CENSORSHIP AND CRIMINALIZATION OF IDEAS IN WESTERN EUROPE

Ann Giletti

"DEVIANCE" AND "CRIME" are terms usually applied to behaviour or actions. Can an idea be deviant or criminal? Or is this what we say about the person who holds it? The censorship of ideas in thirteenth-century Europe offers particular insights into the ways in which ideas themselves can be categorized as deviant—that is, denigrated by normative systems—and outlawed or perceived to be outside the law. By professing the idea, a person could be condemned and punished, but the idea itself also carried the taint of crime. This impression, while not based on a legal definition of crime or involving the absurd possibility of inflicting punishment on the idea, was nevertheless a perception shared by many people in the circumstances analysed here. The discussion below looks at the distinction between criminal people and, in the view of medieval protagonists, criminal ideas. It shows how legal measures criminalized ideas through the use of certain labels; and it identifies perceptions of ideas as criminal, even in the absence of legal measures. To draw out the powerful ways in which ideas can be treated as not neutral but criminal, the discussion concludes by showing how the criminal status of ideas could condition perceptions about people—even when those people were conscientious in their handling of the ideas and did not intend to be transgressive.

The ideas under discussion here are not socio-political, potentially revolutionizing a society or its government (as in the introduction of a commune system), but philosophical and religious. Censorship of ideas and investigations of culprits holding them were by and large carried out by the Church, with secular authorities performing punishments in cases of individuals found by the Church to be heretics. In general the ideas were religious, such as the belief in two deistic principles which Cathars were accused of holding.[1] The focus of this article is marginalized ideas which were not religious in themselves, yet trespassed on religion by conflicting with central beliefs. This was the case with certain Aristotelian philosophical/scientific theories that caused controversy in academic circles in the thirteenth century. The theories were newly introduced into

1 For recent studies addressing Cathar dualism, see Antonio Sennis, "Questions about the Cathars," in *Cathars in Question*, ed. Antonio C. Sennis (Woodbridge: York Medieval, 2018), 1–20; Mark Gregory Pegg, "The Paradigm of Catharism; or, the Historians' Illusion," in Sennis, *Cathars*, 21–52; John H. Arnold, "The Cathar Middle Ages as a Methodological and Historiographical Problem," in Sennis, *Cathars*, 53–78; Yuri Stoyanov, "Pseudepigraphic and Parabiblical Narratives in Medieval Eastern Christian Dualism, and their Implications for the Study of Catharism," in Sennis, *Cathars*, 151–76; Lucy J. Sackville, "The Textbook Heretic: Moneta of Cremona's Cathars," in Sennis, *Cathars*, 208–28; Peter Biller, "Goodbye to Catharism?," in Sennis, *Cathars*, 274–313.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

Latin Europe through the translation of ancient Greek and medieval Arabic philosophical texts over the twelfth and early thirteenth centuries. They sparked controversy because they were regarded as denying fundamental Christian beliefs. Examples we will examine are Aristotle's theory of the eternity of the world, which conflicted with Creation, and the theory of the unicity of the intellect of Muslim philosopher Averroes, which denied the afterlife of individual souls. These theories were formally censored by episcopal decrees in Paris in the 1270s. The prohibitions both threatened punishment of adherents and criminalized the ideas themselves, by labelling them as errors against faith. As we shall see, had the ideas been pronounced merely to be false (untrue), they would not have been transgressive; but an idea declared to be an error—or indeed heretical—was criminal. The notion of an idea being criminal in this context is associative. The terms "error" and "heretical" were used to define the ideas, but implicit in them was the threat of punishment to adherents; to observers that threat tainted the ideas themselves as criminal. Even prior to the prohibitions, scholastic philosophical and theological discussions used these criminal labels for the most controversial theories, marking them early in their reception history as deviating from the norm of Christian belief.

The criminal aspects in this story—the ideas and the culprits or suspects, as well as the authorities and potential victims—were located in medieval universities and in relation to the Church. Some of the theories in the controversy, including the two mentioned, were occasionally discussed outside the academic environment, but they circulated mostly in the scholarly world of universities and monasteries.[2] The people holding them or suspected of holding them in some form were scholastic philosophers and theologians; the latter were experts in both fields, having been trained in philosophy before proceeding to theology. Formal prohibitions, as well as investigations of ideas and their proponents, took place in the 1270s and 1280s at the universities of Paris and Oxford, and news of the measures spread through the European academic world. These two universities operated under episcopal authority. The measures were carried

2 A rare example of contemporary discussion in a non-academic environment of the theories at issue is the late thirteenth-century *Lucidario* of King Sancho IV of Castile and Léon (d. 1295) which considers, in Spanish, Aristotle's theory of the eternity of the world: Sancho IV, *Lucidario*, ed. Richard P. Kinkade, *Los 'Lucidarios' españoles* (Madrid: Editorial Gredos, 1968), 157. While the discussion below concerns issues that largely remained within the university, academics did discuss matters concerning society, such as marriage and money; and in the case of Lollardy ideas formed by academics fuelled dissent in society, resulting in censorship of both the ideas and people holding them, see, e.g.: Ian P. Wei, *Intellectual Culture in Medieval Paris: Theologians and the University, c. 1100–1330* (Cambridge: Cambridge University Press, 2012), chaps. 5 and 6; Kantik Ghosh, "Logic, Scepticism, and 'Heresy' in Early Fifteenth-Century Europe: Oxford, Vienna, Constance," in *Uncertain Knowledge: Scepticism, Relativism, and Doubt in the Middle Ages*, ed. Dallas G. Denery II, Kantik Ghosh, and Nicolette Zeeman (Turnhout: Brepols, 2014), 261–83; Ghosh, "University-Learning, Theological Method, and Heresy in Fifteenth-Century England," in *Religious Controversy in Europe, 1378–1536: Textual Transmission and Networks of Readership*, ed. Michael Van Dussen and Pavel Soukup (Turnhout: Brepols, 2013), 289–313; Rita Copeland, *Pedagogy, Intellectuals, and Dissent in the Later Middle Ages: Lollardy and Ideas of Learning* (Cambridge: Cambridge University Press, 2001).

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

out by senior Church and university officers working together, out of concern over the spread of the ideas among university members. This was not a simple "us *vs* them" scenario: the prohibitions were issued by bishops who had themselves been trained at the universities and had taught or held office there; and in some cases the collection of suspect statements of opinion or investigation of contentious ideas was carried out by panels of university theologians. The prohibitions established that it was a crime to articulate the ideas as valid. In the university environment, expression constituted dissemination, as it took the two forms of oral presentation in lessons and public debates attended by colleagues and students, and written works read by the same audience. The crime lay in dissemination, though the culprits' guilt was rooted deeper, in their intellectual conviction that the theories were sound. If criminalization implies the presence of victims, they were, from the point of view of the Church, both these same scholars, who potentially jeopardized the salvation of their own souls by holding the ideas,[3] and people who witnessed or read their philosophical demonstrations and found them persuasive—particularly young and impressionable students who, it was feared, could easily be led into error. Yet while the prohibitions, and the few investigations of individuals we know about, sought primarily to control expression of ideas, these measures were taken not to silence mention of them or their discussion altogether, but to prevent scholars from professing they were true.

