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Introduction

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Situating Conciliarism in Early Modern Spanish Thought
Situier conciliarisme dans la pensée espagnole de la première
modernité

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Introduction

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There is a growing historiography that connects early modern Spain with early modern European histories. Historians of early modern social, political, and economic history are reassessing Spanish exceptionalism.¹ With regard to religious history, since the late 1990s early modern scholars have made significant contributions that have changed the way we study and assess both the church in early modern Spain and early modern Catholicism in general. We now have a much clearer picture of the history of the Catholic Reformation in Spain, the persecution of Protestant groups, and the intellectual production of Morisco and Jewish religious minorities, for example.² The aim of the articles

1. For an examination of the historiography on this topic, see Richard Kagan, “Prescott’s Paradigm: American Historical Scholarship and the Decline of Spain,” *American Historical Review* 101 (1996): 423–46; and Michael Levin, “Historiography and European Perceptions of Spain,” in *A Companion to the Spanish Renaissance*, ed. Hilaire Kallendorf (Leiden: Brill, 2018), 531–48. For works that connect early modern Spain with early modern European histories, see for example David Ringrose, *Spain, Europe, and the “Spanish Miracle,” 1700–1900* (Cambridge: Cambridge University Press, 1996); Jean-Frédéric Schaub, *La France espagnole. Les racines hispaniques de l’absolutisme français* (Paris, Éditions du Seuil, 2003); Jorge Cañizares-Esguerra, *Puritan Conquistadors: Iberianizing the Atlantic, 1550–1700* (Stanford: Stanford University Press, 2006); Regina Grafe, *Distant Tyranny: Markets, Power, and Backwardness in Spain, 1650–1800* (Princeton: Princeton University Press, 2012); Nicole Reinhardt, *Voices of Conscience: Royal Confessors and Political Counsel in Seventeenth-Century Spain and France* (Oxford: Oxford University Press, 2016), and the studies edited by Erin Rowe and Kimberly Lynn, *The Early Modern Hispanic World: Transnational and Interdisciplinary Approaches* (Cambridge: Cambridge University Press, 2017).

2. Allyson Poska, *Regulating the People: The Catholic Reformation in Seventeenth-Century Spain* (Leiden: Brill, 1998); Ignasi Fernández Terricabras, *Felipe II y el clero secular: La aplicación del Concilio de Trento* (Madrid: Sociedad Estatal para la Conmemoración de los Centenarios de Felipe II y Carlos V, 2000); Lu Ann Homza, *Religious Authority in the Spanish Renaissance* (Baltimore: Johns Hopkins University Press, 2000); Stefania Pastore, *Il vangelo e la spada: l’Inquisizione di Castiglia e i suoi critici (1460–1598)* (Rome: Edizioni di Storia e Letteratura, 2003) and *Un’eresia spagnola: spiritualità conversa, alumbradismo e Inquisizione (1449–1559)* (Florence: Leo Olschki, 2004); Benjamin Ehlers, *Between Christians and Moriscos: Juan de Ribera and Religious Reform in Valencia, 1568–1614* (Baltimore: Johns Hopkins University Press, 2006); Paolo Broggio, *La teologia e la politica: Controversie dottrinali, Curia romana e Monarchia Spagnola tra Cinque e Seicento* (Florence: Leo S. Olschki, 2009); Maximiliano Barrio, *El*

in this special issue is to further develop this reassessment of early modern Spanish Catholicism with a study of the presence of conciliarist doctrine in Spanish thought of the time.

Conciliarism, as a movement promoting a corporatist view of the church and the reduction of papal power, has played an important role in histories of constitutionalism, the Gallican Church and the Protestant Reformation.³ As far as studies on conciliarism are concerned, Spain has largely remained on the sidelines. That constitutionalism did not take hold as a political doctrine until after the Liberal revolutions in the eighteenth century, that the Spanish Church cannot be compared with the Gallican Church in its demands for autonomy with respect to the pope, and that the Protestant Reformation did not become established in the Iberian peninsula do not, however, seem to be sufficient reasons to explain the lack of studies on conciliarism in Spain.

