

Chapter nine

‘Exiit edictum a Caesare Augusto ut describeretur universus orbis’ (Luke 2:1-2). Debating imperial authority in late medieval legal and political thought (12th–14th centuries)

Tiziana Faitini*

in *Empire and Legal Thought: Ideas and Institutions from Antiquity to Modernity*, ed. E. Cavanagh, Leiden: Brill, 2020, 252-79, DOI :10.1163/9789004431249_010

In December 1377, the Holy Roman emperor Charles IV visited the kingdom of France, then ruled by his nephew Charles V. According to the *Grandes Chroniques de France*, on December 22nd, a French delegation was sent to welcome the imperial cavalcade near Cambrai. Although both the initial meeting and the visit itself were amicable and mutually respectful, the French king was determined to take advantage of the opportunity to demonstrate himself to be *rex imperator in regno suo* – independent from imperial authority and sovereign in the kingdom of France. The emperor was accordingly warned that all ostentatious imperial pageantry and pomp should be withheld from his French hosts: no bells should be chimed, there should be no processions, no white horses, and the use of similar symbols should be repressed. Perhaps surprisingly, the French delegation was most intransigent on the question of the emperor’s participation in the Christmas mass, a few days after, in Saint Quentin, on French soil.¹ They did not object to the celebration of the mass on its own, but rather to a particular rite to which Charles IV had become very attached, which he had asked the French to follow: allowing him to read personally the seventh lecture, part of the Infancy Narrative from the second chapter of Luke’s Gospel, which made reference to the Roman emperor Augustus and the universal census he

* This chapter is part of a project that has received funding from the European Union's Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No 665958.

¹ See Robert Delachenal (ed.), *Chronique des règnes de Jean II et de Charles V*, v. II 1364-1380 (Paris: Librairie Renouard 1916), 197-200. A synthetic analysis of Charles IV’s visit in the framework of a discussion of the French use of the notion of ‘*rex imperator in regno suo*’ in Georg Jostkleigrew, ‘*Rex imperator in regno suo*’ – An Ideology of Frenchness? Late Medieval France, Its Political Elite and Juridical Discourse’ in Andrzej Pleszczyński, Joanna Aleksandra Sobiesiak, Michał Tomaszek and Przemysław Tyszka (eds.), *Imagined Communities: Constructing Collective Identities in Medieval Europe* (Leiden: Brill 2018), 46-82, at 62-68.

ordered at the time of Jesus's birth.² To Charles V's ears this allusion to his uncle's assumed superior and universal authority was unpleasantly explicit. Charles IV, in the end, attended Christmas mass at Cambrai, within the borders of the empire, where he could follow the traditional liturgy, and then fulfilled his nephew's requests in terms of ceremonial for the rest of his visit – or, at least, this is the account given by the official French chronicle.³ The beautiful illumination that illustrates the liturgical scene in Cambrai in the manuscript of the chronicle pays vivid witness to Charles V's concerns.⁴ This image of the emperor wearing his crown and wielding his sword in the dead of Christmas night in a French cathedral, while proclaiming himself the new Augustus, universal ruler of the earth and entitled to order its registration, was clearly intolerable to a king explicitly – and successfully – committed to the defence of his own sovereign authority in France.

The liturgical praxis at the heart of this quarrel has a long and complex history, and the allusions to the universal census held by order of Caesar Augustus are myriad throughout Western culture. In this chapter I contribute to exploring this history, by focusing on the interpretations given by various late medieval authors of the event described in Luke's Gospel. After some remarks on the juridical institution of the census (the so called *professio census*) in ancient Rome, and on the theological translation of this institution developed by Christian thinkers such as Ambrose and Orosius, I examine the use of this translation in certain medieval political and juridical texts in order to discuss the legitimisation of imperial authority and its relationship with the spiritual authority of the Church. A number of sources, including the *Quaestiones de iuris subtilitatibus*, Ptolemy of Lucca's *De regimine principum*, Dante's *De Monarchia*, Bartolus of Saxoferratus' comment on the *lex 'Hostes'*,

² See Hermann Heimpel, 'Königlicher Weihnachstdienst in späteren Mittelalter'. *Deutsches Archiv für Erforschung des Mittelalters* 39/1 (1983), 131-206, and, more recently, Franz-Reiner Erkens, 'Vicarius Christi - sacratissimus legislator - sacra majestas. Religiöse Herrschaftslegitimierung im Mittelalter'. *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 89 (2003), 1-55, which, at p. 42, observes that 'die königlich-kaiserliche Evangelienlesung gestaltete sich damit zu einem Akt politischer Liturgik'. According to Heimpel's well-informed article, this liturgical praxis seems not to be documented before the mid-fourteenth century and has perhaps been introduced as imperial rite precisely by Charles IV. However, the origin of this rite, its connection with the liturgical praxis of the imperial coronation, which was also held during the Christmas Mass, and its persistence should be further investigated.

³ On the (partial) account of the visit given in the *Chroniques* see Jana Fantysová-Matějková, 'The Holy Roman Emperor in the Toils of the French Protocol: the Visit of Charles IV to France'. *Imago Temporis. medium aevum* VI (2012), 223-48.

⁴ See *Grandes Chroniques de France*, manuscrit de Charles V (Paris, c. 1375-1380) Bibliothèque Nationale France ms fr. côté 2813, f. 467v, available at <http://mandragore.bnf.fr>, accessed 5 December 2019.

Ockham's *Breviloquium de principatu tyrannico*, and the *Somnium Viridarii*, are considered. The aim of the chapter is twofold. It argues that the political value of Luke's pericope should be reassessed, which requires that the passage be considered alongside other, nowadays better-known biblical references used to justify political submission.⁵ It also demonstrates that the census, and the invocation of an universal authority implicit to it, provides an excellent example of the overlapping and intertwining of theological, political, and juridical conceptualisations and practices in Western thought.⁶ If the history of political thought can neither be written exactly like the history of legal thought nor precisely mirror the history of theological thought, it is only by following some of the mutual interactions and analogical translations between these strands of thought that we are able to trace the formation of the historical stratification that underpins our concepts. From this broader perspective, it is hoped, the historical understanding of the conceptualisations of 'universal authority', 'empire', and 'emperor' in the Western tradition can then be deepened.

⁵ A quick overview of encyclopaedias and dictionaries of Christian theology reveals that – in the few of them that touch upon politics and political authorities – the biblical passages quoted to justify political authority, the difference between it and spiritual authority, and its dependence upon the latter, are Rom 13:1-2 and 7 ('Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God. Therefore whoever resists authority resists what God has appointed [...] Pay to all what is due them'), 1Pet 2:13-14 ('For the Lord's sake accept the authority of every human institution, whether of the emperor as supreme, or of governors'), Matthew 22:21 ('Give therefore to the emperor the things that are the emperor's, and to God the things that are God's'), John 19:11 ('You would have no power over me unless it had been given you from above'), while Acts 5:29 ('We must obey God rather than any human authority') and the book of Revelation are usually referenced to explain that, in the face of a political power that defies itself, men should obey God rather than their fellows. For biblical quotations, the New Revised Standard Version is used. See Joan Lockwood O'Donovan, 'Authority. Political Authority', and Roland Minnerath, 'Church and State' in Jean-Yves Lacoste (ed.), *Encyclopaedia of Christian Theology*, 3 vols (London-New York: Routledge 2005) v. 1: 132-37 and 311-314 respectively, and Martin Honecker, 'Politik und Christentum' in Gerhard Krause, Gerhard Müller *et al.* (eds.), *Theologische Realenzyklopädie* (Berlin-New York: De Gruyter 1997) 6-22. More complete is the biblical overview provided by Michele Nicoletti, 'Politica' in Giuseppe Barbaglio, Giampiero Bof, Severino Dianich (eds.), *Teologia* (Cinisello Balsamo: Paoline 2002) 1157-1180, at 1161-65, where, however, Luke 2:1 is not included. The same applies to studies on the history of medieval political thought: for instance, Luke 2:1-2 is ignored by Marco Rizzi, *Cesare e Dio. Potere secolare e potere spirituale in Occidente* (Bologna: Il Mulino 2009), and by Joseph Canning, *A History of Medieval Political Thought 300-1400* (London-New York: Routledge 1996). Ernst Kantorowicz, *The King's Two Bodies. A study in Medieval Political Theology* (Princeton: Princeton University Press 1997), only mentions it indirectly and in passing in a couple of footnotes (293 n 40 and 466-67 n 42-43).

⁶ For an introduction to the extensive bibliography on political theology, and the intertwining of theology and politics, see Henning Ottmann, 'Politische Theologie als Begriffsgeschichte' in Volker Gerhardt (ed.), *Der Begriff der Politik, Bedingungen und Gründe politischen Handelns* (Stuttgart: Metzler 1990) 169–88; Michele Nicoletti and Luigi Sartori, *Teologia politica* (Bologna: EDB 1991); Robert Hepp, 'Theologie, politische' in Joachim Ritter, ed., *Historisches Wörterbuch der Philosophie*, 13 vols (Basel: Schwabe 1998) v. 10: 1105-1112; Christian Meier, 'Was ist politische Theologie?' in Jan Assmann (ed.), *Politische Theologie zwischen Ägypten und Israel* (München: Siemens Stiftung 1995) 3-18; Peter Scott and William T. Cavanaugh (eds.), *The Blackwell Companion to Political Theology* (Malden, MA: Blackwell 2004).

***Exiit edictum*: The census ordered by Augustus and its theological interpretation [header]**

According to the second chapter of Luke's Gospel, at the time of Jesus' birth, 'a decree went out from emperor Augustus that all the world should be registered. This was the first registration and was taken while Quirinius was governor of Syria'.⁷ To identify this registration with any historical accuracy is problematic.⁸ The history of the effects of this narrative is, however, well-known; and Luke's reference to an actual Roman institution (precisely described by the Greek *apographesthai/apographé*, which was the technical term for the Latin *censum profiteri* or *professio census*, i.e. the Roman law institution of the census) is explicit.⁹

The census was held regularly during the Roman Republic. It consisted of an official declaration by the *pater familias* of his family and property. It was made every five years or so, on oath, and in front of specially designated officials. From the middle of the fifth century, the procedure was assigned to the *censores*, whose task was to account for all citizens and divide them, according to their rank and wealth, into the various classes of the Centuriate order. From the end of the fourth century, the process had involved identifying citizens as members of a particular tribe. Designations like this provided the framework for the collection of taxes, for military conscription, and for eligibility to vote in the assembly of the *comitia tributa*.¹⁰ Because, as scholars have established, the definition of each person's civic and social identity, and their holding of citizenship, was contingent upon the act of declaration taking place before a censor, the census was therefore crucial to the entire political, military, and fiscal organisation of the Roman *res publica*.¹¹ Although the frequency

⁷ Luke 2: 1-2.

