CONCILIJUM GENERALE AND STUDIUM GENERALE: THE TRANSFORMATION OF DOCTRINAL REGULATION IN THE MIDDLE AGES

PETER R. McKEON, Assistant Professor of History, University of Illinois at Chicago Circle

The accretions and modifications of time often disguise the origin of familiar contemporary institutions. Furthermore Medieval institutions must frequently be studied in regard to their development rather than in terms of their function at any one time. Thus this paper will deal with certain aspects of development in conciliar history and will examine the relation of this development to the early history of the university.

In the councils of the early church the definition of doctrine naturally assumed a position of great importance, due not so much to any specific distinction as to the fact that fides represented a common rather than a regional problem. In dogmatic questions these assemblies operated at least ostensibly as meetings of experts, qualified to hear the content of a disputed doctrine and to decide upon its orthodoxy or upon its deviation from doctrine known to be legitimate. In the east this treatment of theological issues came to assume a somewhat stereotyped form, and the problem of fides dominated the convocation of an extraordinary council. But the administrative backwardness of the Germanic countries had given the church council in the west a wholly different role. Often the sole retainer of governmental legitimacy, the council assumed concern of matters far beyond the ecclesiastical problems of the ancient church; in other words, problems formerly political had become the proper concern of the church council. Thus, the councils of the Visigoths dominated all government, while those of the Merovingians were seldom concerned with questions of doctrine.

The activity of the popes in the years following 1049 ended a long period during which synodal meetings had been infrequent. During the early years of the so-called “papal reform” the papacy achieved its aim of a centralized ecclesiastical administration through the ancient medium of the councils, and the reestablishment of interest in doctrinal catholicity was a natural accompaniment to a goal of universal primacy. The decision of theological argument was no less closely guarded by the various supporters of local autonomy. Consequently, doctrine, as one item in the contest between centralization and particularism, occupied the same ambiguous position as did the other more properly political issues of this controversy. Thus, William of Normandy called to Brioude in 1050 a meeting which heard and judged the arguments of Berengar of Tours, while one year later appeal to King Henry I resulted in a council held at Paris, where a
schedule taken from Berengar’s writings was read and condemned. Similarly, motivated by desire to retain autonomy in what they regarded as a local situation, the French prelates meeting at Tours in 1054 opposed the removal of Berengar’s case to Rome, while Berengar himself had denied the right of Leo IX to call him to the Council of Vercelli in 1050.

Such protests were symptomatic of the reaction to papal assertions, and must be viewed in the broader perspective of protests by metropolitan against Roman interest in local matters. The answer of the papal protagonists rested upon a differentiation of Roman governmental function; they argued that the papal primacy, being based upon the Petrine commission, was wholly dissimilar from the government of the bishops. According to the Roman view, since all government bore a theological orientation, political questions no less than dogmatic took on the trappings of questions of faith, with respect to which Rome was the final arbiter.

But such expansion of the scope of fides did not affect a more basic distinction, between the enunciation and implementation of policy in matters basically political and in doctrinal issues properly so called. This distinction became significant as the government of the church assumed a more sophisticated character. The old conciliar administration was not well-suited to centralized governmental regulation, and, desiring to create an effective bureaucracy controlled by Rome, the centralized government sought to dispense with the forms as well as the reality of an administration based upon conciliar consultation. Thus the Roman council, like the office of the papacy, became differentiated from other governmental organs. In an extraordinary occurrence in the mid-eleventh century, under the successors of Leo IX it became an annual event; while Gregory VII asserted that to the Roman pontiff alone belonged the right of convening a general council. Concurrently, it may be noted that the invocation of such an assembly thus tended to attach to the person of the caller rather than to the scope either of attendance or of business and that the prerogative of calling a general council became associated with the pope’s status as universal. Consequently, such invocation became a right exercised by convenience rather than determined by duty, and the Roman council gradually lost its status as a universal governmental body. In this process the development of canon law played an essential role; the collection of decrees by curial canonists emphasized the Roman primacy, and in addition such collections, properly utilized, amounted in fact to readily controllable universal judgment. Thus, the advances in canon law and the formulation of a more complete and systematic canon of ecclesiastical regulation aided transformation in the character of ecclesiastical administration; the application of canonical norms frequently eliminated the
need for a meeting with the capacity to resolve a particular *causa*. Canon law manuals might thus serve not only as guides for the activity of a council but also as substitutes for the council itself.15

