a sense of obligation and innate purpose behind (much) communal decision-making.

We will now assess these different claims and elaborate on the issues involved. While Almain raises topics that involve consent specifically in the Church, his discussion more frequently pertains to political bodies more broadly. Our analysis will reflect this. Given the parallels and connections between the Church and political bodies, though, this too will provide insights into Almain’s ecclesiology.

2.3.2 Sources on Consent: Questio, Libellus, Expositio, & A Decima Quarta

We will first consider who influenced Almain on consent. Ultimately, Oakley, Burns, and Carpintero et al. all make valid (or, at least, reasonable) points, for Almain is influenced by various
figures and concepts in different texts. In *Questio, Libellus*, and *Expositio*, as Oakley has shown, Almain defends conciliarist principles, and in doing so relies on the tradition initiated by John of Paris that included the merger of corporation theory with natural law. Thus, for Almain, the pope is elected by the consent of the Church, represented by the College of Cardinals, and can be deposed and executed by the Church for the sake of the common good, this time represented by an ecumenical council. Similarly, a civil ruler governs and can be deposed and executed by the consent of the people for the sake of the common good. These capacities of purely political bodies are rooted in natural law; as is the Church’s capacity to depose or execute. *Contra* Oakley, though, Almain does not indicate in *Questio* or *Libellus* that the Church’s capacity to elect a pope is rooted in natural law. It does, however, parallel a purely political body’s capacity which *is* rooted in it. Almain sees it as a matter of logic, too: since the Church is the original possessor of ecclesiastical power, it normatively can choose to whom it delegates it.¹²⁵ Finally, Almain deviates from the tradition in another way: he holds the aforementioned views while rejecting that political bodies are corporate *personae*.

In *A decima quarta*, Almain is primarily engaging with Scotus, which provides him with greater opportunities to consider his (i.e., Scotus’) positions. Indeed, Almain could reject them – e.g., whether appropriation of private property was possible by common consent in a pre-lapsarian or post-lapsarian context without a ruler – but he frequently does not. As we have seen before, Almain follows Scotus on many issues (e.g., voluntarism), even while he rejects others (e.g., realism). Notably, Scotus’ theory on consent is both individual-focused – he envisions society in non-corporate terms and emphasizes the mutual consent of all members¹²⁶ – and is linked to his

¹²⁵ See *Libellus*, fos. xlvi'-xlvii', lv'-lvi', lxiii'-lxiv'; *Questio*, fos. lxii'-lxiii', lxv', lxvi'.
¹²⁶ See above sec. 2.2.3; Quillet, “Community, Counsel and Representation,” 537, 564; Tierney, “Corporatism, Individualism, and Consent,” 56.
theory on the human will, which is voluntaristic. Almain is influenced by both: in *A decima quarta*, he indicates on at least one occasion that the “common consent of all” members is necessary for collective action, and he adopts a form of Scotus’ moderate anthropological voluntarism. Thus, while their foci are narrower than ours, we can confirm the general positions of both Burns and Carpintero et al., respectively: Almain’s views on consent in this text are influenced by Scotus, and voluntarism. While Almain’s Political Theology works (i.e., *Questio*, *Libellus*, and *Expositio*) are not expositions on Scotist thought like *A decima quarta*, Almain’s views on consent therein are also consistent with the general principles of Scotist voluntarism, as well as the more eclectic, moderate voluntarism of *Moralia*. We will see this below.

Finally, Almain is also influenced by other thinkers. In *Questio*, for instance, he cites “doctors,” “theologians” and “jurists” on the nature of free consent, including whether it is invalidated by fear; he sides with the doctors and theologians that it can be. In various works, Almain is also influenced by canon law, including the principle that, should a person refuse to consent to the transfer of his dominion/ius, a superior would need “reasonable cause” to force the transaction legitimately. Ultimately, Almain’s adoption of concepts from these various sources indicates that he did not adopt empty terminology (e.g., “consent,” “free consent”), but was working with rich understandings.

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127 For a brief discussion on some features of Scotus’ anthropological voluntarism, see ch. 2, sec. 2.3.1.
128 *A decima quarta*, 55v.
129 Carpintero’s specific claim that Almain’s views on the origins of civil dominion via common consent are linked to voluntarism is certainly possible. It is discussed below.
130 *Questio*, fo. lxxv.
131 See below, sec. 2.3.4.1.
2.3.3 Consenting Agents: *Questio, Libellus, Expositio, & A Decima Quarta*

Our second issue pertains to who (or what) are consenting agents. Suitably, Almain’s position is consistent with his non-corporate approach to communities: ecclesiastical bodies qua “concatenations” of individuals consent to ecclesiastical action, and concatenations of individuals originally consented to be subject to civil rulers and continue to consent to political action.\(^{132}\) Thus, in these cases, the consent of a community or group is equivalent to the consent of all the members. This having been said, Almain also embraces the principle of representation, by which a given body (e.g., an ecumenical council) can consent on behalf of others (e.g., *Collectio fidelium*), such that persons *can* be bound to certain beliefs, actions and the like to which they did not personally consent.\(^{133}\) In these ways, Almain embraces two general approaches to consent: that of all persons in a given context who bind themselves, and that of members of a representative body who bind their whole community.

We have already seen that in various ecclesiastical contexts – a (hypothetical) conjunctly-held papacy or an ecumenical council overturning the excommunication of a pope – governing bodies are collectives formed of individuals whose mutual consent is required. It seems probable, moreover, that the same would apply to these bodies in other contexts and to other governing bodies more broadly. Almain may also accept this for the Church itself when he argues that the pope cannot bind the whole Church (apart from himself) taken categorically while “unwilling” (*invitum*) that is, against the wills of all the faithful taken together. How can the content of these wills be known? Interestingly, Almain does not refer here to an ecumenical council

\(^{132}\) The phrase is from Oakley. See chapter 3, sec. 2.3.

\(^{133}\) Also included may be the parental decision to baptize one’s child, consenting on his or her behalf, an issue Almain does not address.
representing the *Collectio fidelium*, but the faithful’s direct consent. Citing Augustine, he writes:

“Laws…are confirmed when they are endorsed by the behaviour of those obeying them.”\(^\text{134}\)

We find a similar pattern with respect to civil bodies in general. In *Expositio*, Almain, who is following Durandus, locates the origin of temporal power with individuals. He writes:

> For men judge that it behooves them to be subjected to someone who would serve judgment and *ius* or justice to them. Ergo, following right judgment naturally instilled in us, such regal or secular power ought to exist [*debitum...esse*]. For … instilled in us is such natural judgment that we may live in conformity to it. And this [is] from God. For the light of your face is sealed upon us [Ps. 4:6]; that is, God has naturally instilled in us the light of His face; this is one judgment by which we naturally judge all living political [beings] in turn to be obligated [to be] subjects to someone or some people who may recline from office to make reciprocal judgment.\(^\text{135}\)

As Shuger rightly notes, the decision to be subject to a ruler in a community was originally based in the capacity of individuals to know the divine plan for man in natural law. Therefore, each as a rational agent had access to knowledge of this obligation and ought to have obeyed it: “we *naturally* judge all living political [beings] in turn to be obligated [to be] subjects.”\(^\text{136}\) In this way, the original decision to have a civil ruler appears to have been made by a concatenation of individuals, with each having consented to right judgment.

In *A decima quarta*, Almain explains that in the state of lapsed nature, a “superior” could be elected by “common consent” who would divide land among the people. However, prior to electing a superior, the people could also assemble and divide property among themselves: “I will use this thing, and you that, and none will be able to use that [other] thing except from the authority and common consent of all of those obligated to this themselves” (*communi consensus omniu[m] se ad hoc obligat[n]tium*). In support, Almain refers to the division of land between Abram and

\(^{134}\) *Libellus*, fo. liii’.

\(^{135}\) *Expositio*, fo. i’.

\(^{136}\) Emphasis added.
Lot (see Gen. 13: 8-12), explaining: “From the consent of two it is made that one part [of the land] would be of one, and another of another, and they themselves have been obligated from mutual consent.”\textsuperscript{137} In these passages, Almain refers not only to common consent as the consent of a series of individuals, but points to the need for all of those involved to consent. This is consistent with Scotus, who likewise envisioned society in non-corporate terms and emphasized the mutual consent of all.\textsuperscript{138}

This having been said, Almain’s emphasis on the importance of mutual consent needs to be qualified by his embrace of the principle of representation. The ecumenical council, for instance, represents the \textit{Collectio fidelium}, and the bishops and curates thereat represent all the faithful. Therefore, the need for individuals’ consent to a given decree or canon at a council is limited to present and qualifying clergy. The decisions of this body in the external forum, moreover, are binding on any or all members of the Church, including the pope. The same basic principles apply to representative organizations in purely political communities: they can pass laws pertaining to the civil sphere that are binding on all the people, including the ruler.\textsuperscript{139}

The centrality of consent is also tempered by Almain’s application of natural law. While acknowledging that the pope has authority to convene an ecumenical council, Almain asserts as probable that such would fall to the College of Cardinals if the pope were negligent; and if the

\textsuperscript{137} \textit{A decima quarta}, 54\textsuperscript{r}-55\textsuperscript{r}. Emphasis added.
\textsuperscript{138} See above sec. 2.2.3; Quillet, “Community, Counsel and Representation,” 537, 564; Tierney, “Corporatism, Individualism, and Consent,” 56.

In one passage in \textit{A decima quarta}, Almain refers to a position of Ockham: “Then Ockham says, it is fitting that all homes making a village would have descended from one [father], who would rule those by paternal dominion. But if they would not descend from the same but from diverse [fathers], then meeting, it has been [determined] that from the consent of all, or the major part \textit{[ex co[n]sensu omnium, vel maioris partis]}, someone rules those by royal dominion” (54\textsuperscript{r}). It is unclear to which text Almain is referring. Ockham discusses this situation in \textit{Dialogus}, but he does not there refer to “the consent of all, or the major part.” See \textit{A Dialogue}, Part III, Tract I, Book 2, Chapter 4, p. 136-7.
\textsuperscript{139} In \textit{Expositio}, for instance, Almain refers to “a congregation of gathered nobles” or “a council of a polity” which, representing the community, has greater authority than the ruler (\textit{Expositio}, fo. xxvii\textsuperscript{i}).
cardinals as a group were negligent, “any particular church” (i.e., diocese) that recognized the need for a council ought to inform other churches of the need and set a location. To justify this, Almain appeals to natural law: “an eye, seeing a threat to the body, ought to inform [other] members in order that the body may protect and defend itself against the threat…” And, therefore, by analogy, “the other churches are obligated to meet” after being called, due to “the precept of divine and natural law.” If the greater part numerically (i.e., the majority of bishops and curates) is obstinate, though, and refuses to attend, what is the “lesser” part (i.e., the minority) to do? In that case, “the authority of the whole Church abides with those gathering at least insofar as to the need at hand.”

Almain likely has in mind here the Council of Pisa (1511). If so, the lesser part is alluding to the small group of prelates, representing particular churches, who attended in opposition to the allegedly harmful behaviour of Pope Julius II, while the greater part is the majority who refused to attend. If Almain were to understand the Church as a corporation or to appeal to corporation theory here, he would have a difficult case defending Pisa. For in matters affecting the welfare of the whole corporation, the members were to decide, typically at a council which, to be legitimate, traditionally needed present “the greater and sounder part” (maior et sanior pars), that is, a majority of the corporation in number and/or authority. Not only did a minority of cardinals convene Pisa, however, but a tiny number of prelates heeded their call. Perhaps Almain could have argued that the “sounder” (or authoritative) part was composed of those who chose to defend the Church against Julius, but he does not make this case. Rather, instead of corporation theory, he again argues from natural law: “if the right hand were bound or, if it can be imagined, were

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140 Libellus, fo. lxi[x2]v.
142 Cf. Filippo Decio’s argument to justify the summoning of the Council of Pisa by a minority of cardinals, who did so by “claim[ing] to exercise the power pertaining to the whole college.” In brief, “He [Decio] argued that the supposed deficiency in the pope extended to those who endorsed the papal view, so that the essential authority survived only in the dissenting minority” (Burns, “Angelo da Vallombrosa and the Pisan Schism,” 200).
pertinaciously unwilling to attend to the body’s defense, then all authority to defend the body would abide with the left.”\textsuperscript{143} Almain’s heavy reliance on natural law, in this case in lieu of corporation theory, has a few implications. Firstly, it demonstrates that the latter had a limited usefulness in Almain’s Pisan context (e.g., representation criteria).\textsuperscript{144} Secondly, it means that, in certain contexts, only the consent of a small number of clergy would be necessary to make conciliar decisions for the whole Church.

2.3.4 The Nature of Consent: Almain’s Corpus

Our third issue pertains to what exactly consent entails. We have already seen that political consent holds an important place in Almain’s thought, is applicable in both ecclesiastical and civil contexts, has a foundation in natural law, and is exercised by individuals on their own behalf or that of others. Here we will focus on the influence of Almain’s moderate voluntarism(s), which provide some clarity with respect to what legitimate consent qua act of the will involves. As discussed in chapter two, Almain engages with three main forms of voluntarism in his corpus: (i) an eclectic position he develops in \textit{Moralia} that is influenced by Scotus, Buridan, and Ockham; (ii) a position in \textit{A decima quarta} that is primarily Scotist; and (iii) a position in \textit{Dictata super sententias Holcot} that is primarily Ockhamist. Almain most clearly aligns himself with (i) and (ii), and, as we will see, his approach to consent is (or may be) linked to either one. Therefore, they will be our focus.

Based on both (i) and (ii), legitimate consent normatively requires a free and informed act of the will, that is, unhindered by impediments, such as forms of ignorance or “fear falling on a

\textsuperscript{143} \textit{Libellus}, fo. lxix\textsuperscript{x2}v.

\textsuperscript{144} This may help explain why Almain shifts away from the corporation, in addition to his “modern” principles.
steadfast man,” that is, reasonable fear (at least when another person causes it unjustly).\footnote{See Moralia, fo. iii"ff.; \textit{A decima quarta}, fos. 61"ff, 176"ff.} The will is free in both (i) and (ii) also because it is self-moving: in (i) it is naturally inclined to and unable to act actively against what it takes to be good,\footnote{See ch. 2, sec. 2.3.2.} whereas in (ii) it has an “affection for advantage” (\textit{affecti\textit{onem co[m]modi\textit{i}}}), which is its natural inclination, and an “affection for justice, which is following right reason.” Following the affection for advantage, the will chooses what the intellect reveals to be advantageous (or good) for oneself, that is, fitting or enjoyable; in contrast, following the affection for justice, the will follows right reason and chooses actual justice.\footnote{See ch. 2, sec. 2.3.2. Cf. the view of Anselm of Canterbury, for whom the two-fold affections for advantage and justice are also central to freedom. As Farrow (\textit{Desiring a Better Country}) explains, “freedom deriv[es] (as Anselm taught) from our simultaneous ordering to happiness [i.e., advantage] and to justice” (p. 48). If one had the affection for advantage alone, one could not sin, and if one had the affection for justice alone, one could not pursue justice as a means to advantage, but only as an end in itself. “And this would not be freedom... For the man who is neither happy nor on the way to happiness is in bondage to whatever makes him unhappy. But if, as formed and moved by God, the will is a will to happiness and also a will to justice, then things are very different. For the pursuit of happiness must always be exercised either for or against justice, and of justice either for or against happiness” (p. 142, n. 26).}

Consistent with principles from both (i) and (ii), Almain holds across his \textit{corpus} that people can freely consent to (or, otherwise, make decisions in accord with) the good or justice, especially when there are no impediments, and when they do not so choose, it is because they have chosen lesser or perceived goods or advantages, rather than evil qua evil. In \textit{A decima quarta}, these views are linked to (ii) Scotist voluntarism, while in other works (e.g., \textit{Expositio, Questio, Libellus}) they are consistent with (i) or (ii) and may be linked to either. Ultimately, they are all the inheritance of the influential, traditional discourse (e.g., Socrates, Aristotle, Augustine) taken up by many medieval rationalists and moderate voluntarists alike (e.g., Aquinas, Scotus) that people do not choose evil qua evil but lesser or perceived goods instead of higher or real ones.\footnote{In Plato’s \textit{Protagoras}, Socrates says: “Then surely, I went on, no one willingly goes after evil or what he thinks to be evil; it is not in human nature, apparently, to do so—to wish to go after what one thinks to be evil in preference to the good; and when compelled to choose one of two evils, nobody will choose the greater when he may the lesser” (358c-d). In the \textit{Republic}, book 6, likewise, Socrates indicates that one chooses all things with a view to the good (505d-e). Similarly, in \textit{Nicomachean Ethics}, book 3.4, Aristotle writes that we always act for the good or an apparent good.}
Finally, Almain’s discussion of consent frequently involves the concept of dominion or *ius*, in particular, an individual or community’s decision to transfer or exercise it. Recall that dominion or *ius*, by Almain’s definition, is a legitimate power, a right and duty, to act on or have authority over an object or person in accordance with legitimate law as recognized through right reason.¹⁴⁹

### 2.3.4.1 Individual Consent

Before we discuss communal consent, it is suitable to consider how Almain addresses individual consent. In *Questio*, he notes that one ought to give his consent for the transfer of his private dominion/*ius*, the recipient ought to have “a reasonable cause” to take it, and/or the person whose *ius* is being taken must have committed a fault. For instance, he explains that “no one ought to be deprived of his own *ius* except by his own consent, or a fault for which he is able to be deprived by a superior.”¹⁵⁰ Similarly, he explains that prelates and titulars have a “true *ius*” to maintain their benefices “of which no one who is unwilling can be deprived without reasonable cause” (*causa rationabili*). Yet the contemporary pope, Almain claims, exercises “that absolute power [*potestate absoluta*] over our prelates,” illegitimately depriving them.¹⁵¹ Almain’s frequent

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¹⁴⁹ *A decima quarta*, fo. 48r; see Brett, *Liberty, Right and Nature*, 120-2. See also *Libellus*; in discussing the power or dominion of (ecclesiastical) rulers, Almain explains, citing Durundus and Aquinas: “He who is to consider an end is to judge concerning that which ought to be ordered to the end, because the reason for those things that are ordered to an end is taken from the end. Truly, one intending some good end *ought to choose those things that are consistent with the end, and to remove those things which impede the end*. For the sake of example, a doctor considers the health of a body, and it is his [job] to consider those things which conserve health and those which impede it” (*Libellus*, fo. xlix³).
¹⁵⁰ *Questio*, fo. lxiii².
¹⁵¹ *Questio*, fo. lxiii⁵.
claim that dominion/ius should not be taken from someone without “reasonable cause” is one formulation of a canonist principle embraced by other figures, including Ockham.\textsuperscript{152}

In \textit{A decima quarta}, Almain uses similar concepts but different language in discussing the transference of private dominion/ius: normatively, “it is required… that free will be transferred in the giving … [and] be received in the recipient,” and that the cause for the transfer be “just and sufficient,” “that is, that it would be a just title.”\textsuperscript{153} Otherwise, the dominion is not transferred. For example, Almain explains that a person attempting to purchase a benefice from a bishop and wanting “to take [it] for his own servitude” will not truly receive dominion over the benefice, because his “cause is unjust.”\textsuperscript{154} Almain’s logic, moreover, would presumably apply beyond the transference of benefices from a bishop to other ecclesiastical dignities held privately by a person as well, and to other persons who have authority over them, including the pope.\textsuperscript{155}

In both \textit{Questio} and \textit{A decima quarta} there is an emphasis on a free act (viz., giving consent and “transferring” free will), and/or that there be a good reason for the transfer of dominion/ius. Almain’s wording that a cause must be “just” in \textit{A decima quarta} can, like “reasonable cause,” be found in canonist sources.\textsuperscript{156} It is more likely, though, that it should be understood vis-à-vis the Scotist voluntarism that Almain raises earlier in the text, which links free will with right reason in order to choose what is just. In this light, in order for one to transfer private dominion legitimately, he must freely follow right reason, choosing the affection for justice over advantage as one’s cause; otherwise, the transfer would not occur.