⁸ As Fergus G.B. Millar observes, the use Luke makes of the census ordered by Augustus is 'wholly misleading and unhistorical' (*The Roman Near East. 31 BC-AD 337* [Harvard, MA: Harvard University Press 1993] 46). See also Paul W. Barnett, 'Apographe and apographestai in Luke 2, 1-5'. *Expository times* 85 (1973-74), 377-80.

⁹ See F. Blass, A. Debrunner, *A Greek Grammar of the New Testament and Other Early Christian Literature*, transl. by Robert W. Funk (Chicago-London: Chicago University Press 1961), §5.3, 5 and the entries 'apographé/apographomai' in Geoffrey W.H. Lampe (ed.), *A Patristic Greek Lexicon* (Oxford: Clarendon Press 1976), 190. For the Greek text, see Eberhard Nestle and Kurt Aland et al. (eds.), *The Greek New Testament* (Stuttgart: United Bible Society 2012).

¹⁰ See Elio Lo Cascio, 'Il census a Roma e la sua evoluzione dall'età "serviane" alla prima età imperiale'. *Mélanges de l'École française de Rome* 113/2(2001), 565-603. With important modifications, the census was to last throughout the imperial era, as attested by article 50.15 (*De censibus*) of the *Digesta* and by some provisions collected in the *Codex Iustiniani* (e.g. C. 4.47.3 and C. 8.53.7-8) On the tasks of the *censores*, see Michel Humm, 'I fondamenti della Repubblica romana: istituzioni, diritto, religione' in Alessandro Barbero (ed.), *Storia d'Europa e del Mediterraneo*, 15 vols (Roma: Salerno Editrice 2008) vol. 5: 467-520, 489-91.

¹¹ See Michel Humm, 'Il regimen morum dei censori e le identità dei cittadini' in Alessandro Corbino, Michel Humbert and Giovanni Negri, ed., *Homo, caput, persona. La costruzione giuridica dell'identità nell'esperienza romana* (Pavia: IUSS Press 2010) 283-314, at 311-12.

of the census declined during the imperial age, and the last one was held in Rome under Vespasian (r. 69–79), emperors continued to depend on the institution for the administrative and fiscal management of the provinces.¹²

Eventually, a lengthy exegetical elaboration developed along the lines of Luke. Origen (185-253), Ambrose of Milan (339-397), Gregory the Great (540-604), Bede the Venerable (673-735) are just a few authors who turned this specific, juridical, institution into a theological tool – contributing to an hermeneutic enterprise which also sheds light, from a general point of view, on the intertwining of theological and juridical conceptualisations.¹³ Ambrose's *Explanatio evangelii secundum Lucam*, composed towards the end of the fourth century, is one of the most ancient and influential interpretations. Ambrose speaks particularly eloquently to us in the context of this discussion, as he clearly shifts the legal connotation of the *census* onto a spiritual plane and develops a spiritualised concept of empire and emperor.¹⁴ Commenting on the beginning of the second chapter of Luke's Gospel, he states that the profession of faith is a 'spiritual census' and has to be declared to the king of Heaven, i.e. Christ. In Ambrose's view, Christ takes the place of Augustus and his census is truly universal, since it involves all people, even those beyond the borders of the Roman empire: the lord who mandates it must indeed have 'power over the whole world'.¹⁵

Ambrose's reading draws an analogy between the king of Heaven (*rex caeli*) and the king of the earth (*rex terrarum*); significantly, Christ is called the 'emperor [*imperator*]' of the Christians or the 'eternal emperor [*aeternus imperator*]' in other Ambrosian texts.¹⁶

¹² For instance, see the census made in Antiochia towards the end of the first century, discussed by Anselmo Baroni, 'La colonia e il governatore' in Giovanni Salmeri, Andrea Raggi and Anselmo Baroni (eds.), *Coloniae romane nel mondo greco* (Roma: L'Erma di Bretschneider 2004) 9–54, especially at 19–20 and 31.

¹³ A detailed account on this exegetical tradition can be found in Tiziana Faitini, 'The Latin Roots of the 'Profession'. Metamorphoses of the Concept in Law and Theology from Ancient Rome to the Middle Ages'. *History of Political Thought* 38/4 (2017), 603-22, and Tiziana Faitini, 'Towards a Spiritual Empire. Christian Exegesis of the Universal Census at the Time of Jesus's Birth'. *Studies in Church History* 54 (2018), 16-30.

¹⁴ See Ambrose of Milan, *Exposition of the Holy Gospel According to Saint Luke*, transl. by Theodosia Tomkinson (Etna California: Center for Traditionalist Orthodox Studies 1998) II.36-37, 50.

¹⁵ Thus *ibid.*, II.37, 50; Latin text in Ambrosius Mediolanensis, *Expositionis Evangelii secundum Lucam*, 2 vols, ed. by Giovanni Coppa (Roma: Biblioteca Ambrosiana, Città Nuova 1978) 1: II.37, 178: 'Denique, ut scias censum non Augusti esse, sed Christi, totus orbis profiteri iubetur. Quando nascitur Christus, omnes profitentur; quando mundus concluditur, omnes periclitantur. Qui ergo poterat professionem totius orbis exigere nisi qui totius habebat orbis imperium? Non enim Augusti, sed "domini est terra et plenitudo eius, orbis terrarum et universi qui habitant in ea." Gothi non imperabat Augustus, non imperabat Armeniis: imperabat Christus'.

¹⁶ E.g. Ambrosius Mediolanensis, *De officiis*, ed. by Gabriele Banterle (Roma: Biblioteca Ambrosiana, Città Nuova 1977) I.37.186, 136: 'nos qui ad officium Ecclesiae vocamur, talia debemus agere quae placeant Deo ut praetendat in nobis virtus Christi, et ita simus nostro probati imperatori ut membra nostra arma iustitiae sint,

Such terms, in fact, are common in early Christian literature, where Jesus is referred to as ‘commander of the army [*princeps militiae*]’ or, perhaps less frequently, ‘emperor [*imperator*]’. As Erik Peterson has pointed out, this usage should be understood not only as a purely military metaphor, in which Christians are ‘soldiers of Christ [*milites Christi*]’, but also, in a broader sense, as an affirmation of the belief in the power of Christ to transcend all earthly power.¹⁷ This analogical reading neatly matched the Roman concept of emperorship that had developed by the third century under the influence of Hellenistic and Neoplatonic ideas, according to which the empire was a microcosm reflecting the order of the universe itself and its ruler was thus believed to be divine. Adapting this view, Christian authors, from Eusebius of Caesarea (c. 260-c. 340) onwards, could argue with ease that the Roman emperor was God’s vicegerent on earth, reigning over an empire which was the earthly reflection of the kingdom of heaven.¹⁸

Returning to our case, Ambrose’s analogy between the two cities, as Augustine (354-430) was to call them, helps us to understand the parallel, frequently drawn by exegetes, between the census and the last judgment. This is exactly the moment at which the citizens of the city of God and of the city of the devil are set apart, and eternal salvation is decided. Incidentally (and noteworthily), it is this parallel that led to the famous census of English properties, carried out in 1086 by William the Conqueror, being universally known as Domesday. The use of the two cities analogy also opens the door to a clearly political interpretation of the pericope – and it is this that is most relevant to our purposes.

From this perspective, the Iberian historian Paulus Orosius (c. 375-c. 418) is perhaps the most relevant ancient Christian sources and is key to any exploration of Christian ideas on empire. His *Historiae adversus paganos* – written at the beginning of the fifth century and much indebted to Eusebius’ theories on Constantine’s emperorship – associates the

arma non carnalia in quibus peccatum regnet, sed arma fortia Deo quibus peccatum destruat’; *ibid*, I.49.245, 170: ‘imaginem aeterni imperatoris’.

¹⁷ Erik Peterson, *Christus als Imperator*, in *Theologische Traktate* (München: Kösel 1950) 149-64, which also provides references to early Christian texts (though it should be noticed that the reference made in n. 10, p. 163, to Ambrose’s *Sermo contra Auxentium* is misleading, as this text – and its supposed reference to the ‘imperator ecclesiae’ – is mistranslated). On the Augustinian exegesis of Psalm 90, ‘the “imperial” Psalm par excellence’, see also Kantorowicz, *King’s Two Bodies* (n 5) 72. On the wide use of the military metaphor, see the first part of Adolf Harnack, *Militia Christi: the christian religion and the military in the first three centuries*, transl. by David McInnes Gracie (Philadelphia: Fortress Press 1981).

¹⁸ See the succinct account of this political elaboration in Canning, *History*, 3-4. See also Francis Dvornik, *Early Christian and Byzantine Political Philosophy*, 2 vols. (Dumbarton Oaks Center for Byzantine Studies: Washington 1966), especially at 611-58.

Christianisation of the figure of the emperor with the Romanisation of the figure of Christ.¹⁹ In Orosius' view, the peaceful unification of the *orbis Romanum* under Augustus was part of God's plan for the propagation of the Gospel, and the emperor is presented as the forerunner of Christ, who, conversely, endorsed Rome as his fatherland:

It was by the will of our Lord Jesus Christ that this City prospered, was protected, and brought to such heights of power, since to her, in preference to all others, He chose to belong when He came, thereby making it certain that He was entitled to be called a Roman citizen according to the declaration made in the Roman census list.²⁰

In view of Orosius' imperial enthusiasm, the participation of Christus in the census appears to offer political endorsement and implies the justification of Roman imperial power, which should be obeyed. Caesar is designated as 'prince of all men' in this reading, 'and the Romans [as] lords of the world'.²¹

Following in Orosius's footsteps, later exegetes often saw in these verses of Luke a distinct political message. A few thirteenth-century examples will serve to bring us chronologically closer to the focus of this chapter, while also summarising and drawing two interpretative strands. The topic of obedience to temporal power is dealt with extensively by Bonaventure of Bagnoregio (c. 1217-1274) in his *Commentarius in Evangelium S. Lucae*. In his discussion of the relevant verses, Bonaventure also emphasises the fact that Jesus was registered in order to comply with all higher authorities on earth: 'by paying the census tax',

¹⁹ For a critical account of Orosius' debt to Eusebius, Peter Van Nuffelen, *Orosius and the Rhetoric of History* (Oxford: Oxford University Press 2012) 191-97.