In the area of doctrinal definition, like other governmental matters, the papacy asserted both a claim to primacy and the implementation of such a claim. In the implementation of their claim to primacy in doctrinal definition, the popes were aided by the inability of local authorities to deal adequately with contemporary problems, for the educational shortcomings of the episcopacy made these prelates quite unable to cope with the doctrinal complexities which accompanied the flowering of interest in dialectic. Berengar of Tours was not alone in complaining that he was misunderstood,16 for Roscelin, Abelard, and Gilbert of la Porée, as well as their supporters, likewise lamented the incapacity of *soi-disant* authorities.17 The inadequacy of old methods of synodal investigation was evident at Bari in 1098, when the Latin position on the Trinity found an adequate defense only due to the chance attendance of Saint Anselm.18 The *De processione* was the result of requests to the archbishop that he set down his arguments delivered at that council,19 and the *De trinitate* reflects the failure of the council at Soissons in 1093 to define adequately the anti-Roscellinist position.20 The papacy responded to the need for learned counsel in defining questions of faith, while at the same time taking advantage of the inability of the episcopacy to provide such aid from its own ranks; thus William of Champeaux was summoned to the council of Troyes in 1107, while in 1148 Eugene III called his synod in the north, so that he might utilize the learning of the French scholars.21 In theology as in church government generally Rome was able by the mid-twelfth century to function as universal authority, and to oppose to the particularism of episcopal contentions the assertion that Rome alone might decide a doctrinal controversy.22

But in the matter of doctrine lay a hidden hindrance to the Roman primacy, for the intricacies of theological problems were in many ways unique, and hardly similar to other governmental concerns; the theologian could not be declared orthodox or heretical according to pre-formulated standards so easily as could the erring prelate be judged simoniae or the warring lord a violator of the *treuga Dei*. Thus in the area of doctrinal decision alone it was necessary to retain the council, that is, a body meeting for mutual determination, or at least mutual advice, with regard to the solution of a particular problem. As a result, in the case of theology, the centralized Roman authority had to maintain a direct relation with conciliar audition and legislation, and the problem of doctrinal enunciation continued to be linked not only with a council, but with a Roman, and hence a general council. Two important facts may then be noted. In the first place, dur-
ing the twelfth century the association of doctrinal decisions with a general council was in fact a gratuitous occurrence, stemming from the inability in this instance alone to substitute a fixed canonical rule for a conciliar decision, and from the consequent necessity of retaining an advisory board. *Fides* then did not at this time stand as a category of questions apart, nor did doctrinal concerns alone hold universal significance; rather, theological enunciation persisted in the twelfth century as the only category of questions relevant to ecclesiastical supervision which still, and in fact increasingly, required consultation. This circumstance combined by chance with the changing conception of a general council as a papal council, while the canonical formulations of the twelfth century rigidified the status of this as of so many definitions. Secondly, the failure of the papacy to subsume this one class of problems to its sole aegis was compounded by the application of Roman law principles to ecclesiastical administration, for such principles tended to reflect a conception of papal power and rule not monolithic but deriving essentially from consent; here again the inability to apply fixed canonical norms to doctrinal issues impeded papal assertions, for canonical collections where applicable possessed the aura of regulations having at some time received universal approbation. Thus, by the inclusion and transformation of Roman law principles, the chance identification of general council and *fides* came to present a unique problem for the papacy, since now the calling of a general council became not only a convenience, but the *sine qua non* for doctrinal investigation and regulation.

As a result of these developments, two problems faced the Roman see. How might the papacy subject the activities of an advisory council to the interests of a Rome-oriented church, and yet retain the consultative capacity which had been shown to be necessary to successful doctrinal elucidation and regulation? How could the legal requirement of a general council in a question of *fides* be reconciled with the Rome-directed requirements of a centralized authority?

