

Nominalism and Conciliarism: The Case of Jacques Almain

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Jacques Almain (c. 1480-1515) was a French doctoral student at the University of Paris under John Mair, the Scot who also mentored George Buchanan, Jean Calvin, and John Knox. And after his studies, Almain became a professor of theology at the university. Despite his short career – he died around the age of thirty-five – Almain produced a series of works including three specifically on ecclesiology. In these writings, he argues in defence of conciliarism. In brief, papalists and conciliarists sparred over who has supreme authority in the Church on Earth, the pope or the ecumenical council representing the Church. The conciliarists favoured the council, which, they argued, could depose and/or excommunicate a pope if necessary for the good of the Church; papal defenders, of course, disagreed.¹ Two works in which Almain advances his conciliarist views are *Question in Vespers* (hereafter *Questio*)² and his *Book on the Authority of the Church or Sacred Council* (hereafter *Libellus*);³ both were written in 1512. Almain became prominent due to the latter in particular, which he was commissioned to write by the University of Paris; effectively, he was tasked with defending the Council of Pisa and its conciliarism. Pisa had been called by nine cardinals in 1511 in opposition, for political and ecclesiastical reasons, to the reigning pope, Julius II. The pope had tasked the Master of the Dominicans (1508-18), Thomas de Vio, known for his later confrontation with Martin Luther, with critiquing Pisa and its conciliarism. He completed the undertaking with his work, *On the Comparison of the Authority of Pope and Council* in 1511. Almain's

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Libellus would be his reply.⁴

After providing background on ecclesiastical dominion and corporation theory, I will argue that key features of Almain's ecclesiology and conciliarism as found in *Questio* and *Libellus* are underpinned by a mereology (i.e., an approach to wholes and their parts) that is rooted in the *Via moderna* ("Modern Way"), the school also known as nominalism; in particular, it is rooted in anti-realism (also called nominalism) and terminist logic.⁵ In this way, Almain shifts away from the prevalent view among conciliarists that the Church and other social bodies, such as ecumenical councils, should be understood as corporations – that is, as entities that are, to some extent, legally and conceptually distinct from their members. In place of the corporation, Almain treats these bodies as wholes that are, fundamentally, the sum of their respective parts. As we will see, a key reason for this anti-corporate view is Ockham's razor, to which Almain and other proponents of the *Via moderna* broadly adhered.

Ecclesiastical Dominion (Dominium)

A key topic of discussion in Almain's conciliarist texts,⁶ and one that also features in one of his Commentaries on the *Sentences of Peter Lombard*,⁷ a standard theological text at the time, is secular and ecclesiastical power, especially dominion (*dominium*). Effectively, dominion is a faculty or power exercised with right reason – a form of valid authority – to act on or have authority over an object or person,⁸ and it can be held by individual persons or groups thereof.⁹ Almain argues that there are four forms of dominion – original, natural, ecclesiastical and civil¹⁰ – and the impact on persons is most clear with the civil and ecclesiastical forms.

Civil dominion is authority that is directed toward its end, viz., the common good *qua* earthly felicity of its members, while ecclesiastical dominion is authority directed to the salvation or eternal felicity of individual Christians.¹¹ For Almain, ecclesiastical dominion is rooted primarily in Matthew 18:15-18: the teaching that, should a brother sin and refuse to be privately corrected, one should "Tell the Church," and in Christ's gift of "the keys" to the disciples to bind and loose.¹² This dominion includes the Power of Jurisdiction in the Internal Forum, viz., forgiving and imposing penance in the Sacrament of Penance, which is private and can only be exercised over willing Christians.¹³ It also refers to the Power of Jurisdiction in the External Forum, which is public and can

be exercised over willing and unwilling Christians.¹⁴ It includes powers to define what ought to be believed in faith and morals and what ought to be done or not done,¹⁵ to grant ecclesiastical dignities and privileges (e.g., benefices);¹⁶ to grant indulgences, remitting temporal punishment for sin;¹⁷ and to censure (e.g., excommunicate, depose).¹⁸ Like most conciliarists, Almain's chief interest is dominion in the External Forum: the object of the pope's authority *qua* pope,¹⁹ and a key object of the council's authority. Therefore, the form of dominion that will be raised in this paper is that of the External Forum. For late medieval conciliarists in particular, it was exercised within the Church as a corporation.

