VOLUNTARISM AND CONCILIARISM
IN THE WORK OF FRANCIS OAKLEY

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Abstract: Francis Oakley has devoted much of his scholarly effort to elaborating three claims about the conciliar theory made early in the last century by John Neville Figgis: that it was rooted in secular precedents (false, as shown by Brian Tierney); that it exercised a lasting influence on early modern European political thought (true); and that conciliar thinkers transformed principles of medieval constitutionalism into political theory properly speaking (also true). Thanks in large measure to Oakley's work, and in spite of whatever unanswered questions may remain, the 'road from Constance to 1688' is now securely mapped across the landscape of early modern political thought.

Voluntarism occupies a less prominent but more fundamental place in Oakley's writings, because it posed a challenge to the arguments with which conciliar theorists aimed to establish a constitution for the church. They met the challenge with the distinction between God's absolute and ordinary, or ordained, power. This distinction is fundamental to Oakley's work in a double sense: it clarifies a central issue in the history of European thought; but it also helps to understand the point of his investigations into that history. The point is not to trump papal absolutism with the ace of conciliar supremacy, but to trump all forms of dogmatism by asserting 'the necessity of admitting, and with full candor, the historicity, the relativity, the reformability of all doctrinal pronouncements'.

The purpose of this article is twofold. First, it aims to characterize Francis Oakley's contribution to the history of European political thought in terms of the two subjects to which most of his scholarly work has been devoted: voluntarism and conciliarism. Second, it also aims to clarify the relationship between voluntarism and conciliarism, not so much in historical reality as in Oakley's own investigations of that reality. It is hoped that this will demonstrate the extent to which voluntarism is the more fundamental of his preoccupations, and in the process cast some light on the underlying purpose of his work.[3]

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[3] Oakley's work on conciliarism is best approached through his book *Council over Pope? Towards a Provisional Ecclesiology* (New York, 1969) and the articles reprinted

The history of conciliarism, also referred to, with certain differences of emphasis, as the conciliar theory and the conciliar movement, is particularly closely associated with Oakley's name; and this, apart from the sheer volume of his publications on the subject, for two main reasons. First, because of the indefatigable patience with which he has subjected the study of conciliarism to the discipline of clear and precise definitions. He rarely fails to remind his readers, for example, that the conciliar theory was about the church's *potestas iurisdictionis in foro exteriori*.[4] Nothing more and nothing less. Two huge areas of thought about the church, its function and its purpose thus were excluded from the domain of the conciliar theory. One was the priestly *potestas ordinis*, that 'power of order' to which priests were ordained and that manifested itself in divinely instituted and sacerdotally administered sacraments. The other was the *potestas iurisdictionis in foro interiori*, the disciplinary power governing the confession of sins and the imposition of penance.

The conciliar theory, in other words, was neither about the sacramental powers of the priesthood, nor about the voluntary submission of a sinner's guilty conscience to priestly guidance. It was instead about the exercise of that public power of jurisdiction by which the church secured its wellbeing as an organized community.[5] Conciliar theory, to quote Oakley himself, was

> a doctrine concerning the nature of the church's unity and the locus of the
> supreme jurisdictional authority within it. Although some of its roots are
> engaged in scriptural soil and in the corporate and conciliar history of the
> early Christian church, it did not grow to maturity until the thirteenth and

(with their original pagination) in *Natural Law, Conciliarism, and Consent in the Late Middle Ages: Studies in Ecclesiastical and Intellectual History* (London, 1984). His main work on voluntarism can be found in his book on *Omnipotence, Covenant and Order: An Excursion in the History of Ideas from Abelard to Leibniz* (Ithaca, NY, 1984) and now especially the articles collected in *Politics and Eternity: Studies in the History of Medieval and Early-Modern Political Thought* (Leiden, 1999). Both themes already figured prominently in his first book, *The Political Thought of Pierre d'Ailly: The Voluntarist Tradition* (New Haven, 1964).