\textsuperscript{152} See Robinson, “Ockham, the Sanctity of Rights, and the Canonists,” 147-204, esp. 118, 192.
\textsuperscript{153} \textit{A decima quarta}, fo. 82\textsuperscript{r}.
\textsuperscript{154} \textit{A decima quarta}, fo. 82\textsuperscript{v}.
\textsuperscript{155} In \textit{Expositio}, Almain follows John of Paris and Pierre d’Ailly for whom ecclesiastical power over benefices and ecclesiastical dignities is ultimately held by the pope (\textit{Expositio}, fos. i\textsuperscript{-ii}). And in \textit{Libellus}, Almain says that John of Paris and d’Ailly “testify very well” on ecclesiastical powers, such as this (\textit{Libellus}, fo. xlvii\textsuperscript{r}).
\textsuperscript{156} Robinson, “Ockham, the Sanctity of Rights, and the Canonists,” 154, 183.
In *A decima quarta* (as well as *Moralia*) Almain discusses other factors, too, that normatively render consent unfree and, therefore, invalid: “fear falling on a steadfast man,” and forms of ignorance.\(^{157}\) Even though it would presumably still be free, an external sign that one has consented is also required for the transfer of dominion in society to be valid, as in the exchange of marriage vows; the reason is that such would fall under civil law, which has jurisdiction only over what it external and sensible.\(^{158}\)

We have now seen that in *Questio* and *A decima quarta*, Almain emphasizes the importance of free consent in the transfer of private dominion for it to be legitimate, as well as having a reasonable or just cause; and this applies in both civil and ecclesiastical contexts. Almain is influenced by (ii) Scotist voluntarism in *A decima quarta*, but does not use the same language in the passages from *Questio*. There, the primary influence is likely canonist. While, therefore, a voluntarist approach to consent does not play a visible role – apart from Almain’s rejection of untethered absolute papal power\(^{159}\) – given the centrality of consent qua act of the will in *Questio* and Almain’s moderate voluntarism elsewhere, it remains quite possible that voluntarist assumptions are at play, either (i) or (ii).

In her analysis of *Expositio*, Shuger writes that Almain embraces a prominent medieval political telology according to which, “powers and laws exist for certain ends,” and are illegitimate if they do not serve them.\(^{160}\) Secondly, Almain stresses the capacity of human beings to know truths through natural law.\(^{161}\) As a result, Almain emphasizes right judgment as the basis on which people ought to consent to decisions, including exceptions to laws. For instance, a person is

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\(^{157}\) See fn. 145 above.

\(^{158}\) *A decima quarta*, fo. 59r.

\(^{159}\) See also *Libellus*, where Almain denies that a pope can “merely…will [vult] another to succeed him” and it will be so, as long as the appointee accepts. Indeed, “Christ did not confer on the supreme pontiff any power pernicious to the Church,” such as being able to appoint one’s successor (fo. lvi’).

\(^{160}\) Shuger, “Other Republicanisms,” 278; see 277.

\(^{161}\) Shuger, “Other Republicanisms,” 275, 278; see *Expositio*, fo. i’.
obligated to fulfill an imposed penance, but only if it is reasonable, and a person can free himself from a vow if necessary to protect his health or salvation. Indeed, any person can, in principle, decide an exception to the law or a norm. If need be, one can consult the *prudentes*, and if there is doubt otherwise, one should obey the authority. However, when the truth is evident, the authority inherent in individuals trumps institutional coercive authority.

Shuger is right that Almain in *Expositio* emphasizes right judgment as the basis on which people can and ought to consent to political and ethical decisions, including exceptions to laws. Indeed, the examples by which Almain trusts people to decide rightly exceptions from rules exemplifies the high regard he has for human natures: not only for the capacity people have to know truth or the divine plan but to follow it when it is evident. Of course, people do choose not to follow it, but Almain suggests that this occurs when one chooses a lesser or perceived good over a higher one; for instance, when one chooses what is good for oneself over the common utility.

### 2.3.4.2 Communal Consent

Across Almain’s works there is a sense of practical necessity or moral obligation rooted in natural law to consent to the transfer of civil dominion to one or more rulers and/or to appropriate private property; and Oakley has observed that a form of this position was held by most

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162 Shuger, “Other Republicanisms,” 278.
164 Shuger, “Other Republicanisms,” 278.
165 E.g., *Expositio*, fos. vii⁰, xxxv⁰.

A key exception to this is Almain’s claim, following Scotus, that the private appropriation of property could have occurred by common consent in the state of innocence, that is, at a time when there was no need or obligation for such (*A decima quarta*, fo. 46⁰).
conciliarists. These decrees of natural law, moreover, aid human beings: leading to practical benefits and supporting human ends.

Notably, the obligation to obey these (or any) natural laws is in accord with Almain’s moderate voluntarism(s). Since civil dominion of jurisdiction and property can be desired as goods in themselves due to being commanded by the divine will and are in principle advantageous, it is unsurprising that human beings would have consented to implement them originally – assuming that their consent was, indeed, truly free. Thus in *Expositio*, Almain indicates that human beings originally had knowledge of the divine plan in natural law for them to be bound by rulers in political society. In this way, right reason again revealed duties: “following a right dictum, such [temporal or laic] power ought to exist,” and “men judge that it behooves them to be subjected to someone who would serve judgement and *ius* or justice to them.” As a result, men consented to it.

While having a ruler (or rulers) is necessary by natural law, who rules is normatively rooted in the will of the people. Hence, Almain is emphatic that rulers have dominion from the “consent of the people” or the “free consent of the people.” To be free, this consent must meet the same criteria as that of any given individual’s will, including an absence of impediments, such as “fear falling on a steadfast man” or ignorance. For example, Almain argues in *Questio* that, if the Gauls had consented to be ruled by the Roman Empire (i.e., if they had agreed to transfer dominion to Rome) – and Almain thinks they did not – this consent would have been merely an external affirmation due to fear; they would not have internally (and truly) consented. Almain elaborates

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168 See below, sec. 2.4.3 for discussion on common human ends/goods.
169 *Expositio*, fo. i’.
170 See, e.g., *Questio*, fo. lxv’; *A decima quarta*, fo. 51’.
171 *Questio*, fo. lxv’.
on this example in *Expositio*: “I say that the emperor has entered tyrannically in Gaul, and has opposed the people… I say that it does not stand firm from the consent of the people. … For if some people would be without a king and may consent by fear falling on a steadfast man…there is no true king…”¹⁷² Naturally, it is not always clear when the consent of one or more persons is unfree, for such involves knowledge of the inner workings of their wills. So, Almain appeals to the Gauls’ behaviour: “I say, ergo, and I believe thus to be, because the Gauls have not been for a long time without rebellion, ergo it is a sign that they have not consented…”¹⁷³

In *A decima quarta*, Almain indicates that the consent of those involved in a given act – presumably a just one – makes it binding on them. Following Scotus, he argues that a large group of people, bigger than one family under a *paterfamilias*, could, by common consent, transfer authority to a superior who could distribute property for private appropriation. Otherwise, the people could assemble and divide the land among themselves by “the authority and common consent of all of those obligated to this themselves.” As shown above, Almain cites Abram and Lot as precedent, who divided land between themselves and were “obligated from mutual consent.”¹⁷⁴ And again, “from common consent,” or the consent of a ruler whose authority originated with the people, property can be assigned to particular persons for their exclusive use.¹⁷⁵ Carpintero et al. argue, citing this latter passage in particular, that Almain’s emphasis on common consent in the origins of civil dominion has anthropological voluntarist underpinnings. This is certainly possible.¹⁷⁶

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¹⁷² *Expositio*, fo. xliii f.
¹⁷³ *Expositio*, fo. xliii f.
¹⁷⁴ *A decima quarta*, fo. 54v–55v.
¹⁷⁵ *A decima quarta*, fo. 53r.
The importance of consent is equally applicable to the Church. Almain explains that “it appears untrue that Christ would have committed the authority of the supreme pontiff to the will of one man...” Rather, supreme power ultimately is held by the Church, which is indeed many wills. Thus, ordinarily the pope is elected by the College of Cardinals, who were delegated this role by an ecumenical council, representing the whole Church; but if the cardinals could or would not fulfill their role, or otherwise abused it, the Church could intervene, presumably at an ecumenical council, to elect a new pope or appoint new electors. The role of ecclesiastical consent here is similar to the Apostolic Church, in which Clement replaced Peter, and Matthias replaced Judas by “the consent of the brethren.” Peter himself, however, was chosen by Christ Himself; an exception to normal practice likewise seen in the civil sphere when Moses was appointed by God over the Israelites.

Almain also refers to other decision-making by the Church at councils in terms of consent. For instance, he cites Pope Gregory I (Sicut sancti D.) who venerates Nicaea, Constantinople, Ephesus and Chalcedon, as “they were constituted by universal consent.” Similarly, “the general custom of the Church, which is introduced by unanimous consent, annuls a pontifical statute.” And, Almain cites c. Si duo (D. 79 c. 8): “If two have been elected contrary to the law, none of them ought to be received, but he who will be elected with universal consent.” In these cases, Almain cites canonist sources to maintain the importance of ecclesiastical consent, indeed, universal consent. This emphasis extends further. Indeed, like the acquisition of property in

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177 *Libellus*, fo. lvi: see fo. lv. Christ, Almain explains, would not have committed papal power to the will of one man, lest that man give his office to his child, who could be a false prophet. Almain’s point seems to be simply that popes can grossly abuse their office and, therefore, Christ gave supreme power to the Church in part as a safeguard.

178 *Libellus*, fo. lvi.

179 *Libellus*, fos. lii, liii-iv.

180 *Libellus*, fo. lv. Note that this text was in the *Decretum* and inspired much discussion among canon lawyers. See Tierney, *Origins of Papal Infallibility*, 46ff.

181 *Libellus*, fo. lii.

182 *Libellus*, fo. lxii. Burns and Izbicki provide the citation from c. *Si duo* (*Conciliarism and Papalism*, 194).
decima quarta, Almain suggests in Libellus that the faithful’s consent makes a papal decision binding on them. The pope, he writes, cannot bind the whole Church taken categorically while “unwilling” (invitum), that is, against the wills of all the faithful taken together. While there is not a clear link to Almain’s voluntarism here, there is nonetheless a strong emphasis on the will.

2.3.4.3 Rulers’ Use of Communal Dominion

In accordance with Almain’s political teleology, Shuger explains that the limitation of legal authority, both ecclesiastical and civil, is that it be used for the common good. The result is that any laws or exercises of governmental dominion that are contrary to this end are invalid. While Shuger’s focus is on Expositio, her conclusion is applicable to Almain’s other works as well. In the same vein, in Questio, Libellus, and A decima quarta, an act of dominion/ius is legitimate when it follows the dictate of a legitimate law known through right reason, and in A decima quarta following right reason is linked to following the affection for justice. While the will can choose to follow its natural inclination for advantage, free will enables it to follow what right reason indicates to be just. The implication of these two positions taken together – and they are both defended in A decima quarta – is that for a person to choose to exercise dominion/ius and then do it (and assuming that it is free), he must follow the demands of legitimate law known through right reason, which makes the choice just and the exercise of dominion/ius legitimate. This applies not only to private persons and acts but public ones too, that is, the dominion of rulers.

In A decima quarta, the end of positive human law and the dominion of a ruler is not the good of the ruler himself, but the common good. A ruler, moreover, does not have dominion

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183 Libellus, fo. liii’.
185 A decima quarta, fo. 14v, 57’.
over the objects of a particular person, nor can he validly exercise dominion of property “as he
wills” (or, literally, “for his own pleasure”) “and to his own utility” (pro libito suo & ad utilitatem
propriam) distinct from the good of the community.186 Two things are notable here. Firstly, Almain
does not say that a ruler simply ought not use his dominion in this way, but says that the ruler
“does not have dominion of property” (or, it is implied, jurisdiction) and “is not able to use” it
validly unless it is for the common good. Secondly, Almain’s assertion has an Aristotelian imprint,
for the Philosopher had argued that the ruler of a proper government (e.g., monarchy, aristocracy,
polity) ought to act for the common good rather than his own private good or advantage,187 a
position broadly adopted in medieval discourse.188 There is more at play here, though, given
Almain’s views on dominion in this text. In effect, the end of the ruler’s authority – of his choice
and exercise – must be the common good (qua justice), not a lesser good, like his own utility (qua
personal advantage); the wording also suggests that this must be the ruler’s intention, otherwise it
is an invalid use of authority.189

Almain’s position that a ruler, ecclesiastical or civil, ought to exercise his office for the
common good and not his own wishes or (lesser) private good can also be found in his other
works;190 these instances are not clearly linked to Almain’s moderate voluntarism, neither (i) nor
(ii), but they are consistent therewith. They also indicate that Almain would not have accepted

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186 A decima quarta, fo. 57v.
187 See, e.g., Aristotle, Politics 3.6, 5.10.
188 E.g., for d’Ailly, a tyrant is one who “seeks his own interest [utile] and not the common good of his subjects
[commune bonum]” (Oakley, The Political Thought of Pierre d’Ailly, 106).
189 See, e.g., A decima quarta, fo. 57r-58v.
190 For instance, in Expositio, Almain cites Aristotle that a despot rules for his own good (bonum proprium) or a
particular good (bonum particulare), while a king or proper ruler rules for the common good (fo. xxxv). In this text,
Almain also lists and rejects instances whereby a ruler acts “as he wills” or “at his pleasure” (pro libito suo), contrary
to the good of the republic (e.g., the ruler cannot alienate, give, sell or alter immovable property of the state “as [he]
wills” [pro libito] [Expositio, fos. xxx’-xxxii’], or transfer property of private persons “as he himself wills” [pro libito
suo], which would be “pernicious to the republic” [Expositio, fo. xli’]). In many cases, Almain’s examples suggest
that this often occurs when one chooses a lesser good over a higher one: for instance, when a pope or temporal ruler
acts for his own gain rather than the common good (Shuger, “Other Republicanisms,” 277; Expositio, fo. xxxv).
more radical voluntarist approaches to human law whereby the will of a ruler is *de facto* legitimate law, even without reasonable cause.\textsuperscript{191}

We saw in *Questio* that a superior requires a person’s consent or, following canonist sources, “reasonable cause” to transfer one’s dominion. In *Libellus*, the Church, too, can forcefully retract dominion from the pope, deposing him, but only with “reasonable cause,”\textsuperscript{192} viz., when the common good of the Church is at stake. Almain similarly explains that no one can judge the First See when the pope “desires justice temperately,” citing c. Nemo (c. 9 q. 3 c. 13),\textsuperscript{193} wording he compares to 1 Timothy: “The law is not ordained for the just” (1:9).\textsuperscript{194}

Should an exceptional circumstance arise according to which only a minority of clergy consent to form an ecumenical council due to a threat to the common good, they have the *ius* rooted in natural law to exercise the Church’s dominion to reply to that threat. Central to natural law and consent is duty: the minority who consent to defend the Church are fulfilling the law to which they are bound and can recognize through right reason. In fact, obedience to God’s will in natural law appears to be a central motivation or good that Almain provides for the minority’s behaviour. A second motivation is more practical, defending the Church’s welfare: that the faithful “may protect themselves.”\textsuperscript{195} This is again consistent with Almain’s moderate voluntarism(s).

### 2.3.5 Conclusion

We have seen that Almain’s views on consent, which are applicable to both ecclesiastical and purely political spheres, are complex and have many features, including anti-realist and

\begin{itemize}
\item \textsuperscript{191} See ch. 2, sec. 2.4.
\item \textsuperscript{192} *Libellus*, fo. liii
\item \textsuperscript{193} Burns and Izbicki provide the citation (*Conciliarism and Papalism*, 173).
\item \textsuperscript{194} *Libellus*, fo. lv
\item \textsuperscript{195} *Questio*, fo. lxi
\end{itemize}
moderate voluntarist elements. Consistent with his approach to social bodies, people sometimes consent to political action individually, as a concatenation, although this is tempered by the principle of representation, as well as by natural law, according to which natural *iura* (e.g., self-preservation) take precedence over the mode of consent. Almain’s two main forms of voluntarism also play a role: people freely consent to the good or justice, especially when there are no impediments, and when they do not so choose, it is because they have chosen lesser or perceived goods; *contra* Ockham, people do not choose evil qua evil. In *A decima quarta*, these views are linked to Scotist voluntarism, while in other works (e.g., *Expositio*, *Questio*, *Libellus*) they are consistent with it as well as his more eclectic voluntarism.