The solution to both problems lay in the development of a standing committee of experts, dependent directly upon the papacy, and endowed with the legal status of a *concilium generale*. Indeed, the source for such a group had long existed. Eugene III had used the skills of the Parisian masters in the case of Gilbert of la Porée, and Alexander III had done similarly in the instance of Peter Lombard. The Parisian schools had over many years acquired great renown as centers for arbitration, while on the other hand the need to discipline the content of doctrinal teaching at Paris had been felt even in the twelfth century. At this time no legal differentiation existed between the schools of Paris and other ecclesiastical schools, but by the action of the third Lateran council in 1179 the way was opened for a closer subjection of teaching in general by the papacy,
while already in 1177 some papal supervision of theological curriculum was being given. From this position of negative surveillance to one of positive utilization was a small step, especially facilitated in 1200 by the recognition given to the Parisian scholars by Philip Augustus. The function of the University of Paris in papal eyes was the proper education of the *ecclesia*, but this was a broad goal which must be attained in several ways. The university must clearly transcend the function common to all episcopal schools, that of a training ground for future pastors. Thus, soon after the foundation of the University of Paris the usefulness of such an institution in the promulgation of orthodox doctrine was clear. By 1207 Innocent III had limited the number of theology masters to eight, by 1219 Honorius III had forbidden the study of civil law at Paris. The legate Robert of Courçon, in his publication of university statutes in 1213, made reference to the special position which Paris occupied in the eyes of the pope. The pope knew well what he was about. Innocent had himself studied at Paris; in 1205 it was to Paris that he turned when seeking for proponents of reformation in the Greek east, as did Honorius III, looking for similar aid for Toulouse in 1217.

But the University of Paris served a further function, and one in which this institution was not only preeminent but unique, namely, the very definition of doctrine. In earlier cases where Parisian masters attended conciliar meetings, they had served only as consultants to the assembly; even in 1206, in the condemnation of Amalric of Bene, while the pope made use of Parisian learning in bringing sentence, the later condemnation of the Amalricians reverted to a local form of action, taking place at a provincial council (at which, indeed, the presence and activity of the Parisian masters is noteworthy), and the teachings of Amalric were finally condemned by a general council, that of the Lateran in 1215, which was also concerned with giving universal authority to several other theological definitions. But even at this time the status of the theology faculty at Paris was changing, as the possibilities of a *studium generale* were realized and utilized by the papacy. The years following 1205 were marked at the university by a gradual severance of the ties which had bound educational institutions so closely to local authorities, and concurrently by a closer connection with the papacy. It has often been noted that this development was in large measure due to the desire of masters and scholars to break away from the tutelage of the bishop of Paris. But it must be emphasized that this tendency was also externally influenced. The legislation of Innocent III is characterized generally by attendance to the necessity for at least tacit consent, and the innovations in church government which his pontificate witnessed are permeated by this quality. In like manner, under Innocent III, the papal need for a standing, universal, and yet
readily controllable council competent to deal with problems of doctrinal regulation found solution in an adaptation of the theology faculty of the University of Paris.

In the establishment of a legal equivalent for the *concilium generale* the papacy effected several modifications. The criterion of authority was met, thanks to the use of Roman law principles, by the use of a *studium generale* which, in drawing attendance from an international rather than a local area, functioned similarly to a general council. The faculty of theology, in turn, exhibited this generality in two ways: first, it was to be drawn from those scholars who had received the baccalaureate; secondly, in accordance with the eleventh constitution of the fourth Lateran council, such an international school would include representatives from each province. The doctors of theology, a smaller group still drawn from the same sources, had then a dual authority and function as teachers: individually, they instructed pupils; collectively, they embodied the authority of a committee of experts empowered, as representative of the church through the university, to give pronouncements upon doctrinal issues.