The narrative of the absence of the Spanish influence on the history of conciliarism can be explained by the association between Spanish ecclesiology and the Counter-Reformation and Ultramontane Catholicism. While the link between Spanish Catholicism and papalism was forged during the wars of religion and the colonial struggle for the control of the American continent, it was the historiography of the second half of the nineteenth century—Wilhelm Maurenbrecher in his *Geschichte der Katholischen Reformation* (1880) and Marcelino Menéndez Pelayo in his *Historia de los heterodoxos españoles* (1880–82), for example—that put forward the interpretation that the origin of the Counter-Reformation was to be found in the Spain of Cisneros, and hence that Spanish theologians who identified with the defense of Catholic dogma and the papal monarchy had been the guiding lights of the Council of Trent.⁴ According to Menéndez Pelayo, Trent had been “as ecumenical as it was Spanish” and Spanish prelates never questioned “the authority of the pope nor tried to revive

clero en la España moderna (Madrid: Consejo Superior de Investigaciones Científicas/Cajastur, 2010); Kimberly Lynn, *Between Court and Confessional: The Politics of Spanish Inquisitors* (Cambridge: Cambridge University Press, 2014); Mercedes García-Arenal, ed., *After Conversion: Iberia and the Emergence of Modernity* (Leiden: Brill, 2016).

3. Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church 1300–1870* (Oxford: Oxford University Press, 2003); Paul Avis, *Beyond the Reformation? Authority, Primacy and Unity in the Conciliar Tradition* (London/New York: T&T Clark, 2006).

4. H. Outram Evennett, *The Spirit of the Counter-Reformation* (Notre Dame: University of Notre Dame Press, 1968), 10–13.

the disastrous cases of Constance and Basel.⁵ Hubert Jedin encapsulated this perspective on Spanish ecclesiology in the first volume of his influential *History of the Council of Trent* (1951). In the “classic land of Catholic reform,” there was no room for a doctrine that questioned the superiority of the pope over the council: “Was the Iberian peninsula also infected with the spirit of the conciliar theory? By no means.”⁶

In reality, Spanish theologians and canonists made a significant contribution to conciliar theories and to European intellectual history during the fifteenth century. We know which Spaniards were present at the councils of Constance (1414–18), Pavia-Sienna (1423–24) and Basel (1431–49) and the extent to which they were involved in them.⁷ A considerable number of works written by these authors have been located in libraries and archives, and other texts with conciliar content have been identified.⁸ Juan de Segovia is the author who has received by far the most attention in the form of studies, and some editions of his texts have been published.⁹ He was a key figure for understanding

5. Marcelino Menéndez Pelayo, *Historia de los heterodoxos españoles* (Madrid: Librería Católica de San José, 1880), 2:685. All translations in this Introduction are mine. For this interpretation of the role of the Spaniards at Trent, see Ignasi Fernández Terricabras, “‘As Spanish as it was Ecumenical’: Was the Catholic Reformation a Spanish Event?” in *The Myth of the Reformation*, ed. Peter Opatz (Göttingen: Vandenhoeck and Ruprecht, 2013), 32–58.

6. Hubert Jedin, *A History of the Council of Trent*, 2 vols. (London: Nelson, 1957–61), 1:41–42. The only overall view of conciliarism in Spain is the article by José Goñi Gaztambide, “El conciliarismo en España,” *Scripta Theologica* 10 (1978): 893–928, in which the author argued that conciliarism “declined rapidly” after the Council of Basel and that “the conciliarist current had been swept from Spain by the beginning of the sixteenth century” (924). As Jesse Mann points out in the article included in this special issue, Goñi Gaztambide’s view of conciliarism is distorted “by an anachronistic Ultramontanistism.”

7. Walter Brandmüller, *Das Konzil von Konstanz*, 2 vols. (Paderborn: Schöningh, 1997); José Goñi Gaztambide, *Los españoles en el Concilio de Constanza* (Madrid: Consejo Superior de Investigaciones Científicas, 1966); Óscar Villarroel González, “Castilla y el Concilio de Siena (1423–1424): la embajada regia y su actuación,” *En la España Medieval* 30 (2007): 131–72.

8. See the online bibliographic catalogue of Markus Wesche, *Concilium Basileense-Konzil von Basel, 1431–1449*, drawn up in 2010 using the information available in the repertorium “Geschichtsquellen des deutschen Mittelalters,” repfont.badw.de/Concilium%20Basileense.pdf.