²⁰ Paulus Orosius, *Seven Books of History against Pagans*, transl. by Irving W. Raymond (New York: Columbia University Press 1936), VI.22.8, 317; see also *ibid*, VII, 2. Latin text in Paulus Orosius, *Le storie contro i pagani*, 2 vols, ed. by Adolf Lippold (Milano: Fondazione Lorenzo Valla-Mondadori 2001) vol. 2: VI.22.8, 234: 'Dominus noster Iesus Christus hanc urbem nutu suo auctam defensamque hunc rerum apicem provexerit, cuius potissime voluit esse cum venit, dicendus utique civis Romanus census professione Romani'. On the 'theology of Augustus' and the philosophy of history elaborated in book VI of the *Historiae*, see Erik Peterson, *Der Monotheismus als politisches Problem. Ein Beitrag zur Geschichte der politischen Theologie im Imperium Romanum* (Leipzig: Jakob Hegner 1935), Karl Löwith, *Meaning in History. The Theological Implications of the Philosophy of History* (Chicago-London: Chicago University Press 1949) 174-81, and Ilona Opelt, 'Augustustheologie und Augustustypologie'. *Jahrbuch für Antike und Christentum* 4(1961), 44-57. See also the synthesis offered by François Paschoud, 'La polemica provvidenzialistica di Orosio' in Salvatore Calderone (ed.), *La storiografia ecclesiastica della tarda antichità* (Messina: Centro di studi umanistici di Messina 1980) 113-33, esp. 115-19.

²¹ Orosius, *Seven Books* (n 21) VI.22.7, 316, tr. modified; Latin text in Orosius, *Storie* (n 21) 2: VI.22.7, 232: 'Haec est prima illa clarissimaque professio, quae Caesarem omnium principem Romanosque rerum dominos singillatim cunctorum hominum edita adscriptione signavit'.

Jesus and his family ‘made themselves subject to the king [*subiectionem habebant ad regem in professionem*]’ and ‘declared themselves to be subject to Roman empire [*se subiectos esse Romano imperio*]’.²² The explicit link between census and subjection is emphasised by Bonaventure’s citing of a number of biblical passages typically quoted by Christian authors in connection with political subjection, thus confirming that Luke’s pericope deserves a place alongside other, today better known, biblical passages used to justify political submission.²³

Bonaventure’s lines refer implicitly to fiscal issues, although this aspect is more evident in the widely circulated *Postillae in universa Bibla* by Hugh of St. Cher (c. 1190-1263), where the census in which Jesus participated voluntarily is described as ‘the exhibition of subjection [*subiectionis exhibitio*]’, since it involves the payment of tax.²⁴ Here, again, the *Postillae* are building on the work of earlier exegetes: previous Christian thinkers had stressed that the payment of a tax necessarily meant the acceptance of the political authority that imposed it, mainly basing their opinion on Jesus’s invitation to render to Caesar what is Caesar’s (Matthew 22:21) and on Paul’s Letter to the Romans – particularly its most political verses at the beginning of Chapter 13. A passage in the commentary *In Epistolam ad Romanos*, which was, until the sixteenth century, attributed to Ambrose – and thus had a significant influence on medieval doctrine – is insistent upon this point: by paying tributes and rendering to Caesar that which is Caesar’s, ‘people know that they are not free, but act under authority, which is from God. They are subject to their ruler, who acts as

²² *Works of St. Bonaventure. St. Bonaventure’s Commentary on the Gospel of Luke: Ch. 1-8*, transl. by Robert J. Karris (New York: Franciscan Institute Publications 2001) II.5, 140, tr. modified; Latin text in Bonaventura, *Commentarius in Evangelium S. Lucae*, 4 vols, ed. by Barbara Faes de Mottoni (Roma: Città Nuova 1999-2012) 1: II.5, 168. A similar expression had already appeared in Petrus Comestorius’ *Historia scholastica. In evangelia*, IV, which, mentioning Luke 2:1, narrates that a decree went out ‘ut [...] ad suam confluerent homines civitatem, [...] et quisque denarium argenteum pretii decem nummorum usualium, unde denarius dicebatur praesidi provinciae tradens, se subditum Romano imperio profiteretur.’ in Jacques-Paul Migne [ed], *Patrologiae Cursus Completus. Series Latina*, 221 vols. (Paris: Migne – Petit Montrouge 1844-’55) vol. 198: col. 1539. Bonaventure’s formula was later to be collected in Nicholas of Lyra’s Biblical commentary, destined to be extremely popular in subsequent centuries. See *Biblia: Contra perfidiam Judaeorum, cum Glossa ordinaria et litterali moralique expositione Nicolai de Lyrano*, 6 vols. (Basel: Froben, 1498?-1502) 5: f. 129r.: ‘profitebantur autem dupliciter se esse subiectos romano [sic] imperio, scilicet scripto: quia eorum nomina scribebantur de mandato imperatoris. et etiam facto: quia solvebant census imperatori, propter quod in nummismate census erat imago imperatoris (ut habetur Mt 22)’.

²³ Bonaventure recalls Matthew 22:21, Rom 13:7, 1Pet 2:13-14. On these passages and their exegeses within Christian thought on political subjection, see the references given above in n 5.

²⁴ Hugo de Sancto Charo, ‘Postilla super Evangelium Lucae’ in *Hugonis cardinalis opera omnia*, 8 vols. (Venetiis: N. Pezzana, 1703) 6: fol. 139v. The *Postillae* were quite widely circulated: see Patricia Stirnemann, *Les manuscrits de la Postille*, in Louis Jacques Bataillon, Gilbert Dahan and Pierre-Marie Gy (eds.), *Hugues de Saint-Cher (†1263) bibliste et théologien* (Turnhout: Brepols 2004) 31–42: 37–38.

God's deputy [*principi enim suo, qui vicem dei agit*] [...] and the proof of their subjection [*subiectionis probatio*] is that they pay him tribute [*tributa*].²⁵ The well-known brocard *praestatio tributi probatio subiectionis est* – which had been collected some decades earlier in the ordinary gloss to the Bible (on Rom 13:6),²⁶ and, finally, found its way into the *Liber Extra* (X 3.39.2), where it is wrongly ascribed to Augustine's commentary on Romans 13²⁷ – may well be a summary of this passage by pseudo-Ambrose. The *Sententiae* by Peter Lombard (c. 1100-1160), a masterpiece which was later commented on by Hugh of St. Cher too, also moved in this direction: in a question exploring the possibility of resistance to political authority, the Letter to the Romans and its ordinary gloss are cited to argue that princes and kings 'are not to be resisted in those things which God commands to be given to them, namely tributes and suchlike'.²⁸ Whatever Hugh's source actually was, the *Postillae* are clearly following an unbroken line of reasoning and explicitly connect our pericope to fiscal and political issues which were widely debated in twelfth and thirteenth centuries.

That census-taking, the payment of taxes, and political subjection all became entangled in one another over the long centuries of New Testament exegesis is undeniable.

²⁵ Ambrosiaster, *Commentaries on Romans and 1-2 Corinthians*, transl. by Gerard L. Bray (Downers Grove, IL: InterVarsity Press 2009) on Rom 13:6, 101; Latin text in *Ambrosiastri qui dicitur commentarius in epistulas paulinas. Pars prima*, ed. by Heinrich I. Vogels (Vienna: CSEL Pichler Tempsky 1966) *In Epistulam ad Romanos*, XIII.6, recensio γ, 421.

²⁶ See the digital edition directed by Morard Martin, *Glossa ordinaria cum Biblia latina* (Glossae Scripturae Sacrae-electronicae (Gloss-e) IRHT-CNRS 2016) available at http://gloss-e.irht.cnrs.fr/php/editions_chapitre.php?livre=../sources/editions/GLOSS-liber60.xml&chapitre=60_13, accessed 5 December 2019

²⁷ X 3.39.2: 'Et vos subditi esse debetis. Ideo enim tributa praestatis, quia haec est probatio subiectionis'. The *Liber Extra* ascribes the phrase to Augustine – as usually do the scholars who refer to it. However, the exact phrase appears neither in Augustine's Commentary on the Romans nor anywhere else in his works. For some references to the juridical and canonical discussion on this brocard see Lydwine Scordia, *"Le Roi doit vivre du sien". La théorie de l'impôt en France (XIII^e-XV^e siècles)* (Paris: Institut d'Études Augustiniennes 2005) 56-60; Ennio Cortese, 'Intorno alla *causa impositionis* e a taluni aspetti privatistici delle finanze medievali' in Ennio Cortese, *Scritti*, ed. by Italo Biocchi and Ugo Petronio, 2 vols. (Spoleto: Centro italiano di Studi sull'Alto Medioevo 1999) vol. 1: 135-232, 211-16.

²⁸ See Peter Lombard, *The Sentences*, 4 vols., transl. by Giulio Silano (Toronto: Pontifical Institute of Mediaeval Studies 2007-2010) vol. 2: II.44.2.2, 217; Latin text in Petrus Lombardus, *Sententiae in IV libris distinctae*, 2 vols (Grottaferrata: Ed. Collegii S. Bonaventurae ad Claras Aquas 1971-1981) 1: II.44.2.2, 579: 'non est resistendum in his quae iubet deus eis [i.e. regi et principi] exhiberi, scilicet in tributis et huiusmodi'. Note that the ordinary gloss to Rom 13:2 ('Itaque qui resisti potestati ordinationi Dei resistit') explains the word 'potestati' as follows: 'in his que ad potestatem pertinent, id est tributis et huiusmodi'. *Glossa ordinaria* (http://gloss-e.irht.cnrs.fr/php/editions_chapitre.php?livre=../sources/editions/GLOSS-liber60.xml&chapitre=60_13, accessed 5 December 2019). A similar reasoning in Petrus Lombardus, *Collectanea in omnes Pauli apostoli Epistulas*, in *Patrologia Latina*, vol. 191: col. 1506, on Rom 13:1-6: 'Ideo enim, haec est probatio subiectionis, quasi dicat: Subditi esse debetis, quia etiam ideo, id est ad ostendendam subiectionem, praestatis tributa, quod est signum subiectionis, non ait solvitis, sed praestatis, quasi reddituris, quia reddunt serviendo in defensionem, dum pugnant pro patria, et dum agunt iudicia; praestatis tributa, vos dico servientes Deo, in hoc ipsum, id est propter hoc ipsum servitis Deo, quod illis tributa datis'.

It is therefore no surprise to find the same entanglement in numerous medieval political and juridical texts.

Debating imperial authority. Luke 2:1-2 in late medieval juridical and political texts **[header]**

Most of the occurrences of Luke's passage in the juridical and political literature of the late Middle Ages can be ascribed to the intense debate around the legitimacy, independence, and universality of imperial power, which raged within a context of almost constant conflicts between the imperial authority and local powers or national kingdoms, on the one hand, and the Church and the empire, on the other. Before turning to this debate, however, I will touch upon some other uses of this passage, which demonstrate the extent to which it was reinterpreted by juridical and political thinkers, and which give us a deeper understanding of the construction of their – and our – meaning.