[4] e.g., *The Political Thought of Pierre d'Ailly*, pp. 60–2; 'Figgis, Constance, and the Divines of Paris', *American Historical Review*, 75 (1969), pp. 368–86, here pp. 381–2, reprinted as nr. XIII in *Natural Law, Conciliarism, and Consent*; *Council over Pope?*, pp. 37–8; 'The "New Conciliarism" and its Implications: A Problem in History and Hermeneutics', *Journal of Ecumenical Studies*, 8 (1971), pp. 815–40, here pp. 818–19, reprinted as nr. VIII in *Natural Law, Conciliarism, and Consent*; *The Western Church in the Later Middle Ages* (Ithaca, NY, 1979), pp. 27–8; 'Natural Law, the Corpus Mysticum, and Consent in Conciliar Thought from John of Paris to Matthias Ugonius', *Speculum*, 56 (1981), pp. 786–810, here pp. 794–5, reprinted as nr. XIV in *Natural Law, Conciliarism, and Consent*; and especially 'Conciliar Theory', in *Dictionary of the Middle Ages* (13 vols., New York, 1982–9), Vol. III, pp. 513–19.

[5] Since the main thrust of Marsilius of Padua's arguments was to deny to the church the possession of precisely such a public power of jurisdiction, Oakley has consistently, and altogether plausibly, excluded him from the circle of conciliar theorists strictly speaking; see, e.g., *Council over Pope?*, pp. 56–61; 'Conciliar Theory', p. 515.

fourteenth centuries, flowering in the years after the Great Schism in 1378 and winning widespread acceptance in the ensuing 'conciliar epoch'.[6]

Having thus drawn clear boundaries around the field tilled by conciliar theorists, Oakley has consistently gone on to distinguish between the different crops they harvested. Conciliar theory, he argues, came in three main varieties. First, and perhaps most commonly, there were conciliar reformers, for whom general councils were the single most important instrument with which to eradicate ecclesiastical corruption and abuse without, however, being necessarily entitled to demand obedience from the pope, much less to enforce obedience upon the pope against his will. Second, there was an oligarchic strand that was, both in fact and, obviously, by definition, less popular than the other two because it sought to bestow the governance of the church upon the cardinals in their dual capacity as members of the Roman church and representatives of the church at large. Third, there was what he calls the strict conciliar theory that focused most sharply on the question of supreme authority in the church and did indeed envision the subjection of a recalcitrant pope to the control of general councils.[7] It was this third variety — or at least a moderate form of it — that rose to ascendancy in the conciliar movement, found precise and dogmatically valid expression in the Council of Constance's decree *Haec sancta*, and set a powerful example for later attempts at instituting constitutional government.[8]

These definitions and distinctions may sound familiar, even rudimentary to anyone with a serious interest in the history of the conciliar theory. But if they do, it is in no small part because of the persistence with which Oakley has for several decades driven them home. It is just as well to recall how powerful a bulwark they offer in all humility against the myriad confusions to which investigations of late medieval political thought continue to be all too likely to fall prey apart from their protection.

The second reason why Oakley's name is so closely associated with the study of conciliarism is that his work constitutes one of the best examples in any field of history of building on a tradition of previous scholarship. He has never hesitated to acknowledge the debt he owes to the work of John Neville Figgis, to mention only the most prominent among a number of like-minded historians.[9] More precisely, he has openly characterized his work as an

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[6] 'Conciliar Theory', pp. 510, 513–14.

[7] *Council over Pope?*, pp. 62–74; 'Conciliar Theory', pp. 511–14.

[8] For the claim that *Haec sancta* represented a moderate or centrist form of the strict conciliar theory, see *Council over Pope?*, pp. 74–7; 'The "New Conciliarism" and its Implications', pp. 819–20; and 'Conciliar Theory', pp. 513–14.

[9] John Neville Figgis, *Studies of Political Thought from Gerson to Grotius, 1414–1625* (Cambridge, 2nd edn., 1916). See 'Figgis, Constance, and the Divines of Paris', pp. 368–86, esp. pp. 370–1; and more recently ' "Anxieties of Influence": Skinner, Figgis, Conciliarism and Early Modern Constitutionalism', *Past & Present*, 151 (1996), pp. 60–110, esp. pp. 73–4, reprinted in *Politics and Eternity*, pp. 138–87. Other

attempt to clarify, corroborate, extend, and where necessary to correct what he takes to be Figgis' three most important claims about the conciliar theory: first, that it was rooted in secular precedents; second, that it exercised a lasting and lamentably ignored influence on early modern European political thought; and third that it did so because conciliar thinkers managed to universalize the principles of medieval constitutionalism so as to transform them into a political theory properly speaking, portable, as it were, from one form of political community to another.[10] Concerning the first point, he has for the most part been content to state that it is simply false, and to defer to Brian Tierney's work for proof that, contrary to Figgis' claim, the conciliar theory actually originated in the soil of canon law itself.[11] The second and third of Figgis' claims, on the other hand, may with a fair degree of justice be taken as the guiding principles behind most of the scholarly oeuvre that he has published over the last forty years.

