

FELLOWSHIP FINAL REPORT

Will, power, and being: uncovering the ancient and mediaeval blueprints of the sixteenth-century question of power

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ABSTRACT

Throughout the 20th century, an impressive amount of scholarship was devoted to the origin of the concepts of the prince and sovereignty. By focusing on the ancient and mediaeval sources of 16th-century authors, I tried to determine the degree to which the modern fate of the notion of power depended on ancient and mediaeval debates. I paid special attention to the ethical, anthropological, and legal questions implied in the European encounter with the 'New World'. Despite its broad relevance to studies on early modern era, this subject has often been disregarded with respect to the history of the concept of power. My analysis helped me trace this subject within the most central debates of the last decades of the 16th century. Through the authors of this time, I showed the interrelation between the discussion on Native Americans and a variety of sources of modern history of ideas, which span early-modern philosophy, cosmology, theology, and public and international law.

1- Introduction

Starting from the project keywords, I considered the contribution of ancient and mediaeval sources to 16th-century legal and political theories. I focused in particular on the common features of mediaeval theological, moral, and legal-political ideas and took into account some of the most significant early-modern writers. More specifically, through an analysis of the 11th- to 16th-century history of ideas and on a multidisciplinary level, I aimed to contribute to a better evaluation of the impact that Renaissance philosophers and early-modern Christian heterodox thinkers had, along with the XVI-century Reformers, in the European state-building process and in the rise of modernity.

2- Significance of the project

My project advocated a writing of history that aimed to consider Western legal tradition from a time perspective that is not limited to redesccribing

legal phenomena as they have been told to us in the last two hundred years of legal positivism, namely the kind of normative history with which contemporaries are more familiar. By contrast, in considering the role of ancient sources and mediaeval authors for the early modern era, I examined normative history through concepts and definitions that lie in fields of study that—despite their frequent commingling in mediaeval times—are now considered as different as natural philosophy, public law, moral theology, etc. My choice to consider the emergence of European public law in the 16th century starting from ancient and mediaeval ideas, as well as the choice not to limit myself to legal sources in my analysis, originated in the desire to better document and understand the non-legal cultural backdrop of early-modern legal theories in the passage from mediaeval to modern times. According to these methodological claims, my analysis was conducted on a comparative basis.

3- Results and discussion

During the implementation of my project, I paid special attention, on the one hand, to my past research on the mediaeval distinction between God's absolute and ordered power (*potentia Dei absoluta* and *ordinata*) and, on the other hand, too the re-emergence of this question in the intellectual debates that followed the European encounter with the New World.

Through the distinction between God's absolute and ordered power and by covering a period of time that spans from 11th- to 16th-century authors, I pinpointed the limits of this evolution and the thematic direction of my analysis. In the first period of time, with authors like Peter Damian or Alselm of Aosta, we run into the original mediaeval theologians' normative investigation of God's almightiness aimed to extend the horizon of God's creative action. In the second case, authors like Jean Bodin, Alberico Gentili, and Giordano Bruno confront us with the final affirmation of the distinction as a still normative but no longer theological approach to the realms of law and politics. In this light, the contribution of ancient and mediaeval scholarship to later account of power can be taken as the Archimedean point not just for a re-evaluation of the modern history of the European legal tradition but also, through the distinction between God's absolute and ordered power, for an account, otherwise incomplete, of its with its inner and structuring dimension of twofoldness. This dimension is synthesized in binomial conceptual tensions of the divides between, for example, lawful and factual actions; state of right and state of exception; limitation and freedom in the exercise of power; constituted and constitutive power; legitimation and decision; law and politics—all of which fall under the conceptual-historical narrative of the question of God's power.

With closer attention to the notions of 'will', 'power', and 'being', by choosing them as the 'problems' to be investigated in my project, I aimed neither to explore their complete chronology, nor to prove, as scholars have already done, how successful they have been in the Western history of ideas. Rather, by focusing on their impact on Western legal tradition, I wanted to show how dependent the modern fate of this latter was on the dialectic and relationship between those notions.

As a special part of my project, during my fellowship in Tours I coordinated the third edition of a cultural project named 'Festival Bruniano', the main scientific responsibility of which is mine. This edition, entitled *Giordano Bruno: Will, Power, and Being: Law, Philosophy, and Theology in the Early Modern Era*, included different events: one conference in Berlin; one music concert in Wittenberg; and two international colloquia, held still in Wittenberg and in Tours. These events were organized by the two institutes involved in my fellowship, Le Studium and CESR, and the following institutions: Centre for Research in Political Theology (CRIPT) at the School of Law of Birkbeck College, University of London; 'Martin Luther' University of Halle-Wittenberg; and Luther Memorials Foundation of Saxony-Anhalt of Wittenberg. Starting from a re-evaluation of Christianity after Luther's Reform, these events aimed to discuss the subject of my fellowship through the particular viewpoint of one leading philosopher of the early modern era, Giordano Bruno, by taking into inspection the theological, moral, and legal-political aspects of his philosophy and by comparing his positions to those of other significant 16th-century writers.