9. The bibliography on Segovia is too extensive for a footnote. I shall simply cite a few significant studies: Uta Fromherz, *Johannes von Segovia als Geschichtsschreiber des Konzils von Basel* (Basel: Helbing & Lichtenhahn, 1960); Anthony Black, *Council and Commune: The Conciliar Movement and the Council of Basle* (London/Sheperdstown: Burns & Oates/The Patmos Press, 1979), 118–93; Werner Krämer, *Konsens und Rezeption. Verfassungsprinzipien der Kirche im Basler Konziliarismus* (Münster:

the development of the Council of Basel. His contributions to political thought have been placed on the same level as those of Marsilius of Padua and Nicholas of Cusa, and his *Historia gestorum generalis synodi Basiliensis* has been considered “the single most important eyewitness narrative account of the council.”¹⁰ There were other influential figures, such as the theologian Alfonso de Madrigal (“El Tostado”), who did not hesitate to support conciliarism in the presence of Pope Eugene IV himself,¹¹ as did the canonist Juan González de Sevilla, the Bishop of Cadiz, who, in Basel, defended the conciliar legislation (*Haec sancta*) enacted at the Council of Constance.¹² Finally, Alfonso de Cartagena, a key figure in the cultural history of Castile in the first half of the fifteenth century, defended the superiority of the council over the pope in a speech delivered in 1439 that would be examined by Aeneas Silvio Piccolomini in his history of the Council

Aschendorf, 1980), 207–55; Benigno Hernández Montes, *Biblioteca de Juan de Segovia: edición y comentario de su escritura de donación* (Madrid: Consejo Superior de Investigaciones Científicas, 1984). For Jesse Mann’s publications on Segovia, see, for example, “William of Ockham, Juan de Segovia, and Heretical Pertinacity,” *Medieval Studies* 56 (1994): 67–99; “The Devilish Pope: Eugenius IV as Lucifer in the Later Works of Juan de Segovia,” *Church History* 65:2 (1996): 184–96; and “Truth and Consequences: Juan de Segovia on Islam and Conciliarism,” *Medieval Encounters* 8:1 (2002): 79–90. See also Santiago Madrigal Terrazas, *El proyecto eclesiológico de Juan de Segovia 1393–1458. Estudio del “Liber de substantia ecclesiae”*: edición y selección de textos (Madrid: Universidad Pontificia Comillas, 2000); Anne Marie Wolf, *Juan de Segovia and the Fight for Peace: Christians and Muslims in the Fifteenth Century* (Notre Dame: University of Notre Dame Press, 2014). Among his ecclesiological works, we have a critical edition of the *Explanatio de tribus veritatibus fidei* prepared by Jesse Mann, *The Historian and the Truths: Juan de Segovia’s “Explanatio de tribus veritatibus fidei,”* 2 vols. (PhD dissertation, University of Chicago, 1993); of the *Liber de magna auctoritate episcoporum in concilio generali*, ed. Rolf de Kegel (Freiburg, Schweiz: Universitätsverlag, 1995); and of the *Liber de substantia ecclesie*, ed. José Luis Narvaja (Münster: Aschendorff, 2012).

10. Black, I; Jesse Mann, “Histories of the Council,” in *A Companion to the Council of Basel*, ed. Michiel Decaluwe, Thomas M. Izbicki, and Gerald Christianson (Leiden: Brill, 2017), 50–72, 64.

11. Frédéric Gabriel, “Canon textuel et autorité magistérielle: une controverse entre Alfonso de Madrigal et Juan de Torquemada (Sienne, 1443),” *Revue des sciences religieuses* 86.2 (2012): 127–42; and the contribution to this special issue by Jesse Mann.

12. Vicente Beltrán de Heredia, *Cartulario de la Universidad de Salamanca (1218–1600)*, 6 vols. (Salamanca: Universidad de Salamanca, 1970), 1:286–99 (a reading, like that of Goñi Gaztambide, influenced by the Ultramontanism of this Dominican historian); Erik Meuthen, “Juan González, Bischof von Cádiz, auf dem Basler Konzil,” *Annuario Historiae Conciliorum* 8 (1976): 250–93, 292; and especially, Krämer, 299–303.

of Basel.¹³ Juan de Torquemada's highly influential refutation of conciliarism indirectly established the characteristics of this doctrine for the following decades.¹⁴