As a result, the skeleton that Figgis presented to his readers has been transformed into a muscular body of fit scholarship, well-fed with evidence and well-exercised in beating rivals to the interpretative finish line. We now know in some considerable detail about the political thought of Pierre d'Ailly, who had long since been acknowledged as a major figure in the rise of the conciliar theory, but about whose views and whose relationship to his disciple Jean Gerson there was a great degree of uncertainty.[12] We have learned about the

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historians whom Oakley mentions in this context are Otto Friedrich v. Gierke, *Political Theories of the Middle Age*, trans. F.W. Maitland (Cambridge, 1900); Harold J. Laski, 'Political Theory in the Later Middle Ages', in *Cambridge Medieval History* (8 vols., Cambridge, 1911–36), Vol. VIII, pp. 620–45; Charles Howard McIlwain, *The Growth of Political Thought in the West: From the Greeks to the End of the Middle Ages* (New York, 1932); and George H. Sabine, *A History of Political Theory*, ed. Thomas Landon Thorson (Hinsdale, IL, 4th edn., 1973).

[10] 'Figgis, Constance, and the Divines of Paris', pp. 368–86, esp. p. 370; ' "Anxieties of Influence": Skinner, Figgis, Conciliarism and Early Modern Constitutionalism', esp. p. 73.

[11] Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge, 1955). For his endorsement of Tierney's work, see especially '*Verius est licet difficilius*: Tierney's *Foundations of the Conciliar Theory* after Forty Years', in *Nicholas of Cusa on Christ and the Church: Essays in Memory of Chandler McCuskey Brooks for the American Cusanus Society*, ed. Gerald Christianson and Thomas M. Izbicki (Leiden, 1996), pp. 15–34, reprinted in *Politics and Eternity*, pp. 73–95.

[12] *The Political Thought of Pierre d'Ailly*. See also 'The "Propositiones utiles" of Pierre d'Ailly: An Epitome of Conciliar Theory', *Church History*, 29 (1960), pp. 398–403; 'Pierre d'Ailly and the Absolute Power of God', *Harvard Theological Review*, 56 (1963), pp. 59–73; 'Pierre D'Ailly and Papal Infallibility', *Mediaeval Studies*, 26 (1964), pp. 353–8; 'Gerson and d'Ailly: An Admonition', *Speculum*, 40 (1965), pp. 74–83; and 'Pierre d'Ailly', in *Reformers in Profile*, ed. Brian A. Gerrish (Philadelphia, 1967), pp. 40–57. The last four are reprinted as numbers II–V in *Natural Law, Conciliarism, and Consent*.

pivotal role John Major and Jacques Almain played in transmitting conciliar views to the sixteenth century, a role that was all but unknown to earlier generations of scholarship.[13] We are impressed by the vitality of conciliar ideas in early modern Gallican circles, and we have learned to find them in such unexpected places as the Huguenot resistance theorists of the late sixteenth century.[14] Only quite recently we have been treated to new and detailed information about their survival and resurgence in sixteenth- and seventeenth-century England, and their centrality to the debate about the papacy's exercise of indirect power over the state that was provoked by the Venetian interdict of 1606.[15] In short, the 'road from Constance to 1688' envisioned by Figgis and named by Laski, is now securely mapped across the landscape of early modern political thought, and no one has worked harder to measure its dimensions than Oakley.[16]

None of this, of course, is to say that all questions have been answered. To the contrary, new knowledge has given rise to new questions of detail and put some old fundamental questions into bold relief.[17] Now that the persistence of

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[13] 'On the Road from Constance to 1688: The Political Thought of John Major and George Buchanan', *Journal of British Studies*, 1 (1962), pp. 1–31; 'Almain and Major: Conciliar Theory on the Eve of the Reformation', *American Historical Review*, 70 (1964–5), pp. 673–90; and 'Conciliarism in the Sixteenth Century: Jacques Almain Again', *Archiv für Reformationsgeschichte*, 68 (1977), pp. 111–32; these three are reprinted as numbers IX, X and XII in *Natural Law, Conciliarism, and Consent*. In this connection the work of J.H. Burns deserves equal mention: J.H. Burns, 'New Light on John Major', *Innes Review*, 5 (1954), pp. 83–100; and J.H. Burns, '*Politia regalis et optima*: The Political Ideas of John Mair', *History of Political Thought*, II (1981), pp. 31–61. Note also the recent publication in English of writings by John Major and Jacques Almain in *Conciliarism and Papalism*, ed. J.H. Burns and Thomas M. Izbicki (Cambridge, 1997).