The most famous prohibition in this controversy—and one of the most notable acts of censorship of the late Middle Ages—was the Condemnation of 1277 at the University of Paris. This decree would hamper free discussion in the oral and written activities of the University of Paris well into the 1290s, and would be discussed and referred to long after that. It was issued by the bishop of Paris, Étienne Tempier, who had studied theology at the university and had served as its chancellor. The decree banned 219 philosophical principles collected by a panel of theologians at the university. The principles were probably drawn from scholars' written works and perhaps also oral teaching and public presentations. These ideas were formally criminalized in the diocese of Paris when the decree condemned them as "errors" against faith and threatened the punishment of excommunication to any scholars disseminating them.[4] In this way, the crime was

3 On the perpetrator being the victim, see Ian Forrest's chapter in this volume.

4 Condemnation of 1277, edition and French translation in David Piché, *La condemnation parisienne de 1277* (Paris: Librairie Philosophique J. Vrin, 1999); previously edited in Heinrich Denifle and Emile Chatelain, eds., *Chartularium universitatis Parisiensis*, 4 vols. (Paris: Delalain, 1889–1897), 1:543–55. See also: Roland Hissette, *Enquête sur les 219 articles condamnés à Paris le 7 mars 1277* (Leuven: Publications Universitaires, 1977); John F. Wippel, "The Parisian Condemnations of 1270 and 1277," in *A Companion to Philosophy in the Middle Ages*, ed. Jorge J. E. Gracia and Timothy B. Noone (Oxford: Blackwell, 2003); Luca Bianchi, *Censure et liberté intellectuelle à l'Université de Paris (XIIIe-XIVe siècles)* (Paris: Belles Lettres, 1999), 1–52; J. M. M. H. Thijssen, "What Really Happened on March 7, 1277? Bishop Tempier's Condemnation and Its Institutional Context," in *Texts and Contexts in Ancient and Medieval Science*, ed. Edith Sylla and Michael McVaugh (Leiden: Brill, 1997), 84–114. Regarding censorship in the academic environment, see, e.g. Gregory Moule, *Corporate Jurisdiction, Academic Heresy, and Fraternal Correction at the University of Paris, 1200–1400* (Leiden: Brill, 2016);

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

defined as dissemination, and the criminals as the scholars who did this. At the same time the ideas, outlawed as "errors," bore with this branding the weight of threatened punishment, and in this way became categorized as criminal.

Underpinning these condemnations was the Church's responsibility for the spiritual well-being of the Catholic community. These ideas did not capture widespread popular adherence, but drew great attention in the scholarly world. That world—particularly the University of Paris and its renowned theology faculty—was important to Catholic society in that it not only produced officers of the Church but also was a testing ground for new ideas and evolving religious doctrine, in addition to being a promoter of the testing system itself (the scholastic method). It was through university debate, for example, that questions regarding the beatific vision were analysed from various angles before the matter reached the level of a papal pronouncement;[5] and in the papal court some of the discussion of doctrinal questions took place among theologians using the method of their university training. Given the importance of the university, it is not surprising that strict measures were imposed, by Church and university officers working together, to maintain the integrity of the institution as well as to correct its members and, in doing so, protect them.

Dangerous Ideas

The ideas at issue in this controversy were part of a wider system of thought that caused a scientific revolution in the thirteenth century. The source was Aristotle's works on natural

William J. Courtenay, "Inquiry and Inquisition: Academic Freedom in Medieval Universities," *Church History* 58 (1989): 168–81; Andrew E. Larsen, *The School of Heretics: Academic Condemnation at the University of Oxford, 1277–1409* (Leiden: Brill, 2011); François-Xavier Putallaz, "Censorship," in *The Cambridge History of Medieval Philosophy*, ed. Robert Pasnau, 2 vols. (Cambridge: Cambridge University Press, 2010), 1:99–113; Luca Bianchi, "*Nulla lex est vera, licet possit esse utilis*. Averroes's 'Errors' and the Emergence of Subversive Ideas about Religion in the Latin West," in *Irrtum – Error – Erreur*, ed. Andreas Speer and Maxime Mauriège (Berlin: de Gruyter, 2018), 325–47. On the lasting impact of the Condemnation of 1277, see John F. Wippel, "Godfrey of Fontaines at the University of Paris in the Last Quarter of the Thirteenth Century," in *Nach der Verurteilung von 1277: Philosophie und Theologie an der Universität von Paris im letzten Viertel des 13. Jahrhunderts / After the Condemnation of 1277: Philosophy and Theology at the University of Paris in the Last Quarter of the Thirteenth Century*, ed. Jan A. Aertsen, Kent Emery, Jr, and Andreas Speer (Berlin: de Gruyter, 2001), 359–89, at 386–89; Edward P. Mahoney, "Reverberations of the Condemnations of 1277 in Later Medieval and Renaissance Philosophy," in *Verurteilung*, Aersten et al., 902–30, at 909–11; John E. Murdoch, "1277 and Late Medieval Natural Philosophy," in *Was ist Philosophie im Mittelalter?*, ed. Jan A. Aertsen and Andreas Speer (Berlin: de Gruyter, 1998), 111–21; Luca Bianchi, "1277: A Turning Point in Medieval Philosophy?," in *Philosophie*, Aertsen et al., 90–110; Luca Bianchi, *Il vescovo e i filosofi. La condanna parigina del 1277 e l'evoluzione dell'Aristotelismo scolastico* (Bergamo: Lubrina, 1990), 25–30; Edward Grant, "The Effect of the Condemnation of 1277," in *The Cambridge History of Later Medieval Philosophy*, ed. Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1982), 537–39.

5 This process is examined in Christian Trottmann, *La vision béatifique: Des disputes scolastiques à sa définition par Benoît XII* (Rome: École Française de Rome, 1995).

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

philosophy, the soul or intellect, and metaphysics. Latin readers studied these books together with interpretations of them by great Muslim thinkers, such as the Andalucian Averroes (d. 1198) and the Persian Avicenna (d. 1037), as well as the Andalucian rabbi Maimonides (d. 1204). This corpus of works by Aristotle and his interpreters became available in Latin translation in the twelfth and early thirteenth centuries, transmitted in a great part via Spain, where Arab courts had promoted philosophical exploration.[6] The science of this corpus was accepted by the Latin academic community. However, it contained theories and principles which could not be tolerated in a Christian society—issues addressed previously by Muslim and Jewish thinkers who had also grappled with conflicts between this philosophy and their religions.

Two theories at the heart of the controversy in Latin scholarly circles, and which featured in the Condemnation of 1277, had to do with the world's origins and the human intellect. One was Aristotle's theory of the eternity of the world, an idea conflicting with Genesis, which taught that the world was newly created by God. Aristotle had proved in his *Physics* that the world was eternal, based on principles he established in this book regarding how time, matter, and motion function. If one accepted their underlying principles, there was no reason to posit a beginning to any one of them; and, since the principles also showed how all three were interconnected, all of them—and therefore the world—had to be eternal.[7] Alongside Aristotle's theory, scholastics discussed another theory on the world's eternity, eternal creation. It centred on Neoplatonic and metaphysical principles showing that the world was eternally created by God, and as a result was itself eternal. Latin readers were already familiar with the theory of eternal creation through early Christian discussions, such as Augustine's *City of God* and *Confessions*, and now encountered strong arguments in its favour in the thinking of Avicenna as explained in his *Metaphysics*.[8] Since Latin scholastics accepted the principles of physics and metaphysics, which provided a convincing account of how the world worked, this was not a matter of simply dismissing the arguments but rather of studying

6 On the translation and transmission of Aristotle and his interpreters, see Marie-Thérèse D'Alverny, "Translations and Translators," in *Renaissance and Renewal in the Twelfth Century*, ed. Robert L. Benson and Giles Constable (Oxford: Clarendon Press, 1982), 421–62, reprinted in her *La transmission des textes philosophiques et scientifiques au moyen âge* (Aldershot: Variorum, 1994), Article II; Bernard G. Dod, "Aristoteles Latinus," in *The Cambridge History of Later Medieval Philosophy*, Kretzmann et al., 45–79.

7 For an explanation of the theory of the eternity of the world, see Herbert A. Davidson, *Proofs for Eternity, Creation and the Existence of God in Medieval Islamic and Jewish Philosophy* (Oxford: Oxford University Press, 1987), 9–48.