Corporation Theory

1. Canonist Corporation Theory and Conciliarism

Brian Tierney provides a succinct definition of the medieval corporation (*universitas*) that would fit the views of most medieval lawyers: it is "a group of persons who were considered for legal purposes as if they formed a single entity. Thus a corporation could own property, enter into contracts, sue or be sued."²⁰ It was, to some extent, conceptually and legally distinct from the members such that it had a legal personality, i.e., to a limited degree, it functioned as a person under law. Especially from the pontificate of Innocent IV (r. 1243-54) onward, the dominant view – although there were detractors²¹ – was that the corporation was a "legal fiction"; any personality one might ascribe to it had its basis solely under law.²² Since this theory (or set of theories) was developed by jurists and canon lawyers, it is often referred to as "canonist corporation theory." There were other corporation theories, too, but this type was particularly influential. It came to be applied to many social bodies and institutions, such as universities, cities, and ecclesiastical councils. It also was applied to the Church itself, in particular, by conciliarists, even while many, especially theologians, would also accord it a "higher" spiritual or mystical existence.

Hostiensis (c. 1200-71), an influential Italian canon lawyer, made an important contribution to canonist corporation theory, especially with respect to the ecclesiastical corporation. He adopted an earlier view that a ruler, while superior to a corporation's members individually, is inferior to the corporation itself; as a result, the ruler is bound, like every member, to

its regulations.²³ According to Tierney's analysis, Hostiensis then applied this to the Roman church whose fundamental members, he argued, were the pope and cardinals. Together, they "formed a single corporate body subject to the normal rules of corporation law." In this way, papal authority was understood to reside in the whole corporation, not just the pope.²⁴ Following Hostiensis, John of Paris (d. 1306) and, thereafter, various conciliarists who attended the councils of Constance (1414-18) and Basel (1431-49) adapted this view, arguing that the College of Cardinals or an ecumenical council representing the whole Church *qua* a corporation could be assembled, which held supreme ecclesiastical authority. And in the case of necessity, that body could depose and/or excommunicate the pope for the good of the Church.²⁵ According to a number of scholars, Almain adopted this view.²⁶

It is certainly correct that Almain was influenced by the canonist corporation tradition. In particular, Almain believed that it is the whole Church *qua collectio fidelium* that has supreme authority, or as he often calls it "dominion" from Christ; that such dominion is only exercisable when the faithful are gathered together at an ecumenical council; and that the pope is bound by its decisions as his superior. That said, texts suggest that Almain shifts away from an important feature of corporation theory, namely, the corporation itself *qua* an entity legally and conceptually distinct from the members. In contrast, he depicts social bodies as the sum of their respective members, due to his mereology which is firmly rooted in the *Via moderna*. Before we consider this position, though, we will briefly look at some of the historic influences of anti-realism and realism on corporation theories and ecclesiologies.

2. The Influence of Anti-Realism and Realism on Some Corporation Theories

It was not uncommon following the work of modern legal historian, Otto von Gierke (d. 1921), to interpret canonist corporation theory as thoroughly "nominalist" (i.e., anti-realist), in particular, the emphasis among jurists and canon lawyers, following Innocent IV, on the corporation's status as a legal fiction.²⁷ Over the past number of decades, however, it has been shown that this is not the case and, rather, that the fiction theory of corporations developed apart from anti-realism, even though, as some have reasonably argued, anti-realism reinforced it.²⁸ In this respect,

therefore, it is clear that one should be cautious lest he or she conflate questions of law with metaphysics. That said, reception of corporation theory was, in certain cases, impacted by one's philosophical presuppositions, including one's anti-realism or realism.²⁹ In such cases, particular medieval thinkers brought together legal and metaphysical categories, or considered one in light of the other.

William of Ockham, for instance, rejected canonist corporation theory. As Janet Coleman has argued, "[Ockham] treats the corporation of individuals, not as a legally created *persona* . . . but as a unified collection of real, individual persons." And given the fiction theory of corporations, "Ockham insisted that such a fictive entity cannot perform real acts or possess real rights under law . . ."³⁰ This applied, for Ockham, to all forms of corporations, including the State, the Church, and the Church's councils. While the origins of Ockham's view on this are disputed, many scholars have justifiably linked its development to his anti-realist emphasis on the individual.³¹

A century after Ockham and before Almain, there were a number of conciliarists, in particular at the Council of Basel and especially during its "final phase" (1437-49),³² who advocated forms of ecclesiastical holism: coupling canonist corporation theory with ideas of a more philosophical order. Several council fathers advanced Neoplatonic realist accounts according to which "the council [is] a visible manifestation of the invisible essence of the Church," and "the Church as a whole is prior in being to any of its 'parts,' the members."³³ It was also widely supposed that the council functioned as one, with a personality by which it could express the "collective mind or will of [the Church] community."³⁴ Granted, not all of the council fathers who advanced ecclesiastical holism at Basel were realists,³⁵ and it was not uncommon to ascribe personality to corporations, even by anti-realists. However, several fathers at Basel did both on a realist basis.³⁶