But the problem of subordination still faced the papacy. Education in the church had always been under the influence of the bishops, and the struggle of the bishop of Paris to retain his hold over the schools of his city reflects local reaction to the intention of the popes to bring the university directly under Roman control. Again the aim of the papacy was two-fold, both to better supervise and regulate the education of clerics, and to free the authority and decisions of this universal institution from any legal subjection to local prelates. But the constitution of a *studium generale* was not in itself sufficient to avoid the possibility of local interference, for allegiance would still be retained to the bishop and chapter which had provided the prebend. An organization was needed which, by being drawn from a universal sphere, would retain the character of a body representing the whole *ecclesia*, but which in its composition would be organized into groups expressing both inclusion in the *studium* and divorce from local associations.

The nations were adopted to fill this need. In origin they served no practical purpose (an explanation which perhaps accounts for the paucity of early records concerning them), standing rather as legal entities to supersede the local ties of scholars and thus circumvent the possibility that the basis of the university might be viewed as provincial. To fulfill papal needs, the constitution of the university could not be construed as resting upon provincial or diocesan foundations; the *studium* might not be under the control of the bishop of Paris (since the university must function as a general body), nor could connection be retained with the local cathedrals which had sent scholars to Paris (since an aim of the University of Paris was to
avoid the interference of local interests). As underlying legal entities, the nations were the constitutional basis of the university in its context of a representative institution; the *studium generale* stood in this aspect in the position of a substitute for a general council called from the whole church. Graduation from the faculty of arts was originally a prerequisite for attendance in the faculty of theology, and the papal intention in making the University of Paris an international school may be seen, in large measure, as a desire to create the material for a small body of *doctores theologiae* closely dependent upon the papacy, permanently established, and able to speak for the whole church in the determination of doctrinal issues.

Although this aspect of university was of short endurance, its course may be traced in the documents relating to the activities of the *studium*. By 1225 the masters were notably present at a provincial council under the archbishop of Sens, which condemned works of John the Scot; the existence of a letter of Honorius III to the bishop of Paris, announcing the decisions of this council, is interesting evidence of the scholastic autonomy gained from that bishop, an autonomy evidently here based upon the use of learned advice in the doctrinal decision of a larger assembly. In 1241 the faculty of theology condemned the errors of Friar Stephen, a decree later affirmed even by a general chapter of his own Dominican order. In 1244, on the basis of a Parisian investigation, Innocent IV condemned the Talmud, and chancellor Odo of Tusculum wrote, two years later, "*[f]acta vero predicta examinatione, omnium magistrorum theologie et juris canonici et aliorum multorum habito consilio, juxta mandatus apostolicum omnes predicti libri, qui tunc haberi potuerunt, incendio fuerunt tunc cremati.*" The promulgation of papal decrees, even those given in a *concilium generale*, involved the notification of the other universal bodies, the *studia generalia*, at which these decrees were to be used "... tam in judiciis quam in scolis..." an interesting indication of the dual function of the university, an activity of determining and teaching which it had in common with the councils of earlier days. The importance of the university to the whole church is the argument put forth in the encyclical issued by the school to the prelates of the church in 1254, an importance not merely as teacher in the narrow sense, but as guardian of the faith and *parens scientiarum*. Indeed, when the university closed in 1255, in protest against the pro-mendicant decrees of Pope Alexander IV, it is significant to note that the four nations were considered by their members to remain in existence, the skeleton of the *studium generale*, pointing up that the basis of universality, and hence of universal arbitration, lay fundamentally in membership in the nations.

But with the quarrels of the 1250's ended what remained of the university's official status as *arbiter fidei*. The first part of the thr-
The nineteenth century had made apparent with what haste such a papal creation could assume the position of a champion of particularism.\textsuperscript{58} In the mendicant orders the popes had found both an instrument more readily handled than the University of Paris and a source of learned counsel.\textsuperscript{59} Again, the changing position of the curia permitted the college of cardinals to function increasingly as an advisory and often authoritative committee.\textsuperscript{60} While the Decretalists had formulated new justification for papal omnipotence, even in matters of faith.\textsuperscript{61} The problem of direct control over doctrine was apparently solved, although even as the bureaucracy came to function at its best the maxims of the Decretists were being applied over an ever-widening sphere.\textsuperscript{62}