8 Augustine, *De civitate Dei* X, 31, XI, 4–6 and XII, 15–16 (regarding the human race), in *Corpus Christianorum Series Latina*, vols. 47–48 (Turnhout: Brepols, 1955), 308–9, 323–26, and 369–72; *Confessiones* XI, 10, in *Corpus Christianorum Series Latina*, 27 (Turnhout: Brepols, 1981), 200. Latin scholastics read Avicenna's discussion of eternal creation in his *Metaphysics*, VI, 2, VIII, 3 and IX, 1; see Avicenna, *The Metaphysics of the Healing*, ed. and English trans. Michael E. Marmura (Provo, UT: Brigham Young University Press, 2005), 203, 272, and 300. For an explanation of eternal creation, see Davidson, *Proofs for Eternity*, 49–85.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

whether they could be undermined. Scholars engaged in the controversy took various positions on whether the theories could be proved, disproved, or shown to be merely a philosophical possibility (a view discussed below). In 1270, an initial condemnation in Paris banned the idea that the world was eternal; and in 1277 the major condemnation included multiple articles against Aristotle's theory and eternal creation.[9]

The other central issue in the controversy concerned the theory that there is one intellect shared by all of humanity. The theory had evolved from Aristotle's brief explanation of the human intellect (the "intellective soul") in *On the Soul*, through interpretations and elaborations by Greek and Muslim thinkers, notably Avicenna and Averroes. Averroes's theory provoked outrage in Latin circles because it denied the immortality of individual souls. It was an interpretation according to Aristotle's principles, particularly that matter accounted for how things could be divided and exist individually. Drawing on interpretations by earlier Greek and Arabic philosophers including Avicenna, Averroes reasoned that, applied to the explanation of the intellect, this meant there could not be individual intellects separated from one another without human bodies (matter), and thus that people's individual intellects existed only during their lifetimes. After the body's death, the personal intellect was reabsorbed into the single intellect. While Avicenna's thinking raised concerns among thirteenth-century Latin scholastics, after the mid-century Averroes's teaching stood at the centre of the controversy.[10] In Christian (and Muslim) terms, by denying the immortality of individual souls, it denied their judgement by God as good or bad, and their reward or punishment in heaven or hell. The initial condemnation in Paris in 1270 banned the idea of a unified intellect; and the Condemnation of 1277 proscribed several aspects of the theory.[11]

At this time, the label "Averroist" came to be applied to radical Aristotelian scholars who accepted the unicity of the intellect. A few medieval writers would use it to refer as well to scholars defending other theories in the controversy, and many historians have done similarly. Two figures historians have traditionally called "Averrroists" are arts faculty masters Siger of Brabant, for defending the unicity of the intellect (a view he later rejected), and Boethius of Dacia, who held a controversial opinion on the world's eternity (that it was theoretically possible, though not demonstrably true), and who defended a position historians have examined in connection with "Double Truth" (both

9 Condemnation of 1270, Art. 5, in Denifle and Chatelain, *Chartularium*, 1, 487. The Condemnation of 1277 proscribed Aristotle's theory of the eternity of the world in Arts. 88, 89, 90, 91, 98, and 205, and eternal creation in Arts. 26, 39, 48, 87, and 99; see Piché, *La condemnation parisienne de 1277*, 86, 90, 94, 106, 110, 208, and 142.

10 Aristotle's explanation of the intellect referred to active and passive aspects accounting for the acquisition of knowledge. Avicenna posited a single active intellect for all of humanity, and passive intellects for individuals; Averroes held that the passive intellect also must be unified. For an explanation of Avicenna and Averroes on the unicity of the intellect, see Herbert A. Davidson, *Alfarabi, Avicenna, and Averroes, on Intellect: Their Cosmologies, Theories of the Active Intellect, and Theories of Human Intellect* (Oxford: Oxford University Press, 1992), 74–126, 258–314, and 315–56.

11 Condemnation of 1270, Art. 1, in Denifle and Chatelain, *Chartularium*, 1, 487; Condemnation of 1277, Arts. 27, 32, and 187, in Piché, *La condemnation parisienne de 1277*, 88 and 136.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

matters are discussed below). Casting Boethius as an Averroist according to any use of the label seems inaccurate, given that he did not accept that either the unicity of the intellect or eternity of the world was demonstrably true. Modern use of the term "Averroist" presents difficulties because it is used loosely to refer to scholars supporting any of the theories in the controversy (regardless of whether Averroes was a proponent), and does not follow a meaning clearly established in the Middle Ages. Many historians prefer expressions such as "radical Aristotelians" and "heterodox Aristotelians" to describe medieval scholars supporting theories in this controversy.[12]

Criminalizing Ideas—Official Measures

The condemnations of the 1270s formally outlawed the ideas at the centre of the controversy. In the major decree of 1277, they were identified as errors in a long list of articles, and the punishment of excommunication was threatened for any scholars disseminating them, as well as anyone who witnessed a transgressor and failed to report him to the bishop or university chancellor within a week.[13] This measure might seem to criminalize only people and not the ideas themselves, but as discussed above criminal implications were attached to the term "error" and coloured the ideas themselves. A survey of the measures aiming to block adherence to the ideas will sharpen our understanding.

Censorship of ideas and people holding them in the late Middle Ages could take many forms, such as prohibiting the reading of certain books, burning them, condemning specific ideas, and pursuing proponents of already banned or new controversial ideas.[14] The Condemnation of 1277 marks the culmination of a range of efforts in Paris to combat the issues raised by Aristotelian philosophy. Over the arc of the thirteenth century, prohibitions were issued, evolving from banning the reading of a corpus of books to the identification and censoring of certain ideas pronounced in or derived from them. Already at the start of the century, measures had been taken at the university. In 1210, a synodal decree addressing several matters (ordering among other things the burning of a book by the pantheist David of Dinant) banned the reading of Aristotle's books on natural philosophy and commentaries on them on pain of excommunication. Orders in 1215 by papal legate Robert of Courçon reiterated the prohibition, adding Aristotle's *Metaphysics* to the proscription. Towards mid-century, however, the material in these books was absorbed into general scientific thinking and was being handled by

12 On the label "Averroist," see Dragos Calma, *Études sur le premier siècle de l'averroïsme latin. Approches et textes inédits* (Turnhout: Brepols, 2011), 11–21; Dag Nikolaus Hasse, "Averroica Secta: Notes on the Formation of Averroist Movements in Fourteenth-Century Bologna and Renaissance Italy," in *Averroes et les averroismes juif et latin*, ed. J.-B. Brenet (Turnhout: Brepols, 2007), 307–31; Sylvain Piron, "Olivi et les Averroïstes," *Freiburger Zeitschrift für Philosophie und Theologie* 53 (2006) : 251–309. See also n. 36.

13 Piché, *La condamnation parisienne de 1277*, 74–76.

14 On forms of censorship, see e.g., Bianchi, *Censure et liberté*, 21–52; Putallaz, "Censorship," 107–9.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

university scholars. Consequently, the prohibitions changed so that, rather banning the books, orders in 1231 by Pope Gregory IX (himself Paris trained) were to purge them of ideas incompatible with Christianity before they could be studied. A decade later, in 1241, the university chancellor and theology masters, mandated by Bishop William of Auvergne (an expert in philosophy, and a Paris theology master earlier in his career), singled out and rejected ten errors against theology, many of which were grounded in philosophy. With this measure the approach to censorship of Aristotelian philosophy in Paris altered to identifying offensive principles and putting the ideas themselves under interdict. In 1270, Bishop Étienne Tempier condemned a list of thirteen errors, on pain of excommunication, including the theories discussed above. These theories were also included when Tempier issued the Condemnation of 219 philosophical ideas on March 7, 1277, again threatening excommunication. That same month, the bishop and the papal legate Simon of Brion (another product of the university, and future Pope Martin IV) called a meeting of theology masters to examine the controversial theory of the unity of the human substantial form, a thesis having implications regarding Christ's human nature and the Eucharist. In 1285 or 1286, Paris theologians would again be summoned to examine the theory, this time by Tempier's successor, Ranulphe de la Houblonnière (who had been involved in preparing the Condemnation of 1277). In both meetings the theologians did not conclude that the theory was an error. While the theory was not banned in Paris, in Oxford it was. Just over a week after the Paris Condemnation of 1277, the archbishop of Canterbury, Robert Kilwardby (who had studied in Paris and had taught at both Paris and Oxford) issued a prohibition of a different set of ideas at the University of Oxford, including the unity of form thesis.[15]