In spite of some excellent studies published about these authors, we are still a long way from having a complete picture of fifteenth-century Spanish ecclesiological thought on this matter. The main difficulty in furthering our knowledge of the conciliar thought of Spanish authors is the dearth of modern editions of most of the primary sources. Most of the works by Juan de Segovia and Juan González de Sevilla, for example, exist only in manuscript form, in sixteenth-century editions, or in the collections of Giovanni Domenico Mansi (*Sacrorum conciliorum collectio*, 1784–98) and of Ernst Birk, Rudolph Beer, and others (*Monumenta conciliorum generalium*, 1873–1935). Most of the literature produced in Europe during the conciliar period is in the same situation, as Nelson Minnich pointed out in a survey of the conciliar period.¹⁵ Modern editions (and translations) of all these texts would help identify the theological, legal, and philosophical sources of these authors, show the evolution of conciliar thought in light of the different contexts in which the texts were written, and clarify the role played by fifteenth-century academic centres, such as the University of Salamanca—where Segovia, Sevilla, and Madrigal taught—in articulating and spreading conciliarism in Spain and Europe.

The survival of conciliarism after Basel had a significant political dimension, bound up with economic relations between the monarchies and the Roman Curia. In the words of J. H. Burns, conciliar ideas “had moved [...] to an alliance with royal power against papal pretensions.”¹⁶ The pope neutralized the support of the rulers for the conciliar doctrine by granting them greater control

13. Beltrán de Heredia, 1:318–33; Luis Fernández Gallardo, *Alonso de Cartagena (1385–1456). Una biografía política en la Castilla del siglo XV* (Valladolid: Junta de Castilla y León, 2002), 165–70.

14. Thomas M. Izbicki, *Protector of the Faith: Cardinal Johannes de Turrecremata and the Defense of the Institutional Church* (Washington, DC: Catholic University of America Press, 1981), 95–106; and his “Papalist Reaction to the Council of Constance: Juan de Torquemada to the Present,” *Church History* 55 (1988): 7–20.

15. Nelson Minnich, “From Constance to Trent: A Historical Overview,” in *The Church, The Councils, and Reform: The Legacy of the Fifteenth Century*, ed. Gerald Christianson, Thomas M. Izbicki, and Christopher M. Bellitto (Washington, DC: The Catholic University of America Press, 2008), 27–59.

16. James H. Burns, *Lordship, Kingship and Empire: The Idea of Monarchy 1400–1525* (Oxford: Oxford University Press, 1992), 145.

in their respective dominions over benefices, ecclesiastical appointments, and financial contributions to be paid to the Roman Curia. The Concordat of Bologna agreed between Francis I and Leo X in 1516 is one significant outcome of this negotiation.¹⁷ In the case of Spain, early modern historians have repeatedly maintained that the papacy conceded “almost total control over the Church within Spain and its dominions.”¹⁸ By ceding this power, it managed “to detach these kings from the causes of conciliarism and ecclesiastical nationalism *a la française*.”¹⁹ In this context, it is unlikely that the Trastamaras or the Habsburgs would have wished to use conciliarism to obtain political advantage in their negotiations with the papacy, or, in more general terms, to explore how they could exploit the Protestant Reformation for political ends.

According to this scenario, the Roman Curia would have provided a smooth implementation of the various bulls that underpinned royal patronage in Spain and the Indies,²⁰ and the crown would, at the same time, have gained control over the ecclesiastical rents of the Spanish Church.²¹ Both of these situations supported the historiographical account of the secularization of political power and the creation of modern states during the sixteenth century, and, in the specific case of Spain, from the reign of the Catholic Monarchs onward. Research by Maximiliano Barrio and Sean Perrone, however, has shown that this scenario does not correspond to reality. Although the rulers had the right to put forward names for the vacant positions of bishops, prelates, and abbots, papal confirmation was still necessary and the popes continued to

17. John A. F. Thomson, *Popes and Princes 1417–1517: Politics and Polity in the Late Medieval Church* (London: George Allen & Unwin, 1980); Robert J. Knecht, “The Concordat of 1516: A Reassessment,” in *Government in Reformation Europe*, ed. Henry J. Cohn (London: Macmillan, 1971), 91–116; Oakley, 50–54; Alberto Cadili, “The Legacy of the Council,” in *A Companion to the Council of Basel*, 471–501, 480–83.

18. Henry Kamen, “Spain,” in *The Reformation in National Context*, ed. Bob Scribner, Roy Porter, and Mikulas Teich (Cambridge: Cambridge University Press, 1994), 211.

19. Christian Hermann, “Settlements: Spain’s National Catholicism,” in *Handbook of European History 1400–1600*, ed. Thomas A. Brady, Heiko O. Oberman, and James D. Tracy, 2 vols. (Leiden: Brill, 1995), 2:511.