[14] 'Figgis, Constance, and the Divines of Paris', pp. 368–86; and 'Conciliarism at the Fifth Lateran Council?', *Church History*, 41 (1972), pp. 452–63; reprinted as numbers XI and XIII in *Natural Law, Conciliarism, and Consent*; 'Conciliar Theory', pp. 518–22; ' "Anxieties of Influence": Skinner, Figgis, Conciliarism and Early Modern Constitutionalism', esp. pp. 77–94.

[15] 'Constance, Basel and the Two Pisas: The Conciliarist Legacy in Sixteenth and Seventeenth-Century England', *Annuarium Historiae Conciliorum*, 26 (1994), pp. 87–118; ' "Anxieties of Influence": Skinner, Figgis, Conciliarism and Early Modern Constitutionalism', pp. 60–110; 'Complexities of Context: Gerson, Bellarmine, Sarpi, Richer, and the Venetian Interdict of 1606–1607', *Catholic Historical Review*, 82 (1996), pp. 369–96, reprinted in *Politics and Eternity*, pp. 188–216.

[16] As is perhaps best demonstrated by the collection of articles in *Natural Law, Conciliarism, and Consent.*

[17] For the lively debate provoked by Cary Nederman about the relationship between conciliarism and modern constitutionalism in a number of essays, particularly 'Conciliarism and Constitutionalism: Jean Gerson and Medieval Political Thought', *History of European Ideas*, 12 (1990), pp. 189–209, and 'Freedom, Community and Function: Communitarian Lessons of Medieval Political Theory', *American Political Science Review*, 86 (1992), pp. 977–86, see Francis Oakley, 'Nederman, Gerson,

the conciliar tradition in early modern thought and beyond has become so abundantly clear, it has become correspondingly difficult to comprehend, for example, how it could have been so thoroughly banished from the memory of the church and its historians in the aftermath of the first Vatican council.[18] Concerning the transition from medieval to modern forms of political thought, Oakley himself has pointed out that we still lack a good understanding of the seismic shift in the ground of political obligation from the consent of the community demanded by medieval and early modern conciliar theorists to that concatenation of individual acts of willing by each and every member of the community that he considers to be the specific characteristic of the form of consent demanded by modern democracy.[19] An equally fundamental question concerns the extent to which, or even whether, a constitutional tradition founded on the church's *potestas iurisdictionis in foro exteriori* can at all be understood apart from the church's claim to exercise authority over the state.[20]

Conciliar Theory and Constitutionalism: *Sed Contra*', *History of Political Thought*, XVI (1995), pp. 1–19; Cary J. Nederman, 'Constitutionalism — Medieval and Modern: Against Neo-Figgisite Orthodoxy (Again)', *History of Political Thought*, XVII (1996), pp. 179–94; Cary Nederman, 'The Puzzling Case of Christianity and Republicanism: A Comment on Black', *American Political Science Review*, 92 (1998), pp. 913–18; and Antony Black, 'Christianity and Republicanism: A Response to Nederman', *American Political Science Review*, 92 (1998), pp. 919–21. For a distinct, but closely related debate on the origin of individual rights that was, for all practical purposes, begun by Michel Villey, 'Les origines de la notion de droit subjectif', *Archives de philosophie du droit*, 2 (1953–4), pp. 163–87, and Michel Villey, 'La Genèse du droit subjectif chez Guillaume d'Occam', *Archives de philosophie du droit*, 9 (1964), pp. 97–127, see Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge, 1979); Richard Tuck, 'The "Modern" Theory of Natural Law', in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge, 1987), pp. 99–122; Arthur S. McGrade, 'Ockham and the Birth of Individual Rights', in *Authority and Power: Studies on Medieval Law and Government*, ed. Brian Tierney and Peter Linehan (Cambridge, 1980), pp. 149–65; Brian Tierney, 'Tuck on Rights: Some Medieval Problems', *History of Political Thought*, IV (1983), pp. 429–41; and now especially Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150–1625*, ed. John Witte, Jr. (Atlanta, GA, 1997).