Almain’s arguments most frequently pertain to consent in the civil sphere, and his clearest examples of anti-realist and voluntarist influences (e.g., consent by a concatenation, or consent to an act qua perceived or real good or justice) are found in this context. That said, his arguments and approaches are also applicable to the ecclesiastical sphere due to parallels with political bodies, as well as the Church’s status as one. Thus, neither a civil nor ecclesiastical leader can force the transfer of private dominion (e.g., material property, or an ecclesiastical benefice, respectively) without the free consent of the owner, and/or a reasonable or just cause; on the basis of right judgment, an individual can determine that he merits an exception to a civil or ecclesiastical precept; and both a civil ruler and pope (Peter excepted) hold dominion in their respective spheres due to the free consent of the people, be it direct or represented. Overall, there is a strong emphasis on individuals and their wills.
2.4 The Common Good
2.4.1 Introduction

In chapter three, we reviewed the views of various scholars on the nature of the common good in conciliarist thought, Almain’s in particular. For Lange, conciliarists, at least up through the fifteenth century, linked the common good and salvation; we noted that many conciliarists did, while typically including other ecclesiastical goods under the common good as well. For Tierney, Avis, and Oakley, many conciliarists advocated the common good qua status ecclesiae, that is, the universal ecclesiastical life; for Oakley, this included Almain as an adherent of strict conciliar theory in which the Church is a corporation. For Burns, in his analysis of A decima quarta, the common good of society has both corporate and individual elements, and we posited a way to reconcile them. Finally, Izbicki briefly notes an Aristotelian influence on the common good for Almain, while Avis points to a Thomistic influence, which includes Aristotle. Significantly, both corporate and Aristotelian-Thomistic approaches tend to assume that a community is, in a sense, distinct from or greater than the members, legally or formally, with the implication that the common good cannot simply be reduced to goods common to them. For the rest of this section, we will judge these claims and offer new assessments of Almain’s understanding of the common good.

Almain uses a variety of language to refer to the common good, but tends to vary his terms depending on context. Thus, he occasionally refers to the “utility of the Church” (utilitas ecclesiae) in ecclesiastical contexts,196 and refers to the “common good” (bonum commune),197 “good of the republic” (bonum reipublice),198 “public good” (bonum publicum)199 “common utility” (utilitas

196 Libellus, fo. lxix|x2]; Expositio fos. vi°, xxiii°.
197 Expositio, fo. xli°; A decima quarta, fos. 14°v, 57v, 100°, 102°, 149°.
198 A decima quarta, fo. 14°v.
199 Expositio, fo. xxxv°; A decima quarta, fo. 100°.
communis),200 “utility of the republic” (utilitas republicae),201 “utility of the whole community” (utilitas totius communitatis),202 and “common utility of all” (communis utilitas omnium)203 in civil contexts with political bodies. He also uses terms to refer to either of these contexts: “edification” not “destruction,” “health” of a body, as well as the “end” of a particular body or its power.204 For simplicity sake, “common good” will primarily be used hereafter (without connotations of a civil context) when referring to these terms in general.

While the terms for and particulars of the common good vary depending on context, all of the aforementioned terms should be understood to refer to a good of some sort common to, or in principle available or beneficial to, all members of a given body. Despite prior analyses to the contrary, it does not refer to the good of a community as such, i.e., which cannot be reduced to the members, as in a corporate or Aristotelian-Thomistic body. This can be ruled out because a community, as shown above – whether ecclesiastical or civil – is the sum of its members. There is not a body that is distinct therefrom – legally, formally, or otherwise – that could be the object of such a good. This interpretation is also consistent with Almain’s examples: many are clearly individual goods, while others can be understood that way. We will first consider the common good of the Church then that of other political bodies.

2.4.2 The Common Good of the Church: Questio, Libellus, & Expositio

Almain’s discussion on the common good of the Church is located primarily in his Political Theology works, Questio and Libellus in particular. That Almain should emphasize the common

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200 Expositio, fo. vi; A decima quarta, fos. 57°, 66°, 97°.
201 A decima quarta, fo. 97°.
202 Expositio, fo. xxxv°.
203 A decima quarta, fo. 66°.
204 See sec. 2.4.3 below.
good in these conciliarist texts is not surprising, but rather indicative of his adherence (broadly speaking) to strict conciliar theory; for the common good is the end of ecclesiastical power and central motivation behind conciliar action against a destructive pope.205 Like a number of earlier thinkers, the common good of the Church, for Almain, is linked to the good of the faithful, especially their spiritual good; what sets him apart, though, is that he does not extend it further. He notably does not extend it to the *status ecclesiae*.

Like John of Paris, d’Ailly and Gerson before him, Almain – who equates “end” with “good”206 – argues in *Questio* that the end of “ecclesiastical power… is supernatural happiness.”207 In the same text, Almain explains that ecclesiastical power in the external forum is “a power immediately instituted by Christ to constrain the faithful to live following the evangelical laws for the purpose of eternal felicity.”208 Similarly, in *Libellus*, he says that “Christ’s mystical body…[is] ordained to a supernatural end, namely, eternal life,”209 and then he clarifies that this life, which Christ became incarnate to give and which is the purpose of ecclesiastical power, is for “individuals” (*singulos*).210 The supernatural end of the Church and its power, therefore, is the supernatural end of all the faithful: salvation. (Indeed, “all human actions ought to be ordained to the pursuit of eternal life.”211) In *Expositio*, too, Almain explains that the end of ecclesiastical power is that “men may be led…to eternal felicity.”212 He uses other language to make the same point.

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205 Recall, this conciliar power is rooted in the Church’s natural *ius* to self-preservation – its one power as a political body – as well as the ecclesiastical external forum. See ch. 3, sec. 1.2.
206 In *A decima quarta*, Almain is explicit that he accepts the traditional position that “end” and “good” are equivalent (fo. 184v). In other texts, including *Questio*, *Libellus*, and *Expositio*, this appears to be implicit.
207 *Questio*, fo. lxvi; see lxiiiiv.
208 *Questio*, fo. lxiiiiv.
209 *Libellus*, fo. xlvi.
210 *Libellus*, fo. xlvi; see xlvii. Almain reaffirms in *Libellus* that the end of ecclesiastical power in the external forum – Almain’s chief interest – is salvation of the souls of the faithful (*Libellus*, fos. xlvi, xlix, lii).
211 *Libellus*, fo. xlvii.
212 *Expositio*, fo. iv.
The Decretists had emphasised that ecclesiastical authority was for the “edification” of the mystical body of Christ, rather than its “destruction”; an appeal to 2 Corinthians 10:8. Thereafter, John of Paris took up this principle and terminology, emphasizing the limits of prelates’ power, including that of the pope. Later conciliarists did too.²¹³ Almain uses this principle and terminology numerous times in Questio, Libellus, and Expositio: to refer to the Church in particular (or a political body in general, including the Church).²¹⁴ As part of this discussion, the object of said edification or destruction is often said to be the “Church”²¹⁵ or “polity.”²¹⁶ At one point in Questio, Almain also appears to use “edification” of the Church interchangeably with “conserv[ing], defend[ing] and protect[ing]” it, and “labouring for the peace of the Church.”²¹⁷ Church, polity and the like should be understood in these cases as equivalent to the sum of their members; they, as individuals, are the object of Almain’s concern. What do destruction and edification of the Church mean, then?

In Expositio, Almain, citing Jean Gerson, directly links edification of the Church with eternal felicity.²¹⁸ Similarly in Libellus, he links destruction and non-edification by abuse of papal power to being “pernicious [pernitiōsus] to the whole Church as much as to the attainment of [its] end.”²¹⁹ As we saw, the Church’s unique end is eternal life of each of the faithful, and in this passage, Almain includes concern for the pope himself.²²⁰ In Questio and Libellus, the chief form of pernicious behaviour with which Almain is concerned is scandal, that is, leading others to sin

²¹⁴ Questio, fos. lxiii', lxvi', lxvii'; Libellus, fos. xlvi', lii', lii[v]', lxix'[x2']; Expositio, fo. i'.
²¹⁵ Questio, fos. lxvi', lxvii'; Libellus, fo. lii[v]'.
²¹⁶ Libellus, fo. xlvi'.
²¹⁷ Questio, fo. lxvi'. In a parallel passage in Libellus (fo. lxix'[x2]'), Almain uses similar language but does not refer to “edification.” This is not a significant change, though; Almain just cuts the argument short and concludes the work.
²¹⁹ Libellus, fo. lii'; see lxix'.
²²⁰ Libellus, fo. lii[v]. See also Questio, fo. lxvii', where Almain links “destruction” of the Church with loss of Christian souls and lives.
by one’s words or deeds and, thereby, jeopardizing their final end. We can see this link between destruction of the Church qua damnation of souls and scandal in the following three cases. Beginning in *Questio*, Almain links non-edifying papal behaviour with Christ’s command in Matthew 5:29, “if your [right] eye causes you to sin *scandalisaverit*, tear it out”; while he does not finish the passage – “it is better that you lose one of your members than that your whole body be thrown into hell” (RSV) – it was surely known by his audience. In *Libellus*, Almain is more explicit, alleging that the pope could “rul[e]” the Church “to its destruction and lea[d] souls to hell in masses by his instigation and his example.” Finally, Almain links the hypothetical – yet all too common – abuse of ecclesiastical appointments with destruction of the Church: if the pope “should sell benefices or distribute them to sacrilegious and most pernicious persons or strive to destroy the Church by all means…” Here is one of few cases where Almain clearly derides corrupt mismanagement; yet, his concern is not with the Church as a corporation. Given his clear concern throughout with the Church’s destruction through scandal, Almain is likely less concerned with corruption in itself than scandalizing the faithful through the sale of offices and spiritually harmful shepherds.

Discussion of scandal is raised further, apart from “destruction” or “edification.” Rooted in Gratian’s *Decretum*, Decretists had maintained that a pope could be deposed for heresy, a position broadly accepted by conciliarists and many papalists alike. It is unsurprising, therefore, that Almain raises it and follows the standard conciliarist view that authority to depose and excommunicate the pope for such is held by an ecumenical council. A reason, Almain suggests,

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221 *Questio*, fo. lxvi’. Interestingly, Almain does not use this passage to support removal from office, but to justify the Church at a council putting restrictions on papal authority.
222 *Libellus*, fo. lixi’.
223 *Libellus*, fo. lii’.
225 See, e.g., *Questio*, fo. lxvii’-x’; *Libellus*, fos. lx’-lxii[x2]’.
rooted in Decretist thought, is that overt heresy would be “pernicious to the republic,” which, if he is consistent, would mean harmful to the faithful. Almain then argues, contra Cajetan, that this is not the only situation. Rather, following a position dating to Huggucio, he argues that the pope can be deposed “for other notorious crime[s] scandalizing the Church” and provides multiple examples. These include the pope causing “confusion” or “disruption” in the polity (perturbantem eam), “corruption [corruptivum] of the whole body,” being “pernicious,” “for a crime confusing the whole Church,” causing “the whole ecclesiastical [polity] to be corrupted” (decolorari) by taking a wife, “rul[ing] tyrannically” (tyrannice regat), and “every case of notorious sin to which contumacy is joined.” Almain’s use of such numerous and varied ways of expressing the problem of scandal can be explained not only by his effort to disprove his interlocutor, but also by his persistent interest in the good of the Church qua spiritual welfare of the faithful.

Almain provides other instances by which conciliar action could be required for the good of the faithful. The pope could be deposed for “negligence” (negligentiam): neglecting to teach what is necessary for salvation. In the case of a papal schism, too, a council could depose papal claimants “on account of the union and peace of the Church” (propter unionem & pacem ecclesi[a]e). This language appears borrowed from prior conciliarists in the context of the Great Western Schism, who expressed great concern for the unity and peace of the earthly Church. What does Almain mean by it? He uses it as a premise; if the council can depose a pope for the union and peace of the Church, “ergo, a fortiori, for a crime confusing the whole Church,” that is,

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226 Libellus, fo. lxiv.
227 Libellus, fo. lxv.
228 Libellus, fo. lxvi.
230 Libellus, fo. lxiv; see lv, Questio, fo. lxvi.
231 Libellus, fo. lxv.
232 Libellus, fo. lxvi.
233 E.g., d’Ailly (Oakley, The Political Thought of Pierre D’Ailly, 152).
scandal. And just prior to this, Almain similarly indicates that the Church has the natural power to maintain its “peaceful conservation” by deposing a pope for being “pernicious,” that is, again, causing scandal.\footnote{Libellus, fo. lxi\textsuperscript{r}.} While Almain, therefore, is borrowing language from conciliarists who were concerned with the preservation of the earthly Church as a body, he is repurposing it; to seek “union,” and especially “peace,” now suggests or includes acting against perniciousness and confusion, specifically papal scandal, a threat to the salvation of the faithful.

Action may also be needed to safeguard “the utility [\textit{utilitate}] of the Church” when the pope is innocent of wrongdoing. Two examples are given, the first being a papal schism – again, although, unlike the first instance, the true pope’s innocence is here established; otherwise no more information is given. The second example is the pope being “incarcerated by infidels,” and without hope of rescue. The pope could be deposed and replaced, because his office has many important responsibilities that need to be exercised for the Church’s utility, such as the confirmation of archbishops and other prelates.\footnote{Libellus, fo. lxi[x2]\textsuperscript{r}.} Almain does not explain further, however, a link can again be made to the spiritual welfare of the faithful, for as we have seen, all ecclesiastical authority – including that of these archbishops and prelates – is ultimately intended for the salvation of the faithful.\footnote{Libellus, fo. lxi[x2]\textsuperscript{r}; see fo. lxi[x2]\textsuperscript{v}.}

Almain also provides a few general claims. A council could assemble when there is “urgent necessity,” e.g., to address unspecified “evident excesses” of the pope and cardinals.\footnote{Libellus, fo. lxvi\textsuperscript{v}-xlvi\textsuperscript{vii}; this point is implicit in fo. lii\textsuperscript{r}. That eternal happiness of believers is the end of canon law, see In tertium, fo. ciii\textsuperscript{v}.} And if necessary, the pope’s power could be restricted by a council, just as the members of a human body are able “to bind and cauterize” the head, if it becomes “languid or infirm…for the health of the whole body.” Almain does not elaborate.\footnote{Libellus, fo. lxi\textsuperscript{v}; see fo. lxi[x2]\textsuperscript{v}}
Finally, Almain argues that the papalist or anti-conciliarist position that the pope has no earthly superior is a “most pernicious” error, “destructive of the whole Church.” The reason is that if it were correct, it would make the pope unstoppable in his evil conduct, make reform very difficult – a point briefly made twice in total, validating Oakley’s point that reform was not a main concern for Almain – and, he suggests, jeopardize the end of ecclesiastical power. In this way, the conciliarist position is considered necessary for the spiritual welfare of the faithful and the papalist view is a threat.

While the common good of the Church, for Almain, is focussed on the spiritual welfare of the faithful, he indicates that the Church ought to be concerned with their temporal welfare, as well. In *Questio*, Almain refers to Pisa by name, urges prelates to attend, and alleges that “the most holy father’s spirit rages” against the French church. He continues,

> If only zeal [for] the house of the Lord consumed the prelates of our time like the royal prophet, & they were more zealous [for] the safety of the faithful of Christ than money. [That] they might not hesitate to hurry to the Council of Pisa or any other safe place and to oppose the shedding of so much Christian blood and also, as appears the case, the perdition of innumerable souls which are committed to their custody!

Notice Almain’s concern for the faithful. “House of the Lord” parallels “the faithful of Christ,” for whose safety Almain would like prelates to express “zealous” concern at the council: for both their eternal salvation and physical safety – alluding to the war with Julius. Whether this latter, temporal concern is technically a feature of the common good of the Church, for Almain, is unclear. It is, however, clearly a concern.

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239 See ch. 3, fn. 193.
240 *Libellus*, fo. liii’; see fos. lii’, lv’.
241 *Questio*, fos. lxvi’-lxvii’.
242 *Questio*, fo. lxvii’.
2.4.3 The Common Good of Political Bodies: *Questio, Libellus, Expositio, & A Decima Quarta*

Almain raises the common good of political bodies across his Political Theology works and in *A decima quarta*. There are important differences, though. While Aristotelian views can be discerned throughout, they are strongest in *Libellus* and *Questio*; in *Expositio* and *A decima quarta*, however, Almain is also influenced by Ockham and Scotus respectively. As a result, there are different understandings, especially surrounding what good/s the common good entails. In all cases, though, the common good is a good common to all members of a community.

In *Libellus*, God creates the “human race” (*humanum genus*) with a natural end.²⁴³ Almain occasionally uses terms like “race” (*genus*) or “species” (*species*) in his *corpus*²⁴⁴. Denying that common natures exist, though, a race or species appears to be a concept representing all maximally similar beings; in the case of the human race, all rational animals in particular.²⁴⁵ When Almain refers to the natural end of the human race, therefore, he is referring to the natural end of all human beings. In *Libellus*, Almain then seems to suggest that this is also the end of political bodies, presumably following their formation by segments of the human race.²⁴⁶ What is this end, though? Earlier in the text, Almain indicates that the end of a “political body” is “to live according to virtue.”²⁴⁷ In context, Almain is referring to the Church, which is also the “mystical body of Christ” with a supernatural end, “eternal life”; and he clarifies that this life, which Christ became incarnate to give, is for “individuals” (*singulos*).²⁴⁸ Since this end of the Church “body” is ultimately for individuals, it is likely that its natural end is also. This is consistent with our interpretation of the

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²⁴³ *Libellus*, fo. lii’.
²⁴⁴ *E.g.*, *Consequentie; In tertium*, fos. xxiii’, lv’; *Libellus*, fo. lii’.
²⁴⁵ See *In tertium*, fos. xxiii’, xxiii’v.
²⁴⁶ *Libellus*, fo. lii’.
²⁴⁷ *Libellus*, fo. xlvi’.
²⁴⁸ *Libellus*, fo. xlvi’.
end of the human race. It is also consistent with our view that political bodies are the sum of their members and, therefore, that common ends/goods are merely ends/goods common to those members.

In *Questio*, the end of coercive civil power (i.e., dominion of jurisdiction) and, we can infer, the natural end of human beings, is “political felicity, namely of those mutually associating in a civil context.”