In addition to books and ideas, several people were pursued regarding their philosophical opinions. In contrast with the large scale of the controversy, these cases were relatively few, and it appears that the Condemnation of 1277—its severity, threat of punishment, and publicity—had a decisive impact in curbing offenses.[16] Although limited evidence survives, we know of cases of university masters who were summoned in Paris around the time of the Condemnation. In November 1276, arts master Siger of Brabant was summoned by inquisitor Simon

15 Prohibitions of 1210 and 1215: Denifle and Chatelain, *Chartularium*, 1, 70, and 78–79; regarding the measures addressing David of Dinant, see Gerard Verbeke, "Philosophy and Heresy: Some Conflicts between Reason and Faith," in *The Concept of Heresy in the Middle Ages (11th–13th c.)*, ed. W. Lourdaux and D. Verhelst (Leuven: Leuven University Press, 1976), 172–97, at 194. Gregory IX, *Parens scientarum* (1231): Denifle and Chatelain, *Chartularium*, 1, 136–39, at 138. Condemnation of 1241: Denifle and Chatelain, *Chartularium*, 170–71; analysed (with English translation in Appendix) in Deborah Grice, *Church, Society and University: The Paris Condemnation of 1241/4* (Abingdon: Routledge, 2020). In 1255, the arts faculty syllabus included Aristotle's natural philosophy books: Denifle and Chatelain, *Chartularium*, 1, 277–79, at 278. Condemnation of 1270: Denifle and Chatelain, *Chartularium*, 486–87. Paris Condemnation of 1277: see n. 4. Oxford Condemnation of 1277: Denifle and Chatelain, *Chartularium*, 1, 558–59. On the meetings of Paris theologians in 1277 and 1285/86 to discuss the unity of form, see n. 27 below.

16 See n. 4 regarding the impact of the Condemnation of 1277.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

du Val to appear for investigation. It remains unclear whether this was in connection with his philosophical view: while he had earlier held the theory of the unicity of the intellect, he had abandoned it around 1274/76, and no record of the charges against him survives. The investigation did not go forward because Siger fled Paris to seek help in the papal court and died not long after.[17] In March 1277, the Augustinian Giles of Rome was summoned to answer charges of error in his theological writing. Of the fifty-one statements attributed to him in the charges, three concerned his view on the philosophical possibility of the world's eternity (a story returned to below).[18] Also in March 1277, eminent theologian Henry of Ghent, who had served on the panel that prepared the Paris Condemnation of 1277, was summoned by the bishop of Paris and the legate Simon of Brion to explain his thinking on the unity of form theory, because his view, though different from the theory, seemed too close to it. His answers satisfied his questioners, and that same month he sat on the panel of theologians examining the theory for error.[19] In Oxford, a theology master would be singled out for censure in 1286, also in connection with the unity of form. Richard Knapwell, who supported the theory, was excommunicated by Archbishop of Canterbury John Pecham. However, as Knapwell was a Dominican, an objection was made that Pecham could not excommunicate him because only the pope had jurisdiction over the Order, apart from in cases of heresy. Two days later, Pecham declared the unity of form to be heretical, listing in his pronouncement the same ideas listed in the excommunication. This measure would, as we shall see presently, provoke sharp objection by Paris theologians. Knapwell, for his part, did not appear when summoned for excommunication, but instead fled to the papal court to seek support. He was unsuccessful, and would die a few years later.[20]

17 Siger of Brabant held the unicity of the intellect in his *Quaestiones in tertium De anima* of ca. 1265; and his thinking evolved until he abandoned it in his *Quaestiones super librum De causis* of 1274/76: Siger of Brabant, *Quaestiones in tertium De anima*, Q.9, ed. Bernardo Carlos Bazán, *Siger de Brabant. Quaestiones in tertium De anima, De anima intellectiva, De aeternitate mundi* (Leuven: Publications Universitaires, 1972), 25–29, esp. 26 and 28–29; Siger of Brabant, *Quaestiones super librum De causis*, ed. Antonio Marlasca (Leuven: Publications Universitaires, 1972), Q.27, 108–17, at 112. On Siger's views, see Bernardo Carlos Bazán, "Siger of Brabant," in *A Companion to Philosophy in the Middle Ages*, Jorge J. E. Gracia and Timothy B. Noone (Oxford: Blackwell, 2002), 632–40, at 633 and 637–38; François-Xavier Putallaz and Ruedi Imbach, *Profession: philosophe: Siger de Brabant* (Paris: Éditions du Cerf, 1997), 34–39, 47–55, and 149–58; Fernand van Steenberghen, *Maître Siger de Brabant* (Leuven: Publications Universitaires, 1977), 339–83. On Siger's investigation, see Putallaz and Imbach, *Profession: philosophe*, 169–73.

18 Giles of Rome, *Apologia*, Arts. 30–31 and 50, in *Aegidii Romani Opera Omnia*, 3.1 (Florence: Olschki, 1985), 55 and 59. On Giles's investigation, see the introduction by Wielockx in *Aegidii Romani Opera Omnia*, 69–120. For his opinion and what transpired, see the text accompanied by n. 44 below.

19 On the summons of Henry of Ghent, see Robert Wielockx, "Henry of Ghent and the Events of 1277," in *A Companion to Henry of Ghent*, ed. Gordon A. Wilson (Leiden: Brill, 2011), 25–61, at 30–32.

20 See n. 26 and the text it accompanies.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

The decrees criminalizing the holding of certain ideas (actions by people) at the same time criminalized the ideas themselves through the terminology used. The prohibitions banned these ideas by defining them as errors against Catholic faith. The term "error" applied directly to the ideas, and only in a secondary sense to anyone holding them (a person guilty of error was guilty of holding an erroneous idea). Theological censures at this time were gradated, with labels to indicate that some ideas were more deviant than others. Generally speaking, an idea could be found false, erroneous, or heretical. Falsity was an evaluation of the truth value of a stated view in rational/philosophical terms: this was the least offensive in that something found false did not necessarily concern a matter of faith. An idea that was merely false was not criminal. An idea became an error if it was declared so by the Church, or if Church officers or theologians on a panel investigating a suspect's views or beliefs determined that it was. Some theologians regarded as erroneous any view that was false (philosophically) and which also conflicted with Catholic faith, even in the absence of a formal declaration of error. Heresy, the worst of the offences, was a serious crime that, if the proponent obstinately refused to recant, could be punished by deprivation of property, incarceration or death. An idea was heretical if it denied teachings in Scripture or dogma established by a papal or conciliar decree, or if it had been specifically condemned as heresy by the Church. Censured ideas were sometimes given categories evaluating the manner in which they offended against Catholic belief. In investigation proceedings against individuals in the late thirteenth and fourteenth centuries, a range of qualifying terminology developed for censoring ideas extracted from their writings. For example, an idea not classed as an outright error could be found to be ill-sounding (*male sonans*), rash (*temeraria*), or repugnant to Catholic faith (*fidei catholicae repugnans*). These labels seem not to have had rigid definitions, and sometimes multiple labels were applied in evaluating a single idea.[21]

The prohibitions of 1241 and 1277 in Paris classified the ideas as errors in order to censor them. In the ban of 1241, the ideas were presented in a list, each identified as an error, followed by an explanation of how it erred against faith. The Condemnation of 1277 explained in its preamble that it was a response to the university's faith-reason controversy and the risks to untrained students that the dangerous ideas posed. In the preamble, the term "error" was embellished, with the condemned ideas referred to as