[18] For the ultramontane suppression of conciliar theory since the late nineteenth century, see *Council over Pope?*, pp. 23–30; 'The "New Conciliarism" and its Implications', pp. 822–4; and 'Conciliar Theory', pp. 518–22. See also the excellent article by Giuseppe Alberigo, 'Il movimento conciliare (XIV–XV sec.) nella ricerca storica recente', *Studi medievali*, 19 (2) (1978), pp. 913–50.

[19] 'Legitimation by Consent: The Question of the Medieval Roots', *Viator*, 14 (1983), pp. 303–35, here pp. 323, 329–31, and especially p. 335, reprinted in *Politics and Eternity*, pp. 96–137. Cf. 'Natural Law, the Corpus Mysticum, and Consent in Conciliar Thought from John of Paris to Matthias Ugonius', pp. 786–810; and 'Disobedience, Consent, Political Obligation: The Witness of Wessel Gansfort (c.1419–1489)', *History of Political Thought*, IX (1988), pp. 211–21.

[20] This is the reason why I have sought to emphasize the relationship between conciliarism and hierarchy, and thought it necessary to study William Durant the

Above all else, perhaps, one must surely wonder why the road from Constance to 1688 (from the last congress of the entire European church to the establishment of constitutional government in England) compares so favourably to the much shorter road from Constance to 1648 (from the last congress of the entire European church to the first congress of the European states), not to mention the roads from Constance to 1776, or 1789. But this is not the place to multiply roads from Constance. The point here is that, whatever answers may eventually be given to such old and new questions, thanks in large measure to Francis Oakley's work they will have to assign a far more prominent role to conciliar theorists in the shaping of the modern world than used to be imagined.[21]

Voluntarism, by contrast, has at least until recently occupied a less prominent place in Oakley's writings.[22] Less prominent, but more fundamental. Voluntarism, or 'the voluntarist tradition', to quote the subtitle of his book on Pierre d'Ailly, is the term he prefers for an influential — perhaps the most influential — school of thought to gain prominence in late medieval Europe. He prefers it because it highlights that school's fundamental preoccupation with God's will. For if there was anything to unite its members, it was not whatever position they took in the great philosophical debate about the metaphysical status of general concepts — a debate actually dividing them into nominalists, such as Ockham, for whom general concepts possessed no reality apart from the individual entities to which they were applied, and realists, such as Duns Scotus, for whom general concepts did possess a separate reality of their own. What united them was rather their insistence on God's unity, freedom and omnipotence — a unity, freedom and omnipotence so grand as to transcend all limitations other than the principle of non-contradiction and all comprehension other than God's own. Voluntarists believed that order — whether it was the order of the church, the order of the law, or the order of the universe itself — was never ultimately grounded in the nature of things, much

Younger's ideas about conciliar authority in conjunction with the celebrated *paréage* that he concluded in 1307 with King Philip IV of France; Constantin Fasolt, *Council and Hierarchy: The Political Thought of William Durant the Younger* (Cambridge, 1991), esp. pp. 22–3, 86–95, 101–11, 315–18.

[21] There is perhaps no more convincing evidence for this than the confidence with which Quentin Skinner has travelled along at least a part of the road from Constance to 1688 in his *The Foundations of Modern Political Thought* (2 vols., Cambridge, 1978), Vol. II, p. 321. If attentive undergraduates have for the last twenty years been learning from Skinner's survey that there was nothing specifically Calvinist about Huguenot resistance theory, because most Huguenot resistance theory was borrowed directly or indirectly from Catholic conciliarists, they could hardly have done so without the benefit of Oakley's work. Oakley himself has referred to this as the 'mainstreaming' of the importance of conciliar theorists among historians of political thought: ' "Anxieties of Influence": Skinner, Figgis, Conciliarism and Early Modern Constitutionalism', p. 77.