In his *Summa de ecclesia* (1453), Juan de Torquemada (1388-1468), a papal supporter and critic of conciliarism – not to be confused with his nephew, Tomás de Torquemada, the first Grand Inquisitor in Spain – contested the Baslean fathers' personification of the council by appealing to the view that the council, as a corporation, is a legal fiction. It does not *actually* have a mind or will.³⁷ In this way, Torquemada "struck at the keystone of Baslean Conciliarism, by claiming that it rested on an exaggerated conception of social unity."³⁸

It is difficult to read the works of conciliarists without being exposed to some reference to corporations. Given the prominence of the fiction view on the one hand, and Almain's familiarity with the decrees of and interventions at Basel,³⁹ in which more holistic views were embraced, on the other hand, it is fair to expect Almain to have had at least a general awareness of some different approaches to, or ways of discussing, corporations. As we will see, his view is similar in some important ways to that of Ockham and is rooted in an anti-realist and terminist mereology the foundations of which we will now consider.

Almain's Ecclesiology

1. Foundational Mereological Principles in *Embammata Phisicalia*

In his work *Embammata Phisicalia* (1506), Almain uses Aristotle's *Physics* as a starting point to address a series of problems, both physical and conceptual, and especially pertaining to the concept of a whole (*totum*) and its parts. Almain had earlier trained in terminist logic under John Mair,⁴⁰ and in the beginning of Book II of *Embammata Phisicalia*, Almain raises terminist terminology and approaches to mereology. As a key example, Almain introduces the terms *cathegoreumatice* and *syncathegoreumatice*.⁴¹ (Later, he also uses the synonyms *collective* and *distributive*.⁴²) If a whole is taken categorically/collectively, it means that it is taken complete with all its parts, or as the sum of its parts.⁴³ If, however, a whole is taken syncategorically/distributively, it is taken according to each integral (i.e., essential) part, individually.⁴⁴ To give an example of how these terms could be used, if we ask whether a whole house is worth \$500,000, this may be true if it is taken categorically/collectively, i.e., all of the parts taken together; but it would likely be false if it is taken syncategorically/distributively, for each integral part – e.g., the roof, foundation and each wall – is not likely to be worth \$500,000 by itself. In *Embammata Phisicalia*, Almain indicates that these distinctions, which were prominent in terminist approaches to mereology, are also key to his own.

Soon after this, in his discussion on Book I of Aristotle's *Physics*,⁴⁵ Almain accepts what is explicitly identified as a "nominalist" (i.e., anti-realist) position: "a whole is the sum of all its parts."⁴⁶ It is contrasted with a "realist" position: "the whole is distinguished from the sum of its

parts,”⁴⁷ a position Almain associates with the Scotists (i.e., Duns Scotus and his followers).⁴⁸ Notably, the nominalist view has the same basic meaning as a whole taken categorically/ collectively. While Scotus uses the categorical-syncategorical distinction in his *corpus*, which includes accepting that all parts of a whole can be taken together,⁴⁹ in a strict sense, “a whole . . . is an entity really distinct from the sum of its parts”;⁵⁰ one key exception is an aggregate, which is formed of parts that remain discrete, like a pile of rocks. For Almain, however, as a nominalist (i.e., anti-realist), a whole is never distinguished from its parts, which are always taken categorically or syncategorically. And every whole is the sum of its parts.⁵¹ These anti-realist and terminist mereological principles were later used by Almain in his discussion of social bodies.

2. The Church as a Non-Corporate Collective

Almain’s approach is discernible from his discussion on two senses in which social bodies can be understood. In a passage from *Libellus*, Almain writes:

A particular polity is not . . . called royal, because one person would rule over it who would be greater than the whole community in jurisdiction, and not subject to it in any manner whatsoever, but only on account of this reason: one rules who has jurisdiction [over] any other [member] from the community and is superior to him [i.e., each one].⁵²

Almain makes this point, because he contends that the Church is, fundamentally, a monarchy, even though the pope’s power comes from Christ *via* the Church *qua* the *collectio fidelium*. In making this claim that the ruler does not have jurisdiction over the community as a whole, but he does over each member, Almain is following earlier conciliarists’ use of corporation theory in order to defend two positions. Firstly, supreme dominion in the External Forum is the possession of the Church *as a whole*; and secondly, the pope exercises the Church’s dominion as its chief minister, a capacity he has over each Christian as an individual. If the pope were able to exercise supreme dominion over the Church as a whole, the argument goes, he would be its superior. In this way, therefore, Almain’s claim is not a new one, and does rely on corporation theory. However, and