21 Regarding these labels, see Bianchi, *Censure et liberté*, 5; Putallaz, "Censorship," 105–7; Courtenay, "Inquiry and Inquisition," 174; J. M. M. H. Thijssen, *Censure and Heresy at the University of Paris 1200–1400* (Philadelphia: University of Pennsylvania Press, 1998), 2; Thijssen, "Academic Heresy and Intellectual Freedom at the University of Paris, 1200–1378," in *Centres of Learning: Learning and Location in Pre-Modern Europe and the Near East*, ed. Jan Willem Drijvers and Alasdair A. MacDonald (Leiden: Brill, 1995), 217–28, at 222; Larsen, *School of Heretics*, 12; Bernard McGinn, " 'Evil-Sounding, Rash, and Suspect of Heresy': Tensions between Mysticism and Magisterium in the History of the Church," *The Catholic Historical Review* 90 (2004): 193–212, at 193.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

"execrable errors" (*execrabiles errores*) and "gentile errors" (*errores gentilium*), recalling their ancient Greek/pagan and medieval Muslim heritage.[22]

The ideas at issue were proscribed because they were offensive to Christian faith, but the Paris and Oxford decrees of the 1270s did not condemn them as heretical. Nor did the threat of excommunication in the Paris censures of 1270 and 1277 make them so. Excommunication was a punishment that could be applied to a range of kinds of disobedience to the Church.[23] Furthermore, legal competence to declare an idea heretical did not rest with bishops. A declaration of heresy was an order excluding an idea from the entire Catholic community, whereas episcopal decrees applied only to the diocese where they were issued. Bishops had the authority to find individuals guilty of having committed heresy by denying dogma, but not to declare that ideas were heretical. That the jurisdiction of the Paris prohibitions did not reach outside the diocese was confirmed in subsequent discussions. Given that the theories had been banned on the grounds of trespassing on faith, scholastics in distant locations considered whether there was an obligation abroad to obey the Condemnation of 1277, but concluded that the ban did not "cross the sea" to England or "cross the mountains" to Spain and Italy.[24] The competence to declare an idea heretical and to prohibit all Catholics from holding it, as established by tradition, rested with the pope and general Church councils, whose authority extended throughout the Catholic world. When Archbishop Robert Kilwardby, who had issued the Oxford Condemnation of 1277, was asked about his action, he responded that he had not declared the ideas to be heretical, but had merely banned the teaching of them.[25] This limit of episcopal authority was tested when Kilwardby's successor, John Pecham, pursued the matter of the unity of form. Pecham, who had opposed it in his early career teaching at Paris and Oxford, responded to persistent support of the theory by Richard

22 Paris Condemnations of 1241 and 1270 and Oxford Condemnation of 1277: Denifle and Chatelain, *Chartularium*, 1, 170–71, 486, and 558. Paris Condemnation of 1277: Piché, *La condemnation parisienne de 1277*, 72–76.

23 Condemnation of 1270: Denifle and Chatelain, *Chartularium*, 1, 486. Condemnation of 1277: Piché, *La condemnation parisienne de 1277*, 74–76. Regarding excommunication and heresy, and medieval opinions on whether excommunication made one a heretic, see Elizabeth Vodola, *Excommunication in the Middle Ages* (Berkeley: University of California Press, 1986), 28–33, 83–84, and 179; Othmar Hageneder, "Il concetto di eresia nei giuristi del XII e XIII secolo," in *Il sole e la luna. Papato, impero e regni nella teoria e nella prassi dei secoli XII e XIII*, ed. Maria Pia Alberzoni (Milan: Vita e Pensiero, 2000), 69–130.

24 Bianchi, *Il vescovo e i filosofi*, 36 and 57–58 nn 170–174 and 177–78; 52nn113–14; Bianchi, *Censure et liberté*, 218; Bianchi, "1277: A Turning Point in Medieval Philosophy?" 96–97. Even the later adoption of the Condemnations by several other universities (Bologna, Vienna, Cologne, Erfurt) in essence confirmed the geographical limit to the original decree.

25 Robert Kilwardby, Letter to Peter Conflans, Archbishop of Corinth, ed. Franz Ehrle, "Der Augustinismus und der Aristotelismus in der Scholastik gegen Ende des 13. Jahrhs," *Archiv fur Literatur- und Kirchengescruchte des Mittelalters*, 5 (1889): 603–35, at 614, reprinted in *Gesammelte Aufsätze zur Englischen Scholastik* (Rome: Edizioni di Storia e Letteratura, 1970), 18–54, at 18.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

Knapwell and others at the University of Oxford, and in 1286 he declared it heretical.[26] A group of twelve Paris theologians reacted immediately. Having met recently to examine the unity of form, they wrote a letter to Pecham insisting that the theory had never been found erroneous or heretical.[27] In sum, the various episcopal prohibitions did not produce universal declarations of heresy or bans reaching across the Catholic community. Outside Paris scholars were not prohibited from holding the eternity of the world and unicity of the intellect; and scholars outside England were not blocked from holding the unity of form.

One question regarding heresy remains. Given that some theories in the controversy denied central Christian beliefs, we might ask whether they were heretical. As noted above, an idea was heretical if it denied a statement in the Bible or a dogmatic decree by a pope or general Church council, or if a pope or Church council had formally declared it heretical. The theory of the unicity of the intellect clashed with the central Christian belief in salvation and damnation, but it did not contradict a biblical or dogmatic statement. Much later, at the Fifth Lateran Council of 1513, it would be declared heretical.[28] If it had already had this status, the measure would not have been necessary. Of the two controversial theories on the world's eternity, Aristotle's could be said to contradict the act of creation by God as described in Genesis; whereas eternal creation, in the view of several prominent theologians, did not. Eternal creation posited an act of creation by God, and could be shown—as Thomas Aquinas did famously in his *On the Eternity of the World* (*De aeternitate mundi*, ca. 1270/72)—to involve eternal creation *ex nihilo* and thus not to constitute heresy (as long as one held this as merely a philosophical possibility).[29] Last, if the theories had been manifestly heretical, it would not have been necessary to condemn them, as proponents could have been silenced directly on these grounds; nor would it have been expedient to censor them merely as errors.

---

26 For this history and issue, see Larsen, *School of Heretics*, 57–63; Wielockx, "Henry of Ghent and the Events of 1277"; Gordon A. Wilson, "Henry of Ghent and John Peckham's Condemnation of 1286," in *Henry of Ghent and the Transformation of Scholastic Thought*, ed. Guy Guldentops and Carlos Steel (Leuven: Leuven University Press, 2003), 261–75; Alain Boureau, *Théologie, science et censure au XIIIe siècle. Le cas de Jean Peckham* (Paris: Belles Lettres, 2008), 7–38; Daniel Angelo Callus, "The Problem of the Unity of Form and Richard Knapwell, O.P.," in *Mélanges offerts à Étienne Gilson* (Toronto: Pontifical Institute of Medieval Studies, 1959), 123–60.

27 Paris theologians met twice, in 1277 and 1286/87; see Godfrey of Fontaines, *Quodlibet III*, Q.5, in M. De Wulf and A. Pelzer, eds., *Les quatre premiers Quodlibets de Godefroid de Fontaines* (Leuven: Institut Supérieur de Philosophie de l'Université, 1904), 207–8; Henry of Ghent, *Quodlibet X*, Q.5, ed. R. Macken, *Henrici de Gandavo. Quodlibet X* in *Henrici de Gandavo Opera Omnia*, 14 (Leiden: Leuven University Press, 1981), 127, notes; Wielockx, introduction to Giles of Rome, *Apologia*, 221–23; Wielockx, "Henry of Ghent and the Events of 1277."

