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

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Article abstract

This article offers a preliminary comparison of the thoughts of Alfonso de Madrigal and Juan de Segovia, two important fifteenth-century Spanish academics and authors whom scholars have seen as ideological allies. It identifies several areas of interest common to both writers, and then focuses on their conciliarist views. It argues that while Madrigal and Segovia both asserted several conciliar “common places,” often in similar terms, their ecclesiological positions differed in significant ways. Madrigal’s “theoretical” conciliarism is contrasted with Segovia’s “engaged” conciliarism in order to illuminate the notable differences in their respective careers and influence. The article concludes with a call for closer comparative study of these two wide-ranging thinkers.

Alfonso de Madrigal and Juan de Segovia: Some Conciliar Common (and Contested) Places

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This article offers a preliminary comparison of the thoughts of Alfonso de Madrigal and Juan de Segovia, two important fifteenth-century Spanish academics and authors whom scholars have seen as ideological allies. It identifies several areas of interest common to both writers, and then focuses on their conciliarist views. It argues that while Madrigal and Segovia both asserted several conciliar “common places,” often in similar terms, their ecclesiological positions differed in significant ways. Madrigal’s “theoretical” conciliarism is contrasted with Segovia’s “engaged” conciliarism in order to illuminate the notable differences in their respective careers and influence. The article concludes with a call for closer comparative study of these two wide-ranging thinkers.

Cet article présente une comparaison préliminaire de la pensée d’Alfonso de Madrigal et de Juan de Segovia, deux importants universitaires et auteurs espagnols du quinzième siècle que les spécialistes ont décrits comme des alliés idéologiques. Il identifie plusieurs domaines d’intérêts que partagent ces deux auteurs, puis il s’intéresse plus spécifiquement à leurs opinions conciliaristes. Il soutient que, quoique Madrigal et Segovia aient tous deux émis des « lieux communs » conciliaires, et souvent dans des termes analogues, leurs positions ecclésiastiques différaient considérablement. Le contraste entre le conciliarisme de Madrigal et le conciliarisme engagé de Segovia met en lumière les différences notables dans leurs carrières de même que dans leurs influences respectives. Cet article s’achève sur un appel à une étude comparée plus approfondie de ces penseurs prolifiques.

In his *Historia de los heterodoxos españoles*, Marcelino Menéndez Pelayo presents a list of notable fifteenth-century Spanish theologians, biblical scholars, and canonists that includes both El Tostado, “whose name [alone] suffices,” and Juan de Segovia, “luminary of the Council of Basel.”¹ Menéndez Pelayo was probably not the first to see a link between Alfonso de Madrigal (El Tostado;

1. Marcelino Menéndez Pelayo, *Historia de los heterodoxos españoles*, 3 vols. (Madrid: Librería Católica de San José, 1880–1881), 1:544: “En medio de todo, no era el siglo XV tan calamitoso como el anterior. Dábanle gloria inmarcesible una legión de teólogos, escriturarios y canonistas, famosos algunos en la Iglesia universal, no ya sólo en la de España: San Vicente Ferrer [...]; el Tostado, cuyo nombre basta; su digno adversario Juan de Torquemada; Juan de Segovia, lumbrera del Concilio de Basilea” (In the midst of everything, the fifteenth century was not as calamitous as the preceding century. A legion of theologians, biblical scholars, and canonists, some famous in the universal church and not just in the church of Spain, bestowed [upon that century] an unfading glory: St. Vincent Ferrer...; el Tostado,

ca. 1410–55) and Juan de Segovia (ca. 1393–1458), and he was certainly not the last. More recently, numerous scholars, mainly but not exclusively Spaniards, have noted a close connection between these two fifteenth-century Castilian academics and authors. Some, such as Emiliano Fernández Vallina, have described the two as “friends.”² Vicente Beltrán de Heredia suggested that the two had been colleagues and that Segovia might have been Madrigal’s teacher at the University of Salamanca.³ All seem to agree that Segovia and Madrigal were ideological allies who shared a common commitment to conciliarist ideas.

To date, there has been little attempt to explore these connections, to compare Madrigal and Segovia in terms of themes or topics addressed and of specific positions held. This article is a preliminary attempt at such a comparison. My principal aims are three. First, I will identify some areas of intersection and of common interest between Madrigal and Segovia. This section should serve to illustrate some of the issues relevant to Castilian intellectuals and academics in the fifteenth century. Second, I will consider in greater detail several key elements of the conciliarism common to both authors. This section will emphasize the notion of “certainty,” especially soteriological certainty, and thus will suggest significant continuity between the ecclesiological debates of the fifteenth century and the even more consequential theological controversies of the sixteenth century. Third, I will discuss several important differences between Madrigal and Segovia in terms both of their thought and of their respective careers and influence. More than a decade ago, Helmut G. Walther called for a “more detailed and especially comparative investigation” of the various positions of fifteenth-century Spanish intellectuals and prelates in regard to conciliarism.⁴ The present study is a modest answer to that call.

whose name [alone] suffices; his worthy opponent Juan de Torquemada; Juan de Segovia, luminary of the Council of Basel). All translations are mine unless otherwise noted.

2. Emiliano Fernández Vallina, “Introducción al Tostado: De su vida y su obra,” *Cuadernos salmantinos de filosofía* 15 (1988): 153–77, 157.

3. See Vicente Beltrán de Heredia, *Cartulario de la Universidad de Salamanca*, 6 vols. (Salamanca: Universidad de Salamanca, 1970–73), 1:490.