this is key, earlier conciliarists articulated this view with the understanding that the Church is a corporation. Almain embraces these features of corporation theory, however, while indicating that he does not actually view social bodies, such as the Church, as a corporation, as we will see. A key form of the above argument put forward especially by jurists was that the pope does not have authority over the Church *universitas* (i.e., corporation), which truly holds supreme dominion, but he does have authority over all as “individuals” (*singuli*).⁵³ While this formulation most explicitly invokes the corporation, there were others too. Pierre D’Ailly (d. 1420), for instance, argued that the pope does not have power over “all clergy” (*omni clero*) “taken collectively” (*capitur collective*), but he does have power over all clergy “taken distributively” (*capitur distributive*) (i.e., each individual cleric or a particular body of clergy).⁵⁴ Jean Gerson (d. 1429), in turn, argued that the pope does not have power over the Church “taken collectively” (i.e., all the faithful taken together), but only “dispersedly” (*dispersive*) (i.e., all the faithful dispersed across the world).⁵⁵ As a final example, Nicholas of Cusa (d. 1464) asserted that the pope is not the superior of “all” (*omnium*) of the Church but of the “members individually” (*membra singulariter*).⁵⁶ Other formulations were used too, but these are important examples for our study of Almain’s thought, as we will see. Significantly, it has been argued by various scholars that *universitas*, “collectively” (*collective*), and “all” (*omnium*), in this context, were equivalent terms that connoted the Church as a corporation.⁵⁷

In *Libellus*, Almain refrains from using the juristic formulation, the most explicitly corporate, but uses the terminology of D’Ailly and Gerson,⁵⁸ a simplified version of Cusa’s formula,⁵⁹ and adds many others. These include his original use of “whole . . . taken categorically” (*totum . . . cathegoreumatice*), but without the parallel, “whole . . . taken syncategorically” (*totum . . . syncathegoreumatice*);⁶⁰ “all the rest” (*toto residuo*) (i.e., the Church without the pope) vs. “any particular member” (*quodlibet partiale membrum*);⁶¹ and “whole community” (*tota communitate*) vs. “any other [member]” (*qu[a]elibet alterum*) (i.e., any member other than the ruler, the pope).⁶²

Almain uses these terms in a consistent way, indicating that the pope is inferior to the former but superior to the latter; and this would suggest that the terms are equivalent for him. Yet, the number of terms and phrases he uses, none of which are explicitly corporate, begs the question, is

Almain using them in the narrow, technical sense of a *universitas*? I would suggest he is not. Almain's original use of *cathegoreumatice*, in particular, stands out. As we saw, Almain uses this terminist term in *Embammata Phisicalia*, along with the synonym *collective*, and in the context of mereology, they both mean that a whole is complete as the sum of its parts. Their counterparts, *syncathegoreumatice* and *distributive*, refer to each integral part of a whole, which in this case is every part, i.e., each of the faithful. Notably, these terms roughly correspond with the others in our list above, taken in a non-corporate and mereological sense.

By using *collective-distributive*, *cathegoreumatice* and the other terms loaded with meaning from terminist mereology, Almain is arguing that the pope does not have dominion over the whole Church in the sense of all the faithful together, complete as *collectio fidelium*⁶³ – a view distinct from that of a corporation; but the pope does have authority over each member of the Church (a position left unchanged from his predecessors). While this shift away from the corporation is a subtle distinction, it indicates that the Church, for Almain, is the sum of its parts, the members. This is reinforced by Almain's anti-realist approach to wholes, as we saw in *Embammata Phisicalia*.

That this is, in fact, Almain's approach is supported by his application in *Libellus* of the *collective-distributive* distinction to ecumenical councils, which represent the Church,⁶⁴ while providing a description of how they are constituted in *Questio* – a text written only months prior – that is incompatible with the *universitas*. In brief, while it was broadly accepted at the councils of Constance and Basel that a council is legally distinct from its particular members and identical to the Church,⁶⁵ Almain seems to have disagreed. Rather, he again appeals, albeit implicitly, to mereology: the council, for him, is identical to the council fathers who form it and who, during their time together, collectively hold the Church's authority as, it seems, integral parts of an integral whole. An integral whole is composed of parts, including integral (i.e., essential) parts without which the whole would cease to exist as that whole.⁶⁶ Now, Almain does not use the terms "integral whole" or "integral part" in the text, but his logic suggests them. He argues that if a pope were excommunicated by a council – the only authority able – he could be absolved by "no one . . . except . . . they themselves who passed it"; the only exception is if the pope were dying.⁶⁷ Almain, here, is appealing to the principle that a censure can normatively be lifted only by he or they who impose it or their superior,

and an ecumenical council has no superior.⁶⁸ But why could not a council-imposed censure be lifted by a legally identical council that just happens to have different members? The reason seems to be that the council, for Almain, is not a corporation but one and the same as the members who form it as integral parts and who collectively hold ecclesiastical authority while gathered: hence, *all* who impose a papal censure – and only they – must agree for it to be overturned. Now, since Almain applies the *collective-distributive* distinction to councils, which, as we have just seen, he views as non-corporate collectives, it is highly probable that he views the Church, to which he applies the same distinction, in the same way.