In *In tertium*, too, “human [i.e., earthly] happiness” (*felicitatis hu[m]ane*) is the natural end of human beings. While this end differs from the end in *Libellus*, they are reconcilable, for following the Aristotelian-Thomistic tradition, earthly happiness entails growth in virtue, both of which are attained as part of the community; collective activity is necessary.

Indeed, Almain indicates this criterion for political felicity, although he is silent with regard to virtue.

In addition to these ends, Almain adds in *Questio* that the community’s dominion of jurisdiction includes the ability “to restrain the bad and determine *ius* for each particular person for the sake of peaceful cohabitation.” Similarly, in *Libellus*, the community has “a natural power to conserve itself not only in being, [but] truly even peaceful [being], by which it considers to cut-off even by death those whose life disrupts the community.” The community, thus, has power to ensure peaceful living, or the “health” of the whole body against members who would “disrup[t]” it. This extends to the civil ruler. Paralleling his language regarding the pope and Church, Almain argues that a civil ruler is obliged to rule for the community’s “edification”; if he

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249 *Questio*, fo. lxvi'.
250 *In tertium*, fo. ciii'.
251 Aristotle, *Politics*, 4.11; 7.3, 8, 13; Aquinas, *ST* I-II q. 3, art. 6; q. 5, art. 5.
252 See Aristotle, *Politics* 1.2, 3.9, 4.11, 8; Aristotle, *Nicomachean Ethics*, 10.9; Aquinas, *Commentary on Aristotle’s Politics*, 7-8 (comment 2), 16 (comment 20), 18-19 (comment 23), 205 (comment 4).
253 *Questio*, fo. lxvi'.
254 *Questio*, fo. lxiii'; see fo. lxii'.
255 *Libellus*, fo. xlvii'; see fo. lxi'.
256 *Libellus*, fo. xlvii'; see fos. li', lxi[x2]'; *Questio*, fos. lxii'-lxiii'.

rules instead to its “destruction,” “disrupting it,” “corrupting the whole body,” he can be deposed or even executed. In *Questio* at least, this communal peace, “health” or “edification,” appears directly linked to the political felicity of citizens – the end of coercive civil power; as necessary for it or equivalent to it. This parallels the link Almain draws between papal edification and destruction, and eternal felicity of the faithful, the Church’s supernatural end.

In *Expositio*, Almain cites Aristotle that the ruler/s of a monarchy, aristocracy or timocracy rightly rule for the “utility of the whole community,” that is, the “common utility,” while a despot rules for “his own good” (*bonum proprium*). The nature of the common utility, though, is less Aristotelian than Augustinian (although only partly so): earlier in the text, Almain explains that secular power’s purpose – its “final cause” – is for the “edification of the community…for the consequence of living in peace.” Again, he explains that secular power’s “end” is “peaceful cohabitation,” and that “mutual and peaceable and tranquil conduct [*conversationem*] of subjects is to be nurtured, and discord and disagreement is to be settled.” We see here that peace is, effectively, the absence of conflict among citizens, for which reason a ruler administers justice and otherwise operates. In fact, chiefly for the sake of this peace, the ruler’s primary role is to correct and punish criminals. He can execute an offender, for instance, but only if he or she “would have been harmful to the community: just as it is not licit to cut-off a member [of the human body] except on account of the utility of the body, nor is it licit to remove a member of the community except on account of the utility of the community”; for the “public good” and, Almain

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257 *Libellus*, fo. lxi¹; see fo. xlvi⁷; *Questio*, fos. lxii⁷-lxiii⁷.
258 *Expositio*, fo. vi⁷.
259 *Expositio*, fo. xxxiv⁷.
260 *Expositio*, fo. i⁷.
261 *Expositio*, fo. i⁷.
262 *Expositio*, fo. xli⁷.
263 *Expositio*, fo. xlii⁷. In contrast with Almain, Augustine defines peace as a “tranquility of order.” See fn. 280 below.
264 *Expositio*, fo. xlii⁷.
adds, “for love of justice and equity.” 265 Indeed, people originally agreed to be subject to a ruler in a polity so that they would be subject to and benefit from his justice, which brings peace. 266 This common good, therefore, appears to be for individuals.

A ruler’s power of jurisdiction is further limited in the best regime: a monarchy formed for the common good. Therein, a ruler does not have a plenitude of power in temporal things so that he could perform an act at his own pleasure, that is, without reasonable cause (e.g., not for the common good) and without fault on the part of another; he could not, for instance, transfer the property of innocent private persons to others on a whim. Almain explains that such action would cause the “harm and ruin of subjects,” which he equates with the “ruin of the republic.” 267 Here again, the republic is its members, and the welfare of the one is equivalent to the welfare of the other. Presumably, there is a link between their “ruin” and a break-down of peace qua good common or beneficial to all subjects – we could, for instance, imagine the ruler’s behaviour causing great conflict – but Almain does not elaborate.

In A decima quarta, Almain discusses law and dominion thoroughly, engaging primarily with Scotus. The end of human law, Almain explains, is “the good of the republic” or “the common good.” 268 Indeed, “any law is [rightly] instituted for the common utility.” 269 And a ruler “does not have dominion of property…for his own pleasure and for his own utility, … but he has dominion of jurisdiction and dominion of property for the good of the community.” 270 What do these forms of dominion entail, though, and what is the common good for which they exist?

265 Expositio, fo. xxxv r.
266 See Expositio, fos. i r, vii r, xli r.
267 Expositio, fo. xli r; see xli r.
268 A decima quarta, fo. 14 r.
269 A decima quarta, fo. 97 v; see fo. 54 r.
270 A decima quarta, fo. 57 v.
Almain writes: “there ought to be superiority among men during the state of lapsed nature for the coercion of evil and rewarding of the good; this is concerning the law of nature…. Similarly, I say, that proposition is concerning the law of nature: there ought to be appropriation [of property] among men during the state of lapsed nature.”\textsuperscript{271} In discussing this text above, we noted that Almain follows Scotus in situating the community as a “simple collectivity,” the sum of its members. Now it is important to note that there are two forms of civil dominion rooted in natural law, elsewhere called jurisdiction and property. Notably, the former entails “coercion of evil and rewarding of the good,” parallels of which we saw in \textit{Questio}, \textit{Libellus} and \textit{Expositio}. In all three, a community or its ruler has the power to restrain or punish criminals for the sake of peaceful living; in \textit{Questio}, at least, this appears to be a means to political felicity of citizens, and in \textit{Expositio}, it is an end in itself that benefits individuals. In \textit{A decima quarta}, Almain engages with the view that civil dominion in general is “for use of things, and the conservation of life and peace,”\textsuperscript{272} and indicates that private appropriation of property – made possible by dominion of property\textsuperscript{273} – was appropriate in a post-lapsarian world, for the “peaceful conservation and sustenance of men.”\textsuperscript{274} Here again, the end of civil dominion – the common good – is the temporal welfare of human beings.

Almain provides further insights into the nature of the common good. Notably, following the Aristotelian tradition, he affirms that “the common good” takes precedence over “the particular good,” where the latter is a specific good of a particular human being, such as Plato’s reputation.\textsuperscript{275} The common good, in turn, could be a few different things. One possibility that Almain rejects,

\textsuperscript{271} \textit{A decima quarta}, fo. 47\textsuperscript{v}-48\textsuperscript{r}.
\textsuperscript{272} \textit{A decima quarta}, fo. 53\textsuperscript{r}.
\textsuperscript{273} \textit{A decima quarta}, fo. 48\textsuperscript{r}.
\textsuperscript{274} \textit{A decima quarta}, fo. 48\textsuperscript{r}.
\textsuperscript{275} See \textit{A decima quarta}, fos. 100\textsuperscript{v}, 149\textsuperscript{r}.
though, is that God is a common good. The reason is two-fold. Firstly, while the common good is the end of human law, the divine legislator is the end of divine law. Secondly, God is a “greater good” than the common good and primary cause of it. Unsurprisingly, then, the common good is always temporal. Frequently, it is civil peace and conservation: avoiding “a great trouble” (magnum incommodum) and “strong discord” in one’s community (forte dissidia) or saving it from betrayal and ensuing destruction. It can also be a common possession, such as “a thousand gold,” presumably a public fund.

Theoretically, these could be goods of a community as such (formally or legally) and/or goods common to or, in principle, beneficial to citizens as individuals. The latter, however, is the only tenable option, especially given Almain’s reductionist view of society in this text and the individual-focused end of civil dominion. Thus, all citizens could suffer from civil discord, betrayal and destruction, or the theft of collectively-held wealth, and likewise benefit from the inverse. Additionally, the aforementioned goods do not appear to be possessable by a formally distinct community anyway. They are less common goods in the Aristotelian-Thomistic sense than what Taylor calls “convergent” goods: they are usually “secured collectively,” but always as “a valued end…for A, and for B, and for C.” They are goods for you and me as individuals, but not us. As Taylor explains, “In the unlikely event that an individual could secure” such a good “for himself” – perhaps he received a large inheritance of gold, or obtained personal security or seclusion from civil discord or violence – “he would be getting the same valued condition…” as if he benefitted from it as part of a social group.

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276 A decima quarta, fo. 14r
277 A decima quarta, fo. 100v
278 A decima quarta, fo. 149r; see 102r-v
279 A decima quarta, fo. 14r
280 Taylor, Philosophical Arguments, 190, 191. Taylor’s distinction between the good for you and me (convergent good), and us (common good) appears to parallel roughly the Aristotelian-Thomistic formal distinction between the good of individuals and the common good of a group.
Finally, based on our analysis, we can affirm one of the “poles” that Burns highlights in *A decima quarta*: the end of human law is, indeed, the common good of citizens, if understood in the sense of a good common to all. The second pole – “the collective, corporate element in the good” – is more difficult to affirm insofar as it seems to assume a corporate society that is irreducible to the members. This does not mean that Almain’s view lacks other collective elements though. As we noted, even convergent goods are collectively-held or maintained, and prioritized over a particular good. Thus, Plato may be morally obligated to suffer a bad reputation due to a false accusation, if the accuser is the ruler who is overall good for the community, and if his retraction would cause significant civil discord. The good common to all – in this case, peace, from which Plato, too, would seemingly benefit – trumps the good particular to one person. Thus, we can affirm that there is a collective but not a corporate element in the good.

### 2.4.4 Conclusion

In this section, we have considered the common good of the Church and of other political bodies, highlighting the impact of the *Via moderna* thereon. Almain, like John of Paris, d’Ailly and Gerson, defines the Church’s supernatural end or common good in terms of the salvation of the faithful. Unlike these figures, though, the common good does not also clearly extend beyond

While peace qua absence of discord or violence is a reducible or, as Taylor words it, convergent good, benefitting individuals qua individuals, peace can also be a common good in the Aristotelian-Thomistic or Taylorian sense of benefitting groups as such. Consider, for example, Augustine’s definition of peace as a “tranquility of order”: “…peace between men is an ordered agreement of mind with mind…. [T]he peace of a city is an ordered concord, with respect to command and obedience, of the citizens…. The peace of all things lies in the tranquility of order; and order is the disposition of equal and unequal things in such a way as to give to each its proper place” (*Augustine, The City of God*, 19.13). Here, peace among men or in a city entails an order or relationship between members that cannot be reduced to them. Similarly, for Aquinas, peace is not only the “absence…of strife and discord” in a community, but also “the proper ordering of citizens,” a view consistent with his understanding of society as a unity of order (see sec. 1 above). As such, the peace of a community is a good proper to it, which cannot be reduced to the members (Duke, “The Common Good,” 374).

281 See ch. 3, sec. 2.4.
282 See *A decima quarta*, fos. 100v-101r.
this end, to the universal ecclesiastical life (*status ecclesiae*), for instance. Indeed, the common
good of the Church is focussed on the good common to each of the faithful, their common end,
consistent with Almain’s anti-realist and terminist approach. At least this is the case for the Church
as a mystical body. It is, however, also a political body.

The particulars of the common good in political bodies varies in Almain’s works: whether
it is political happiness (*Questio*), virtue (*Libellus*), peaceful cohabitation (*Expositio*), or a
combination of temporal goods, such as civil peace and conservation, or gold (*A decima quarta*).
Despite these differences, society is fundamentally a group of individuals who ought to act for the
common good qua good common to, or at least hypothetically beneficial or available to, each as
an individual, and typically attained collectively. It is not a good formally or legally distinct from
the good of the members; indeed, it is reducible to them. To borrow Almain’s terminist
terminology, it is typically (or theoretically) attained by the members taken collectively for their
benefit taken distributively, as individuals.

The Church – at least in *Questio*, *Libellus*, and *Expositio* – is both a mystical and political
body. As a result, as Almain indicates in *Libellus*, it has both supernatural and natural ends or
goods. In that text, the natural end is virtue, but the logic equally applies to *Questio*, where the
natural end is political felicity, and *Expositio*, where the natural end is peaceful cohabitation.
Unfortunately, Almain does not elaborate on the implications of the Church having one or more
natural ends, an issue complicated by his position that the Church does not have civil dominion
apart from the *ius* to self-preservation. The Church, by means of this *ius*, can and ought to defend
its supernatural end – the eternal felicity of the faithful – but it is unclear if it extends to the
Church’s natural end/s too. This is, in short, an underdeveloped feature of Almain’s thought.
2.5 Ecclesiastical Unity

2.5.1 Introduction

In chapter three, we briefly discussed scholarship on Almain’s approach to ecclesiastical unity. As Oakley argues, during medieval debates over papal supremacy and conciliarism, papalists tended to insist that subordination of Christians to the pope as earthly head of the Church and ultimate authority was central to unity. Conciliarists, in turn, tended to stress that unity was rooted in the corporate status of the Church or Mystical Body of Christ, of which all the faithful, even in the absence of a pope, were members. (From the thirteenth-century onward, the term “mystical body” had increasingly taken on socio-political associations and was linked to corporation theory, interpretations many conciliarists came to emphasize.) According to Oakley, the conciliarist view on unity was a feature of “strict conciliar theory,” to which Almain adhered. For the rest of this section, we will assess Oakley’s claim and offer new assessments of Almain’s understanding of ecclesiastical unity with particular interest in its links to the *Via moderna.*

2.5.2 Unity & Almain’s Priorities

While Almain refers to the Church as the Mystical Body of Christ, he does not accept the papalist nor conciliarist view on unity. Every Christian is individually subordinate to the pope qua ecclesiastical monarch, but the latter is subordinate to the *Collectio fidelium* and exercises authority on its behalf. The pope can, moreover, be deposed without jeopardizing the common good (or unity); indeed, such can require it. Therefore, every Christian, including the pope, is truly subordinate to the whole Church, represented by an ecumenical council, and ultimately Christ, the true head of the Church. (We will return to this latter point below.) This rules-out the papalist view on unity. And while Almain embraces many features of the conciliarist position, his shift away

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283 See Kantorowicz, *The King’s Two Bodies*, 199-206.
from the *universitas*, which is a central feature thereof, makes Oakley’s thesis that he embraced it untenable; there is no legal body that could be a locus of unity. Rather, in place of the corporation, as we have seen, Almain advances a mereological approach that is, by its nature, individual-focused, even while it has important collective dimensions.

Overall, unity is rarely raised in an explicit way in Almain’s Political Theology works, in which he makes his conciliarist claims. This is in contrast with many prior conciliarists, especially at the time of the councils of Pisa (1409) and Constance (1414-18), with whom Almain otherwise engages (e.g., d’Ailly, Gerson).\(^{284}\) Granted, Almain’s context was different: he was not writing in response to a schism, but a conflict between papalists and conciliarists, and between the Papal States and France, neither of which tended to be framed as a problem of unity.

However, Cajetan, Almain’s opponent in *Libellus*, does note the importance of Church unity in his defence of the papacy, mentioning it numerous times. For instance, in defending the papacy as the highest Church authority, he argues that the purpose of all government, including that of the Church, is peace, “which consists of unity,” and “one [ruler] is a better cause of unity than many, who can cause it only by coming together as one.”\(^{285}\) Cajetan also refers to, “…the true end of ecclesiastical power, unity of faith, charity and peace, by which the Church is one and arrives at [its] heavenly home.”\(^{286}\) Almain does not engage with these arguments from Cajetan in which unity is central to the end of both civil and ecclesiastical power. Indeed, the end of ecclesiastical power, for Almain, is not linked to spiritual unity and unity of salvation, but the salvation of the individual faithful. Similarly, the end of civil power includes or is peace in *Questio* and *Expositio*, respectively, but it is not framed in terms of unity.

2.5.3 Unity in Political Theology Works: *Questio, Libellus, & Expositio*

Due to Almain’s context and coupled with his individual-centric approach, unity of the Church is not a primary concern. It is raised, though. We will begin with more common, albeit implicit references in his Political Theology works, before considering less common but explicit references in various texts, one of which is a Political Theology work.

Firstly, unity is an implicit feature of Almain’s emphasis on the collective in his Political Theology works. Consider, for instance, his favoured definition of the Church: *Collectio fidelium*. As we earlier showed, Almain occasionally uses *collectio* interchangeably with *collective*, indicating that they have the same basic meaning and with the implication that the Church – while it can be taken distributively – is principally all the faithful taken collectively.\(^{287}\) Since *collective* (and *distributive*) are features of Almain’s terminist mereology and refer to how the parts of a whole are perceived or understood, rather than their ontological status,\(^ {288}\) the Church qua *Collectio fidelium* has a nominal and conceptual unity.

Almain also frequently uses the organic analogy in *Libellus* and *Questio*, which suggests that a social body is, in some sense, one. Naturally, he refers to the Church as a supernatural or mystical body, but more frequently, he uses the organic analogy to refer to political bodies, such as the Church. This use of the organic analogy, including Pauline references thereto, and coupled with the Aristotelian-Thomistic view of the human person as social and political by nature, especially in *Questio* and *Libellus*, indicates that members mutually associate and function together for the well-being of all, that is, the common good; a good that, for Almain, is common to each. In this way, people need and are ordered to the community to achieve their own ends and to aid others in the achievement of theirs. Through the lens of Almain’s anti-realist and terminist

\(^{287}\) See sec. 2.1.1 above.