20. W. Eugene Shiels, *King and Church: The Rise and Fall of the Patronato Real* (Chicago: Loyola University Press, 1961).

21. See, for example, Steven Ozment, *The Age of Reformation 1250–1550: An Intellectual and Religious History of Late Medieval and Reformation Europe* (New Haven: Yale University Press, 1980), 189, and Euan Cameron, *The European Reformation* (Oxford: Oxford University Press, 1991), 55.

protect their interests and to interfere in this process. Furthermore, in spite of the concession, the Roman Curia still controlled the appointments of “thousands” of ecclesiastical benefices not covered by the papal bulls, and the papacy continued to exercise significant control over “royal access to ecclesiastical taxation” given that all concessions had to receive papal approval.²² It is no coincidence, therefore, that the correspondence of the Spanish ambassadors in Rome constantly addresses issues related to royal patronage and to the negotiation of the ecclesiastical taxes to be charged to the Spanish Church.

Accordingly, in certain circumstances, conciliarism could be an attractive doctrine for Spanish rulers and their legal advisers in the context of their negotiations with the papacy. This use of conciliarism had already been seen during the Council of Basel, when Alfonso V of Aragon supported the council as a way of pressuring Pope Eugene IV to back him against his rival in the south of Italy, René of Anjou.²³ After the Council of Basel, conciliarism was again employed in this way, particularly in the early years of the Protestant Reformation when the convening of the general council, and its later development at Trent, was being negotiated with the papacy. Jurists and diplomats who served at the courts of Charles V and Philip II specifically advocated this ecclesiological position in the context of those negotiations. For example, in April 1536, the canonist Alfonso Álvarez Guerrero, who held several important posts in the Kingdom of Naples, dedicated a treatise, written in Spanish, to Charles V concerning the calling of the general council and church reform. The treatise, which argued in favour of the superiority of the council over the pope and justified the legality of the emperor taking unilateral action with respect to calling a general council, was written just at the time that Charles V was negotiating with Paul III the convening of the general council in Mantua. In June 1545, a few months before the beginning of the Council of Trent, an expanded version of the treatise reappeared in Latin under the patronage of the Viceroy of Naples, Pedro de Toledo.²⁴

22. Maximiliano Barrio, *El sistema benefical de la Iglesia Española en el Antiguo Régimen (1475–1834)* (Alicante: Universidad de Alicante, 2010), 13; Sean Perrone, *Charles V and the Castilian Assembly of the Clergy: Negotiations for the Ecclesiastical Subsidy* (Leiden: Brill, 2008), 223.

23. Black, 92–96.

24. Xavier Tubau, “Hispanic Conciliarism and the Imperial Politics of Reform on the Eve of the Council of Trent,” *Renaissance Quarterly* 70.3 (2017): 897–934.

Positions favourable to the superiority of the general council over the papacy can be found in those years among priests who had served at some point in their lives as confessors and diplomatic envoys to the Habsburgs. Francisco Manrique de Lara, the bastard son of Pedro Manrique de Lara, Duke of Nájera, was chaplain to Charles V—at least from 1529 to 1532—and later his ambassador with the commission of treating for peace with Francis I in 1541. Appointed Bishop of Orense in 1542, he was sent by Charles V to the Council of Trent during its second period (1551–52). In the course of one of the sub-committee sessions prior to the session scheduled for 25 January 1552, Manrique de Lara protested about a clause that had been included in a draft of the decree on the sacrament of order that implicitly decreed the superiority of the pope over the general council. As a result of his response, he was publicly accused of being a heretic by the legate Marcello Crescenzo.²⁵ Another case involved Francisco Fernández de Córdoba, a Franciscan friar who was appointed by Philip II in 1559 as confessor to Empress Mary of Habsburg at the Imperial Court of Vienna, where he also advised Emperor Ferdinand on religious matters during the final stage of the Council of Trent (1561–63). Fernández de Córdoba, “a convinced conciliarist” and a “champion of episcopal authority,” defended the view that the pope does not command but serves the church, which is represented by the bishops at a lawfully assembled general council. In the reports that he wrote for the emperor, he even recommended that the general council, with the assistance of the secular rulers, should take the initiative to force through a reform of the Roman Curia.²⁶

Nor did conciliarism disappear from the university classrooms after the Council of Basel. In Salamanca, specifically in the 1470s, the theologian Pedro