It was certainly possible to be an anti-realist and view social bodies as corporations,⁶⁹ but some found it problematic, as we saw with Ockham, the “Venerable Inceptor.” While Ockham was more explicit in giving his view, Almain’s shift from the concept of a corporation as distinct from its members to the view that only the members exist and have legal statuses shows a similar trajectory from categories of law to metaphysics: from what exists under positive human law to what exists really.⁷⁰ In fact, Almain was very familiar with and cited Ockham’s thought extensively, especially in areas related to *Via moderna* principles, political thought and ecclesiology, to the point that, within about thirty years of his death, Almain was thought to have been a Franciscan, while he was actually a secular priest!⁷¹ While I have not found clear evidence that he was directly influenced by Ockham on the status of a corporation, Almain’s position thereon reflects a broader theme in his thought, which he does share with Ockham.

Throughout Almain’s corpus, he raises metaphysical questions. He considers, for instance, if common natures exist and answers no, just individual natures.⁷² He also asks if real relations exist, connecting things. He is less clear on this but seems to think not.⁷³ Finally, as we saw in *Embammata Phisicalia*, Almain asks if a whole is distinguished from the sum of its parts, and he answers no; it is simply the sum of its parts.⁷⁴ In each of these cases, Almain considers realist and anti-realist views and sides with anti-realism. In doing so, he reflects a tendency within the *Via moderna* to apply Ockham’s razor: rejecting what are deemed superfluous, non-existent things. Almain’s shift from corporations – which were broadly acknowledged not to exist apart from the law – to collective persons, who do exist and, therefore, can exercise authority, fits this approach.

Conclusion

In this article, I have argued, firstly, that there is a logical connection between Almain's position on corporations and the *Via moderna*: not only did he replace the corporation with an anti-realist and terminist mereology, but he did so, at least in part, following Ockham's razor. Secondly, the Church, for Almain, as well as councils and other social bodies, are nothing other or more than their respective membership. One need not be an anti-realist or student of the *Via moderna* to hold this view, but the evidence suggests that Almain held it in large part because he was. It is worth noting, moreover, that Almain's views as outlined in this paper problematize ecclesiastical unity as articulated by the medieval canonist traditions. For Almain rejects that "subordination" to the one pope is necessary for unity, as papalists held, and also that the faithful are united as members of the Church *qua* a corporation, as other conciliarists held.⁷⁵ Rather, we are left with a group of loosely united individuals: suitable for an anti-realist.

Endnotes

1. For the history of conciliarism, see Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church, 1300-1870* (Oxford: Oxford University Press, 2003).
2. Jacques Almain, *Questio in vesperis habita*, in *Opuscula*, ed., V. Doesmier (Paris: Claude Chevallon, 1518), fo. lxii, co. ii – lxviii, co. ii.
3. Jacques Almain, *Libellus de auctoritate ecclesie seu sacrorum conciliorum . . . co[n]tra Thoma[m] de Vio*, in *Opuscula*, ed., V. Doesmier (Paris: Claude Chevallon, 1518), fo. xlv, co. iv – fo. lxii, co. ii.
4. On the Council of Pisa, and the debate between Almain and de Vio, see Francis Oakley, "Almain and Major: Conciliar Theory on the Eve of the Reformation," *American Historical Review* 70, No. 3 (April (1965): 673-90; Oakley, *The Conciliarist Tradition*, esp. 111-29; and J. H. Burns, "Introduction," in *Conciliarism and Papalism*, eds. J. H. Burns and Thomas M. Izbicki (Cambridge: Cambridge UP, 1997), vii-xxiii.
5. Key features of the *Via Moderna* at the University of Paris in the early sixteenth-century, in which Almain was trained and to which he broadly adhered, include forms of anti-realism, terminist logic, voluntarism (theological and anthropological), and univocity of being. This paper will only be

focusing on select effects of anti-realism and terminist logic on Almain's conciliarism and ecclesiology.