[22] One can only hope that the recent publication of *Politics and Eternity* will make the significance of voluntarism more evident.

less in the reason by which that nature could be comprehended, but solely in God's will.[23]

That conviction evidently posed a challenge to the arguments on which conciliar theorists aimed to found a constitution for the church. What trust could possibly be placed on nice distinctions between powers of order, powers of jurisdiction, and the internal and external courts in which such jurisdiction was to be exercised in the face of the voluntarist conviction that God does not command obedience to any law because the law is right, but that obedience to law is only right because he has commanded it? What justice could be claimed for a constitution that could at any time run up against God's will? What good reason was there for stopping, as it were, halfway between the naturalist rationalism that had, in high medieval times, and in the theology of Thomas Aquinas, grounded God's government not in his will, but in the rational structure of the universe itself and, on the other hand, the Protestant surrender to an absolutism grounded directly in God's grace?

Such questions voluntarists sought to answer by deploying the famous distinction between God's absolute and ordained, or ordinary, power. The former, to put a complicated matter simply, was the power by which God could do anything he wanted, regardless of anything that he had previously done. The latter was the power by which he acted according to an order to which he had bound himself, not because he was constrained to follow it, but because such was his pleasure. The distinction between God's absolute and ordained power thus enabled voluntarists, on the one hand, to maintain their emphasis on God's utterly transcendent unity, freedom and omnipotence (exercised by his *potestas absoluta*) without, on the other hand, abandoning their faith in the rational order of a universe created by that omnipotence (as manifested in his *potestas ordinata*). God's omnipotence itself was the means by which he could commit himself to a particular order for the universe. Such an order was no less reliable for being grounded in God's will than if it had been grounded in God's reason. It was this order on which they founded themselves in placing constitutional limits on papal monarchy.

The fundamental problems raised by voluntarist convictions, their domestication by the distinction between God's absolute and ordained powers, and the stunningly complex logical and philosophical subtleties involved in the many different meanings attributed to that distinction constitute the issues to which Oakley has devoted a second major part of his scholarly activity.[24] They

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[23] And that notwithstanding the difficulty of reconciling conceptual distinctions between God's will and God's reason with the fundamental principle of God's unity; see *The Political Thought of Pierre d'Ailly*, pp. 14–33. Cf. *Omnipotence, Covenant and Order*, pp. 85–6.

[24] An endeavour in which he has been assisted by the research accumulated over the years and recently presented in systematic fashion by William J. Courtenay, *Capacity and Volition: A History of the Distinction of Absolute and Ordained Power* (Bergamo,

have inspired a stream of investigations that may not run quite as wide as his conciliarist studies, but that is just as long and runs more deeply. Some of his earliest articles explicitly addressed the relationship between theology, science, natural law and laws of nature in order to clarify the voluntarist foundations of modern natural science and modern moral thought.[25] In his book on Pierre d'Ailly there are two unsettling chapters on *dominium* and law where he suggests that the placid surface of d'Ailly's pronouncements on the supreme authority of general councils hid deep anxieties about the reach of God's uncreated grace to infidels, and the possibility that rational creatures were capable of sinning against God's absolute power without violating any of his created laws.[26] In the early 1980s he published a wonderfully eloquent little book entitled *Omnipotence, Covenant and Order* that does double duty as a spirited defence of the history of ideas and a concise review of the main themes in the long history of the distinction between *potestas absoluta* and *potestas ordinata*.[27] Only recently he has once more turned to the questions raised in early modern theology, philosophy, law, politics and science by the voluntarist worry that all of the regular machinery of human reason, and consequently human governance, including the governance of the church, might at any moment be thrown into confusion by a power exceeding not only human understanding, but in some significant sense exceeding even the limits to which God ordinarily commits himself.[28]

These investigations are fundamental to Oakley's work in a double sense: first, because they clarify a central issue in the history that he has been at pains to bring to our attention; and second, because they also help to clarify the

1990) and Lawrence Moonan, *Divine Power: The Medieval Power Distinction up to its Adoption by Albert, Bonaventure, and Aquinas* (Oxford, 1994).

[25] 'Medieval Theories of Natural Law: William of Ockham and the Significance of the Voluntarist Tradition', *Natural Law Forum*, 6 (1961), pp. 65–83; 'Christian Theology and the Newtonian Science: The Rise of the Concept of the Laws of Nature', *Church History*, 30 (1961), pp. 433–57; reprinted as numbers XV and XVI in *Natural Law, Conciliarism, and Consent*.