One of the most significant surviving testimonies from the twelfth-century law schools, the treatise *Questiones de iuris subtilitatibus*, perhaps composed around 1160 by Albéric, a Parisian jurist who studied in Bologna, provides a good starting point.²⁹ Written when the Roman law was enjoying renewed popularity, the text provides a sympathetic narrative of the fortunes of Roman law and supports its claim for universal hegemony. To this end, certain events unmentioned in the *Corpus Iuris* are discussed, including the census ordered by Augustus, introduced to demonstrate the legitimacy of Augustus' jurisdiction and thus, necessarily, of his law. The argument is straightforward: Christ would never have acted in such a way as to endorse a tyrannical power. The admission of the Bible says that Christ had approved the census plied the emperor with additional authority to order that a census be taken of all peoples, which in turn renders it legitimate for him to legislate for them: 'promulgating the laws belongs to him', and therefore, concludes the author (extending the conclusion to his own time), 'our law [*nostris iuris*] has authority and vigour'.³⁰

²⁹ On this text see Ennio Cortese, *Il diritto nella storia medievale*, 2 vols (Roma: Il Cigno 1995) 2: 111-16, Magnus Ryan, 'Political thought' in David Johnston (ed.), *The Cambridge Companion to Roman Law* (Cambridge: Cambridge University Press 2015) 423-51, at 428-29, and André Gouron, 'Les "Quaestiones de iuris subtilitatibus": une œuvre du maître parisien Albéric'. *Revue historique* 2001/2 (618), 343-362.

³⁰ G. Zanetti (ed.), *Quaestiones de iuris subtilitatibus*, §12-13, in Ugo Nicolini, *Per lo studio dell'ordinamento giuridico nel comune medievale. Raccolta di fonti* (Milano: Celuc 1972) 1-28: 14: 'Si credi debet argumentis, verius ipsi credamus Veritati: "Reddite – inquit – Cesari que Cesaris sunt". Si Cesaris sunt, non usurpat Cesar

A similar argument – quoting Orosius directly – is introduced by the Italian jurist Lucas de Penna (c. 1300-1390), some two centuries later, to demonstrate that Roman law was superior to the barbarian law, because it ruled over the whole world as a universal law. Roman princes, wrote Lucas,

ruled over all the world as testified by the holy scripture, in the Gospel of Luke: “a decree went out from emperor Augustus that all the world should be registered”. Christ himself wanted to be born and registered under a just empire [*sub iusto imperio*].³¹

As well as offering scriptural ground for the universality of Roman law, the narrative of Luke is invoked in juridical texts that prescribe the fulfilment of fiscal obligations, a key issue in terms of political subjection – as Bonaventure’s and Hugh of Saint Cher’s theological interpretations have already revealed. One such text was written by the Tuscan Rolandus de Lucca (c. 1150-1234), who discusses fiscal issues in details, defending fiscal imposition on grounds of necessity. In Lucca, and many other Italian communes, the crucial – and very concrete – object of such discussions was the expensive construction and/or consolidation of city walls, and must be seen against the background of the fiscal experiments that characterised the gradual shift from extraordinary to ordinary taxation in the late Middle Ages.³² Rolandus of Lucca’s *Summa trium librorum* mentions Luke’s narrative on numerous occasions in the passages on taxation and, in particular, when dealing with C.10.16 (*De annonis et tributis*)³³ and C.10.22 (*De apochis publicis et descriptionum curialium*).³⁴

que non sunt sua. Si ergo Cesaris est edicto gentes ascribere in census, et condere leges ab eo non est alienum. Percipis iam, ut opinor, que nostri iuris sit auctoritas et vigor’.

³¹ Lucas de Penna, *In tres posteriores libros Codicis Iustiniani* (Lugduni: apud Ioannam Iacobi Iuntae F. 1582) ad Cod. 11.72.1, 640A-B: ‘[...] at Romani principes universum orbem tenuerunt, ut patet ipsius divinae scripturae testimonio Luc. 2 Exiit edictum a Caesare Augusto, ut describeretur universus orbis, sub quo etiam ipse Christus tamquam sub iusto imperio nasci & describi voluit, ut ibi, de quo dicit Orosius 6 ad August. ad fin. Dominus noster Iesus Christus hanc urbem, scilicet Romanam nutu suo auctam defensamque in hunc rerum apicem pervexit, cuius potissime voluit esse cum venit dicendus utique civis Romanus census professione Romani’.

³² See Sara Menzinger’s excellent summary *Verso la costruzione di un diritto pubblico cittadino*, in Emanuele Conte and Sara Menzinger (eds.), *La Summa Trium Librorum di Rolando da Lucca (1195–1234). Fisco, politica, scientia iuris* (Roma: Ricerche dell’Istituto Storico Germanico di Roma 2012) CXXV–CCXVIII, see on this Cortese, ‘Intorno alla *causa impositionis*’ (n 28), and the classic observations by Kantorowicz, *King’s Two Bodies* 284-91.

³³ See Conte and Menzinger, *La Summa Trium Librorum*, 72, where, discussing C.10.16, the fiscal imposition on imperial provinces is investigated: ‘Quod ergo dicitur ab unaquaque provincia solvendum quod solvere statuerunt cum prefecto, apparet prefecti statuta [...]. Et quia forte presumitur quod prefecti descriptio

Although the details of his argumentation are not relevant to the current analysis, the link between Roland's argumentation and the context in which it was developed is worth mentioning. Keeping in mind that, around 1182, Lucca organised, for fiscal purposes, the first property census in its territory (following the example of Pisa, where a similar census had been carried out a few years earlier), and that Roland had, in fact, first-hand political experience as a public official and consultant (mainly on fiscal issues) in Lucca, it is clear that in writing these lines he was probably referring not only to the biblical episode, but also to current events. The Lucca census is not mentioned in the *Summa*, but Roland seems to indirectly justify and ennoble it through his repeated references to the census ordered by Augustus.³⁵ We see that, in these pages, the fiscal nuance introduced by the theologians in their interpretations of the pericope is again touched upon once more, now also entangled with veiled allusions to the local context.

The above examples do not, however, directly tackle political subjection, nor can they account for the symbolic conflict that arose around the liturgical reading of Luke's Gospel made by Charles IV as he brandished the imperial sword on Christmas night. It is when we turn to the readings of Luke's words given by authors who support the limitation of imperial authority or conversely – and to an even greater extent – those who assert the superiority of imperial authority that these questions emerge with real clarity.

Consider the canonist Ricardus Anglicus (c. 1160-1242), who offers a good example of the claims to independence from all international authority made by local kingdoms. Earlier legal thinkers had – at least in principle – acknowledged the authority of the emperor, even at times when no universal temporal government was actually in place. During the thirteenth century, however, the growth of new national kingdoms posed a more effective challenge to the papacy than the medieval empire had ever done and created the

processit iubente Principe, unde et illud "exiit edictum a Cesare Augusto ut describeretur universus orbis. Hec descriptio prima facta est a preside Ci<rino>". Multo magis ergo summus Princeps, sicut plus potest quam prefectus'.

³⁴ In discussing C.10.22.1, according to which no official valuation of property can be carried out before having been submitted to the governors of provinces, Rolandus comments: 'Sic non arbitrio curialium est facienda exactio, licet ab eis descripta, non nisi per sententiam rectorum provincialium sit confirmanda. Nam plus a summo Principe id expectatur, unde et illud "exiit edictum a Cesare Augusto ut describeretur universus orbis"' (see *ibid*, 80-81).

³⁵ See Menzinger, *Verso la costruzione*, CLIV-VI. On Rolandus' biography, *ibid*, CXXXVII-VIII. See also the chapter by Emanuele Conte in this collection.

space for new opinions about imperial authority to be argued.³⁶ Indeed, Richard voices the claims for exemptions of national kingdoms from the imperial jurisdiction asserted over all Christian rulers and echoes the position that Innocent III had expressed in the decretal *Per Venerabilem* in his attempt to undermine imperial independence.³⁷ Richard's interpretation of the pericope in his Gloss to the *Compilatio I* seems to be on the same tack: he starts by observing, through analogy, that 'just as all are subject to the pope as regards the spiritual sword, so they are subject to the emperor as regards the secular one', as 'it is written in the Gospel, "A decree went forth from Caesar Augustus that a census of the whole world should be taken"'. This seems to imply that the whole world was subject to Augustus, who could not 'send forth a decree except among his own subjects'. But this traditional argument is refuted on factual grounds. As Richard remarks, 'it is evident that many kings are not subject to the emperor, for it seems that, just as they were subdued by force, so they can return by force to their proper liberty'. And emperors – he concludes, making it clear what the real, political, problem at issue is – should be in no way different from kings in their power, being anointed 'with the same authority, with the same consecration, with the same chrism'.³⁸

Richard's position was buttressed by previous exegetical tradition on Luke, which had developed similar, factual arguments to mark the boundaries of the secular Roman empire – whose rule was far from universal – and argue the superiority of the spiritual and truly universal authority of Christ, and of his vicar on earth, the pope.³⁹ As might be expected, the Avignon papacy also echoed this tradition. The observations of John XXII, who reigned in Avignon between 1316 and 1334, are in fact in the same vein and deserve a brief mention here since we will later be examining the arguments of his fierce opponent, William of Ockham. In a sermon entitled *De dignitate pueri Iesu*, John XXII quotes the

³⁶ On Ricardus and his context, see Bryan Tierney, *The Crisis of Church and State, 1050-1300* (Toronto: University of Toronto Press 1988) 159-61.

³⁷ See James Muldoon, *Empire and Order* (London-New York: MacMillan 1999) 98-99, and, on *Per Venerabilem*, also Canning, *History*, 122.

³⁸ Ricardus Anglicus, *Gloss on Compilatio I*, 4.18.7, ad v. *regi possessionum iudicium relinquentes*, transl. in Tierney, *Crisis*, 161-62, Latin text in Franz Gillmann, *Richardus Anglikus als Glossator der Compilatio I*, in Rudolph Weigand (ed.), *Gesammelte Schriften zur klassischen Kanonistik von Franz Gillmann*, 3 vols. (Würzburg: Echter 1993) 2: 58: 'sicut in spirituali gladio omnes sunt subditi pape, ita in seculari omnes imperatori [...]. Unde etiam in evangelio: Exiit edictum a cesare augusto, ut describeretur universus orbis (Lc 2,1). Set qualiter edictum mittere poterat nisi per suos, ut II.Q.I. Inprimis (C.7)? Set contra: Patet reges multos imperatori non subici. Videtur enim, quod sicut per violentiam essent subditi, quod violenter possint ad propriam redire libertatem. [...] Cum uterque tam imperator quam rex eadem auctoritate, eadem consecratione, eodem crismate inungitur, unde ergo potestatis diversitas [...]?'