6. I.e., *Questio* and *Libellus*.
7. Almain's commentary is *A Decima Quarta Distinctione Quaestiones Scoti Profitentis, Perutilis Admodum Lectura* (Paris: Claude Chevallon, 1526).
8. Almain, *A Decima Quarta*, fo. 48^{ff}.
9. See A.S. McGrade, Introduction to "Question at Vespers," by Jacques Almain in *Cambridge Translations of Renaissance Philosophical Texts. Volume 2: Political Philosophy*, ed., Jill Kraye (Cambridge: Cambridge University Press, 1997), 14.
10. Almain, *A Decima Quarta*, fo. 48^r.
11. Almain, *Questio*, fo. lxvi, co. iii; see Almain, *Libellus*, fo. xlvi, co. ii.
12. Almain, *Questio*, fo. lxv, co. ii-iv; fo. lxvi, co. iii; Almain, *Libellus*, fo. li, co. iii.
13. Almain, *Questio*, fo. lxiii, co. iii; Almain, *Libellus*, fo. li, co. i.
14. Almain, *Questio*, fo. lxiii, co. iii; Almain, *Libellus*, fo. xlvi, co. iv, fo. li, co. i.
15. Almain, *Questio*, fo. lxvi, co. iv; Almain, *Libellus*, fo. li., co. i-iv.
16. Francis Oakley, "Conciliarism in the Sixteenth Century: Jacques Almain Again," *Archiv für Reformationsgeschichte* 68 (1977): 120, 122.
17. Almain, *Questio*, fo. lxvii, co. iv; Almain, *Libellus*, fo. li, co. ii, iii.
18. Almain, *Questio*, fo. lxv, co. ii; fo. lxvii, co. iv; Almain, *Libellus*, fo. li, co. iii.
19. As a priest, the pope's dominion in the Internal Forum of Penance is identical to all other priests, as is his ability, under the Power of Orders, to consecrate the Eucharist. Similarly, as a bishop, his power to administer the Sacraments of confirmation and ordination are equal to all other bishops. See Oakley, "Jacques Almain Again," 119.
20. Brian Tierney, "Corporatism, Individualism, and Consent: Locke and Premodern Thought," in *Law as Profession and Practice in Medieval Europe*, eds. K. Pennington and M. H. Eichbauer (London: Routledge, 2011), 62.

21. See the discussion below (section 2.2) on realists at the Council of Basel who coupled corporation theory with Neoplatonic realism, affecting their view of the Church and ecumenical council.
22. See Tierney, "Corporatism, Individualism, and Consent," 62-3; Magnus Ryan, "Corporation Theory," in *Encyclopedia of Medieval Philosophy: Philosophy Between 500 and 1500*, Vol. 1, ed., Henrik Lagerlund (New York: Springer, 2011), 239.
23. Ryan, "Corporation Theory," 236, 237.
24. Brian Tierney, *Foundations of the Conciliar Theory* (Cambridge: Cambridge University Press, 1955), 184, see 117.
25. Oakley, *The Conciliarist Tradition*, 69-72. For some conciliarists, the council should be formed by the College of Cardinals; for others, bishops and prelates more broadly; and for still others, it could include priests, tonsured academics, and representatives of the State. See Oakley, *The Conciliarist Tradition*, 68-71, 80; Joseph Canning, *Ideas of Power in the Late Middle Ages, 1296-1417* (Cambridge: Cambridge University Press, 2011), 180; and Antony Black, *Council and Commune: The Conciliar Movement and the Fifteenth-Century Heritage* (London: Burns & Oates, 1979), 32-3.
26. E.g., see Oakley, *The Conciliarist Tradition*, 118; Quentin Skinner, "Political Philosophy," in *The Cambridge History of Renaissance Philosophy*, eds. Charles Schmitt, et al. (Cambridge: Cambridge University Press, 1988), 404; and *Visions of Politics. Volume 2: Renaissance Virtues* (West Nyack, GB: Cambridge University Press, 2002), 254-5.
27. Antony Black, "Society and the Individual from the Middle Ages to Rousseau: Philosophy, Jurisprudence and Constitutional Theory," *History of Political Thought* 1 (1980): 150.
28. Black, "Society and the Individual," 150; Black, "The Individual and Society," in *The Cambridge History of Medieval Political Thought c. 350 - c. 1450*, ed., J. H. Burns (Cambridge: Cambridge University Press, 1988), 599, 601.
29. Black has worked extensively on this issue, in particular the impact of realist metaphysics on political theories and ecclesiologies. See, e.g., "Individual and Society," 601, 604; *Council and Commune*; "The Realist Ecclesiology of Heimerich van de Velde," in *Facultas S. Theologiae Lovaniensis 1432-1797*, ed., E.J.M. van Eijl (Leuven: Leuven University Press, 1977), 273-91.
30. Janet Coleman, *A History of Political Thought: From the Middle Ages to the Renaissance* (Oxford: Blackwell Publishers Ltd, 2000), 180.