\(^{288}\) See ch. 2, sec. 1.2.2.2.
mereology, which he applies to real and social bodies, this community must be the sum of its parts. Like an ensouled body, though, which is merely a body and soul together, where the soul has a natural inclination to that body, so too is a community a number of citizens together, joined in a civil context to which they are each naturally inclined and in which each participate. In these ways, then, the community is formed of members who are physically brought together by their common ends/goods and civil action, while ultimately being reducible to them (i.e., the members).

We should understand Almain’s claim that a community, such as the Church, has a natural ius to self-preservation, like a real body, in a similar way. This ius is, in effect, dominion held collectively by the community’s members for the sake of defending from internal or external threats the good common (or hypothetically beneficial) to each as an individual. The Church as a mystical body also has other collectively held authority. While dominion in the external forum is exercised day-to-day by clergy, it is more properly the possession of the Collectio fidelium. In these ways, there is a legal and ethical unity in both political and mystical communities, like the Church.

While both the ius to self-preservation, as well as dominion in the external forum are held by the whole Church, they are exercised collectively by council fathers, literally gathered at an ecumenical council and “directed” by the Holy Spirit, for the sake of the common good, viz. (or especially), the eternal salvation of the faithful. In this way, there is an implicit unity at councils rooted in the Spirit, physical closeness, and common consent. However, a council is not the same entity – actual, legal or otherwise – as the Church, which many conciliarists had argued; it simply represents the Church. Also, when a council exercises authority, it does so not as a corporation but

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289 See sec. 1 above.
290 On the common good, see sec. 2.4 above.
291 See In tertium, fo. lxxix'.
as an integral whole; thus, it is strictly speaking a council’s “parts,” the members, who exercise authority and they do so collectively. This complicates ecclesiastical administration with serious consequences, as we saw in the case of a pope whose excommunication could only be lifted by the same council fathers precisely who imposed it.292

Expositio is the only Political Theology work, and one of few overall, in which Almain discusses Church unity explicitly, and he does so again by invoking the organic analogy. The context for this discussion is whether it is possible for there to be two popes with equal spiritual power, such that one pope retains power after appointing and conferring authority on his successor (e.g., if Peter retained power after appointing Clement). In arguing that it would not be possible, Almain cites a handful of reasons from the gloss Nona. The second reason is that papal monarchy is by divine institution, while the first and third reasons relate to ecclesiastical unity. ‘The first [reason] is that the Catholic Church is one. It lies open. It is held in one article, “I believe in one holy Church.” And it is not one except with unity of the head [non est una nisi unitate capitis].’ This appears related to the third reason: “the Church is one mystical body of which the pope is head. Ergo, if there would be two on equal footing, then that body would have two non-subordinate heads,” which Almain suggests would make the body a monstrosity. The fact that the Church has the pope and Christ as heads is different, though; for in that case, Christ is “the true and principal head,” while the pope is his subordinate: the head in a lesser sense.293

In this text, the papacy is discussed in relation to Church unity. Indeed, the pope is the subordinate head of the Church body – an invocation of the organic analogy with, perhaps, the implication that the body needs the pope qua head, just as a human body needs its head. But this is not the point of Almain’s argument; he does not argue, for instance, that the pope is necessary

292 See ch. 3, sec. 2.1; and ch. 4, sec. 2.1.3, 2.1.4, 2.1.5, 2.4.2 above.
293 Expositio, vi’.
for Church unity as such. Rather, his point is that having more than one pope would be detrimental to it.

In *Libellus*, too, Almain explains that, while the pope is “ministerial head of the whole Church, yet it is not necessary that every specified trait of a head as such be found in this head likewise. And this above all since the whole Church is not called the body of Peter but only the body of Christ.” Thus, the pope is not superior to “the whole remainder” of the Church (i.e., all the faithful taken categorematically apart from himself), but he is superior to “any particular member” and can use dominion throughout the Church, “dispersed as it is regularly.” Christ, however, does have authority over the “whole Church taken categorematically,” unlike his vicar. Here again, therefore, there is an implicit conceptual unity to the Church: Christ is the head of all the faithful taken together.

### 2.5.4 Unity in *In Tertium*

In *In tertium*, Almain writes: “no one is saved unless [he is] a member of the Church, because outside the Church there is no salvation; ergo, no one is saved unless he should be a member of Christ. Christ is head and the Church is [His] Body (Romans 11 [sic])…” Almain then explains that there are two ways by which a person can be a member of the Church. The first is by being “marked by the character of the faithful” within the forum of the Church, that is, it seems, with faith qua belief in Christ, repentance, and baptism by water. The forum, however, is not necessary for salvation as such, “because the infidel (who repents in life of the past and wills to be baptized, etc.) if he should die, he would be saved, and yet he is not [a member] concerning the

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294 *Libellus*, fo. liii’.
295 *Libellus*, fo. lxi[x2]’.
296 In *In tertium*, Almain provides further insights into what it means for Christ to be true head of the Church with the pope under him, but without explicit connection to Church unity (see fos. xxxii’-xxxiii’).
From its one faith \textit{fide} the Church is called one, and infused \textit{faith} \textit{infusa} is what makes unity in the Church. There is, by this, form of that body \textit{of Christ}, that it renders \textit{it} one being. It is called ‘being’ then concerning the Church so far as concerns this; and thus no one is a member except for faith \textit{fidem}, and thus he is not able to be saved unless he believes explicitly: there is one mediator.\footnote{\textit{In tertium}, fo. lxxix\textsuperscript{r}}

Soon after, Almain explains that before the Incarnation (and, therefore, before the external forum), explicit faith was required in the one future mediator and redeemer to be a member of the Church. Since the Incarnation, though, explicit faith is needed in Christ, the one mediator and redeemer, and in his “death… ascension, etc.”\footnote{\textit{In tertium}, fo. lxxxi\textsuperscript{r}} This faith, in particular, is central but it does not come about in a vacuum. Indeed, Almain is clear that “\textit{infused [faith] is what makes unity in the Church,”\footnote{\textit{Emphasis added.}} because it is a necessary pre-condition for an assent of faith, a \textit{sine qua non} of membership and for which “the Church is called one.” Almain even goes so far as saying that the Church can be called “one being,” with faith as its form; it is left unsaid, but presumably the faithful are the matter. This is, of course, an analogy – “it is called ‘being’ then concerning the Church so far as concerns this”; if the Church was actually one being with matter and form, it would seem to be a substance, a real body.\footnote{\textit{Emphasis added.}} This is complicated further by the fact that faith qua form would need to be taken from the anti-realist perspective espoused in \textit{In tertium}: common natures or forms do not ...
exist extra-mentally. Faith, therefore, would not be the same form in each instance (i.e., in each of the faithful) but maximally similar; and qua common form, it would be a mere concept. The Mystical Body of Christ, therefore, is “one being” in the same way that humanity – formed of all animals with maximally similar rational forms – is one being: in a very loose analogous sense, indeed.

Finally, Almain’s primary concern with unity in this text extends beyond the forum of the Church – that is, beyond those persons under the dominion of the pope, clerics and councils, which one could attend, voice concerns at and, if a cleric, vote. Rather, the Church for Almain is, once again, all the faithful in Christ who, in this case, are conceptually united, or understood at the same time, according to their common beliefs, made possible by infused faith.

2.5.5 Unity in A Decima Quarta

In A decima quarta, Almain raises the issue of ecclesiastical unity in the context of excommunication of which there are two forms – minor and major. The former entails separation from the sacraments, while the latter includes separation from the sacraments and “lawful acts” that involve associating with the faithful, as well as exclusion from the prayers of the Church. Almain then elaborates on this latter point: “someone participates in benefices or other prayers in many ways,” where participation results in (or is) a form of union. We will explain the three ways that Almain mentions, before considering further implications for unity.

The first way involves Christ’s prayer to the Father, “I pray that they would be one, just as we are one.” In light of this prayer, all of the faithful who have the virtue of charity “participate from the same exchange” from Christ, that is, they are united by the same gift of charity. They also

302 See ch. 2, sec 1.1.2.1 and 1.1.2.2.
303 A decima quarta, fo. 135v.
benefit from prayers for each other.\textsuperscript{304} Infused charity is the same as infused grace or habitual justice, “a habit inclining [one] to a right act”;\textsuperscript{305} and this gift, which exists in the will,\textsuperscript{306} and the unity it provides cannot be cut-off by excommunication, although it “presupposes” that it has already been cut-off, presumably by sin.\textsuperscript{307} (Indeed, one should only incur a major excommunication for mortal sin committed with contumacy.\textsuperscript{308}) Similarly, to participate again in charity and, thereby, be united to the faithful and benefit from their prayers, absolution from excommunication is not required, but contrition.\textsuperscript{309} Here, Almain appears to be following Scotus, for whom forgiveness from sin is possible through contrition, without priestly absolution.\textsuperscript{310}

The second way that one can participate with others in prayer is through the “application of the prayers of the whole Church,” that is, “the whole faithful [taken collectively]” (\textit{cu[n]cti fideles}) or their ministers; Almain seems to have Church liturgies in mind here. Excommunication – or at least one that is just – cuts one off from participation in these prayers, and therefore union with the faithful, “whether he would have recovered grace through contrition or not.”\textsuperscript{311} That is, in this case, the excommunication must first be lifted through clerical absolution. It is left unsaid, but one’s state of grace or sin does not appear to be a relevant factor, as long as one is in communion under the forum of the Church.

\textsuperscript{304} \textit{A decima quarta}, fo. 135\textsuperscript{v}-136\textsuperscript{r}.
\textsuperscript{305} \textit{A decima quarta}, fo. 1\textsuperscript{v}.
\textsuperscript{306} \textit{A decima quarta}, fo. 16\textsuperscript{r}.
\textsuperscript{307} \textit{A decima quarta}, fo. 136\textsuperscript{r}.
\textsuperscript{308} \textit{A decima quarta}, fo. 136\textsuperscript{v}.
\textsuperscript{309} \textit{A decima quarta}, fo. 136\textsuperscript{r}.
\textsuperscript{310} As Tentler explains, “According to Duns Scotus there are two ways to justification. First there is perfect contrition, which includes the intention to confess but which obtains the forgiveness of God before confession and not, as in the theory of Aquinas, by virtue of the priest’s absolution…. The second and usual way to forgiveness or justification for Duns is within the Sacrament of Penance. Here attrition—an imperfect sorrow that must exclude all intention of sinning but can legitimately begin in fear of punishment—is a sufficient disposition for the penitent” (\textit{Sin and Confession on the Eve of the Reformation}, 26).
\textsuperscript{311} \textit{A decima quarta}, fos. 135\textsuperscript{v}, 136\textsuperscript{r}. 
Finally, the third way one can participate or be united with others in prayer is through the “application” of the prayers of one individual for another. Neither the absence of charity nor excommunication is able to cut-off someone from the prayers that another makes for him; indeed, such could help an excommunicate’s conversion and remit time in purgatory.312

Let us flesh-out some features of these three forms of participation with others in prayer – the first two in particular – and consider implications for ecclesiastical unity. Firstly, Almain holds to the “modern” distinction between being free from guilt and being in a state of grace: stain, guilt, and offence, he argues, are different words for the same relation of reason placed in a person due to a sinful act, as a result of which one will receive punishment. Forgiveness, in turn, entails simply the overturning of that punishment.313 Mortal sin is not a “disorder within the soul” that is corrected by co-operation with grace.314 Rather, grace or infused charity accompanies freedom from mortal sin and its requisite punishment, while being distinct therefrom.315 Indeed, while sin and forgiveness are forensic, grace has an ontological status, likely falling under quality, and existing in the will.317 But the division between it and forgiveness means that charity, while the means of that unity for which Christ prayed, has a secondary importance in the process of salvation. In fact, Almain cites Scotus that it is only by divine pact that sin and grace cannot co-exist, that is, it could be otherwise by divine absolute power;318 a position consistent with Almain’s own theological voluntarism. For this reason, grace or charity qua infused habit, for Almain, as well as Ockham and Scotus before him, does not have “intrinsic importance” for salvation.319 One may

312 A decima quarta, fo. 136r.
313 A decima quarta, fo. 4r.
315 A decima quarta, fo. 109r.
316 This was a common medieval position held by, e.g., Scotus. See ch. 2, sec. 1.3.2.
317 A decima quarta, fo. 16r.
318 A decima quarta, fo. 107r.
ask on similar grounds whether charity qua means of unity has intrinsic importance either. Indeed, Almain suggests that ecclesiastical unity rooted in charity mirrors the unity of the Triune persons—“I pray that they would be one, just as we are one”—but there is no reason to think it must be so. If we judge from Almain’s Scotist voluntarism in *In tertium*, written the same year as *A decima quarta* (1512), the right acts to which charity or habitual justice incline one would be, with the exception of love of God, contingent on the divine will, whose absolute power is operationalized.320

Secondly, the faithful are united by sharing in the same habit or quality from Christ as understood in a modern way. For following Scotist voluntarism, infused grace is the same as charity and exists in the will—indeed, the will is also the seat of the moral virtues, for Scotus; grace or charity is “therefore conceived … from the ethical standpoint.”321 It is, moreover, “shared” among the faithful in an anti-realist sense. For Almain appears to follow Ockham in holding that only substances and qualities exist extra-mentally, and they are always individual. Almain adopts this position in *In tertium*.322 Assuming consistency, charity would not be the same in each instance but maximally similar, just like other substances or qualities of a given species; and qua common, it would be a mere concept. In this sense, then, “all the faithful with charity” appear to be conceptually united, or understood at the same time, rather than united by the same charity. Perhaps Almain could have held to his voluntarist and anti-realist position while nonetheless having a more profound sense of unity. After all, since each of the faithful are united to Christ by charity, are they

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320 See ch. 2, sec. 2.1.2 and 2.2.2. To say that God’s absolute power is operationalized, you will recall, is to say that it is “presently active and extraordinary,” able to override the order established by His ordained power (Oakley, “The Absolute and Ordained Power of God in Sixteenth- and Seventeenth-Century Theology,” 447; see 446).


322 See ch. 2, sec. 1.1.2.1, 1.1.2.2, and 1.3.2.
not united to each other in Christ? While Almain’s logic appears open to this point, he does not make it here.

Thirdly, by ascribing the act of forgiveness to contrition – an act of the will – without the need for absolution *per se*, it means that one could be united to the faithful in charity (conceptually), while formally being out of communion with the Church under the forum. As with Almain’s distinction between those who are members of the Church under the forum versus outside it in *In tertium*, here too the institution holds a secondary place. That said, there is a parallel corollary: one can be officially in communion with the Church – in that he has not been excommunicated – but not be united with the faithful in charity; a fairly unexceptional position.

Finally, by equating union and participation, Almain suggests a third form of unity. While a person can be cut-off from charity – unity *par excellence* – and not be in communion with the faithful taken collectively under the forum of the Church, he can nonetheless participate with (or be united with) other faithful in prayer on an individual level, by, we may suggest, the faithful taken distributively.

Overall, then, there are three forms of ecclesiastical unity in *A decima quarta*. The first two are rooted in charity, and good standing in the forum of the Church, respectively; that is, there are objective criteria for one’s participation. The third one does not. All three, moreover, enable a form of unity in prayer. This does not appear to be a spiritual unity, though, but simply a participation, union or sharing in a common act, through which each can benefit from God’s grace.

**2.5.6 Conclusion**

In Almain’s Political Theology works, in which he makes his conciliarist arguments, ecclesiastical unity is not a major concern, a significant deviation from many of his predecessors.
It can be discerned, however, especially as an undercurrent. Two of his commentaries, moreover, provide more explicit and detailed discussion on unity, one engaging with Ockham, the other with Scotus. Overall, there are two major themes.

The first is that Almain’s views on ecclesiastical unity – as well as his reliance on Ockham and Scotus, in particular – are consistent with his modern approach. As we argued in chapter two, Almain reject[s] that there is any ontological connection between particulars. Thus, while different species of particulars have maximal similarity, they do not participate in common natures or forms; wholes are not distinguished from the sum of their parts; and relations do not exist in *relata* as accidental qualities that hold themselves “toward” the other. In this way, unity among human beings – if it is to exist at all – must be rooted elsewhere. Thus, across his *corpus*, Almain stresses the individual, and especially individuals named and understood together (nominal and conceptual unity), physically together (physical unity), holding dominion together for the good of all (legal and ethical unity), sharing the same beliefs (conceptual unity), being united in charity (conceptual unity), being under the forum of the Church (legal unity), and being united in prayer qua common act (ethical unity).

All of these forms of unity are consistent with the *Via moderna*, Almain’s anti-realism and terminism, in particular. Indeed, our conclusion supports Lewis’ claim – albeit somewhat generalized – that “nominalists defined the church in simple collective terms,” whereas others, like James of Viterbo, could explain ecclesiastical unity using “the moderate realism that asserted the reality of the unifying form in the individuals.”

We could also mention some Neoplatonic realists, including fathers at the Council of Basel, who believed that the Church is an invisible essence prior in being to any of the faithful. Or we could consider the view held by Aquinas

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323 Lewis, *Medieval Political Ideas*, vol. 1, 208.
324 See ch. 3, sec. 2.1.
and, again, James of Viterbo, that there is a unity of order in the Church, a position Aquinas also applied to political communities. According to this view, particular functions by and relationships among members exist and are directed toward common end/s; there is, therefore, an order added to the community that makes it irreducible to its members. Like moderate and Neoplatonic realist views on unity, though, a unity of order would be antithetical to Almain’s anti-realism – his mereology in particular – which is perhaps why he does not even raise it.

In *A decima quarta*, moreover, anthropological voluntarism plays an important role. For Almain follows Scotus by placing a strong emphasis on the will: it is the seat of charity – the source of unity *par excellence*; an act of the will can cause it to be lost (sin), and another act can restore it (contrition). This provides the individual with significant authority.

This is directly related to the second theme in Almain’s discussion on unity: the limited place for the forum of the Church. Granted, it is important: it was divinely instituted by Christ for the salvation of the faithful. However, it has a minimal role in Church unity. One can be outside the coercive authority of the pope, clerics, or councils – unable to be censured, for instance – and still be a member of the Church, united to those who are under them. In *In tertium*, all of the faithful – under or outside the forum – are united by their common faith qua belief in Christ, made possible by infused faith. And in *A decima quarta*, excommunication means being cut-off from the Church in only a limited sense: cut off from the forum of the Church with the liturgies and sacraments, and unable to associate with Catholics, but still able to be united with other faithful in the most important way: charity. In this way, an excommunicate can still be united to the Church, if he is contrite. Overall, visible unity in particular is greatly downplayed, a peculiar outcome for a conciliarist.