³⁹ See, e.g., Ambrose of Milan's passage quoted above, n 15.

passage to highlight that ‘the power of the emperor extends only to those who are under his power’. Luke’s words ‘all the world’ – concludes the pope, implicitly contrasting the universality of the Church and the non-universality of the empire – must be understood to mean that ‘all the world who was subject to him’.⁴⁰

Another significant reading of Luke’s words from the perspective of the limitation of imperial authority in the face of papal authority had been provided a few years earlier by Ptolemy of Lucca (c. 1236-1327), in his continuation of Thomas Aquinas’ *De regimine principum*, published in the first years of the fourteenth century, and which was to go on to circulate widely under the latter’s name.⁴¹ A well-known chapter of the third book elaborates on Daniel’s vision of the four world monarchies, going on to say that the fourth monarchy, i.e. that of the Romans, has been followed by a fifth, the monarchy of Christ.⁴² Ptolemy explains how Christ’s monarchy had excelled all previous earthly monarchies because of its long duration and the universality of its lordship. From this perspective, the narrative of Luke – and Christ’s acknowledgement of ‘the lordship of Augustus’ – clearly poses a problem, which the author can not avoid addressing, terming it ‘a mystery’:

[Christ] sustained the lordship of Augustus so that the whole globe might be counted at the time of the birth of the Lord, as the Evangelist Luke testifies. A poll or tax was levied based on this count [...] in recognition of the servitude that was owed. There is a mystery in this, since he who was born was true Lord and Monarch of the world, and Augustus stood in his place, although he did not this through his understanding but through the motion of God.

⁴⁰ ‘Potesta enim imperialis extendit se tantum ad illos qui sunt sub eius imperio. Unde dicit cunctos populos quos nostre clemencie regnat imperium. Ex quo manifeste pretendit alios esse populos non sibi subiectos. Unde etiam aliqui dicunt multos esse populos ad quos non pervenit dominium Romanorum nec etiam fama ipsorum. Unde quando dicitur Lu. II quod “exiit edictum a Caesare Augusto ut describeretur universus orbis” intelligitur universus orbis sibi subiectus’, in Edith Pásztor, ‘Una raccolta di sermoni di Giovanni XXII’ II-III/parte II (1956-57) *Bullettino dell’archivio paleografico italiano Nuova Serie* 265-8, at 287.

⁴¹ On Ptolemy see Ludwig Schmugge, ‘Bartolomeo Fiadoni (Ptolomeo da Lucca)’ in *Dizionario Biografico degli Italiani*, available at http://www.treccani.it/enciclopedia/bartolomeo-fiadoni_%28Dizionario-Biografico%29/, accessed 5 December 2019, and James Blythe, *The Life and Works of Tolomeo Fiadoni (Ptolemy of Lucca)* (Turnhout: Brepols 2009) 157-90.

⁴² To contextualize this chapter, see Cecil N.S. Woolf, *Bartolus of Saxoferratus: his Position in the History of Medieval Political Thought* (Cambridge: Cambridge University Press 1913) 318-20, and James Blythe, *The Worldview and Thought of Tolomeo Fiadoni (Ptolemy of Lucca)* (Turnhout: Brepols 2009) 97-124.

Christ, the theologian avers, chose an abject life to teach earthly princes humility and to show how different his lordship – ‘ordained to the salvation of the spirit and to spiritual goods’ – was from that of the monarchs who had preceded him.⁴³ The Roman emperor, in contrast, acted as Christ’s unwitting vicar and not as a legitimate ruler in his own right. Ptolemy believed that the political import of Luke’s words had to be reduced and nuanced: the analogy between the spiritual and earthly kingdoms, and between their rulers – an analogy which, as we have seen, was a *topos* in the interpretation of these lines from Ambrose onwards – is so thoroughly reinterpreted that Christ is identified as the true and only *dominus mundi*, and strengthened by reference to the detail (echoing Eusebius) of the vicariate of the earthly emperor. The author’s intention to stress the contrast between such an *unwitting* vicariate and that of the pope – the *true* vicar of Christ on earth – is thereby effectively communicated.

Although challenged both by supporters of national kingdoms and by the papacy, the dream of a universal empire was still far from dead at the beginning of the fourteenth century. Indeed, Luke’s pericope seems to have been used mainly to serve this dream, the most illuminating example of which is perhaps Dante Alighieri’s *De monarchia*. In Dante’s view, the full potential of the human intellect could only be realised in a world without conflict, and peace could only be achieved if all nations submitted to a single, universal, temporal power. In defending the need for such an authority, and the independence of temporal power, book II of *De monarchia* also dwells at length on the crucial role of the Roman empire within God’s providential plan for humankind, showing that such a universal reality once existed – and could therefore be again.⁴⁴ This is the frame for Dante’s long comment on the Roman imperial edict on the universal census. Drawing extensively on Orosius’ work and, to a certain extent, sharing the latter’s enthusiasm for the empire, he

⁴³ Ptolemy of Lucca, *On the Government of Rulers*, transl. by James M. Blythe Philadelphia: (Univ. of Pennsylvania Press 1997) III.13, 186. Latin text in Thomas Aquinas, *Opera Omnia*, 7 voll., ed. by Roberto Busa (Stuttgart: Frommann Holzboog 1980) 7: III.13, 559: ‘In quo verbo satis apparet quod dominium Christi ordinatur ad salutem animae et ad spiritualia bona, ut iam videbitur, licet a temporalibus non excludatur, eo modo quo ad spiritualia ordinantur. [...] In humilitate ergo vixit, et demum in Augusto substituit, ut describeretur universus orbis in ortu domini, ut Lucas Evangelista testatur. Et in hac descriptione solvebatur census, sive tributum, ut historiae tradunt, in recognitionem debitae servitutis, non sine mysterio, quia ille natus erat, qui verus erat mundi dominus et monarcha, cuius vices gerebat Augustus, licet non intelligens, sed nutu Dei’. Luke’s pericope is similarly commented on by Ptolemy in his *Historia ecclesiastica nova*, ed. by Ottavio Clavuot (Hannover: Hahnsche Buchhandlung 2009) I.3, 11. The passage from Comestorius’ *Historia scholastica* which is referred to is quoted above, n 23.

⁴⁴ See Prue Shaw, *Introduction*, in Dante Alighieri, *Monarchia*, transl. by Prue Shaw (Cambridge: Cambridge University Press 1995) XX-XXI.

invokes Jesus's compliance with the edict to legitimate the jurisdiction of the Romans: 'Christ chose to be born of his Virgin Mother under an edict emanating from Roman authority, so that the Son of God made man might be enrolled as a man in that unique census of the human race'. Therefore, by his very actions, 'which are more telling than words', he wanted to manifest his recognition that 'the edict of Augustus, who embodied the authority of the Romans, was legitimate'. Not only, for Dante, did this appear to legitimate the edict as an instrument, but he goes further to argue for the defence of its issuer:

since someone who issues an edict legitimately must logically have the jurisdiction to do so, it necessarily follows that someone who acknowledges that an edict is legitimate is also acknowledging that the jurisdiction of the authority which promulgated it is legitimate.⁴⁵

In approving a just edict, in other words, Christ is also approving the jurisdiction of its issuer, namely, the emperor Augustus. The point, as Dante remarks a few lines later, is fundamental from the theological point of view, for if Christ had not been sentenced to death by a legitimate authority, he could not have redeemed Adam's sin or guaranteed salvation of fallen mankind.⁴⁶ At the same time, a clearly political issue is addressed: the use of this biblical passage also allows Dante to support his argument that the power of the keys Christ conferred on Peter was not directly political, since this is reserved to the emperor – in both ancient and contemporary times.

⁴⁵ Dante, *Monarchia*, II.10.6-8, 93-5; Latin text *ibid*, 92-94: 'Cristus, ut scriba eius Luca testatur, sub edicto romane auctoritatis nasci voluit de Virgine Matre, ut in illa singulari generis humani descriptione filius Dei, homo factus, homo conscriberetur, quod fuit illud prosequi. [...] Ergo Cristus Augusti, Romanorum auctoritate fungentis, edictum fore iustum opere persuasit. Et cum ad iuste edicere iurisdictio sequatur, necesse est ut qui iustum edictum persuasit iurisdictionem etiam persuaserit: que si de iure non erat, iniusta erat.'

⁴⁶ *Ibid*, II.11.1: 'Et si romanum Imperium de iure non fuit, peccatum Ade in Cristo non fuit punitum; hoc est falsum; ergo contradictorium eius ex quo sequitur est verum'. In this regard, a meaningful comparison can be drawn with a passage in the *Defensor pacis* by Marsilius of Padua who, however, while developing a very similar argument on biblical basis to legitimate the empire, does not explicitly refer to Luke 2:1-2 (nor can any reference be found in the *Defensor Minor*). See *The Defender of the Peace*, transl. by Annabel Brett (Cambridge: Cambridge University Press 2005), II.4.12, 170-72, and George Garnett, *Marsilius of Padua and the Truth of History* (Oxford: Oxford University Press 2006) 75-76.

Bartolus of Saxoferratus (1313/14-1357) – who was familiar with Dante’s *Monarchia*⁴⁷ – interpreted the passage in a similar fashion, claiming likewise that it is a requirement of Christian doctrine for Christians to recognise the emperor’s authority. In his commentary on the *Digest*, written in the first half of the fourteenth century, the eminent jurist delves into the ‘law of enemies’ [*lex Hostes*] (D. 49.15.24), minutely scrutinising fundamental questions of interpolity law – and, primarily, the distinction between ‘Roman’ and ‘foreign people [*populi extranei*]’, to define a public war.⁴⁸ Referring to the European situation in his own day, Bartolus compares the various statuses of European polities – the Tuscan cities, Venice, France, the Roman Church – and their various degree of independence from the Roman empire, to infer that they belong to the same people (*populus Romanus*). In his view, they were only independent because the emperor has conceded this status to them. Even those who reigned independently *de iure* accepted that their independence was based on this concession and therefore had to recognise the emperor as lord. Not to do so, he continues, would be contrary to the Gospel and the example of Christ:

If someone argues that the emperor is not the lord and the monarch of all the world, they are heretics, as they speak against the decisions of the Church, against the holy Gospel which says: “a decree went out from emperor Augustus that all the world should be registered” [...] In this way, even Christ acknowledged the emperor as lord.⁴⁹

Populi extranei, then, are precisely those heretics, outside the Western church, who do not recognise the emperor as *de iure* lord of all the worlds. This included the *Graeci*, *Judaei*, *Saraceni*, and *Tartari*. Unwittingly or not, this distinction was perfectly fabricated to

⁴⁷ See Woolf, *Bartolus*, 17-18.

⁴⁸ On this text see *ibid* 21-28 and 40-41, Peter Haggemacher, *Grotius et la doctrine de la guerre juste* (Paris: PUF 1983) 114-116, and Constantin Fasolt, *The Limits of History* (Chicago-London: Chicago University Press 2004) 167-173.