The investigation of procedures of doctrinal supervision, and the evolving relations between these procedures and the form and function of the \textit{studium generale}, and indicates that the great influence of the University of Paris in ecclesiastical regulation both theological and (in later years) administrative is not properly viewed as a permutation of its educational function; on the contrary, the very inception and original purpose of this novel institution of learning bears witness to a broadness in the early thirteenth century conception of what functions an education institution properly possessed. This latitude was derived from the didactic aspect of conciliar uses and was lost only as ecclesiastical bureaucracy and national interest imposed limitations upon the definition, place and purpose of “education.” Such limiting transmuted the intention of the \textit{studium generale} and resulted in the proliferation of restricted \textit{studia} and by consequence in the attribution of these later limitations to the origins of university history.


2. This form of meeting is clearly apparent by the fifth century, and may be observed at Ephesus. See the \textit{Acta}, ed. H. R. Percival, in \textit{Select Library of Nicene and Post-Nicene Fathers}, XIV (New York, 1900), 197-224. Where the whole body was too unwieldy, or where imperial manipulation of the decision was desired, a smaller assembly might be used; this was probably Justinian’s plan in the matter of the Three Chapters. Cf. C. J. Hefele and H. Leclercq, \textit{Histoire des conciles}, III\textit{I} (Paris, 1908), p. 66.

3. Perhaps the best example of this characteristic procedure may be found in the council called to Rome in 649 by Pope Martin on the Monothelite question. During the first three sessions the synod heard the Monothelite writings, then the definition of the five general councils and the writings of the Fathers; in the last session the prelates gave a judgment opposed to the Type on the basis of the evidence heard. See J. D. Mansi ed., \textit{Sacrarium conciliorum nova et amplissima collectio} (Venice, 1759-1798), X, 863 ff. Gratian’s view of imperial attendance at ancient councils is not irrelevant: “‘[u]binam legistis, imperatores antecessores vestros sinodalibus conventibus interfuisse, nisi forsitan in quibus de fide tractatum est, que universalis est, que omnium communis est, que non solum ad clericos, veraem etiam ad laicos et ad omnes pertinet Christianos!” (\textit{Decretum}, ed. E. Friedberg, in \textit{Corpus iuris canonici}, I [Leipzig, 1879], 338).

4. The council at Orleans in 549 opposed Monophysitism in its first canon, (Mansi, IX, 129), but the tenor of Merovingian conciliar activity is best epitomized by reference to canon one.
of the council held at Clermont in 535, which held that no business might be taken up by a council until questions of morals had been dealt with (Mansi, VIII, 860).


6. Deodatus Legatus episcopus, Epis­
tola (in J. Migne ed. Patrologiae Latina [Paris, 1841-1854], CXLVI), 1439, a plea to King Henry I of France for a public censure of the Berengarian heretics, tempered with a fear lest such a meeting establish the precedent of condemning a bishop (in this case, Eusebius Bruno of Angers) without the authority of Rome.

7. On Brunde, Durandus aehus Trao­
nensis, Liber de corpore et sanguine Chri­
sti contra Berengarium et ejus sectatores (PL, CXLIX), 1422, where the date is given as 1033; for the corre­
ction, see H. Sudanodori, Berengar­
ium Taronensis oder eine Sammlung der betreffender Briefe (Hamburg, 1859), pp. 11-17. For Paris, Annales Eno­nensens minorum (in Monumenta Germaniae Historica, Scriptores [Hanover, 1826 ff.], V, 29, Berenger of Tours, Epistolae, in Sudanodori, op. cit., p. 211; Durandus Trojanensis, Liber de­
corpore, loc. cit.

8. Berengar of Tours, De sacra Coena adersius Lanfrancum, ed. A. F. and F. T. Vischer (Berlin, 1834), pp. 49-53. Count Godfrey of Anjou did not approve of the action of the legate Hildebrand, who presided over the council. In a letter written some years later he compared the legate unfavor­ably with Pilate (Sudendorf, op. cit., p. 21).