25. Constanancio Gutiérrez, *Trento: un concilio para la unión*, 3 vols. (Madrid: Consejo Superior de Investigaciones Científicas, 1981), 2:131, 193. A few days later, Manrique de Lara wrote to Antoine Perrenot de Granvelle, Charles V’s right-hand man, that “lo que nosotros no nos atrevemos a decir en lo tocante a la reformación de la iglesia, lo han dicho bien largamente los embajadores de Mauricio y del duque de Bitanberga [Württemberg]” (2:143; what we do not dare to say with respect to the reformation of the church, has been said at length by the ambassadors of Mauritius and the Duke of Württemberg); recognition of the council’s superiority over the pope was among the ambassadors’ requests.

26. The quotations are from Robert Trisco, “Reforming the Roman Curia: Emperor Ferdinand I and the Council of Trent,” in *Reform and Authority in the Medieval and Reformation Church*, ed. Guy F. Lyle (Washington DC: Catholic University of America Press, 1981), 143–337, 158. Bhodan Chudoba, “Las relaciones de las dos cortes habsburguesas en la tercera asamblea del Concilio Tridentino,” *Boletín de la Academia de la Historia* 3 (1933): 297–369, 362–63, had previously drawn attention to this Franciscan.

de Osma, a disciple of Alonso de Madrigal, argued that a lawfully constituted general council was infallible and denied that the pope was infallible or had the authority to dispense from conciliar law.²⁷ Years later, while in Rome, the canonist Juan López de Segovia, who had been a teacher at Salamanca, argued that the pope was an “administrator” and “governor” of the church who was subject to the general council in any litigation of a personal, criminal, and patrimonial kind; hence, López de Segovia defended the right of rulers to appeal to the general council to redress any grievance they had with the pope, which had been explicitly forbidden by Pope Pius II in the bull *Execrabilis* (1460).²⁸ Bernardino López de Carvajal, a doctor of theology from the University of Salamanca and a disciple of Pedro de Osma (mentioned above), was the cardinal-president of the Council of Pisa–Mila–Asti–Lyon (1511–12), the schismatic council that reaffirmed the validity of the *Haec sancta* decree.²⁹ In the 1530s, the Dominican theologian, Francisco de Vitoria, maintained that both stances—the one defending the superiority of the council over the pope and its opposite—were “likely” (“*utramque esse probabilem opinionem*”) and that both had “eminent champions” (“*magnos assertores*”).³⁰ The Dominicans and Jesuits would side with the discourse of Juan de Torquemada and Tommaso

27. José Labajos Alonso, *Proceso contra Pedro de Osma* (Salamanca: Universidad de Salamanca, 2010), 29, 34, 43.

28. Juan López de Segovia, *Tractatus dialogicus de confoederatione principum et potentatum* [ca. 1495], trans. Florencio Antón Moreno (Madrid: Publicaciones de la Asociación Francisco de Vitoria, 1531), 62; for the bulls against the right to appeal to the council, see Giovanni Battista Piccotti, “La pubblicazione e i primi effetti della *Execrabilis* di Pio II,” *Archivio della R. Società Romana di Storia Patria* 37 (1914): 5–56; and Hans-Jürgen Becker, *Die Appellation vom Papst an ein allgemeines Konzil* (Köln/Vienna: Böhlau, 1988), 149–269; Cadili, 483–84.

29. Gignola Fragnito, “Carvajal, Bernardino López de,” *Dizionario biografico degli Italiani* (Rome: Istituto della Enciclopedia Italiana, 1978), 21:28–34; Álvaro Fernández de Córdoba Miralles, “Bernardino López de Carvajal,” *Diccionario biográfico español* (Madrid: Real Academia de la Historia, 2011–13), 395–401; and Nelson Minnich, “The Role of Prophecy in the Career of the Enigmatic Bernardino López de Carvajal,” *Prophetic Rome in the High Renaissance Period: Essays*, ed. M. Reeves (Oxford: Oxford University Press–Warburg Studies, 1992), 111–20.