⁴⁹ Bartolus a Saxoferrato, *In Secundam Digesti Novi Partem* (Venetiis: Giunta 1596) ad D. 49.15.24, f. 215rA, n° 7: ‘Et forte si quis diceret dominum Imperatorem non esse dominum, & monarcham totius orbis, esset haereticus, quia diceret contra determinationem ecclesiae, contra textum sancti Evangelii, dum dicit Exiit edictum a Caesare Augusto, ut describeretur universus orbis ut habes Luc. 2c. Ita etiam recognovit Christus imperatorem ut dominum’. On the use of theological sources made by Bartolus, see Diego Quaglioni, ‘Diritto e teologia nel “Tractatus testimoniorum” bartoliano’ in Diego Quaglioni, *“Civilis sapientia”. Dottrine giuridiche e dottrine politiche fra Medioevo e Età moderna* (Rimini: Maggioli 1989)107-25.

maintain the conception of western Europe as a single political community, conterminous with Christendom itself, and even allowed for the independent exercise of authority within it. For this reason, this passage of Bartolus, itself hinging on the pericope, was a significant element of his political thought, and was therefore destined to be echoed widely. Exactly the same remark was made by Bartolomeus of Novara (1320/30-1408) in his commentary on the *Institutiones* (l. 1.12.5), which was published later in the fourteenth century (under the better-known name of Baldus de Ubaldis, Bartolus' most eminent pupil).⁵⁰ Other authors were to follow.⁵¹ Baldus himself (1327-1400), too, deserves a role in our cast. On a number of occasions he defends the emperor's position as *dominus mundi* on scriptural grounds. Luke's narrative predictably makes an appearance in his commentary on the proem of the *Code*, where it is used as one of the proofs to demonstrate that the emperor – like the sun – is perpetual, not so much because it will endure forever, but because it is universal and rules over the whole earth.⁵²

The complexity of the issues at the heart of the political and doctrinal dialectics between secular and ecclesiastical authority can be seen more clearly through the lens of the exegesis of Luke when the last piece of our mosaic is added: William of Ockham. Embroiled in a notorious doctrinal and political dispute with John XXII, as an open supporter of the imperial power's independence from ecclesiastical authority, the Franciscan philosopher inevitably made the legitimacy of the empire, and its ability to avoid

⁵⁰ Baldus de Ubaldis, *Commentaria ad quatuor Institutionum libros* (Lugduni: Compagnie des libraires 1585), fol. 10v, ad Inst. 1.12.5. On the true identity of the author of this commentary, see Domenico Maffei, 'Bartolomeo da Novara autore della *Lectura Institutionum* attribuita a Baldo degli Ubaldi?'. *Rivista di storia del diritto italiano* 63 (1990), 5–22.

⁵¹ See Iason Maynus (1435-1519), *Consiliorum sive responsorum [...] volumen tertium* (Venetiis: apud Franciscum Zilettum 1581), cons. LXX, f. 119v and Iason Maynus, *In primam Codicis parte commentaria* (Lugduni: s.n. 1581) ad Cod. 1.1.1, f. 2vb, n. 7. Further, critical, references to Bartolus' observations can be found in early modern texts: as noted by Woolf, *Bartolus*, 25, Bartolus' commentary on this point was to be elaborated on by Grotius, who criticized his conclusion on the universality of the empire and the Church (see *The rights of war and peace*, II.22.13, 3 vols., ed. by Richard Tuck [Indianapolis: Liberty Fund 2005] 2: 1106-07, where Luke is referred to) and, similarly, by Jean Bodin (*Les six livres de la république* [Paris: Jacques du Pois 1583] I.IX, 189) where Bartolus is explicitly quoted, but no reference to Luke's Gospel is made.

⁵² Baldus de Ubaldis, *In primum, secundum, & tertium Codicis libros commentaria* (Venetiis: Giunta 1599) ad Cod. Proem, f. 2vA: 'Dicit hic quod Imperator est perpetuus [...] Dicit gl[ossa] quod perpetuum dicitur dupliciter, uno modo, quod est indefinitae durationis, & hoc modo non accipitur hic. Secundo modo accipitur perpetuum i[dest] generale, vel universale, & sic sumitur hic; nam Caesar est dominus universalis, ut patet in divina scriptura, quae dicit, exijt edictum a Caesare Aug[usto] ut describeretur universus orbis'. The universality of imperial power is discussed on biblical basis by Baldus also commenting on Cod. 1.1.1, *ibid.*, f. 6rA, where however scriptural reference is to Matthew 22:21: 'Nunc videamus, an praesuppositum sit verum, quod Imperator sit ita universalis dominus [...] Secundo dixi quod imperium est a Deo approbative: Christus enim approbavit imperium, dum dixit: imago Caesaris reddatur Caesari, ut habetur in evangelio'.

subservience to the papacy, a key element in his thought. In his opinion, the heretical Avignon papacy had injured the empire by claiming that the latter's power derived from the former. Far from endorsing any theocratic descending theory of political authority, he held the power of the emperor to derive solely from God, manifest in the choice of the Roman people.⁵³ In his attempts to establish the independence of the imperial power, Ockham invoked several passages from the Bible in which legitimate jurisdiction among non-Christians is recognised.⁵⁴ The *Breviloquium de principatu tyrannico*, one of his later works, particularly emphasises the contribution of the scriptures to the imperial cause. Book IV fully addresses the issue of the independence of imperial authority, within the framework of a general discussion of the institution of legitimate governments. The first argument that the author introduces to show that 'the empire was not from the pope' and, therefore, the pope did not possess full temporal authority, refers to our pericope: 'Octavian was true Augustus before Christ was born of his mother, as is clear from Luke, chapter 2'.⁵⁵ It is remarkable that Ockham was familiar with John XXII's sermons, although he seems never to have referred directly to the abovementioned sermon *De dignitate pueri Iesu*, against which this interpretation could appear as implicitly polemical.⁵⁶ The direct continuity between the empire of Ockham's days and the pre-Christian Roman empire is thoroughly investigated and defended in the *Breviloquium*. Any doubts about the illegitimacy or tyrannical nature of Roman power over others must be dispelled, because such power has been legitimated by Christ, who has claimed no superiority over the Roman empire even when the emperors were not believers. It is clear, observes Book III, that evangelical and apostolical texts mentioning Caesar – Luke 2 is quoted among others – 'do not call Caesar one who was so

⁵³ See Joseph Canning, *Ideas of Power in the Late Middle Ages, 1296-1417* (Cambridge: Cambridge University Press 2011) 126-28. On Ockham's 'thorough rejection of the descending theme as a general explanation of political authority', see Arthur S. McGrade, *The Political Thought of William of Ockham* (Cambridge: Cambridge University Press 1974) 104. An informed and critical account of the interpretations of Ockham's political thought in Takashi Shogimen, *Ockham and Political Discourse in the late Middle Ages* (Cambridge: Cambridge University Press 2007) 1-35.

⁵⁴ See McGrade, *Political Thought* 96ff.

⁵⁵ William of Ockham, *A Short Discourse on the Tyrannical Government*, ed. by Arthur S. McGrade (Cambridge: Cambridge University Press 1992) IV.I, 105; Latin text in William Ockham, *Breviloquium de principatu tyrannico*, IV.I, in Guillelmus de Ockham, *Opera politica*, ed. by Jeffrey G. Sikes, Hilary S. Offler *et al.*, 4 vols. (1-3: Manchester: Manchester University Press, 1940-1963; 4: Oxford: Oxford University Press 1997), vol. 4: 79-261, 194: 'Octavianus enim fuit verus Augustus antequam nasceretur Christus ex matre, sicut patet ex Lucae ii. Ergo imperium non fuit a papa'.

⁵⁶ See Pásztor, 'Una raccolta', 279-80.

called by mere title and through usurpation of the name, but one who was really and truly Caesar, with true jurisdiction and temporal power and true temporal lordship'.⁵⁷

The *Breviloquium* is not Ockham's only work of relevance to us. In the *Octo quaestiones de potestate papae*, probably composed around 1340, the Oxford philosopher insists that the emperors of his day owe their possession of 'stability and vigour' more to their succession from the first emperors, and those of Christ's time in particular, than to their succession from Charlemagne. The Roman emperors – although pagans – were 'true emperors and kings of the Romans' and had 'true empire or kingship': this is even more certain than Charlemagne's status as a true emperor and king, since it has a 'greater testimony', i.e. the Holy Scripture. Tiberius' legitimacy is testified by Jesus' answer 'Render to Caesar what is Caesar's', Augustus' legitimacy is confirmed by Christ's participation in the universal census at the time of his birth.⁵⁸ This paragraph was later included in the *Somnium Viridarii*, a key text in the debate on the rights and limits of temporal and spiritual authority, commissioned by Charles V in 1376 and written by an author identified as Evrard de Trémaugon.⁵⁹ All the traditional arguments advanced by the partisans of theocracy, on the one hand, and the defenders of the independence of temporal power, on the other, find

⁵⁷ Ockham, *Short Discourse*, III.3, 78. Latin text in Ockham, *Breviloquium*, III.3, 167: 'Liquidio ergo constat quod iuxta vocem Salvatoris Caesar habuit veram iurisdictionem temporalem et verum dominium temporalium rerum. Ex quo patet quod, cum dicitur Lucae ii: *Exiit edictum a Caesare Augusto, ut describeretur universus orbis*'.

⁵⁸ William of Ockham, *Octo quaestiones de potestate papae*, IV.3, in Guillelmus de Ockham, *Opera*, vol. 3: 128: 'Et ex hoc, scilicet quod imperatores post Karolum fuerunt successores primorum imperatorum et regum Romanorum, praesertim illorum qui fuerunt tempore Christi et Apostolorum eius [...] imperatores et reges Romanorum multo magis stabilitatem et vigorem habere viderentur quam ex hoc, quod sunt successores Karoli Magni. Cuius ratio est quia certius notum est quod illi infideles erant veri imperatores et reges Romanorum quam quod Karolus fuerit verus imperator et rex Romanorum; quia de illorum vero imperio sive regno testimonium maius habemus, cum testimonium Dei maius sit quam testimonium hominum [...]. Dixit enim Christus de Tiberio Caesare: *Reddite quae sunt Caesaris, Caesari*. [...] De octaviano vero, primo Augusto, dicit Lucas Evangelista Evangelii sui cap. ii: *Exiit edictum a Caesare Augusto ut describeretur universus orbis*'.