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Chapter Conclusion

In this chapter, we have considered various features of Almain’s political theology through the lens of the Via moderna: the nature of ecclesiastical and political bodies, the origins and exercise of civil dominion, and the natures of political consent, the common good, and ecclesiastical unity.

We have seen that Almain applies anti-realist and terminist principles to ecclesiastical and purely political bodies, shifting away from the corporation (universitas) – even while facets of corporation theory play an important role in his thought – and emphasizing collectives of individuals. This conclusion has been foundational to a series of others. Firstly, when ecclesiastical or civil dominion is held by a community (e.g., Collectio fidelium; commonwealth) or its representative bodies (e.g., a hypothetical conjunctly-held papacy, ecumenical council; Parlement) it is held by the members taken collectively. Secondly, people do not consent to political action as corporate bodies. Indeed, in some cases, they consent individually, as a concatenation, and when they do not, it is due to the principle of representation, or the impact of natural law (viz., natural iura taking precedence over the mode of consent). Thirdly, the common good of the Church or purely political bodies is not a good of the whole that is legally or formally distinct from the members; rather, it is a good common to each member. Finally, ecclesiastical unity is not rooted in the corporate status of the Church, but in a series of loose linkages between the individual faithful: nominal, conceptual, physical, legal and ethical forms.

Almain’s anthropological voluntarism also impacts his political theology, albeit in fewer ways. People freely consent to the good or justice, especially when there are no impediments, and when they do not so choose, it is because they have chosen lesser or perceived goods. These views are linked to Almain’s two, primarily Scotist, forms of voluntarism. In discussing ecclesiastical
unity, we also noted an emphasis on the will, especially in *A decima quarta*; for in this text, the will is the seat of charity, the source of unity *par excellence*.

Common to these various modern positions are impacts on or implications for the individual. If a political body is a non-corporate collective, it is literally and legally nothing more than a series of persons taken or understood together. This has particular ramifications if these bodies are integral wholes, as we have shown various representative bodies to be. For if all members hold authority collectively, it cannot be exercised in the absence of even one. While impractical, this gives individuals a tremendous amount of authority. So too does Almain’s voluntarism: the will qua seat of charity plays an essential role in ecclesiastical unity; it can cause it to be lost due to sin and cause it to be restored through contrition. The role of the clergy is reduced and the laity, in particular, is empowered. Finally, Almain’s approach to the common good qua good common to each is evidently individual focused too.

Despite the emphasis on the individual in these various positions, we have also seen a collective dimension. While all voting members of a representative body have significance and are needed, they can only exercise authority together. Similarly, it is the Church taken collectively that is the pope’s superior, not it taken distributively. In these various ways, therefore, Almain stresses the individual, but frequently individuals together. However, the foundations of this collective dimension – the means of unity between the members – are tenuous at best. Lacking is a clear emphasis on visible unity in the Church: unusual for a conciliarist. Also lacking is a clear means of spiritual unity: unusual for a theologian. Prominent, however, are nominal or conceptual means of unity: appropriate for a *modernus*.
CONCLUSION

Although Almain’s three commentaries on the *Sentences* are, when taken together, fairly systematic, and the same can likely be said for his *Moralia*, he was not really a systematic theologian. Rather, most of Almain’s works focus on particular problems from specific angles and often in dialogue with prior thinkers, philosopher-theologians in particular. Indeed, Almain sometimes seems more interested in supplying different perspectives on questions than articulating his own.

One of Almain’s chief interests, as we have seen, is political theology, a topic that arises across multiple works from distinct literary categories in his *corpus*, and which focusses on the origins, natures, and powers of political bodies, including the Church. And Almain is largely concerned with the Church as a political body in its own right, or in features of the Church that are compared with those of other political bodies, for this is where the strength of his conciliarist argument lies; an approach used in part to defend the Council of Pisa. He is also interested in defending the temporal authority of rulers, such as the King of France, from ecclesiastical overreach. Almain, therefore, wrote a number of works – or arguments therein – in response to or in light of his contemporary political context. Indeed, a systematic theologian looking for him to connect his political theology in any depth to Trinitarian doctrine will surely be disappointed. And for this reason, his political theology, and ecclesiology in particular, may be deemed seriously incomplete, lacking, for instance, in virtually any pneumatology. If Almain had lived beyond c. 35 years of age, perhaps he would have accounted or supplied for this, but during his brief time, it was not his objective.

This dissertation has not attempted to provide a systematization of Almain’s political theology as such. Rather, its main objectives have been to show its foundational principles and
how Almain approaches specific political issues in light of the *Via moderna*. To this end, after discussing Almain’s life and legacy, we have shown that Almain was a thorough-going *modernus*, embracing and applying various principles and tools from this school throughout his *corpus*, and doing so in a largely consistent manner.

Having emphasized “modern” philosophical influences on Almain’s political theology (e.g., terminist logic, antirealism, anthropological voluntarisms), one may wonder if it is more proper to speak of his political *philosophy*. However, there are central theological elements at play too, most significantly, the Church, which is both political and mystical. In chapter 2, moreover, we showed the impact of theological voluntarism on Almain’s worldview. From 1512 onward and influenced by Scotus in particular – not Ockham, *pace* Oakley – Almain’s approach contains radical elements: apart from love of God, there are not any intrinsically good acts, and the divine absolute power is operationalized. This does not, however, lead to various radical outcomes open to it. Almain thinks that God created the world with a certain order, which is rooted in the divine will. Indeed, Almain follows Scotus in recognizing that natural law has been ordained in conformity with the nature of God and human beings, even while God could at any time have commanded the inverse of any commands other than those of the first tablet. Almain does agree with Ockham that commands are ultimately good because God has willed them – with the exception of the first tablet, *pace* Ockham – but he also equates goods with ends, and he sees human beings as having common ends, despite having distinct, individual natures, which can be fulfilled in part through obedience to natural law.

Natural law, for Almain as for Ockham, can be known through right reason.¹ But by 1512, Almain seems to follow Scotus, for whom natural law precepts are self-evident/analytic, follow

¹ See ch. 2, sec. 1.1.2.2, 2.1.1, and 2.1.2.
from these first principles or are in accord therewith. Almain affirms that the first tablet of the Decalogue is natural law “strictly understood” – which for Scotus contains self-evident/analytic truths, or conclusions that follow therefrom, that not even God could change. The second tablet of the Decalogue overlaps with natural law “largely understood” – which for Scotus are principles that are contingent on the divine will, which is radically free, but ordained to be in accord with natural law “strictly understood.” The natural law precept that both individuals and political bodies ought to preserve themselves and, therefore, that they ought to exercise self-defense, would also seem to fall under natural law largely understood. Overall, it is also consistent with human natural ends – earthly happiness and virtue – and the ecclesiastical adoption of the precept is consistent with the human supernatural end – eternal happiness.\footnote{Cf. Augustine’s argument that the City of God had not and does not fight “for the sake of her eternal wellbeing.” Rather, “[t]he safety of the City of God…is of such a kind that it can be possessed, or rather acquired, only with faith and through faith; and when faith is lost, no one can attain to that safety” (City of God, 22.7). The wellbeing of the City of God is not of this world and that its safety is linked to faith, but he disagrees that temporal fighting is never a useful tool to guard it. Indeed, Almain is concerned with the Church’s self-defence and the exercise of this \textit{ius} in this world – even to the point of drawing the pope’s blood – precisely in order to defend its supernatural end: the salvation of each of the faithful. And he is primarily concerned with bad popes leading the faithful astray in faith or morals through scandal, heresy and negligence. For this reason, in particular, a pope may be deposed or executed.} It, moreover, is part of a natural law schema that has a rational consistency to it.

We have seen, then, that some of Almain’s modern views are moderated by others: he adopts theological voluntarism but believes that God has freely willed order in creation, and he embraces an anti-realist anthropology – each human has his own nature – but also teleology – each human also has the same ends. In this way, Almain’s approach results in some relatively stable and moderate outcomes. This having been said, his anti-realist, terminist and non-corporate approach to political bodies, complemented by his strong emphasis on the individual, also results in some impractical ones: e.g., the presence and consent of all members of representative bodies are necessary for them to function. Similarly, the means of unity between the members of the
Church is weak; an unsurprising outcome given that these means are frequently nominal or conceptual. While Almain, therefore, frequently applied modern principles and tools to various problems he addressed, one can only speculate as to what a complete, modern political theology would have looked like had he chosen to develop one.

Overall, our study contributes to our understanding of Almain’s thought, and reinforces a number of connections that others have previously drawn between the *Via moderna* and an array of topics, including the rise of the individual, conciliarism at Paris, and theological and political discourse more broadly – in both the ecclesiastical and civil spheres – on the cusp of the Reformation and modernity.\(^3\)

Another important element is Almain’s influence. As a result of the Council of Pisa, a number of figures invoked strict conciliar theory throughout Europe during the early sixteenth century, including Almain and Mair, as well as Phillipus Decius; Zaccaria Ferreri; Matthias Ugonius, bishop of Famagusta; Marco Mantova at Padua; Gianfrancesco Sannazari della Ripa at Avignon; and Giovanni Gozzadini and Girolamo Massaimo at Rome.\(^4\) Therefore, while Almain’s works were widely published and his views spread through texts like Erasmus’ *Julius exclusus*, he was not the only sixteenth century propagator of strict conciliar theory. This makes his particular influence difficult to discern, except where he is explicitly invoked.

This having been said, Almain is cited by numerous ecclesiastical and political thinkers who followed him. These include Catholics, who wrote in defence of conciliarism, like Edmond Richer and Jacques-Bénigne Bousset,\(^5\) as well as various Protestants, who wrote on papal power, error, and conciliarism. These include Johann Gerhard, a Lutheran; Pierre du Moulin, a Huguenot;

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\(^3\) See Introduction, sec. 1.

\(^4\) Oakley, *The Conciliarist Tradition*, 129.

Daniel Chamier, also a Hugenot; Francis Cheynell, a Presbyterian; and Sir Edward Leigh, a lay writer and politician. Additionally, Almain was cited in political matters by, for instance, King James I of England who refers to him as part of his opposition to papal overreach in temporal matters. Late sixteenth and seventeenth century English monarchomachs, too, cited a broad range of proto-conciliarists and conciliarists, but the Parisian divines – John of Paris, d’Ailly, Gerson, Almain, and Mair – “top the list.” This is likely because their works had been made available by Richer.

As we have seen, some conciliarists, especially Parisian divines, argued that the Church’s right to self-defence was rooted in natural law. Above all, these included, d’Ailly, Gerson, Mair, and Almain. As Oakley writes, “Had that not been the case, indeed, the willingness of Calvinist monarchomachs in the sixteenth century and English parliamentarians in the seventeenth to deploy conciliarist ideas in an attempt to bolster their own constitutionalist claims to a right to resistance against tyrannous monarchs would have been totally inconceivable.” In these various cases, Almain is cited primarily for what had become fairly traditional conciliarist ideas. Therefore, to borrow a phrase from Tierney, he was probably “most influential precisely when he was least original.” This does not, of course, rule out his influence in other areas.

Indeed, our study has reinforced the impact of the *Via moderna* on theological discourse on the eve of the Reformation, and some Protestant views bear important connections to Almain’s

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8 Oakley, *The Conciliarist Tradition*, 242; see 241.


10 Tierney uses this language to refer to Ockham’s impact on conciliar theory (“Ockham, the Conciliar Theory, and the Canonists,” 70).
modern views. These (likely) include the resistance theory of George Buchanan (1506-82), and the ecclesiology of Samuel Rutherford (1600-61).

As Skinner explains, Buchanan held in his *The Right of the Kingdom among the Scots* (1560s) that,

> the people only delegate and never alienate their original sovereignty to their elected rulers. So he [i.e., Buchanan] is able to insist that “whatever rights the populace may have granted to anyone, they can always with equal justice rescind.” His first conclusion is thus that it must always be possible in the face of tyranny for the whole body of the people “to shake off any law-making authority they may have imposed upon themselves.” He has also implied, however, that the ruler has a duty to protect not merely the welfare of the community, but also the rights of its individual members. His other and even more populist conclusion is thus that the right of resistance against tyrannical government must be lodged “not merely with the whole body of the people, but even with each one of the citizens.”

Skinner then argues that “an early sixteenth-century school of scholastic political theorists,” namely, Parisian divines, Almain and Mair in particular, “clearly articulate[d] the main principles” of these positions later embraced by Buchanan and, subsequently, by John Locke. Indeed, Mair was Buchanan’s *magister* and, as Dzelzainis notes, “Buchanan was extensively exposed to late medieval scholasticism during his formative years, and in particular to the thought of Jacques Almain.”

Is it the case, though, that Almain inspired Buchanan?

The position that the authority of rulers derives from the people, who can retract it if necessary, does not originate with Almain or Mair; they simply articulated a longstanding tradition at Paris. But given their close association with Buchanan, it seems highly probable that he learned it from them. The origins of Buchanan’s position that the right to resist a ruler is held “not merely with the whole body of the people, but even with each one of the citizens” is trickier to ascertain.

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Skinner had argued that it can be traced to Almain’s *Questio*: every person had the *ius* of the sword (*ius gladii*) in the state of nature, which they transferred to the community, and which then transferred it to a ruler; this *ius*, moreover, can be retracted from the ruler if he rules badly. Burns, however, has critiqued this thesis: each individual has the *ius* to self-preservation, according to Almain, but not the *ius gladii*; the latter, which includes the right to kill a citizen threatening the common good, is attained by the “community as a corporate entity” at its formation. Burns then notes that Almain, in *Expositio*, explicitly considers whether the *ius gladii* originates with each of the people and rejects it; he rejects the “suggestion that the derivation of [a ruler’s] political authority from the community is equivalent to deriving it from *personae privatae*.” Indeed, Burns explains, the community may exercise the *ius gladii*, but a private person may not.

Burns is correct that Almain does not fully embrace the Buchananite position, for private persons do not ever wield the *ius gladii* individually. However, Almain comes closer than Burns allows. Indeed, as we have shown in chapter 4, the community originally wields the *ius gladii* precisely because the members – private persons – wield it taken collectively; they are one and the same. They, as a whole, can exercise it in the absence of a ruler or retract it from him. It is not a far stretch to take Almain’s non-corporate argument one step further, applying it to private persons taken distributively, as Buchanan effectively does, that is, granting the *ius gladii* to each individual.

Almain’s thought can also be discerned – more explicitly – in Samuel Rutherford’s work, *The Due Right of Presbyteries or, A Peacable Plea for the Government of the Church of Scotland* (1644). In this text, Rutherford cites *Libellus* in his discussion of the power of synods over

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15 Burns, “*Jus Gladii and Jurisdictio*,” 372.
16 Burns, “*Jus Gladii and Jurisdictio*,” 374.
17 Burns, “*Jus Gladii and Jurisdictio*,” 373-4.
particular churches. And in doing so, he suggests that particular churches are equivalent to all of their members taken together. The Church is like a body, he explains, citing Almain, where the body parts (e.g., the eye) are “private persons” who have the power to convene a council for the welfare of the whole body.\(^\text{18}\) (Almain actually says that, should the pope or College of Cardinals neglect to summon a council when it is necessary, the power to do so belongs to particular churches.\(^\text{19}\) Assuming this is not an error on Rutherford’s part, it means that he understands particular churches, for Almain, to be equivalent to private persons, presumably taken together. Indeed, this mirrors our non-corporate reading of Almain: every political body is the sum of its parts. And in *Expositio* – a text often found alongside *Libellus* and *Questio* – a community is equivalent to all its private persons taken collectively.\(^\text{20}\) Later on in his text, Rutherford uses the organic analogy again, and there, the Church body is formed of particular churches, reinforcing this reading.\(^\text{21}\)

Rutherford, however, then seems to contradict this reductionist approach to particular churches when he writes, “Now seeing a number of consociated sister Churches make one visible Church body, having visible communion together… then are all these visible Churches with united authority and Church power, as Churches, and not as Christians onely, to convene and condemne a common heretick infecting all or any part of that visible Church body.”\(^\text{22}\) Rutherford, as we see, draws a distinction here between churches and Christians (presumably taken collectively), which Almain, in our reading, does not make. It is unclear how (or if) these two depictions of particular churches by Rutherford can be reconciled.

\(^\text{18}\) Rutherford, *The Due Right of Presbyteries*, 341.
\(^\text{19}\) *Libellus*, fo. lxi[x2].
\(^\text{20}\) See ch. 4, sec. 1, 2.1.1, 2.2.3.
\(^\text{21}\) Rutherford, *The Due Right of Presbyteries*, 341.
\(^\text{22}\) Rutherford, *The Due Right of Presbyteries*, 341-2. Emphasis added to “as Churches, and not as Christians onely,” and removed from other wording to avoid confusion.
In addition to the cases of Buchanan and Rutherford, there are resemblances – some clearer than others – between Almain’s views and those of other Protestant thinkers from the sixteenth and seventeenth centuries. These include, of course, theological voluntarism and anti-realism, as well as more specific views: e.g., the Church is the *Collectio fidelium*, in which there are reduced roles for the clergy and forum of the Church, in addition to some lay empowerment, and sin and forgiveness are forensic. Whether Almain influenced Protestant views in any of these areas, directly or indirectly (e.g., by transmitting the views of Ockham, Scotus or Holcot), or whether they were impacted independently by similar principles is a subject for future research.