4- Conclusion

In close connection with, on the one hand, the investigation into God's attributes performed by the mediaeval authors concerned with the distinction between God's absolute and ordered power and, on the other hand, with the classic and scholastic sources on will, power, and being, late-mediaeval canonists and civil lawyers first worked out a new terminology to define the powerholder's authority. During my fellowship, I could concentrate on the bearing of their ideas on the 16th-century debates and examine the origin and evolution of the modern legal-political concepts of the prince and sovereignty.

5- Perspectives of future collaborations with the host laboratory

After my experience in Tours, I still cooperate with my host scientist and other colleagues at the CESR. In my capacity as the co-director of the above-mentioned Centre for Research in Political Theology at the Birkbeck College School of Law, I will try to create the conditions for a future collaboration with the CESR and other institutes with which I collaborated in the

past, which include: the Faculty of Law of University of Trent; the Institut Romand de Systématique et d'Éthique at the Faculty of Theology of University of Geneva; and the Department of Philosophy of Martin Luther University of Halle-Wittenberg. Considering the potential outcome of such new collaborations and the interrelation with ongoing projects of these institutes, their involvement might include the organisation of cultural events, the participation in conferences, and the publication of their results.

6- Articles published in the framework of the fellowship and other publications (selection)

Monographs: *Against the Backdrop of Sovereignty and Absolutism: The Theology of God's Power and Its Bearing on the Western Legal Tradition, 1100-1600* (revised version of my Ph.D. thesis, currently under review at Brill Publishers).

Edited volumes and related book chapters: **1.** 'Sur les épaules des géants': *bioéthique, théologie, philosophie. Essais en mémoire de Jean-François Malherbe*, spec. issue of *Divus Thomas* 122/2. Includes: 'Autodétermination, autonomie et dignité de l'homme: éléments de réflexion autour des grandes questions de l'éthique et de la bioéthique récentes'; and 'Présentation du volume' (accepted, forthcoming 2019); **2.** 'Le débat sur la condition des indigènes américains au XVI^e siècle: quelques pistes de réflexion', in S. Ansaldi and R. Carbone, eds, *Bruno et Montaigne. Chemins de la modernité*, Paris: Garnier (accepted, forthcoming 2019); **3.** *Giordano Bruno: Will, Power, and Being. Law, Philosophy, and Theology in the Early Modern Era*, Paris: Classiques Garnier, Collection 'Travaux du Centre d'études supérieures de la Renaissance'. Includes: 'The Role of Theology in Alberico Gentili'; 'Notes on Bruno's Christianity in Light of His Trial'; 'Foreword' (accepted, forthcoming 2019); **4.** 'Sit pro ratione voluntas': *l'âge moderne de la norme et la métaphysique de la volonté*, Paris: Cerf, 2018. Includes: 'Eckhart et Ockham. La question de la potentia Dei absoluta en tant que problème normatif à la lumière de l'œuvre de deux maîtres en théologie de la fin du Moyen Âge' and 'Avant-Propos' (in press).

Journal articles: **1.** 'The Classic Age of the Distinction between God's Absolute and Ordered Power: In, Around, and After the Pontificate of John XXII (1316-34)', *Franciscan Studies* 76 (2018), pp. 207-65; **2.** 'La questione della *potentia Dei absoluta* in Alberico Gentili alla luce della sua adesione al luteranesimo', *Il pensiero politico* 51/2 (2018), pp. 173-95; **3.** 'La questione della *potentia Dei absoluta* in Alberico Gentili: l'adesione sui generis al luteranesimo in quanto elemento storico-genealogico della riflessione sui concetti del principe e della sovranità', in V. Lavenia, ed., *Alberico Gentili: Diritto internazionale e Riforma*. Atti della XVI Giornata Gentiliana (San Ginesio, 19-20 set. 2014), Macerata: EUM, 2018, pp. 113-145; **4.** 'Il processo di Maestro Eckhart: spunti di riflessione', *Divus Thomas* 120/3 (2017), pp. 247-58; **5.** 'Jacopo Aconcio : breve biografia di un "eretico minore" del Cinquecento', *Mediterranea. International Journal on the Transfer of Knowledge* 3 (2018), pp. 213-17.

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8- Bibliographical references on the subject of my fellowship (selection)

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