31. See, e.g., M. Wilks, *The Problem of Sovereignty in the Later Middle Ages: The Papal Monarchy with Augustinus Triumphus and the Publicists* (London: Cambridge University Press, 1963), 88-95; Coleman, *A History of Political Thought*, 170-80; and Tierney, "Corporatism, Individualism, and Consent," 57.
32. Black, *Council and Commune*, 113.
33. Quotes from Black, *Council and Commune*, 1, 2. Heimerich van de Velde explicitly appealed to Neoplatonic realism; see Black, "Society and the Individual," 155, and Black, "The Realist Ecclesiology of Heimerich van de Velde," 278ff.
34. Antony Black, *Monarchy and Community: Political Ideas in the Later Conciliar Controversy: 1430-1450* (Cambridge: Cambridge University Press, 1970), 18; see 19.
35. Juan Segovia, for instance, was not a known member of a realist or nominalist school (Black, "Society and the Individual," 153).
36. E.g., van de Velde (1433/4) (Black, "The Realist Ecclesiology of Heimerich van de Velde," 279-81, 283). Black argues: "While [Baslean] conciliarists did not conceive the dispersed Church as a group with a 'real personality', they conceived the collective Church as just that . . . The final flourish of medieval conciliarism, then, was characterized by holism and metaphysical realism" (*Council and Commune*, 115).
37. Black, *Monarchy and Community*, 54-6.
38. Black, *Monarchy and Community*, 55.
39. Select references in Almain's *Libellus* to Basel (fo. xlvi, co. i; fo. li, co. iv; fo. liii, co. ii; fo. lvii, co. iii; fo. lviii, co. ii-iii), as well as specific Baslean fathers: John, patriarch of Antioch (fo. liiii, co. iv; fo. lxi [x2], co. iii); Nicholas of Cusa (viz., his *De Concordantia Catholica*; see fo. lv, co. i; fo. lviii, co. iv; fo. lxi [x2], co. iv); Geoffrey de Montélu, abbot of Saint Honorat (fo. li, co. iii); and Panormitanus (fo. lviii, co. ii-iii). He also alludes to Juan de Torquemada's *Summa de ecclesia*, in which Torquemada critiques conciliarism following Basel (fo. lvii, co. iii-iv).
40. Augustin Reuaudet, *Préréforme et humanisme a Paris pendant les premières guerres d'Italie (1494-1517)* (Paris: E. Champion, 1916), 404, 457, 464, 593.
41. Jacques Almain, *Embammata Phisicalia*, ed., Pietro Aymerich (Paris: Jean Petit, 1506), fo. xv^r.

42. E.g., Almain, *Embammata Phisicalia*, fo. xxiii^l. That categorematic and collective, and syncategorematic and distributive were, in this context, synonyms, see Desmond Paul Henry, *Medieval Mereology* (Amsterdam: B.R. Grüner, 1991), 437-8.
43. See Norman Kretzmann, “Syncategoremata, Exponibilia, Sophismata,” in *The Cambridge History of Later Medieval Philosophy*, eds. Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1982), 233; and A. Arlig, “Is there a Medieval Mereology?” in *Methods and Methodologies: Aristotelian Logic East and West, 500-1500*, vol. 2 (Leiden: Brill, 2011), 166, fn. 14.
44. Kretzmann, “Syncategoremata, Exponibilia, Sophismata,” 232-4; and Henry, *Medieval Mereology*, 416, 455.
45. Almain may be referring to Aristotle, *Physics* 1.2, 185b11-14, or the *Metaphysics* Bk. 8, 1045a.8-10.
46. “totu[m] est o[mn]es su[a]e partes simul sumpte” (Almain, *Embammata Phisicalia*, fo. xv^f).
47. “totum distinguitur a suis partibus simul sumptis” (Almain, *Embammata Phisicalia*, fo. xv^f).
48. Almain, *Embammata Phisicalia*, xxiii^v.
49. For example, Question 10, Art. 1 (10.5), in *God and Creatures: The Quodlibetal Questions*, trans. Felix Alluntis and Allan B. Wolter (Princeton: Princeton University Press, 1975), 237.
50. “totu[m] . . . e[st] entitas realiter distincta a suis p[ar]tib[us] simul su[m]tis” (Almain, *Embammata Phisicalia*, fo. xxiii^v). For an explanation of Scotus’ view in the context of material substances that are composites of matter and form (i.e., essential wholes), see Richard Cross, “Ockham on Part and Whole,” *Vivarium* 37, No. 2 (1999): 147.
51. See, e.g., Almain, *Embammata Phisicalia*, fo. xv^f, xviii^f, xvi^f, xxiii.
52. “No[n] . . . dicitur politia aliqua regalis q[ui]a unicus ei pr[a]esit qui sit tota communitate in iurisditio[n]e maior nec ei quovis modo subiectus sed solum propter hanc causam quia unicus pr[a]eest qui in qu[a]elibet alterum de co[m]munitate iurisdictionem habet & est eo superior” (Almain, *Libellus*, fo. xlvii, co. i).