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23 See ch. 2, sec. 1 and 2. For scholarship on the *Via moderna* and Protestantism, see Introduction, fn. 19.
24 See ch. 4, sec. 2.1.2. Congar argues that, in many Protestant ecclesiologies, the Church – at least, the visible Church – is “a pure *collectio fidelium,*” in the sense, it seems, of all the faithful taken collectively. Congar explicitly links this position to nominalism (“Sainteté et péché dans l’Eglise,” 8).
25 Almain does not develop this theme explicitly, but it is an outcome of numerous positions: one can enter the Church outside the forum by faith qua belief in Christ, repentance, and baptism by desire; should one lose charity (i.e., infused grace), a chief means of ecclesiastical unity, it can be restored by contrition without priestly absolution; any of the faithful can participate at councils, even while only clergy can vote; and the hierarchy (e.g., the pope) does not play a significant role in ecclesiastical unity whatsoever (see ch. 4, sec. 2.1.5, 2.5.2, 2.5.4, 2.5.5, conclusion). Cf. Gillespie, who refers to “the extraordinary democratic potential of Luther’s teaching”: *sola Scriptura* and imputed justification *sola fide*, influenced by nominalism, as well as an emphasis on the priesthood of all believers, reduced the role of the institutional Church (*The Theological Origins of Modernity*, 111).
26 See ch. 2, sec. 1.3.2. The Lutheran view on forensic justification is a notable comparison.
## APPENDICES

### Appendix A: Timeline of Almain’s Life & Other Key Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. 1477-81/2</td>
<td>Almain was born in the Diocese of Sens, France.</td>
</tr>
</tbody>
</table>
| c. 1497/8-1502/3 | Almain’s *quinquennium* at Collège de Montaigu.  
- c. 1497/8-1500/1 – Studied Arts and received an MA (3.5 years).  
- 1500/1-1502/3 – Trial regency, likely in grammar\(^1\) (1.5 years). |
| 1503       | Pope Julius II was elected.                                                                                                           |
| 1503-12    | Almain taught Arts at Collège de Montaigu, Collège de Sainte-Barbe, and Collège de Coqueret.  
This included dialectic and natural philosophy.\(^2\) |
| 1503       | Almain tried to leave his post as a *magister* of Arts at Collège de Montaigu, and took some students, perhaps 13, with him.  
This occurred in January\(^3\) or December 1503.\(^4\) Jan Standonck, rector of the college, sued Almain before the Parisian Parlement, and the latter was forced to return with the students. \(^5\) |
| c. 1503/4-1507/8 | Almain was likely a *studens in theologia* at Navarre (5 years).                                                                 |
| 1504       | *Consequentie* was printed (again in 1508).                                                                                           |
| 1505-06    | *Embammata phisicalia* was completed (1505) and printed (1506).                                                                     |
| Dec. 15, 1507-Mar. 23/24, 1508\(^8\) | Almain was rector of the University of Paris.                                                                                      |
| 1508       | Almain was proctor of the Nation of France.                                                                                           |
| 1508       | Almain began formal studies in theology at Collège de Navarre under John Mair.                                                        |
| 1508 & 1510 | Almain applied for a benefice at the University of Paris at least 2 times, but there is no record that he received one.\(^9\)          |
| 1510       | *Moralia* was printed.                                                                                                               |
| 1511       | The Council of Pisa was called by nine cardinals with French support (May);  
Julius II called the Fifth Lateran Council (July); and the Council of Pisa began (Nov.).\(^10\) |

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1. Trial regencies were “often in grammar” (Farge, *Orthodoxy and Reform*, 12).
4. Renaudet, *Prereforme*, 358. Villoslada says Almain took 13 disciples with him, and that this occurred during the summer break of 1503, but he does not cite his source (*La Universidad de Paris*, 166).
6. Arch. Nat., X\(^{1a}\) 1509, f\(^r\) 22 v\(^o\)-23 r\(^o\); cited in Renaudet, *Prereforme*, 358.
7. Arch. Nat., X\(^{1a}\) 1509, f\(^r\) 22 v\(^o\)-23 r\(^o\); cited in Renaudet, *Prereforme*, 358.
8. Du Boulay, *Historia Universitatis Parvisiensis*, vol. 6, 976. Du Boulay recorded the date of Almain’s election, and noted more generally that Almain’s successor, Anton. De Mommorancy Tornac, was elected in March 1508 (p. 976). From 1500-1599, when the date is given, this election is almost always recorded as having taken place on March 23 or 24 (pp. 976-81).
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall 1511</td>
<td>Cajetan finished his <em>De auctoritate papae et concilii</em> (Oct. 12) and published it in Rome (Nov. 19).&lt;sup&gt;12&lt;/sup&gt;</td>
</tr>
<tr>
<td>Jan. 10, 1512</td>
<td>The Council of Pisa requested that the Faculty of Theology at the University of Paris refute Cajetan’s tract.&lt;sup&gt;13&lt;/sup&gt;</td>
</tr>
<tr>
<td>Jan. 26, 1512</td>
<td>Almain received his License in Theology, ranked second out of 23 students.&lt;sup&gt;14&lt;/sup&gt;</td>
</tr>
<tr>
<td>Feb. 19, 1512</td>
<td>King Louis XII wrote a letter to the Faculty of Theology, reaffirming that a response to Cajetan was important.&lt;sup&gt;15&lt;/sup&gt;</td>
</tr>
<tr>
<td>c. Mar. 18, 1512</td>
<td>Almain presented his <em>Questio</em>.</td>
</tr>
<tr>
<td>Mar. 31, 1512</td>
<td>Almain received his Doctorate in Theology.&lt;sup&gt;17&lt;/sup&gt;</td>
</tr>
<tr>
<td>April 1512</td>
<td>Lateran V opened.</td>
</tr>
<tr>
<td>April 1, 1512</td>
<td>Almain was accepted into the <em>consortium</em> of the Faculty of Theology.&lt;sup&gt;18&lt;/sup&gt;</td>
</tr>
<tr>
<td>May 1512</td>
<td>Almain wrote his <em>Libellus</em>.</td>
</tr>
<tr>
<td>June 1, 1512</td>
<td>Almain chaired a Faculty of Theology disputation.&lt;sup&gt;19&lt;/sup&gt;</td>
</tr>
<tr>
<td>Sept. 28, 1512</td>
<td>Almain supplicated for a letter regarding his time of study, likely to request another benefice.&lt;sup&gt;20&lt;/sup&gt;</td>
</tr>
<tr>
<td>Nov. 1512</td>
<td>Almain’s <em>Libellus</em> was printed.&lt;sup&gt;21&lt;/sup&gt;</td>
</tr>
<tr>
<td>c. 1512</td>
<td>Almain’s <em>Dictata super sententias Holcot</em> was printed. He also wrote <em>Expositio, In tertium</em>, and <em>A decima quarta</em>.</td>
</tr>
<tr>
<td>1513</td>
<td>Pope Julius II died, and Leo X was elected. France accepted Lateran V as a valid ecumenical council.&lt;sup&gt;22&lt;/sup&gt;</td>
</tr>
<tr>
<td>Dec. 1, 1513</td>
<td>Almain chaired a Faculty of Theology disputation.&lt;sup&gt;23&lt;/sup&gt;</td>
</tr>
<tr>
<td>1514</td>
<td>Cajetan published his <em>Apologia</em>.</td>
</tr>
<tr>
<td>1514/15</td>
<td>Almain went to the Diocese of Condom to teach, upon the invitation of Bishop Jean Marre.</td>
</tr>
<tr>
<td>1515</td>
<td>Almain died in Auvillar in southwestern France.&lt;sup&gt;24&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

<sup>12</sup> Burns, “Introduction,” xv.
<sup>13</sup> Gieseler, *A Compendium of Ecclesiastical History*, vol. IV, 418; Farge, *Orthodoxy and Reform*, 223.
<sup>15</sup> Burns, “Introduction,” xix; Farge, *Orthodoxy and Reform*, 223.
<sup>16</sup> McGrade (“Jacques Almain: Introduction,” 13) notes this took place in March, and it would have been around March 18, 1512, since that was when Ber received his doctorate (Maître, “Les ‘Théologastres,’” 253).
<sup>17</sup> Farge, *Biographical Register*, 15.
<sup>18</sup> Clerval, *Registre des procès-verbaux de la faculté de théologie de Paris*, 104-5.
<sup>19</sup> Clerval, *Registre des procès-verbaux de la faculté de théologie de Paris*, 108, 135; RCFT 1, fos. 24′, 30′, cited in Farge, *Biographical Register*, 16.
<sup>20</sup> Reg. 89, Entry 305 in Farge, *Students and Teachers*, 170. Unfortunately, there is no copy in Reg. 89 of Almain’s record.
<sup>21</sup> Burns, “Introduction,” xxvii.
<sup>22</sup> Burns, “Introduction,” xxvii.
<sup>24</sup> See the excerpt from Mathurin Alamande’s letter to Jacques Lefèvre d’Étapes in Appendix G.
Appendix B: Excursus on Almain’s Date of Birth

There is virtual unanimity among modern scholars that Almain was born c. 1480. (Archibald Constable is an exception; he curiously argued that Almain was born “about the middle of the fifteenth century,” yet there is no reason to suppose such an early date.) To my knowledge, no one has provided a rationale or source for the date of c. 1480. Based on the below analysis, we can more precisely set the range between c. 1477-81/2.

According to statutes, a Master of Arts graduate needed to be at least 21 years of age. Although exemptions were given, this helps establish a likely timeframe. Since, we suspect, Almain graduated with the MA c. 1502/3 – records indicate he taught as a Master regent from 1503 onward – and was at least 21, he was likely born no later than 1481/2.

The canonical age to enter full consortium at the Faculty of Theology at the University of Paris was 35, and Almain was accepted into it in 1512. Thus, given his academic acumen, it is unlikely that he entered older than 35, setting a conservative year of birth at 1477. It is likely, however, that Almain was given an exemption to enter under this age. While speculative, this seems likely given Almain’s recognized academic achievements. (E.g., he was second in his Licentiate class, and he was likely given a dispensation shortening his theology training to 8-9 years post-MA. While not based in Faculty statutes, the typical length was 13-15 years post-MA.) Moreover, exemptions were given to other students, including Ludwig Ber; first in his Licentiate class, followed by Almain, Ber was 32 when he finished his doctorate. Finally, Almain hints that he was under 35 when he says that he wrote Libellus in the second month of his doctorate but

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25 Mair, A History of Greater Britain, 10, fn. 3.
26 Farge, Orthodoxy and Reform, 12.
27 Farge, Orthodoxy and Reform, 41.
28 Farge, Orthodoxy and Reform, 13.
29 On Ber, see Farge, Biographical Register, 23.
would not provide his age lest he appear vain.\textsuperscript{30} Since it would be common knowledge that the age for admittance was 35 and unthinkable that a non-regent doctor could be authorized by the Faculty to respond publicly to the controversy with Thomas Cajetan, then Master of the Dominicans and papal theologian, Almain’s decision to refrain from stating his age lest he be accused of vanity, suggests he was, indeed, under 35.

This evidence needs to be weighed, however, against the following facts: there is no record of an exemption given to Almain to enter under 35, and there is no record of protest on account of his age, which one might expect from at least some faculty. Rather, the only protests around the time of his acceptance into full \textit{consortium} were lodged by faculty on the grounds that Almain had not displayed customary gratitude. Had Almain graduated only eight years later (1520), we could dismiss the possibility of an exemption with a large degree of certainty. At that time, the Faculty revived the position of syndic, the holder of which was responsible for “the real direction of Faculty meetings and affairs”; and Noël Beda, who was syndic from 1520-31, is on record opposing attempts by students to enter full \textit{consortium} under 35. Some cases were successful only after papal intervention.\textsuperscript{31}

\textsuperscript{30} Libellus, fo. lxi[x2].

\textsuperscript{31} Quote from Farge, \textit{Orthodoxy and Reform}, 41; see 41-2, 33-4.
Appendix C: Precis of Almain’s Works

1. *Consequentie* (*Consequences*; 1504) – A work on consequences, that is, “the logical relations between sentences,” it engages with Ralph Strodus’ *Consequences*, in particular. Significantly, Almain (implicitly) reveals his approach to many features of terminist logic, including signification and supposition.

2. *Embammata phisicalia*, or *Embammata totius philosophiae naturalis* (*Problems in Physics*, or *Problems concerning the Whole of Natural Philosophy*; 1505) – A work engaging with books I and III of Aristotle’s *Physics*, Almain incorporates methods of logic common among Parisian terminists (e.g., calculations, *sophismata*, *categoremata* and *syncategoremata* in the mereological sense) to solve problems in logic and natural philosophy. Notably, he also explains Scotist realist and nominalist (i.e., anti-realist) approaches to problems in mereology, siding with the latter.

3. *Moralia* (*Morals*; 1510) – A work, as the title suggests, dealing with questions of ethics. Almain begins with a chapter on “willing,” so it is not surprising that he articulates in this text a form of anthropological voluntarism; it is largely Scotist, but also influenced by Buridan and Ockham. Surprisingly, Almain also embraces some views that are of a more theologically intellectualist persuasion. For instance, he argues that some acts, which are mentioned in the second tablet of the Decalogue (e.g., stealing, lying), are intrinsically evil, such that not even

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32 Dutilh Novaes, “Medieval Theories of Consequence.”
33 Prantl, *Geschichte der Logik im Abendlande*, vol. 4, 238.
34 Here, I am loosely following Di Liscia, who proposes the translation, *Physical Difficulties regarding the Whole of Natural Philosophy* (“Physikalische Schwierigkeiten bezüglich der gesamten Naturphilosophie”). See “Kalkulierte Ethik,” 93.
God could make them otherwise. All ten commandments, moreover, are *per se nota* (i.e., self-evident) and necessarily true.

4. *Questio in vesperiis habita* (*Question at Vespers*;\(^{36}\) 1512) – A work discussing three forms of dominion: natural, civil, and ecclesiastical. In discussing the civil sphere, Almain argues that the authority of any ruler derives from the community, which can depose him or her who rules contrary to the common good; indeed, it is not only the community’s right but duty (*ius*). In discussing the ecclesiastical sphere, Almain advances conciliarist arguments, voices concern with Pope Julius II, and urges prelates to attend the Council of Pisa.

5. *Libellus de auctoritate ecclesie seu sacrorum conciliorum eam representantium* (*A Book concerning the Authority of the Church or of the Sacred Council its Representative*; 1512) – A work in which Almain critiques the papalism of Thomas Cajetan and advances conciliarism, relying on strict conciliar theory, natural law, parallels between political and ecclesiastical bodies, and references to Scripture, canon law and ecclesiastical authors. Central to Almain’s argument is the claim that the Church qua political body has the natural right and duty (*ius*) to defend itself, even from the pope.

6. *Expositio circa decisiones questionum Mag. G. Ockham super potestate summi pontificis* (*Exposition about the Decisions of the Questions of Master G. Ockham on the Power of the Supreme Pontiff*; c. 1512) – A work engaging with Ockham’s *Eight Questions on the Power of the Pope*, Almain’s focus is on ecclesiastical and temporal power. He again advances

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\(^{36}\) Here, I am following McGrade’s translation (“Question at Vespers,” 14).
conciliariist arguments, as well as parallel arguments in the civil sphere. He also defends the temporal authority of rulers, such as the King of France, from papal overreach.

7. *Dictata super sententias Holcot* (*Lessons on the Sentences of Holcot*; 1512) – A fairly short work on Book I of the *Sentences* of Peter Lombard, it engages with the commentary of Robert Holcot. Four questions are addressed on faith, focusing on the function of the intellect and will. In this regard, Almain engages with a series of modern views, including forms of theological and anthropological voluntarism influenced by Holcot and Ockham.

8. *In tertium Sententiarum* (*On [Book] Three of the Sentences*; 1512) – A fairly extensive work on Book III of the *Sentences*, it engages with the commentary of Gabriel Biel. Thirty-three distinctions are addressed on the Incarnation, raising issues in, among other areas, christology, anthropology, soteriology, ecclesiology, and the virtues. Almain embraces univocity of being, theological voluntarism influenced by Scotus, modern views on natures and relations (anti-realism), and uses signification and supposition (terminism).

9. *A decima quarta distictione quaestiones Scoti*, or *De poenitentia... a decima quarta distictione quaestiones Scoti* (*From Distinction Fourteen, the Questions of Scotus*, or *On Penance... From Distinction Fourteen, the Questions of Scotus*; c. 1512) – Another extensive work, this time on Book IV of the *Sentences*, it engages with the commentary of Duns Scotus. Twenty-three distinctions are addressed, but roughly half of the work is on distinctions 14-15, which center around penance, satisfaction, and restitution; related questions are also raised, e.g., on the nature of justice and injustice, forms of dominion, and property rights (e.g., giving, selling). In this text, Almain adopts a Scotist form of anthropological voluntarism.
Appendix D: Editions & Printings of Almain’s Works

1. *Consequentie*.
   - Paris: Antoine Chappiel: Raoul Laliseau, 1504.
   - Paris: Denis Roce, 1508.

2. *Embammata Phisicalia*.

3. *Moralia*.
   - Paris: Henri I Estienne, 1510.
   - With *Questio*. Ed. John Mair and Nicolas Maillard.
   - Paris: Claude Chevallon: Jean Granjon, 1516.
   - Paris: Claude Chevallon, 1516.
   - Paris: Claude Chevallon: Jean Laliseau, 1516.
   - In *Opuscula*. With *In tertium, A decima quarta, Questio, Libellus, Expositio, Dictata super sententias Holcot*. Ed. Vincent Doesmier.
   - Paris: Claude Chevallon, 1518.
   - Paris: Gilles de Gourmont, 1518.
   - Paris: Claude Chevallon, 1519.
   - Paris: Claude Chevallon, 1519.
   - With *Libellus* and *Questio*. Ed. David Cranston.
   - Paris: Claude Chevallon, 1525.\(^{38}\)
   - Paris: Ambroise Girault, 1526.

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\(^{37}\) For simplicity, the full titles of Almain’s texts, as well as alternative titles, have been omitted here. Sources consulted for this Appendix are as follows: Pettegree and Walsby, *French Books III & IV*, 41-42.; Moreau, *Inventaire chronologique*, II, 1249, 1736; III, 908, 909; Farge, *Biographical Register*, 17; and Kitanov et al., “John Major’s (Mair’s) Commentary on the Sentences,” 412-13.

\(^{38}\) Possibly printed twice.
4. *Questio.*
     - Paris: Claude Chevallon: Jean Granjon, 1516.
     - Paris: Claude Chevallon, 1516.
     - Paris: Claude Chevallon: Jean Laliseau, 1516.
   - In *Opuscula.* Ed. Vincent Doesmier.
     - Paris: Claude Chevallon, 1518.
     - Paris: Gilles de Gourmont, 1518.
   - With *Libellus* and *Moralia.*
     - Paris: Claude Chevallon, 1525.\(^{39}\)
     - Paris: Ambroise Girault, 1526.
     - Paris: Nicolas Crespin, 1526.
     - Paris: Enguillebert de Marnef, 1526.
     - Paris: Gilles de Gourmont, 1526.
     - Paris: Guillaume Le Bret, 1526.
     - Paris: Jean Petit, 1526.
   - In *Gersonii Opera Omnia.* With *Libellus* and *Expositio.* Ed. Louis Ellies Du pin.