9. Berenger argued: "...pervererat enim ad me, praecipisse Leonum illum, ut ego Vercellenses illi convocarent, in quo tamen Dicere pape decham obhebditium, non declarit. Dissuasisse sectandum ecclesiastica iura, sectandum quae nullus extra provinciam ad iudicium ire, cogendum est, personne ecclesiasticae, disconsuerat ameli ..." (De sacra Coena, p 41).

10. These become frequent under Gregory VII, and especially intense during the interchange with archbishop Sigfried of Mayence, who objected futilely to a case being removed to Rome prior to its hearing in provincial council (Udal­ricus Babenbergensis, Codex, ed. P. Jaffe [in Monumenta Bambergenia (Berlin, 1869); Bibliotheca rerum Germanicarum, VT]), no. 46; Gregory VII, Registrum, ed. E. Copar [MGH Epistolae selectae, II (Hanover, 1920-1923)], lib. I, no. 69), and the quarrel with archbishop Limnar of Bremen, who refused to let Roman legates hold a council in his province (Gregory VII, Registrum, lib. II, no. 28; H. Sudanodorff, Registrum, für die deutsche Geschichte [Iena, 1841], I, no. 5).


12. By 1112 the question of lay investiture was commonly considered in terms of heresy, either long-standing (cf. God­frey of Vendome, Libellus I, in MGH Libellis de lite, II [Hanover, 1891], 680-683) or by recent but proper deci­sion (thus, Flaccidus of Nonantulana, Liber de honore ecclesiae, ibid., p. 590). For an opposing view, cf. Ivo of Chart­res, Epistolae, ibid., p. 649. Cf. the wid­ening of the definition of faith in the twelfth and thirteenth centuries de­scribed in J. T. McNeill, "The Emer­gence of Conciliarism," Medieval and Historiorgraphical Essays in Honor of R. W. Settelfield Thompson, ed. J. L. Cate and E. N. Anderson (Chicago, 1938).

13. Ricarius papae, no. 16; Registrum, lib. II, no. 58a.


15. Cf. the great interest in conciliar procedure in the pre-Gregorian col­lections with the lack of such sections in the collections stimulated by Greg­ory and his successors.

16. Sudanodori, Berengarius Taronensis, pp. 311-313.

17. Romelius, Epistola, in Epistolae Ab­dicae (PL, CLXVIII), no. 15; Abelard, Epistolae, no. 13; "...quot quidem damnatum, quot ignorant ac­cusatum ..." Cf. Berengarius Scholastici, Epistola ad episcopum Ministorum (PL, CXXVII, 1590); "... [s]i judicat verba cecii, se virum sobirim damnatum ebri ..." N. M. Haring, "The Case of Gilbert de la Porte, Bishop of Poitiers (1149-1164)" Medical Studies, XIII (1941), 1-49.


19. Hildebert of Lavardin wrote to Anselm in about 1100, requesting that the arch­bishop commit to writing the arg­uments given at Bari; Epistolae (PL, CLXXI), part II, no. 9. Cf. WilhelmusGemellensis, Historia Normannorum (PL, CXLIX), 843-844; Anselm of Canterbury, De processione Sancti Spiritus contra Graecos (PL CLVIII), 293.

20. Anselm of Canterbury, De fide Tri­ni.
27. Thus, in 1169, Thomas Becket offered 26.

22. An excellent illustration is the case of Gilbert of la Porte. In 1141 Innocent II had permitted the decision made against Abelard by the French prelates at Sens to stand (see Bernard of Clairvaux, Epistolae (PL, CLXXXII), nos. 194 (of Innocent II) and 337. But seven years later the cardinals vigorously opposed Bernard's influence in the affair of Gilbert, stating that 1*ipsa [Rome] sola de fide catholica dicaturo habens a nullo, etiam absens, in hoc singulare honore preiudicium pati potest. . . '' (Ottonus et Rahewinus, Gesta Frederici I Imperatoris [MGH Scriptores rerum Germanicarum in seum scholarium (Hanover, 1912)], pp. 85 ff.)