53. Black, *Council and Commune*, 21, 64, 148-9. E.g., Juan de Segovia (d. 1458), and Alfonso García de Santa María, the Bishop of Burgos, used this formulation (Black, *Monarchy and Community*, 12-13).
54. See *Joannis Gersonii Opera Omnia*, vol. 2, ed. E. Dupin (Antwerp: 1706), co. 956.
55. Black, *Monarchy and Community*, 13. This formulation was later used at the Council of Basel (see again, *Monarchy and Community*, 13).
56. *Nicolai de Cusa Opera Omnia*, vol. XIV: *De Concordantia Catholica, liber secundus*, ed. Gerhard Kallen (Hamburg: Meiner, 1963), 301-2 (art. 259).
57. E.g., on the equivalency of *collective-dispersive*, *collective-distributive*, and *universitas-singuli*, see Black, *Monarchy and Community*, 13, 15; *Council and Commune*, 148-9; see 21-22. On the equivalency of *collective-distributive/dispersive* and Cusa's formulation, see Jovino de Guzman Milroy, *Tracing Nicholas of Cusa's Early Development* (Louvain: Éditions Peeters, 2009), 192, 61. Milroy is less explicit than Black in directly equating *universitas-singuli* and *collective-distributive/dispersive*, but it is implicit in his analysis (see pp. 61, 69-70, 83, 192, 197).
58. See for example, Almain, *Libellus*, fo. lviii, co. iv; fo. lvi, co. i; fo. lv, co. i.
59. Almain, citing Cusa, says: "Peter and any supreme pontiff has been established the superior of individuals [*singulorum*] but not of all [*omnium*]" (*Libellus*, fo. lv, co. i).
60. See Almain, *Libellus*, fo. liii, co. iii; fo. liiii, co. iv; fo. lxi, co. iii.
61. Almain, *Libellus*, fo. lv, co. i.
62. Almain, *Libellus*, fo. xlvi, co. i.
63. This is Almain's favoured term for the Church. While not particularly common, it was used by figures who otherwise influenced Almain's thought, viz., William Ockham, who also understood the Church in a non-corporate sense (Coleman, *A History of Political Thought*, 179-80). Here, though, there is another connection: D'Ailly and Gerson's distinction between the Church taken *collective* and *distributive/dispersive*. In at least one case, Almain uses *collectione* instead of *collective* (*Libellus*, fo. lxi[x2], co. iv), a linguistic link to *collectio fidelium*. (*Collectivus* and *collectio* are both derived from *collectus*, *colligo*.) While both the Church taken *collective* and *distributive/dispersive* are legitimate ways of understanding the Church, for Almain, the Church is able to utilize its supreme authority only collectively, indeed, literally gathered. This again indicates that Almain's view of the Church, like

other social bodies, retains importance for the whole, even while it is only the sum of its parts.

64. For example, Almain, *Libellus*, fo. lvi, co. i; see liiii, co. iv; fo. lxi [x2], co. iv; fo. lviii, co. iv.
65. See Black, *Council and Commune*, 22; see 20-21; Black, *Monarchy and Community*, 18; see 15-17.
66. Many wholes, in fact, were classified as integral by medievals. Two other basic categories were universal wholes and potential wholes. See Andrew Arlig, "Mereology," in *Encyclopedia of Medieval Philosophy: Philosophy between 500 and 1500*, ed. Henrik Lagerlund (London: Springer, 2011), 766-7; and Arlig, "Medieval Mereology," in *Stanford Encyclopedia of Philosophy*, <https://plato.stanford.edu/entries/mereology-medieval>.
67. "nullus . . . nisi . . . illi qui tulerunt si a communitate feratur" (Almain, *Questio*, fo. lxxviii, co. i).
68. Almain, *Questio*, fo. lxxviii, co. i.
69. For example, Pierre D'Ailly; although, the decree to which D'Ailly's nominalist positions impacted his political theology and ecclesiology is debated.
70. It is important to note that this is where Ockham and Almain part ways on canonist corporation theory. Ockham rejects it altogether, while Almain does not.
71. Jean de Launoy notes that Conrad Gesner made this error in his *Bibliotheca Universalis* (1545-9). See Launoy, *Regii Navarrae Gymnasii Parisiensis Historia*, Pars Prima (Paris: E. Martini, 1677), 614.
72. Jacques Almain, *In Tertium Sententiarum Lectura*, in *Opuscula*, ed. V. Doesmier (Paris: Claude Chevallon, 1518), fo. i, co. ii – fo. ii, co. ii.
73. Almain, *In tertium*, fo. xxiii, co. i – fo. xxv, co. i.
74. See Almain, *Embammata Phisicalia*, fo. xv, xviii^r, xvi^r, xxiii.
75. As Francis Oakley explains, citing Tierney's analysis in *Foundations of the Conciliar Theory* (240), "In the context of the history of ideas, of course, it was the particular contribution of this literature [i.e., conciliarist] to have insisted that 'the true principle of Christian unity' lay not so much in the "rigorous subordination" of all the members of the Christian community to a single papal head as in 'the corporate association' of those members . . ." (Oakley, "Natural Law, the *Corpus Mysticum*, and Consent in Conciliar

Thought from John of Paris to Matthias Ugonius," *Speculum* 56, no. 4 [1981]: 787).