[26] *The Political Thought of Pierre d'Ailly*, chs. 3 and 6, esp. pp. 79–84, 189–91.

[27] See note 3, above.

[28] 'Locke, Natural Law and God — Again', *History of Political Thought*, XVIII (1997), pp. 624–51, reprinted in *Politics and Eternity*, pp. 217–48; 'The Absolute and Ordained Power of God and King in the Sixteenth and Seventeenth Centuries: Philosophy, Science, Politics, and Law', *Journal of the History of Ideas*, 59 (1998), pp. 669–90; and 'The Absolute and Ordained Power of God in Sixteenth- and Seventeenth-Century Theology', *Journal of the History of Ideas*, 59 (1998), pp. 437–61; the latter two are presented in a slightly fuller version and combined under the title ' "Adamantine Fetters of Destiny": The Absolute and Ordained Power of God and King in the Sixteenth and Seventeenth Centuries', as chapter nine of *Politics and Eternity*, pp. 276–332. Cf. 'Jacobean Political Theology: The Absolute and Ordinary Powers of the King', *Journal of the History of Ideas*, 29 (1968), pp. 323–46, reprinted under the title 'Jacobean Political Theology: Holdsworth, McIlwain and the Absolute and Ordinary Powers of the King', as Chapter Eight of *Politics and Eternity*, pp. 249–75.

nature of his own endeavours. The underlying scepticism about the extent of human reason and the commensurate modesty inspired by voluntarist assumptions about divine transcendence are not only the objects of Oakley's historical scrutiny. They also shape the very manner in which that scrutiny has been carried out and, perhaps, the purpose at which it is directed.

This is not to say that his defence of the conciliar theory, much less that of the methods of history in general and the history of ideas in particular, has not been conducted with equal degrees of passion, conviction and lucidity. Much less is it to say that his sympathy for the voluntarist tradition has led him to succumb to defeatist doubts about the power of historical interpretation to arrive at distinctly formulated truths, however difficult the journey. He has firmly insisted on the difference between true and false and has not hesitated bluntly to declare as simply wrong what, after due consideration, he found to be in conflict with the historical evidence.[29] 'Defeatist' may be the least likely of all possible adjectives to predicate of the combative vigour with which Oakley has often thrown himself into the intellectual fray.

But that combative vigour has always been put to a gentle purpose. It serves to defend truths that cannot speak well for themselves from the violent distortions to which they are subjected today no less than in the heyday of the conciliar movement. It occupies a moderate middle ground between conflicting and mutually destructive dogmas precisely as the voluntarists whose work he celebrates themselves sought to stake out a moderate middle ground between Marsilius of Padua and John of Torquemada, between Thomas Aquinas and Martin Luther.[30] His work gives substance to the conviction that claims on truth, though never to be abandoned, must also never be allowed to turn into dogmatic certitudes, because such certitudes are usually far better suited to lend ideological support to the abuse of power than to secure the wellbeing of the community.

That combination of an unwavering allegiance to truth with a pronounced distaste for dogma helps to explain not only the fertility of Oakley's scholarly investigations, but also the freedom with which he has crossed boundaries commonly dividing medievalists from modernists, Catholics from

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[29] For particularly good examples see 'The "New Conciliarism" and its Implications', esp. p. 834; 'Celestial Hierarchies Revisited: Walter Ullmann's Vision of Medieval Politics', *Past and Present*, 60 (1973), pp. 3–48, reprinted in *Politics and Eternity*, pp. 25–72; and 'Nederman, Gerson, Conciliar Theory and Constitutionalism: *Sed Contra*', pp. 1–19.

[30] For a telling instance of this preference for the conceptual middle ground see his rejection, on the one hand, of the 'outrageous view' according to which God's *potestas absoluta* was thought to pose a perpetual threat to the order of the universe, because such a view could only lead to 'debilitating skepticism', and, on the other hand, of the opposite point of view according to which God's *potestas absoluta* was thought to pose no threat to the actually established order of the universe at all. 'The Absolute and Ordained Power of God in Sixteenth- and Seventeenth-Century Theology', esp. pp. 445, 448–9.