26. See note 21, above.

27. Thus, in 1169, Thomas Becket offered to submit his quarrel with Henry II 27. . . judicio curie domini sui regis Francorum vel judicio ecclesie Gallicane, aut scholiarum Parisiensem. . . '' Charteriarium Universitatis Parisiensis, ed. H. Denifle and A. Chantelain, I (Paris, 1889), part i, no. 21; cf. ibid., i, no. 29.

28. CUP, I, part i, no. 3. Cf. P. Jaffe, Regesta pontificum Romanorum ab condatione ecclesiae ad annum post Christum natum 1198 (Leipzig, 1888), no. 11890. The various ordinances against indiscriminate theological disputation were not strictly followed. See the letter of complaint sent to the pope between 1192 and 1203 by Stephen of Tournai (CUP, I, part i, p. 48).


30. CUP, I, part i, no. 9.

31. CUP, I, no. 1.

32. Thus, the "Capess scieniarum" of Gregory IX, in 1231 (CUP, I, no. 79).


34. CUP, I, no. 5.

35. CUP, I, no. 32.

36. "... Noverint universi quod eum dominuali paper specialis habuisse manda­tum, ut statui Parisiensem scholariam in melius reformando imperderemus operam offician. . . '' (CUP, I, no. 29; p. 78).


38. CUP, I, no. 3.

39. CUP, I, no. 25.

40. Thus, Rigord, speaking of Amalric's teachings, says "... [e]um igitur in hoc ei ab omnibus catholica universaliter contradicere, de necessitate ac­cepti ad iusumum pontificem, qui, audita ejus propositione et universita­tis scholariam contradictione, senten­tivavit contra ipsum. . . '' (Gesta Philip­puni Augusti, ed. H. F. Delaborde [Paris, 1892], I, 230).


42. Constitution 2, in Conciliorum Oecu­menicorum decreta, pp. 207-209.


44. H. Rashdall, op. cit., pp. 304 ff.


47. Many interpretations have been made of papal aims in establishing control over the University of Paris. On the inten­t from the start to make a universal theological center, A. Luchairo, L'Uni­
48. On all aspects of the history of the nations, P. Kibre, *The Nations in the Medieval Universities* (Cambridge, Mass., 1948). The early history of the nations in the University of Paris has always been unclear; cf. the remarks of Kibre, op. cit., pp. 3 ff. Their beginnings may be placed in the second decade of the thirteenth century. There has been a tendency to see in the inception of these units an administrative role of some sort; thus H. Denière, *Die Entstehung der Universitäten des Mittelalters bis 1400*, I (Berlin, 1885), 104, saw them as organs of discipline, while Rashdall, op. cit., pp. 318-319, note 3, believed they were primarily fund-raising organizations also working "ad injurias uscendas." Virtually all substantial information on the nations begins at a time some 40 years after their origin, and the character which they had assumed in the course of this turbulent period of university history colors historical interpretation. Perhaps in consequence, in each of the above cases the interpretation assumes that the nations were in essence internally oriented, that is, university organs *per se*; yet, while they increasingly took on such functions particularly after the mid-thirteenth century, there is no evidence to indicate that this was their original purpose.

49. One may compare the great though unofficial status of the university in the church throughout its early history. Cf. H. Rashdall, op. cit., pp. 547 ff., who states that "when no council was sitting, the University of Paris was able to act as a sort of standing committee of the French, or even of the Universal, Church." Rashdall, however, saw this status as an unofficial result of the triumph of scholastic theology in the thirteenth century. It seems more plausible, as set forth above, that the high quasi-official status of the University of Paris following the mid-thirteenth century was in fact a remnant of an earlier period when the university had been constituted to serve precisely the conciliar function.

50. CUP, I, no. 50, Cf. loc. cit., note 1 (p. 107) on the likelihood of a prior condemnation by the Parisian masters.


52. CUP, I, no. 130.
53. CUP, I, no. 131.
54. CUP, I, no. 173.
55. CUP, I, no. 153.
56. CUP, I, no. 230. The fate of the whole church, say the masters, depends upon the survival of the university, its foundation.

57. CUP, I, no. 256.


62. Ibid., pp. 157 ff.