28 Decrees of the Fifth Lateran Council (1513), in Norman P. Tanner, *Decrees of the Ecumenical Councils*, 2 vols. (Washington: Georgetown University Press, 1990), 1:605.

29 Aquinas, *De aeternitate mundi*, in *Sancti Thomae de Aquino Opera Omnia*, 43 (Rome: Editori di San Tommaso, 1976), 85–89; and see n. 42 and the text it accompanies.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

Criminal Taint—Rhetoric and Perception Among Scholastics

The remarks above concern the theories' legal status. However, rhetoric and perception among philosophers and theologians offer a different perspective. In this group we find scholars referring to various theories in terms of their legal status once they had been condemned, but also as "errors" before the condemnations and "heretical" throughout the controversy.

The fact that the theories had been condemned, and that transgression bore the punishment of excommunication, made a strong impression. Well into the next century, scholars touching on the controversial topics would refer to the fact that the ideas had been condemned in 1277, sometimes using the shorthand "condemned articles" or even "excommunicated articles" (*articuli damnati*, *condemnati*, or *excommunicati*).[30] In recalling the punishment prescribed for proponents, the expression *articuli excommunicati* (originating in manuscript copies of the decree), applied to ideas an adjective pertaining to people. These labels in scholastic discussion signalled the perceived legal status of the ideas themselves as criminal.

Yet scholastic labelling of the controversial theories as criminal pre-dated their formal condemnation. Over the same period that prohibitions evolved from book banning to censoring ideas as errors, discussion in philosophical and theological works targeted the ideas as deviating from fundamental religious beliefs. Many scholastics opposing the ideas stigmatized them moreover as criminal, through the use of the labels "error" and "heretical" even before the declarations in the 1270s that made them errors. For example, Bonaventure, writing in Paris before the decrees, characterized the eternity of the world and unicity of the intellect as two of the worst "errors" philosophers made against faith.[31] The graver label "heresy" appeared already in early discussions. In the 1220s, Robert Grosseteste, the great philosopher, theologian, first chancellor of Oxford, and bishop of Lincoln, who translated from Greek into Latin several of Aristotle's works, called the theory of the eternity of motion and therefore the world "heretical" in a commentary on Aristotle's *Physics*. In his *Hexaemeron* (after 1231), he applied the term to proponents, angrily calling "heretical" not only scholastic contemporaries who tried to make the theory fit with Christianity, but even Aristotle himself. In the following decades, before and after the censures of the 1270s, the label "heretical" was applied to the controversial theories by several noted scholastics. These were theologians and philosophers of various positions on the controversial theories, and on the relationship between philosophy and faith. The eternity of the world was called "heretical" by Thomas Aquinas; and radical Aristotelian

---

30 For discussion and examples, see Bianchi, *Il vescovo e i filosofi*, 35, 52n113, 55n144, 57n169, 58n177; Bianchi, *Censure et liberté*, 35–36; Bianchi, "1277: A Turning Point in Medieval Philosophy?" 96.

31 Bonaventure was writing in the 1260s: Bonaventure, *Collationes de decem praeceptis*, Collatio 2, in *S. Bonavanturae Opera Omnia*, 5 (Quarrachi: Typographia Collegii S. Bonaventurae, 1891), 507–32, at 514; *Collationes de septem donis Spiritus Sancti*, Collatio 8, in *S. Bonavanturae Opera Omnia*, 457–503, at 497–98; and see (from 1273) *Collationes in Hexaemeron*, Collatio 6, in *S. Bonavanturae Opera Omnia*, 329–449, at 361.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

Boethius of Dacia called its proponents heretical. Eternal creation, or aspects of it, was called "heretical" by the somewhat conservative theologian Henry of Ghent, Aquinas (his early thought), and Giles of Rome when defending himself against accusations of error on this subject.[32] The unicity of the intellect was called "heretical" by conservative theologian Matthew of Aquasparta, Aquinas, and radical Aristotelian Siger of Brabant when he came to reject the theory.[33]

The use of these labels often seems to have been rhetorical, to highlight the offense to Christian belief, or strategic, to distinguish a provocative position from a related view which was clearly at odds with faith (as noted in the next section).[34] Taken together, however, this term use shows how strongly these theories were perceived to deviate from fundamental Catholic beliefs, including by people who, as we shall see presently, accepted their theoretical possibility.

Behaviour Regarding Criminal Ideas—Censure and Criticism

In connection with the criminalization of ideas in this story, there are some significant aspects to be considered concerning how the ideas were held. Here we shift focus from the notion of criminal ideas to that of possible criminal behaviour/people in connection with them; but the question of criminality of people in this respect is very much conditioned by the criminal status of the ideas themselves. That is, even if these people were not outright proponents of the ideas, or they did not deny the religious beliefs the ideas conflicted with, the ideas' pejorative status raised the question of whether these people had committed serious transgressions.

In approaching this subject, there is an important distinction to be made between scholars who held controversial philosophical opinions and Catholics who held religious beliefs that contradicted Church doctrine, such as Cathars. Both held ideas deviating from Catholicism, but while the religious deviant rejected the doctrine his

32 Regarding the eternity of the world: Aquinas, *Commentum in quatuor libros Sententiarum*, II, Dist. 1, Q.1, Art. 5, in *Sancti Thomae Aquinatis Opera Omnia*, 6 (Parma: Typis Petri Fiaccadori, 1856), 390–95, at 392; Boethius of Dacia, *De aeternitate mundi*, ed. Niels Jørgen Green-Pedersen, *Boethii Daci opera. Topica–Opuscula*, 6.2 (Copenhagen: Gad, 1976), 336 and 346–47. Regarding eternal creation: Henry of Ghent, *Quodlibet I*, Q.7–8, ed. Raymond Macken, in *Henrici de Gandavo Opera Omnia*, 5, 27–46, at 30, also published in Macken, "La temporalité radicale de la créature selon Henri de Gand," *Recherches de Théologie Ancienne et Médiévale*, 37 (1971): 211–72, at 260; Aquinas, *Quaestiones disputatae De veritate*, Q.2, Art. 14, 2, in *Sancti Thomae de Aquino Opera Omnia*, vol. 22, part 1.2 (Rome: Editori di San Tommaso, 1970), 91; Aquinas, *Quaestiones disputatae De potentia*, Q.1, Art. 1, 8, in *Quaestiones disputatae*, 2 vols. (Turin: Marietti, 1953), 2: 7–10, at 8; Giles of Rome, *Apologia*, 55.

33 Regarding the unicity of the intellect: Matthew of Aquasparta, *Quaestiones disputatae de anima*, ed. A. J. Gondras (Paris: Librairie Philosophique J. Vrin, 1961), Q.7, 117–35, at 127; Aquinas, *Commentum in quatuor libros Sententiarum*, II, Dist. 17, Q.2, Art. 1, 532–36, at 533; Siger of Brabant, *Quaestiones super librum De causis*, 112.

34 On the complexities of using the "heresy" label (for people and behaviour), see Ian Forrest's chapter in this volume.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

or her beliefs challenged, the scholars continued to profess them. The Cathar heretic embracing dualism was thought genuinely to believe that there were two eternal divine principles, good and evil, rather than the one God of Scripture. The scholars, however, to whatever degree they embraced Aristotelian thinking, continued to believe the Catholic teachings with which their theories clashed. Any controversial opinion they might hold as a valid conclusion in philosophical discourse did not undermine their sincere belief in the higher, divine truths of their faith. Two kinds of opinion presented problems in this respect, and will be discussed below. One was the view that a certain theory had been proved demonstratively, and so was true according to philosophy. That is, it was the logical outcome of arguments based on the principles in a philosophical system such as physics or metaphysics, and so "true" within that system. In connection with this view and the simultaneous belief in religious doctrine it opposed, we will touch on the position historians call "Double Truth." The other problematic opinion was that such a theory could not be proved or disproved, but remained theoretically possible within a philosophical system. That is, it was not necessarily true according to philosophy, but it was still possible. In the thirteenth-century faith-reason controversy, both opinions were attacked as provocative. What follows is a discussion of the ways human behaviour and people could be criminalized or suspected of criminality in connection with criminalized ideas, even if the proponents remained steadfast in their religious beliefs.