Protestants, and history from ecclesiology and politics.[31] It motivates the challenge he once laid down to Walter Ullmann's vision of medieval political thought, of which it is still to be regretted that it never led to the exchange of scholarly arguments for which he was so evidently asking, and from which all students of medieval political thought could not but have greatly benefited.[32] It may have supplied at least some of the energy with which he has pursued both the contemplative life of the scholar and the active life of College President and public spokesman for the humanities.[33] It is even manifest in the character of his writing, which shuns dichotomies but teems with conceptual distinctions and takes stylistic shape in a profusely nuanced prose articulating an equally nuanced grasp of historical reality.

Most pertinent in the present context, this search for the moderate middle ground helps to understand his position on the significance of the conciliar movement itself. Oakley has, it is true, mounted what looks like an uncompromisingly determined defence of the significance of the conciliar theory for the modern world. Indeed, he has insisted on the dogmatic validity of the decree *Haec sancta*, the conciliar movement's greatest accomplishment.[34] But he has also, and equally uncompromisingly, refused to let dogmatic truths of any sort, including the truth of *Haec sancta*, take precedence over history. 'For,' as he points out,

> measured against our contemporary understanding of the Scriptural notion of ecclesiastical 'authority', of ecclesiastical office, of the Church and the institutional structures appropriate to it, the Conciliarist ecclesiology stands out as compromised by the heavy degree to which it, too, presupposed the whole medieval and unscriptural politicization and juridification of the Church.[35]

The point of Oakley's investigations, as far as can be ascertained from his most candid published statements, is thus not simply to trump papal absolutism, much less secular theories of political obligation, with the ace of conciliar supremacy. It is rather to trump all forms of dogmatism, regardless of whether they appear in conciliar or in papal garb, regardless of whether they flow from secular or from religious tongues, by demonstrating that they stand in fundamental and irreducible contradiction to the evidence of history.

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[31] For good examples see his articles on 'Religious and Ecclesiastical Life on the Eve of the Reformation', in *Reformation Europe*, ed. Steven Ozment (St Louis, 1982), pp. 5–32, reprinted as number I in *Natural Law, Conciliarism, and Consent*; and 'Christian Obedience and Authority, 1520–1550', in *The Cambridge History of Political Thought, 1450–1700*, ed. J.H. Burns (Cambridge, 1991), pp. 159–92.

[32] 'Celestial Hierarchies Revisited'.

[33] *Community of Learning: The American College and the Liberal Arts Tradition* (New York and Oxford, 1992).

[34] See *Council over Pope?*, pp. 74–7, 126, 130–1, and 'The "New Conciliarism" and its Implications'.

[35] 'The "New Conciliarism" and its Implications', pp. 833–4 n. 33.

It is, to quote his own words once again, to assert 'the necessity of admitting, and with full candor, the historicity, the relativity, the reformability of all doctrinal pronouncements'.[36] Historians, one may perhaps conclude, are heirs to at least a portion of the voluntarist estate. Or so it seems from reading Oakley's writings.

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[36] The passage in 'The "New Conciliarism" and its Implications', pp. 833–4, from which these words are taken deserves to be quoted in full:

> So what, then, does the conflict of the two ecclesiologies [conciliar and papal] mean? It means, I would argue, nothing less than this: that the absolutist claims traditionally and currently made by the official Church for the magisterium cannot be sustained coherently by anyone who is ultimately willing to accept the evidence of history. It means that the claim to attach infallibility to *particular* conciliar (and *a fortiori* to particular papal) pronouncements must simply be dropped. It means, again, the necessity of admitting, and with full candor, the historicity, the relativity, the reformability of all doctrinal pronouncements. As a result, it means also the need to recognize the provisional nature of all Church structures, and the relativity and reformability of *all* ecclesiologies — *Conciliarist as well as Ultramontane*. It means, in effect, the freedom to confront the Gospel without impediment, the true ability, at last, to shape an ecclesiastical reform in terms of Küng's axiom that 'one can only know what the Church should be now if one also knows what the Church was originally'. Herein, I believe, rather than in any hope of bolstering collegiality or of reintroducing a moderate Conciliarist ecclesiology, lies the true significance of admitting the validity of *Haec sancta*. No doubt to many Catholics a very drastic conclusion. But is it not the conclusion to which the modern philosophical perception of the esssential historicity of truth also points with increasing insistence? (Emphasis in the original).

With reference to Hans Küng, *The Church*, trans. Ray and Rosaleen Ockenden (New York, 1968), p. ix.