5. *Libellus.*
   - Paris: Jean Granjon, 1512.
   - With Thomas Cajetan’s *De comparatione pape et ecclesie seum conciliorum.*
     - Cologne: Heinrich Quentel, 1514.
   - In *Opuscula.* Ed. Vincent Doesmier.
     - Paris: Claude Chevallon, 1518.
     - Paris: Gilles de Gourmont, 1518.

\(^{39}\) Possibly printed twice.
o With *Moralia* and *Questio*.
  o Paris: Claude Chevallon, 1525.\(^{40}\)
  o Paris: Ambroise Girault, 1526.
  o Paris: Nicolas Crespin, 1526.
  o Paris: Enguillbert de Marnef, 1526.
  o Paris: Gilles de Gourmont, 1526.
  o Paris: Guillaume Le Bret, 1526.
  o Paris: Jean Petit, 1526.


o In *Gersonii Opera Omnia*. With *Questio* and *Expositio*. Ed. Louis Ellies Du pin.
  o Vol. 2. Antwerp, 1706.


  o In *Opuscula*. Ed. Vincent Doesmier.
    o Paris: Claude Chevallon, 1518.
    o Paris: Gilles de Gourmont, 1518.
  o Paris: Claude Chevallon, 1526.
  o Paris: Claude Chevallon, 1537.
    o Hanover, 1611.
    o Hanover, 1612.

  o In *Gersonii Opera Omnia*. With *Questio* and *Libellus*. Ed. Louis Ellies Du pin.
    o Vol. 2. Antwerp, 1706.

7. *Dictata super sententias Holcot*.

  o Paris, Gilles de Gourmont, 1512.

  o In *Opuscula*. Ed. Vincent Doesmier.
    o Paris: Claude Chevallon, 1518.
    o Paris: Gilles de Gourmont, 1518.
  o Paris: Claude Chevallon, 1526.

\(^{40}\) Possibly printed twice.
8. *In tertium.*
   - *In Opuscula.* Ed. Vincent Doesmier.
     - Paris: Claude Chevallon, 1518.
     - Paris: Gilles de Gourmont, 1518.
   - 1537.

9. *A decima quarta.*
   - *In Opuscula.* Ed. Vincent Doesmier.
     - Paris: Claude Chevallon, 1518.
     - Paris: Gilles de Gourmont, 1518.
   - Paris: Claude Chevallon, 1526.
Appendix E: Total Printings & Re-Printings/Later Editions (16-18th c.)

All printings

i. 92/95 – total printings of all works (each work in volumes is counted)
   o 57/59 – total printings of all Scholastic Theology works
   o 35/36 – total printings of all Philosophical works

ii. 51/52 – total volumes printed (volumes with multiple works are counted as one)
   o 33/34 – total volumes printed with Scholastic Theology works
   o 35/36 – total volumes printed with Philosophical works

Re-printings/Later Editions

i. 83/86 – total re-printings/later editions of all works (each work in volumes is counted)
   o 51/53 – total re-printings/later editions of all Scholastic Theology works
   o 32/33 – total re-printings/later editions of all Philosophical works

ii. 44/45 – total re-printings/later editions of volumes (volumes with multiple works are counted as one)
   o 29/30 – total re-printings/later editions of volumes with Scholastic Theology works
   o 32/33 – total re-printings/later editions of volumes with Philosophical works

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41 Almain’s Scholastic Theology works are Libellus, Questio, Expositio, In terium, Dictata super sententias Holcot, and A decima quarta. His Philosophical works are Consequentie, Embammata phisicalia, and Moralía. For an explanation of this categorization system, see the Introduction.
42 This line refers to the total number of volumes printed. There are volumes that are mixed, though, containing both Scholastic Theology and Philosophical works. To avoid arbitrarily deciding which of these two categories mixed volumes should be placed under, they have been placed under both (i.e., in each of the lines below). For this reason, the “total volumes printed” on this line is less than the sum of the “total volumes printed” on the next two lines.
43 See fn. 42. The same approach has been applied here.
Appendix F: Students Almain Directed in the Faculty of Arts

- Almain supervised 15 MA students according to certificates of study recorded in Registers 89/90 of the Faculty of Arts, completed between 1512-15. However, these records do not include information on all of his students, but only those who applied for said certificate. Below, a student’s name is followed by the entry number in Farge (*Students and Teachers*), if the information is linked to a certificate.

<table>
<thead>
<tr>
<th>College</th>
<th>Student</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unknown</td>
<td>1. Pietro Aymerich</td>
<td>• Aymerich was close to Almain, editing his <em>Embammata phisicalia</em>. He was likely his student.</td>
</tr>
<tr>
<td>Sainte-Barbe</td>
<td>2. Nicolaus Boucher (247)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Dionisius Cassin (320)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Johannes Champaigne (217)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Johannes de Abbatia (498)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Franciscus de Bosco (84)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7. Johannes Jodelet (272)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8. Nicolaus Pastoris (130)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>9. Adam Pullen (932)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10. Petrus Richard (64)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11. Toussanus Bargin (511)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. Honoratus Bourson (709)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13. Johannes Ferrand (1031)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14. Robertus Roger (532)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>15. Johannes Crochet (375)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>16. Stephanus Dubourg (436)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>17. Benedict de la Noe</td>
<td></td>
</tr>
<tr>
<td>Coqueret</td>
<td>15. Johannes Crochet (375)</td>
<td>• De la Noe was very likely a student of Almain given that he certified the studies of one of Almain’s students at Coqueret (Crochet [375]), indicating he was present at Almain’s class(es). He also edited Almain’s <em>Consequentie</em> (1504) and recited a poem</td>
</tr>
</tbody>
</table>

---

44 For Registers 89/90 in translation, see Farge, *Students and Teachers*.
45 Martini agrees that Aymerich was likely Almain’s student (*Biografia sarda del dott. in leggi Pietro Martini cagliaritano*, vol. 1, 78-9).
praising Almain after he presented his *Libellus* (1512).  

<table>
<thead>
<tr>
<th>Montaigu</th>
<th>Unknown</th>
<th>18.+</th>
<th></th>
<th></th>
</tr>
</thead>
</table>
| • There are not any certificates of study for Almain’s Montaigu students, despite him being a regent there beginning in 1503 (and perhaps until 1508). In 1503, Jan Standonck sued Almain in the Parlement of Paris for leaving Montaigu and taking (13?) students with him.  

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46 Launoy, *Regii Navarre Gymnasti Parisiensis Historia*, 612. Farge agrees that de la Noe was likely Almain’s student (*Bibliographical Register*, 238).

47 See Chapter 1.
Appendix G: Select Poetry & Correspondence about Almain

1. A poem by Benedict de La Noe which, according to Launoy, was publicly delivered after Almain recited his *Libellus* (May 1512).48

*Lux quaesita diu,*49 *lucis doctissime* Doctor:

> Inventor bonus es,50 *quod latet, illud habes.*

*Nox inimica tibi est, lucem nox*51 *damnat & odit:*

> *Lucis amator eris, nox inimica tibi est.*

*(Tempestas veri est genitrix: coniunctus haberis*

> *Illi: que lattant tu manifesta facis.*)52

*Iusta facis, fugienda fugis, defensor honesti es:*

> *Ut placeas*53 *iustis, Rex tibi amicus erit.*

*Semper amat doctos Princeps, nam Gallicus: omnis*

> *Gallia te laudat, Gallus es, ergo bonus.*

*Fauste, precor, valeas Pylium picture per aevum:*

> *Vivas Parrisiae splendor Academiae.*

That54 is light long sought, most learned doctor of light!

You are a sage scholar, you hold forth what is hidden.

Darkness is your foe, darkness that condemns and hates the light.

You will be a lover of light: darkness is your foe!

49 Or *Lux quesita diu est* (*Opuscula*, end matter).
50 An unlikely variant is *est* (*Opuscula*, end matter).
51 *Non*, modifying *damnat & odir*, is in this edition but omitted here, following *Opuscula* (end matter).
52 *Opuscula*, end matter.
53 Or *Vera placent* (*Opuscula*, end matter).
54 I.e., Almain’s *Libellus*. 
(The tempest is mother of truth: you are held close
to her, you reveal what is hidden.⁵⁵)
You act justly, you shun wrongdoing, you defend the honourable!
That you may please the just, the king himself will be your friend.
The prince ever loves the learned, for he is French. All
of France praises you, for you are French, and therefore good!
O favoured fellow, I pray you may surpass the Pylian man,⁵⁶ a victor forever.
Live long, Splendour of the Academy of Paris!

2. A poem on the greatness of Sens.⁵⁷

_Quis cupis, o felix, Senonensis, noscere gesta,
Et dialecticos scandere forte gradus:_
_Fertilis ignotas Iacobi perge per undas,
Cuius eburneo defluit ore melos._
_Nam sua septenis Pharios penetralibus amnes,
Niliacosque petit cognita fama sinus._
_Alter sanguineis nervosas Brennus in armis,
Quo duce, Romulei palluit auctor agri._
_Ille Caballino didicit surreptus ab amne_
_Irrita terribili tela vibrare manu,_

---
⁵⁵ The tempest appears to be a productive conflict between light and dark. This passage, then, is likely referring to how Almain, who was at the heart of the contemporary conflict over conciliariam (light) and papalism (darkness), was able to reveal (hidden) truths.
⁵⁶ I.e., Nestor.
⁵⁷ Launoy, _Regii Navarre Gymnasti Parisiensis Historia_, 611.
Et Geticos forti palma crispare dolones,

\[ \text{His quibus empyreas ibit ab orbe domos.} \]

You, o blessed, who desire to know the deeds of Sens,

And perhaps to ascend the dialectical steps:

Press on through the perplexing billows of prolific Jacob,\(^\text{58}\)

From whose ivory mouth honey flows.

For knowledge of his fame reaches the waters of Pharos

And the curves of the Nile with their seven sources!

Another Brennus, strong in bloodied arms,

By whose leadership the founder of the land of Romulus has turned pale.\(^\text{59}\)

He has learned, withdrawing from the Hippocrenean spring,

To hurl innocuous spears with a frightful hand,

And to swing Getican dolons with a strong palm.\(^\text{60}\)

With these he will go from the world to the Empyrean.

3. An epitaph for Jacques Almain.\(^\text{61}\)

\textit{Te rogat hoc saxum, huc oculos defige, viator:}

\[ \text{Pellege quos cineres continet urna brevis.} \]

\(^{58}\) I.e., Jacques.

\(^{59}\) Brennus was leader of the Senones, a people of Gaul who sacked Rome c. 390 BC. The Senones, as the name suggests, occupied the region near what became Sens, France, where Almain was from.

\(^{60}\) The spring Hippocrene was a source of poetic inspiration. The “innocuous spears” and “Getican dolons” are metaphors for Almain’s dialectical weaponry, likely referring to the content of his \textit{Libellus}. From the French conciliarist perspective, this text was a victory, which made “the founder of the land of Romulus,” that is Rome, turn “pale.”

Si scieris satis esse putat decus omne subactum,
   Mox disces, nomen praefica docta sile.
Seu62 laudare nequis, Almainum Sorbona novit,
   Sacra fides repetit, perfida lex timuit.
Florida vis sophiae sepecta thiara,
   Flectere fatales non potuere deas.
Mnemosyne, ingenii candor, divinaque Pallas,
   Hoc tumulo virtus, gratia, forma63 manent.

This stone invites you: “fix your eyes here, traveler.
   Read whose ashes the shallow urn contains.
If you would know what every cultivated honour deems to be enough,
   Soon you will learn: keep silent the name, learned mourner!
Or if there is no one to praise him: the Sorbonne has known Almain,
   Holy faith recalls him, faithless law feared him.
Flourishing power, the seven wisdoms,64 the awaited crown:
   they could not bend the goddesses of fate.
Mnemosyne of intellectual brightness, and divine Pallas,
   Virtue, grace, and beauty remain in this tomb.”

---

62 Or sat (Opuscula, front matter).
63 Or fama (Opuscula, front matter).
64 A reference to the seven liberal arts.
4. Another epitaph for Jacques Almain, written by Nicolas Mallarius (1516).\textsuperscript{65}

\textit{Vos aluit quondam niveo almus lacte Iacobus,}
\begin{quote}
\textit{Alma}\textsuperscript{66} cui virtus menti\textsuperscript{67} fuit.
\end{quote}

\textit{Invida sed postquam tam almo mors ubere privat,}
\begin{quote}
\textit{Non cibus almus adest, alma nec esca datur.}
\end{quote}

\textit{Sed}\textsuperscript{68} nunc, o veri defunctae matris alumni,
\begin{quote}
\textit{Redditus est vobis almus & alma parens.}
\end{quote}

\textit{Ecce iterum nostro redivivus in orbe Iacobus,}
\begin{quote}
\textit{Qui}\textsuperscript{69} aluit verbo, nunc alit ingenio.}
\end{quote}

Alimental Jacob\textsuperscript{70} once nursed you with snow-white milk,

for whom strength of mind was an aliment.

But when so nourishing a breast by envious death is depleted,

No nourishment comes, nor is nourishment given.

But now, o true nurslings of late mother,

To you is restored a nourishing father and mother.\textsuperscript{71}

Behold anew in our world, Jacob redivivus!

He who fostered by word now fosters by intellect.

\textsuperscript{65} Launoy, \textit{Regii Navarvae Gymnasti Parisiensis Historia}, 614.
\textsuperscript{66} Or \textit{almae} (\textit{Opuscula}, end matter).
\textsuperscript{67} \& \textit{alma} is included here but is likely an error. Therefore, it has been omitted.
\textsuperscript{68} Or \textit{At} (\textit{Opuscula}, end matter).
\textsuperscript{69} The text reads \textit{Quos}, but this is likely an error.
\textsuperscript{70} Jacob, i.e., Jacques. \textit{Almus} (“alimental”) is a pun on his last name, Almain.
\textsuperscript{71} I.e., his parental care lacks for nothing.
5. Excerpt from a letter of Mathurin Alamande to Jacques Lefèvre d’Étaples (June 1517).\textsuperscript{72}

‘…I am to this day with Jean de la Marre, most holy bishop of Condom, if only you would be permitted to enjoy his household. You would see, indeed, a man who is an inextinguishable lamp of all virtues, you would see a distinguished lover of doctrine and scholarly men to such an extent that, with no little expense, Jacques Almain born in Sens, the greatly distinguished theologian, had been invited from the very famous Paris-Lutetia school to himself and he had honoured [him] with very honourable stipends. But … in a small town in Aquitaine (of which the name is d’Auvillars and touched by the river la Gonne),\textsuperscript{73} he died not without all the best people \textit{[optimorum quorumque]}\textsuperscript{74} mourning [his] life. Now, therefore, he rests a calm and quiet peace \textit{[Nunc itaque placida compostus pace quiescit]} [Virgil, \textit{Aeniad} 1.249].\textsuperscript{75} Moreover, he has fallen, our Jacques, until he would rise, he has fallen while, as a fruitful olive tree, he would bear fruit in the Church of God [Ps. 51:10], he has fallen while the sweetest food of the divine word would feed Aquitaine. But I have recollections of that memorable sentence of King Hezekiah repeated from the prophet Isaiah: “My life is shortened like a weaving, while I should weave it collapses [and is taken from]

\begin{itemize}
\item Translated from the Latin text in Rice, \textit{The Prefatory Epistles of Jacques Lefèvre d’Étaples and Related Texts}, 386-7. With the exception of the citation from Virgil’s \textit{Aeniad}, in text references are from Rice.
\item Claudin argues that the hidden purpose of Alamande’s letter was to attract d’Étaples to Condom by making clear that Jean Marre, bishop of Condom, loves, protects and treats well scholars. Claudin thinks it very clear that it was by Marre’s prompting that Alamande mentioned that Almain’s place was vacant by his death (Caudin, \textit{Un écrivain saintongeois inconnu}, 13). Rice finds Claudin’s interpretation “plausible,” and indeed it is (\textit{The Prefatory Epistles of Jacques Lefèvre d’Étaples and Related Texts}, 384).
\item Auvillar and Condom are c. 50 kilometers apart.
\item Claudin translates this phrase, “gens bien pensants” (\textit{Un écrivain saintongeois inconnu}, 12).
\item This is a quote from Virgil’s \textit{Aeniad} (1.249; see 1.247-8) in which a reference is made to Antenor. A wise and well-spoken advisor to King Priam of Troy in Homer’s \textit{Iliad}, Antenor welcomed the ambassadors, Odysseus and Menelaus (3.203ff), and favoured returning Helen and her treasures to stop further losses (7.347ff). In the \textit{Aeniad}, Virgil writes that, later in his life, Antenor “…Sail[ed] right up the Illyrian gulf, pass[ed] by the remote/ Liburnians, and pass[ed] the source of river Timavus/ Where tidal water, roaring aloud below rock, spouts up/ Through nine mouths, and the fields are hemmed with a sound of the sea./ He was allowed to found Padua, and make a home for/ Trojans there – could give his people a name, and nail up/ His arms, could settle down to enjoy peace and quiet \textit{[nunc placida compostus pace quiescit]}“ (1.244-249).
\item Antenor, the wise counsellor to the king, travelled to find peace and rest in Padua, which is on the Bacchiglione and Brenta rivers and near to the Adriatic Sea. Almain, similarly, was a well-known intellectual, his \textit{Libellus} was written by royal commission, and he travelled to d’Auvillars where he found his “rest” near water.
\end{itemize}
me” [Is. 38:12]. I myself, therefore (that it might be pleasing to admit frankness), am moved by no insignificant grief. For a great loss in life of so great a man is made. Indeed, by this law he was born, that having remained a long time among the tents of Kedar [Ps. 119:5], he himself would eventually die. But we have not lost him (as I use the words of Augustine) but we have sent [him] ahead [Ep. 92.1].

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76 If utar should be utor.
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