In examining these views, we should bear in mind a difference between holding something through rational demonstration and belief in something without evidence or explanation. To hold that something was demonstrable, or "true" philosophically, was to hold it as a conclusion arrived at rationally and according to principles within philosophy. To believe something was to hold it without philosophical considerations. Some scholastics, such as Bonaventure, maintained that divine truths such as Creation could be demonstrated rationally as well as believed; others, such as Aquinas, disagreed. They believed in religious doctrines without rational explanation. Yet what happened if such a scholar concluded that a controversial or prohibited theory was demonstrable, or instead that it was not demonstrable but remained philosophically possible, yet in either case nevertheless believed that the Christian doctrine it opposed was true? Was he a criminal?

For Church and university authorities in Paris in the 1270s, the opinion that a controversial theory was demonstrable was a position that denied Christian teaching. To say, for example, that the world is eternal and not created by God is demonstrably true according to the Aristotelian system of physics, would seem to contradict Genesis. Indeed, taken on its own, it does. Yet if someone holding the theory simultaneously holds that the world was newly created by God, that person is not obstinately denying Scripture. According to remarks in the preamble to the Paris Condemnation of 1277, expressed in tones of severe anger, this type of position was an alarming trend among philosophy scholars in the arts faculty.[35] Already in 1270, in his treatise *On the Unicity*

35 Piché, *La condemnation*, 72–74: "Ne autem, quod sic innuunt asserere uideantur, responsiones ita palliant quod, dum putant uitare scillam, incidunt in caripdim. Dicunt enim ea esse uera

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

of the Intellect (*De unitate intellectus*), Thomas Aquinas had fumed against an unnamed opponent for taking it when defending what he called the "Averroist" position on the unified intellect.[36] Historians call the position "Double Truth" and, drawing on an insinuation made in both the Condemnation and Aquinas's treatise, they describe Double Truth as entailing that the two truths, one philosophical and one religious, are both held as the products of rational demonstration. Historical study, however, has not discovered an example of a scholastic holding this position during the controversy, and the consensus among historians is that no one held it.[37]

Yet there are cases of scholastics who held, or promoted the position of holding, a controversial theory as the product of philosophical demonstration simultaneously with possessing a devout belief, without demonstration, in the religious truth with which it conflicted. This is how historians characterize both Siger of Brabant, during the period he held the unicity of the intellect, and a position put forward by Boethius of Dacia, in his *On the Eternity of the World* (*De aeternitate mundi*, ca. 1270/72). Boethius did not hold that the world's eternity was demonstrable (as noted above, he called proponents of this opinion "heretical"), but he defended the philosopher's right in general to follow philosophical inquiry to logical conclusions. In his view, Christian philosophers preserved both aspects of their identity if, when coming to a philosophical conclusion clashing with faith, they nevertheless believed (without demonstration) the religious truth it opposed. He presented this position as a viable means for them to pursue rigorous philosophical enquiry while remaining devout in their faith.[38]

---

secundum philosophiam, sed non secundum fidem catholicam, quasi sint due contrarie ueritates, et quasi contra ueritatem sacre scripture sit ueritas in dictis gentilium dampnatorum."

36 Thomas Aquinas, *De unitate intellectus*, in *Sancti Thomae de Aquino Opera Omnia*, 43 (Rome: Editori di San Tommaso, 1976), 291–314, at 314: "Adhuc autem grauius est quod postmodum dicit 'Per rationem concludo de necessitate quod intellectus est unus numero, firmiter tamen teneo oppositum per fidem.' Ergo sentit quod fides sit de aliquibus quorum contraria de necessitate concludi possunt; cum autem de necessitate concludi non possit nisi verum necessarium, cuius oppositum est falsum impossibile, sequitur secundum eius dictum quod fides sit de falso impossibili, quod etiam Deus facere non potest: quod fidelium aures ferre non possunt." For Aquinas's use of the expression "Averroist," see p. 294.

37 For an analysis of Double Truth and scholarship on it, see Luca Bianchi *Pour une histoire de la "double vérité"* (Paris: Librairie Philosophique J. Vrin, 2008); and see Richard C. Dales, "The Origin of the Doctrine of the Double Truth," *Viator* 15 (1984): 169–79. Historians infer that both truths in Double Truth must be held according to philosophy/reason because of the word "contrary" in the statements in the Condemnation and Aquinas's treatise. The word suggests that culprits hold a contradiction, which in philosophical terms can only be formed if the two truths are produced by the same rational system. However, that the culprits hold a contradiction is an angry insinuation in the documents, not an account of what scholars actually said.

38 For Siger of Brabant's philosophical view, see n. 17; and see Bazán, "Siger of Brabant." For Boethius of Dacia's position, see his *De aeternitate mundi*, 347–57, esp. 350–53; and see John F. Wippel's introduction to his English translation, *Boethius of Dacia: On the Supreme Good*, *On the Eternity of the World*, *On Dreams* (Toronto: Pontifical Institute of Mediaeval Studies, 1987), 4, 9, 14, and 17; Luca Bianchi's introduction to his Italian translation of Boethius of Dacia's *De aeternitate*

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

The position may have been held in full sincerity, but one can imagine the outrage and frustration of authorities proscribing the theories. Not surprisingly, the Paris Condemnation of 1277 cast proponents as hypocritical for denying philosophically the Christian truths they claimed to believe. On a practical level, in terms of implementing the decree, denunciation of the position prevented future suspects investigated for breaching the ban from persisting in the outlawed views while maintaining that they did not deny Christian beliefs. Without recourse to this position, they would have to recant their philosophical opinion or risk censure.

The other kind of problematic opinion, that a contentious theory could not be proved true or false but remained philosophically possible, featured in the debate over the world's eternity. This was a conclusion produced in terms of what philosophical reasoning could show, usually arrived at in the following way: it is not possible to prove that the world is eternal (because the author accepts rebuttals to the arguments used to prove it); nor, by contrast, is it possible to prove that the world is not and cannot possibly be eternal (because these arguments can also be rebutted); therefore, if the world's eternity cannot be shown to be impossible, it remains theoretically possible, even if it did not actually happen. A scholastic taking the position of philosophical possibility was exploring what could be said on a philosophical level, independently from what he believed as a Christian. However, it seemed to some contemporaries as shockingly close to holding that the world actually was eternal.[39]

This was the view held by Boethius of Dacia, Aquinas, and Giles of Rome, who all took care to distance it from that of the world's actual eternity. Boethius presented this position in his *On the Eternity of the World*. Aware that it was controversial, he was prudent in making his case to label proponents of the world's actual eternity as "heretical."[40] Aquinas presented the position in his *Summa theologiae* and *Summa contra*

---

mundi in *Sull'eternità del mondo, sui sogni, sul sommo bene* (Milan: La Vita Felice, 2017), 14–15 and 39–46; Bianchi, "From Pope Urban VIII to Bishop Étienne Tempier: The Strange History of the 'Doctrine of Double Truth'," *Freiburger Zeitschrift für Philosophie und Theologie* 64 (2017): 9–26. I have suggested elsewhere that, based on the phrasing of the contemporary objections, the "Double Truth" they described was probably not one of two truths produced through reason, but the position described in the paragraph above, for which we can find proponents: Ann Giletti, "The Double Truth: How Are We to Look at It?" *Recherches de Théologie et Philosophie Médiévales* 88 (2021): 89–141.