⁵⁹ Marion Schnerb-Lièvre (ed.), *Somnium Viridarii* (Paris: CNRS 1993-95) 1: 178.6, 254-55: 'Et ex hoc videtur quod imperatores post Karolum fuerunt successores primorum Imperatorem et regum Romanorum praesertim illorum qui fuerunt tempore Christi et Apostolorum. Allegagio adducta superius quod Imperatores et reges Romanorum multo magis vigorem habere videntur [quam] ex hoc quod sunt successores Karoli Magni. Cujus ratio est quia certius notum est quod illi infideles erant veri Imperatores et reges Romanorum quam quod Karolus fuerit verus Imperator et rex Romanorum. Quia de illo vero Imperio seu regno testimonium majus habemus, cum testimonium Dei mijus sit quam testimonium hominum. Nam de vero Imperio seu regno illorum Infidelium, habemus testimonium Christi et Spiritus Sancti qui in Johanne Baptista et Apostolis loquebatur; dixit enim Christus de Tyberio Cesare: "Reddite que sunt Cesaris Cesari", [...] De Octaviano autem, primo Augusto, dixit Lucas Evangelista: "Exiit edictum a Cesare Augusto, ut describeretur universus orbis"'. On the importance of this text, see *ibid* the *Introduction* by Marion Schnerb-Lièvre, at xi-lviii. The passage can also be found in the revised French version, made a couple of years later: Marion Schnerb-Lièvre (ed.), *Le Songe du vergier*, 2 vols. (Paris: CNRS 1982) vol. 1: 86.6, 146. On the sources of the *Somnium*, see Marion Lièvre, 'Note sur les sources du *Somnium viridarii* et du *Songe du vergier*'. *Romania* 81/324 (1960), 483-91.

their way into the chapters of this political vision, which ever so subtly advocates the politics and prerogatives of the king. At this moment in history, there could be no doubting the relevance of Luke's pericope.

Conclusion [header]

Against this doctrinal background, our understanding of Charles IV's liturgical gesture at Christmas mass gains new depth and perspective. Legal and political authors in the Middle Ages, as we have seen, put the beginning of the second chapter of Luke's Gospel to a variety of hermeneutic uses, mainly reinterpreting it to claim the legitimacy, independence, and universality of imperial authority and its law, as challenged by the Church and regional polities. And, in opposing the emperor's liturgical performance on French territory, Charles V was probably well aware of this long exegetical tradition. This historical overview has made the case for reassessing and further investigating the political value of Luke's pericope in medieval political and juridical thought. The passage indisputably played a role in the debate on imperial authority, providing authors with biblical material to defend the empire's universality and legitimacy. The pericope therefore deserves its place alongside other biblical references – such as Matthew 22:21, Rom 13:1-7, 1Pet 2:13-14, John 19:11 – that were so importantly used in discussions of both the extent of political submission and the relationship between spiritual and temporal authority from Christian perspectives. This overview has also revealed the imbrication of political authority with the census. These were seen as intrinsically complementary notions – with the latter recognised as an expression of the former – since archaic times, as Benveniste has shown.⁶⁰ More precisely, it is to be seen how the declaredly universal authority of the emperor has a close historical link to the institution of the census. It is additionally remarkable that Luke's words found place on geographical maps – as the thirteenth century Hereford map⁶¹ – which described the imperial territory, literally complying with the *descriptio* ordered by (or attributed to) Augustus. From multiple perspectives, then, the universal census, while undoubtedly but

⁶⁰ See Émile Benveniste, *Le vocabulaire des institutions indo-européennes*, 2 vols. (Paris: Les Éditions de Minuit 1969) vol. 2: 143-151.

⁶¹ See Naomi Reed Kline, *Maps of Medieval Thought: The Hereford Paradigm* (Woodbridge: Boydell Press 2001) 58-60, and the initial observations by Anna-Dorotee Van Den Brincken, “ut describeretur universus orbis”. Zur Universalkartographie des Mittelalters’ in Albert Zimmermann (ed.), *Methoden in Wissenschaft und Kunst des Mittelalters* (Berlin-New York: De Gruyter 1970) 249-78.

one element among many in the multifaceted history of the concept of ‘empire’, is also – in its intertwining of politics, theology, and law – a significant one.

References

- Alighieri, D. (1995). *Monarchia*. Translated by Prue Shaw. Cambridge: Cambridge University Press.
- Ambrose of Milan (1998). *Exposition of the Holy Gospel According to Saint Luke*. Translated by Theodosia Tomkinson. Etna California: Center for Traditionalist Orthodox Studies.
- Ambrosiaster (2009). *Commentaries on Romans and 1-2 Corinthians*. Translated by Gerard L. Bray. Downers Grove, IL: interVarsity Press.
- Ambrosiastri qui dicitur commentarius in epistulas paulinas. Pars prima.* (1966). Edited by Heinrich I. Vogels. Vienna: CSEL Pichler Tempsky.
- Ambrosius Mediolanensis (1977). *De officiis*. Edited by Gabriele Banterle. Roma: Biblioteca Ambrosiana, Città Nuova.
- Ambrosius Mediolanensis (1978). *Expositionis Evangelii secundum Lucam*, 2 vols, Edited by Giovanni Coppa. Roma: Biblioteca Ambrosiana, Città Nuova.
- Baldus de Ubaldis (1585). *Commentaria ad quatuor Institutionum libros*. Lugduni: Compagnie des libraires.
- Baldus de Ubaldis (1599). *In primum, secundum, & tertium Codicis libros commentaria*. Venetiis: Giunta.
- Barnett, P. W. (1973). *Apographe and apographestai in Luke 2, 1-5*. *Expository times* 85, pp. 377-80.
- Baroni, A. (2004). La colonia e il governatore. In: G. Salmeri, A. Raggi and A. Baroni, eds., *Colonie romane nel mondo Greco*. Roma: L’Erma di Bretschneider, pp. 9–54.
- Bartolus a Saxoferrato (1596). *In Secundam Digesti Novi Partem*. Venetiis: Giunta.
- Benveniste Émile (1969). *Le vocabulaire des institutions indo-éuropéennes*, 2 vols. Paris: Les Éditions.
- Biblia: Contra perfidiam Judaeorum, cum Glossa ordinaria et litterali moralique expositione Nicolai de Lyrano* (1498?-1502). 6 vols. Basel: Froben.
- Blass F., Debrunner A. (1961). *A Greek Grammar of the New Testament and Other Early Christian Literature*. Translated by Robert W. Funk. Chicago: Chicago University Press.
- Blythe, J. (2009). *The Life and Works of Tolomeo Fiadoni (Ptolemy of Lucca)*. Turnhout: Brepols.

- Blythe, J. (2009). *The Worldview and Thought of Tolomeo Fiadoni (Ptolemy of Lucca)*. Turnhout: Brepols.
- Bodin, J. (1583). *Les six livres de la république*. Paris: Jacques du Pois
- Bonaventura (1999-2012). *Commentarius in Evangelium S. Lucae*. Edited by Barbara Faes de Mottoni. Roma: Città Nuova.
- Bonaventura (2001). *Works of St. Bonaventure. St. Bonaventure's Commentary on the Gospel of Luke: Ch. 1-8*. Translated by Robert J. Karris. New York: Franciscan Institute Publications.
- Canning, J. (1996). *A History of Medieval Political Thought 300-1400*. London-New York: Routledge.
- Canning, J. (2011). *Ideas of Power in the Late Middle Ages, 1296-1417*. Cambridge: Cambridge University Press.
- Conte, E. and Menzinger, S., eds. (2012). *La Summa Trium Librorum di Rolando da Lucca (1195–1234). Fisco, politica, scientia iuris*. Roma: Ricerche dell'Istituto Storico Germanico di Roma.
- Cortese, E. (1995). *Il diritto nella storia medievale*. Roma: Il Cigno
- Cortese, E. (1999). Intorno alla *causa impositionis* e a taluni aspetti privatistici delle finanze medievali. In E. Cortese, *Scritti, Volume 1*. Edited by Italo Biocchi and Ugo Petronio. Spoleto: Centro italiano di Studi sull'Alto Medioevo, pp. 135-232.
- Delachenal, R., ed. (1916), *Chronique des règnes de Jean II et de Charles V, Volume 2: 1364-1380*. Paris: Librairie Renouard.
- Dvornik, F. (1966). *Early Christian and Byzantine Political Philosophy*. Dumbarton Oaks Center for Byzantine Studies: Washington.
- Erkens, F-R. (2003). *Vicarius Christi - sacratissimus legislator - sacra majestas*. Religiöse Herrschaftslegitimierung im Mittelalter. *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 89, pp. 1-55
- Faitini, T. (2017). The Latin Roots of the 'Profession'. Metamorphoses of the Concept in Law and Theology from Ancient Rome to the Middle Ages. *History of Political Thought* 38/4, pp. 603-22.
- Faitini, T. (2018). Towards a Spiritual Empire. Christian Exegesis of the Universal Census at the Time of Jesus's Birth. *Studies in Church History* 54, pp. 16-30.
- Fantysová-Matějková, J. (2012). The Holy Roman Emperor in the Toils of the French Protocol: the Visit of Charles IV to France. *Imago Temporis. medium aevum* VI, pp. 223-48.
- Fasolt, C. (2004). *The Limits of History*. Chicago-London: Chicago University Press.
- Garnett, G. (2006). *Marsilius of Padua and the Truth of History*. Oxford: Oxford University Press.

Gillmann, F. (1993). Richardus Anglikus als Glossator der Compilatio I. In R. Weigand, ed., *Gesammelte Schriften zur klassischen Kanonistik von Franz Gillmann, Volume 2*. Würzburg: Echter 1993.

Gouron, A. (2001). Les "Quaestiones de juris subtilitatibus": une œuvre du maître parisien Albéric. *Revue historique* (618), pp. 343-362.

Grandes Chroniques de France (c. 1375-1380). Ms Paris, Bibliothèque Nationale France (ms fr. côté 2813) available at <http://mandragore.bnf.fr>, accessed 5 December 2019.

Grotius, H. (2005). *The rights of war and peace*. Edited by Richard Tuck. Indianapolis: Liberty Fund.

Guillelmus de Ockham (1940-1963). *Opera politica, Volumes 1-3*. Edited by Jeffrey G. Sikes, Hilary S. Offler et al. Manchester: Manchester University Press.

Guillelmus de Ockham (1997). *Opera politica, Volume 4*. Edited by Jeffrey G. Sikes, Hilary S. Offler et al. Oxford: Oxford University Press.

Haggenmacher, P. (1983). *Grotius et la doctrine de la guerre juste*. Paris: PUF.

Harnack, A. (1981). *Militia Christi: the christian religion and the military in the first three centuries*. Translated by David McInnes Gracie. Philadelphia: Fortress Press.

Heimpel, H. (1983). Königlicher Weihnachstdienst in späteren Mittelalter. *Deutsches Archiv für Erforschung des Mittelalters*. 39/1, pp. 131-206

Hepp, R. (1998). Theologie, politische. In J. Ritter, ed., *Historisches Wörterbuch der Philosophie, Volume 10*. Basel: Schwabe, pp. 1105-1112.