30. *De Potestate Papae et Concilii* (On the power of the pope and the council), included in Francisco de Vitoria, *Las reelecciones teológicas*, ed. Luis G. Alonso Getino, 3 vols. (Madrid: Imprenta La Rrafa, 1933–35), 2:230. See Bernice Hamilton, *Political Thought in Sixteenth-Century Spain: A Study of the Political Ideas of Vitoria, De Soto, Suárez, and Molina* (Oxford: Clarendon Press, 1963), 73–74; Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978): 2:145; Katherine Elliot van Liere, “Vitoria, Cajetan, and the Conciliarists,” *Journal of the History*

de Vio (Cajetan), who were critical of conciliar doctrine. Nevertheless, treatises published in the 1540s and 1550s—such as those by Diego de Álava y Esquivel and Jerónimo Curiel—continued to examine the arguments for and against, acknowledging that it was “an important and difficult question” (“notabilis et difficilis quaestio”).³¹

It should also be taken into consideration, moreover, that the ecclesiological literature of the time continued to examine key issues in fifteenth-century conciliar thought, such as the possibility of a heretical pope, the infallibility of the council, and the source of authority of the pope and the bishops. Although this literature does not necessarily refer to the examination of relations between the general council and the pope, it should be read without losing sight of the implications of certain ideas within the framework of that debate. As Christopher Ocker points out, “conciliar ideas had an intricate afterlife in tractates ‘on the Church’ produced by Catholic theologians,”³² and in this respect, it is important to remember that the ideas on these topics held by sixteenth-century Spanish theologians and canonists have, on occasion, been interpreted as if they were formulated after Vatican Council I. The defense of the primacy of the pope, for example, has been interpreted as implying recognition of the primacy of papal jurisdiction and his personal infallibility, when it was possible from the point of view of the ecclesiology of the time—as happened in the case of the Gallicans—to accept the first without recognizing the second.³³

In short, the study of Spanish ecclesiological thought on the powers of the pope and the general council is in need of a conceptual and methodological update. This collection of five essays represents a starting point for further research in this direction. The essays assembled here examine the presence of conciliar doctrine—both of its defenders and its critics—in the Spanish world from the time of the Council of Constance until the end of the Council of Trent.

of *Ideas* 58 (1997): 597–616; Ulrich Horst, *Die Lehrautorität des Papstes und die Dominikaner-theologen der Schule von Salamanca* (Berlin: Akademie, 2003), 63.

31. The quotation is from Jerónimo Curiel, *Tractatus de concilio generali* (Salamanca: s.n., 1546), fol. 21; see also Diego de Álava y Esquivel, *De conciliis universalibus* (Granada: s.n., 1552), fol. 14.

32. Christopher Ocker, “Ecclesiology and Religious Controversy of the Sixteenth Century,” in *The Routledge Companion to the Christian Church*, ed. Gerard Mannion and Lewis S. Mudge (New York/London: Routledge, 2008), 63–84, 70.

33. Joseph Bergin, *The Politics of Religion in Early Modern France* (New Haven: Yale University Press, 2014), 7. An example can be found in Gutiérrez, 3:313.

Darcy Kern, in the first of the contributions, challenges the view that Jean Gerson was unpopular and unread in the Peninsula by exploring the circulation of Gerson's works in the Spanish kingdoms in manuscript and print form. In the first place, Juan de Segovia's library, donated to the University of Salamanca after his death, included two copies of Gerson's *De unitate ecclesiae* (1409) bound with other well-known conciliar texts by authors such as Niccolò de' Tudeschi and Francesco Zabarella. Second, Kern demonstrates, through a codicological analysis of the manuscript, that the copy of the treatise *De potestate ecclesiastica* (1415) held at Yale University was produced in Spain, probably in the Cathedral Chapter of Barcelona, which also has a 1415 copy of Gerson's treatise *De auferibilitate papae* bound with other conciliar tracts. Another of Gerson's manuscripts kept in the Benedictine monastery of Sant Cugat suggests, as Kern explains, the existence of a book trade between the Benedictines and Carthusians in northeast Spain, which is especially relevant in this case because of Gerson's link to the Carthusians, and because this order remained faithful to the Council of Basel until it was dissolved in 1449.

Jesse Mann examines for the first time the relations between Juan de Segovia and Alfonso de Madrigal, the two most important theologians emerging from the University of Salamanca in the first half of the fifteenth century. Mann highlights the identical nature of the principles that underlie Segovia's and Madrigal's conciliar views: the notion that ecclesiastical power resides not in a single person but in a collective; the spiritual and juridical identification of the universal church with the general council; the infallible nature of conciliar decisions in matters of faith and practices, the very basis on which the certainty of salvation is founded; and the subsequent priority of the church over Scripture in terms of authority. The differences between these two authors are also interesting, as Mann points out, such as their different points of view on the origin of episcopal power, which allow us to see that conciliarism was not necessarily tied to episcopalism, and vice-versa. A comparison of Segovia and Madrigal also enables us to see that conciliar ideas existed in Salamanca before Basel and that defending them—as in the case of Madrigal—was not necessarily detrimental to an academic or ecclesiastic career.