39 William de la Mare said this in reacting against Aquinas's support of this conclusion; see his *Correctorium fratris Thomae*, edited along with the response of Richard Knapwell in Palémon Glorieux, ed., *Le Correctorium Corruptorii "Quare"* (Kain: Le Saulchoir, 1927), Art. 7, 40–45, at 41 (speaking of eternal creation); and see Art. 6, 30–40, at 31–34 (criticizing Aquinas for not demonstrating the impossibility of the world's eternity).

40 In a departure from the case for philosophical possibility described above, Boethius made the case that both the world's eternity and the impossibility of its eternity could not be demonstrated (arguments for either side could be undermined), but unrebuttable arguments could be put forward for its possibility; for the arguments supporting its possibility, see Boethius of Dacia, *De aeternitate mundi*, 339–40. On his labelling proponents of the actual eternity of the world "heretical," see n. 32 above.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

gentiles, where he argued that Creation could not be demonstrated but had to be taken in faith.[41] When he later showed in his *On the Eternity of the World* that the strongest arguments against the world's eternity did not stand, he was evidently concerned that his opinion could be vulnerable to grave accusations: in the introduction, he spoke at length about how his conclusion could not be regarded as heretical.[42] After his death in 1274, his opinion came under attack by colleagues at the University of Paris. Contemporaries also thought that the Condemnation of 1277 targeted some of his views; his well-known opinion on the world's eternity may have been one they had in mind, given that critics saw it as close to the actual eternity of the world. The eventual solution preserving his reputation covered any such ambiguity. After Aquinas was canonized as a saint in 1323, an episcopal decree annulled the articles of 1277 that touched on, or seemed to touch on, his teaching (without naming the articles).[43] Boethius of Dacia and Aquinas wrote their treatises in 1270/72, the time of the Paris Condemnation of 1270. In the following years the tense climate worsened. Almost simultaneous with the Condemnation of 1277, Giles of Rome was summoned for investigation regarding a collection of errors found in his writing. Included in the list was the possibility of the world's eternity. Giles replied in his defence that the crime in this issue would be to hold the world actually was eternal, an opinion he called "heretical."[44] Giles's career was interrupted for years by this investigation, and he had to leave Paris during this period. Although he would be restored to the university and would go on to a brilliant career in the Church—his writings would become the official teaching of the Augustinian Order and he would be made archbishop of Bourges—in his later works he remained cautious on the subject of the world's eternity.

The Condemnations of 1277 in Paris banned the holding of certain ideas because they conflicted with Catholic faith; yet the two positions described above also became dangerous, even though the proponents devoutly held the Christian beliefs the theories challenged. Once the theories had been outlawed, holding them even in a moderated way became risky. The first position we looked at, that of holding two truths, was outlawed by the Condemnation: one could no longer claim to be a devout and obedient Catholic who truly believed in Creation and the afterlife of souls if one also professed that in philosophical terms the eternity of the world or the unicity of the intellect was demonstrable. The other position we examined, that of philosophical possibility, was not officially condemned, but became highly risky when the theories were outlawed: even if one held that the world's eternity was not demonstrable (not true)

41 Aquinas, *Summa theologiae*, I, Q.46, Arts. 1–2, in *Sancti Thomae Aquinatis Opera Omnia*, 4 (Rome: Typographia Polyglotta, 1888), 478–82; *Summa contra gentiles*, II, chaps. 32–38, in *Sancti Thomae Aquinatis Opera Omnia*, 13 (Rome: Typis Riccardi Garroni, 1918), 344–56.

42 Aquinas, *De aeternitate mundi*, 85.

43 William de la Mare led the attack on Aquinas's thinking; see n. 39. Revocation of articles of the Condemnation of 1277 touching on the teaching of Aquinas (1325): Denifle and Chatelain, *Chartularium*, 2, 280–81, at 281.

44 See nn. 18 and 32.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

but merely theoretically possible for lack of an effective proof of the contrary, one risked being regarded as criminal, notwithstanding the fact that this position was neither an endorsement of the theory nor a denial of Scripture. In the decades following the Condemnation of 1277, the decree remained in force. While holding the demonstrability of the condemned theories remained a crime, the position of philosophical possibility was not. Nevertheless, many scholars taking the position were mindful of perceptions of the view, and took care in how they discussed it.

Conclusion

Criminality in this controversy over philosophy concerned both the ideas and the action of holding them. Holding the ideas was a crime, but the ideas themselves were also labelled as criminal, both in official measures and in scholastic discussion about them. The danger lay in the philosophical ideas because they denied other ideas fundamental to Catholic faith—even if the person holding them probably did not deny those Catholic teachings but truly believed them. Thus, while the aspect of human behaviour was a component of the characterization of these ideas as criminal, the ideas taken on their own were not considered neutral. They were seen as possessing or being imbued with a pejorative value or status.

If we are to say that ideas could be criminal or deviant, we must ask one last question. Could an idea be classed this way if it was not held by a person? Yes, if we include the possibility that someone might hold it. Even when ideas had in the past been outlawed but were no longer alive in current thought, their danger lay in the possibility of their being held by someone. Most of the early Christian heresies listed in Isidore of Seville's *Etymologies*, codified into canon law, and named in medieval works on heresy had not been held by Christians for hundreds of years.[45] Yet it remained relevant to refer to these dead heresies not only to preserve the history of the Church, but also to have on record accounts of ideas which were already proscribed, should anyone dare to revive them.

Where, then, on the spectrum of deviance to criminality do we place the theories at the centre of this controversy? Clearly there was a sense in the academic community, independently from the official measures, that they were deviant in that they did not conform to faith. In this environment they could be labelled as criminal, even by scholars accepting their philosophical possibility. Yet the criminality of the ideas was more than a matter of perception in the jurisdictions of the condemnations. Here this became their legal status in practice, for it was only on the grounds of this status that authorities could question not just someone actually holding them (now an illegal action) but also someone not holding them and merely accepting their possibility.

45 Isidore of Seville, *Etymologiae*, VIII, chap. 5; *Decretum*, II, C.24, Q.3, chap. 39. For an example of a medieval work recalling this list of heresies (analysed along with Augustine's list of heresies), see Guido Terreni, *Summa de haeresibus* (Cologne: Petrus Brachel, 1631), 70–95.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.

Selected Secondary Sources

Bianchi, Luca. "1277: A Turning Point in Medieval Philosophy?" In *Was ist Philosophie im Mittelalter?*, edited by Jan A. Aertsen and Andreas Speer, 90–110. Berlin: de Gruyter, 1998.

Copeland, Rita. *Pedagogy, Intellectuals, and Dissent in the Later Middle Ages: Lollardy and Ideas of Learning*. Cambridge: Cambridge University Press, 2001.

Courtenay, William J. "Inquiry and Inquisition: Academic Freedom in Medieval Universities." *Church History* 58 (1989): 168–81.

Larsen, Andrew E. *The School of Heretics: Academic Condemnation at the University of Oxford, 1277–1409*. Leiden: Brill, 2011.

Moule, Gregory. *Corporate Jurisdiction, Academic Heresy, and Fraternal Correction at the University of Paris, 1200–1400*. Leiden: Brill, 2016.

Putallaz, François-Xavier. "Censorship." In *The Cambridge History of Medieval Philosophy*, edited by Robert Pasnau, 1:99–113. Cambridge: Cambridge University Press, 2010.

Thijssen, J. M. M. H. *Censure and Heresy at the University of Paris 1200–1400*. Philadelphia: University of Pennsylvania Press, 1998.

Wei, Ian P. *Intellectual Culture in Medieval Paris: Theologians and the University, c.1100–1330*. Cambridge: Cambridge University Press, 2012.

Copyright © 2023. Arc Humanities Press. All rights reserved.

A Companion to Crime and Deviance in the Middle Ages, edited by Hannah Skoda, Arc Humanities Press, 2023. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/oxford/detail.action?docID=30564954.
Created from oxford on 2025-04-09 12:47:26.