Honecker, M. (1997). Politik und Christentum. In G. Krause, G. Müller et al., eds., *Theologische Realenzyklopädie*, Berlin-New York: De Gruyter 1997, pp. 6-22.

Hugo de Sancto Caro (1703). Postilla super Evangelium Lucae. In *Hugonis cardinalis opera omnia, Volume 6*. Venetiis: N. Pezzana.

Humm, M. (2008). I fondamenti della Repubblica romana: istituzioni, diritto, religione. In A. Barbero, ed., *Storia d'Europa e del Mediterraneo, Volume 5*. Roma: Salerno Editrice, pp. 467-520.

Humm, M. (2010). Il *regimen morum* dei censori e le identità dei cittadini. In A. Corbino, M. Humbert and H. Negri, eds., *Homo, caput, persona. La costruzione giuridica dell'identità nell'esperienza romana*. Pavia: IUSS Press, pp. 283-314.

Iason Maynus (1581). *Consiliorum sive responsorum [...] volumen tertium*. Venetiis: apud Franciscum Zilettum 1581.

Iason Maynus (1581). *In primam Codicis parte commentaria*. Lugduni: s.n.

Jostkleigrewe, G. (2018). 'Rex imperator in regno suo' – An Ideology of Frenchness? Late Medieval France, Its Political Elite and Juridical Discourse. In A. Pleszczyński, J.A. Sobiesiak, M. Tomaszek and

P. Tyszka, eds., *Imagined Communities: Constructing Collective Identities in Medieval Europe*. Leiden: Brill, pp. 46-82.

Kantorowicz, E. (1997). *The King's Two Bodies. A study in Medieval Political Theology*. Princeton: Princeton University Press.

Lampe, G. W.H., ed., *A Patristic Greek Lexicon*. Oxford: Clarendon Press.

Lièvre, M. (1960). Note sur les sources du *Somnium viridarii* et du *Songe du vergier*. *Romania* 81/324, pp. 483-91.

Lo Cascio, E. (2001). Il *census* a Roma e la sua evoluzione dall'età "serviane" alla prima età imperiale. *Mélanges de l'École française de Rome* 113/2, pp. 565-603.

Löwith, K. (1949). *Meaning in History. The Theological Implications of the Philosophy of History*. Chicago-London: Chicago University Press.

Lucas de Penna (1582). *In tres posteriores libros Codicis Iustiniani*. Lugduni: apud Ioannam Iacobi Iuntae F.

Maffei, D. (1990). Bartolomeo da Novara autore della *Lectura Institutionum* attribuita a Baldo degli Ubaldi? *Rivista di storia del diritto italiano* 63, pp. 5–22.

Magnus, R. (2015). Political thought. In D. Johnston, ed., *The Cambridge Companion to Roman Law*. Cambridge: Cambridge University Press, pp. 423-51.

Marsilius of Padua (2005). *The Defender of the Peace*. Translated by Annabel Brett. Cambridge: Cambridge University Press.

McGrade, A.S. (1974). *The Political Thought of William of Ockham*. Cambridge: Cambridge University Press.

Meier, C. (1995). Was ist politische Theologie? In J. Assmann, ed., *Politische Theologie zwischen Ägypten und Israel*. München: Siemens Stiftung, pp. 3-18.

Menzinger, S. (2012). Verso la costruzione di un diritto pubblico Cittadino. In E. Conte and S. Menzinger, eds., *La Summa Trium Librorum di Rolando da Lucca (1195–1234). Fisco, politica, scientia iuris*. Roma: Ricerche dell'Istituto Storico Germanico di Roma, pp. CXXV–CCXVIII.

Millar Ferguson, G.B. (1993). *The Roman Near East. 31 BC-AD 337*. Harvard, MA: Harvard University Press.

Minnerath, R. (2005). Church and State. In J.-Y. Lacoste, ed., *Encyclopaedia of Christian Theology, Volume 1*. London-New York: Routledge, pp. 311-314.

Morard, M., ed. (2016), *Glossa ordinaria cum Biblia Latina. (Gloss-e)*. IRHT-CNRS, available at http://gloss-e.irht.cnrs.fr/php/editions_chapitre.php?livre=../sources/editions/GLOSS-liber60.xml&chapitre=60_13, accessed 5 December 2019.

Muldoon, J. (1999). *Empire and Order*. London-New York: MacMillan.

- Nestle, E., Aland, K. *et al.*, eds. (2012), *The Greek New Testament*. Stuttgart: United Bible Society.
- Nicoletti M. (2002). Politica. In G. Barbaglio, G. Bof, S. Dianich, eds., *Teologia*. Cinisello Balsamo: Paoline. 1157-1180.
- Nicoletti, M., and Sartori, L. (1991). *Teologia politica*. Bologna: EDB.
- O'Donovan, J.L. (2005). Authority. Political Authority. In J.-Y. Lacoste, ed., *Encyclopaedia of Christian Theology, Volume 1*. London-New York: Routledge, pp. 132-37.
- Opelt, I. (1961). Augustustheologie und Augustustypologie. *Jahrbuch für Antike und Christentum* 4, pp. 44-57.
- Orosius Paulus (1936). *Seven Books of History against Pagans*. Translated by Irving W. Raymond. New York: Columbia University Press.
- Orosius Paulus (2001). *Le storie contro i pagani*. (2 vols.). Edited by Adolf Lippold. Milano: Fondazione Lorenzo Valla-Mondadori.
- Ottmann, H., (1990). Politische Theologie als Begriffsgeschichte. In V. Gerhardt, ed., *Der Begriff der Politik, Bedingungen und Gründe politischen Handelns*. Stuttgart: Metzler, pp. 169–88.
- Paschoud, F. (1980). La polemica provvidenzialistica di Orosio. In S. Calderone, ed., *La storiografia ecclesiastica della tarda antichità*. Messina: Centro di studi umanistici di Messina, pp. 113-33.
- Pásztor, E. (1956-'57). Una raccolta di sermoni di Giovanni XXII' II-III/parte II. *Bullettino dell'archivio paleografico italiano Nuova Serie* 265-8.
- Peter Lombard (2007-2010). *The Sentences*. Translated by Giulio Silano. Toronto: Pontifical Institute of Mediaeval Studies.
- Peterson, E. (1935). *Der Monotheismus als politisches Problem. Ein Beitrag zur Geschichte der politischen Theologie im Imperium Romanum*. Leipzig: Jakob Hegner.
- Peterson, E. (1950). *Christus als Imperator*. In E. Peterson. *Theologische Traktate*. München: Kösel
- Petrus Comestorius (1844-'55). *Historia scholastica. In evangelia*. In J.-P. Migne, ed., *Patrologiae Cursus Completus. Series Latina. Volume 198*. Paris: Migne – Petit Montrouge.
- Petrus Lombardus (1844-'55). *Collectanea in omnes Pauli apostoli Epistulas*. In J.-P. Migne, ed., *Patrologiae Cursus Completus. Series Latina. Volume 191*. Paris: Migne – Petit Montrouge.
- Petrus Lombardus (1971-1981). *Sententiae in IV libris distinctae*. (2 vols.). Grottaferrata: Ed. Collegii S. Bonaventurae ad Claras Aquas.
- Ptolemy of Lucca (1997). *On the Government of Rulers*. Translated by James M. Blythe. Philadelphia: Univ. of Pennsylvania Press.
- Ptolemy of Lucca (2009). *Historia ecclesiastica nova*. Edited by Ottavio Clavuot. Hannover: Hahnsche Buchhandlung.

- Quaglioni, D. (1989). Diritto e teologia nel “Tractatus testimoniorum” bartoliano. In D. Quaglioni, *“Civilis sapientia”. Dottrine giuridiche e dottrine politiche fra Medioevo e Età moderna*. Rimini: Maggioli, pp. 107-25.
- Reed Klin, N. (2001). *Maps of Medieval Thought: The Hereford Paradigm*. Woodbridge: Boydell Press.
- Rizzi, M. (2009). *Cesare e Dio. Potere secolare e potere spirituale in Occidente*. Bologna: Il Mulino.
- Schmugge, L. (1997). Bartolomeo Fiadoni (Ptolomeo da Lucca). In *Dizionario Biografico degli Italiani*, available at http://www.treccani.it/enciclopedia/bartolomeo-fiadoni_%28Dizionario-Biografico%29/, accessed 5 December 2019
- Schnerb-Lièvre, M., ed. (1993-95). *Somnium Viridarii*. Paris: CNRS.
- Schnerb-Lièvre, M., ed., (1982). *Le Songe du vergier*. Paris: CNRS.
- Scordia, L. (2005). *“Le Roi doit vivre du sien”. La théorie de l'impôt en France (XIII^e-XV^e siècles)*. Paris: Institut d'Études Augustiniennes.
- Scott, P., and Cavanaugh W.T., eds. (2004). *The Blackwell Companion to Political Theology*. Malden, MA: Blackwell.
- Shaw, P. (1995). Introduction. In D. Alighieri, *Monarchia*. Translated by Prue Shaw. Cambridge: Cambridge University Press.
- Shogimen, T. (2007). *Ockham and Political Discourse in the late Middle Ages*. Cambridge: Cambridge University Press.
- Stirnemann, P. (2004). Les manuscrits de la *Postille*. In L.J. Bataillon, G. Dahan and P.-M. Gy (eds.), *Hugues de Saint-Cher (†1263) bibliste et théologien*. Turnhout: Brepols, pp. 31–42.
- Thomas Aquinas (1980). *Opera Omnia, Volume 7*. Edited by Roberto Busa. Stuttgart: Frommann Holzboog.
- Tierney, B. (1988). *The Crisis of Church and State, 1050-1300*. Toronto: University of Toronto Press.
- Van Den Brincken, A.-D. (1970). “ut describeretur universus orbis”. Zur Universalkartographie des Mittelalters. In A. Zimmermann, ed., *Methoden in Wissenschaft und Kunst des Mittelalters*. Berlin-New York: De Gruyter, pp. 249-78.
- Van Nuffelen, P. (2012). *Orosius and the Rhetoric of History*. Oxford: Oxford University Press.
- William of Ockham (1992). *A Short Discourse on the Tyrannical Government*. Edited by Arthur S. McGrade. Cambridge: Cambridge University Press.
- Woolf, C.N.S. (1913). *Bartolus of Saxoferratus: his Position in the History of Medieval Political Thought*. Cambridge: Cambridge University Press.

Zanetti, G., ed., (1972). *Quaestiones de iuris subtilitatibus*. In U. Nicolini, *Per lo studio dell'ordinamento giuridico nel comune medievale. Raccolta di fonti*. Milano: Celuc, pp. 1-28.