Emily O'Brien studies the personal and professional relationship between Aeneas Silvius Piccolomini, the future Pope Pius II, and Cardinal Juan de Carvajal, two men whose careers were forged during the years of the Council of Basel–Ferrara–Florence. In her article, O'Brien reconstructs the context—Fall

1443—in which Piccolomini, secretary to the emperor elect Frederick III, and Carvajal, Eugenius IV's legate in Germany, exchanged letters about the imminent Diet of Nuremberg. Through a close examination of Piccolomini's letter, O'Brien illuminates the content of Carvajal's letter, now lost. While Carvajal was trying to forge a political alliance with Piccolomini to win the emperor over to the side of Pope Eugenius IV, Piccolomini was looking for a way for Carvajal to consider the possibility of calling a new council to resolve the schism between Basel and Rome. As O'Brien highlights, beyond their different political agendas, Carvajal and Piccolomini shared the same political language and the conviction that humanism had an important role to play in ecclesiastical politics. The article by O'Brien represents the first in-depth analysis of the relationship between two of the possibly most influential men of the conciliar crisis of the fifteenth century.

Xavier Tubau studies the relationship between conciliar theory and diplomacy in Francisco de Vargas, a jurist in the service of Charles V and Philip II during the Council of Trent. Basing his arguments on the *Haec sancta* decree of the Council of Constance, Vargas contended that the council was superior to the pope in matters of faith and practices and argued for the need to continue the reform of the Roman Curia started in Constance. As adviser to the imperial ambassador at the Council of Trent and then Philip II's ambassador in Rome, Vargas adapted his ecclesiological ideas to the changing circumstances of the council in its three stages, with papal legates having the right to propose topics for discussion and the papacy averse to the slightest reduction in its prerogatives. Tubau's article examines a number of significant episodes in this respect, such as the protest over the content of the draft of the sacrament of order in January 1552, or the debate in the months prior to the commencement of the third stage of the council about whether or not conciliar decrees required confirmation by the pope.

Thomas Izbicki's contribution on fifteenth-century councils in Vitoria, Cano, and Carranza highlights the progressive closing of ranks in the Dominican world after Vitoria with respect to pontifical authority and the general councils. Trained at the Sorbonne, the seat of conciliar doctrine in Europe, Vitoria tried to find a middle way between conciliarism and papalism. Vitoria made use of a distinction between two types of canon—one based on divine right and the other on the human will—to reinforce conciliar legislation at the expense of dispensation or abrogation by the pope. Cano, for his part, questioned the

ecumenical nature of the *Haec sancta* decree because it was enacted only by the followers of the Pisan pope, John XXIII, and was therefore never approved by Pope Martín V. Finally, in *Summa conciliorum* (1546), Carranza defended the ecumenical nature of Constance and included a selection of sessions and decrees from the Council of Basel, among them the resignation of the antipope, Felix V, in 1449. The neutral presentation of information by Carranza would oblige seventeenth-century publishers to introduce *additiones* in order to guide readers from a doctrinal point of view. Izbicki's final analysis of Bellarmine helps bring out the specific role of the Dominican theologians from Torquemada onwards in the construction of a papalist account of the councils of the fifteenth century.

Based on a strong tradition of ecclesiological scholarship and political, church, and book history, these essays advance our knowledge of the intellectual world in which conciliar and anti-conciliar theologians like Juan de Segovia, Alonso de Madrigal, and Juan de Carvajal formulated their positions (Mann, O'Brien); of the circulation of conciliar text manuscripts by Gerson in Aragon and Castile (Kern); of the role of the Dominican theologians of Salamanca in producing an anti-conciliar account (Izbicki); and of the presence of conciliarism in the imperial embassy at Trent (Tubau). Although conciliarism did not take root in Spain to the extent that it did in other ecclesiastical and political circles in Northern Europe, it was not in itself a foreign doctrine, subject only to the influence of the experiences of a few theologians and diplomats at the Council of Basel. These essays challenge the current monolithic view of Spanish ecclesiological thought by showing the enduring presence of conciliar doctrine in the intellectual and political world of early modern Spain.