4. Helmut G. Walther, “Die spanischen und deutschen Juristen und das ‘Bild des anderen’ auf den grossen Reformkonzilien des 15. Jahrhunderts,” in *Das kommt mir spanisch vor: Eigenes und Fremdes in den deutsch-spanischen Beziehungen des späten Mittelalters*, ed. Klaus Herbers and Nikolas Jaspert (Münster: LIT, 2004), 511–30, 527: “Diese durchaus differenzierte Haltung spanischer Intellektueller und Prälaten zum praktischen—in der Tat wohl weniger zum theoretischen—Konziliarismus des 15.

For students of Spanish intellectual and ecclesiastical history, Alfonso de Madrigal and Juan de Segovia invite comparison, not least because both studied and taught at the University of Salamanca in the first half of the fifteenth century. Segovia seemingly began his studies in Salamanca around 1407 and remained at the university until 1431.⁵ Madrigal started at Salamanca in the early 1420s and maintained an association with the university in various professorial and administrative capacities until his election to the bishopric of Ávila in 1454.⁶ By his own account, during his tenure Segovia held all three chairs (i.e., Prime, Vespers, and Bible) in the then recently established Faculty of Theology at the University of Salamanca.⁷ According to Cándido María Ajo, Madrigal was completing his studies in theology in 1426–27, when Segovia was probably teaching in that faculty.⁸ That Madrigal may have studied under

Jahrhunderts bedürfte freilich noch eine detaillierteren, insbesondere vergleichenden Erforschung” (The quite distinct positions of Spanish intellectuals and prelates in regard to the practical, if less so to the theoretical, conciliarism of the fifteenth century certainly still need a more detailed and especially comparative investigation).

5. See Benigno Hernández Montes, *Biblioteca de Juan de Segovia: Edición y comentario de su escritura de donación*, Bibliotheca theologica hispana: Serie 2a, Textos, vol. 3 (Madrid: Consejo Superior de Investigaciones Científicas, 1984), 126ff. For a more detailed discussion of Segovia’s years at the University of Salamanca, see Anne Marie Wolf, *Juan de Segovia and the Fight for Peace: Christians and Muslims in the Fifteenth Century* (Notre Dame, IN: University of Notre Dame Press, 2014), 13–60.

6. See Emiliano Fernández Vallina, “La importancia de Alfonso de Madrigal, ‘el Tostado,’ maestrescuela en la Universidad de Salamanca,” in *Salamanca y su universidad en el primer renacimiento siglo XV*, Miscelánea Alfonso 9, 2010 (Salamanca: Ediciones Universidad de Salamanca, 2010), 161–78, 163. For additional biographical information on Madrigal, including some discussion of the origin of his nickname “El Tostado,” see Carmen Parrilla, “Alfonso Fernández de Madrigal (El Tostado),” in *Castilian Writers, 1400–1500*, ed. Frank A. Domínguez and George D. Greenia, Dictionary of Literary Biography Series 286 (Detroit: Gale, 2003), 37–50.

7. Segovia states this in the text of his book donation to the University of Salamanca (1457); see Hernández Montes, *Biblioteca*, 81, 126–29.

8. See Cándido María Ajo, “Estudio biográfico de Alfonso de Madrigal, ‘El Tostado,’” *Abula* 2 (2002): 5–43, 17. Fernández Vallina, “La importancia de Alfonso de Madrigal,” seems to confirm this chronology. It may be prudent here to recall Fernández Vallina’s qualification regarding this chronology; see Fernández Vallina, “Introducción al Tostado,” 160: “No se puede por ahora, ni quizá se podrá de no descubrir nuevos documentos o datos, fijar con exactitud las fechas en que el Tostado accedió a diversos cargos de la vida académica” (At present, one cannot, and perhaps without the discovery of new documents or facts one will not, be able to establish the precise dates when El Tostado took on the various duties of academic life).

Segovia, as Beltrán de Heredia suggested, therefore seems quite possible. In any event, it seems certain that Madrigal, who held various teaching positions at the University of Salamanca, served as Segovia's successor (though perhaps not his immediate successor) in the chair of Vespers from 1446 to 1454.⁹

As Anne Marie Wolf has observed, Segovia "might well have been one of the pillars of the university."¹⁰ He was well enough respected among his colleagues to have twice been sent to Rome, in 1422 and 1431, to gain papal approbation or confirmation for the university constitutions. This is relevant to our theme, not only because Segovia's reputation within the institution must have been known to Madrigal, but also because the constitutions Segovia obtained provided a new jurisdictional status for the *maestrescuela* (university chancellor)—a position Madrigal himself held from 1446 until 1454.¹¹ Quite likely, Madrigal would have known about Segovia's role in securing the rights related to his own position.¹²

For Madrigal and Segovia, the University of Salamanca represents a meeting point both literally and figuratively. Not only is it very likely that the two men knew each other there, but, as we will see, their common academic background also likely affected their conciliarist views in similar ways. More immediately, their shared experience as professors at Salamanca explains why Madrigal and Segovia produced *repetitiones*—one of the few literary genres

9. See Ajo, 25, and Fernández Vallina, "Introducción al Tostado," 160. Ajo suggests that Madrigal may have "held" this chair but that he was not *professor ordinarius* in the technical sense (Ajo, 23). See also Fernández Vallina, "Introducción al Tostado," 161. Fernández Vallina puts Madrigal's teaching in the Faculty of Theology between the years 1441 and 1454, but does not refer specifically to the chair of Vespers ("La importancia de Alfonso de Madrigal," 164).

10. Wolf, 29.

11. See Ajo, 23; Fernández Vallina, "Introducción al Tostado," 157; Parrilla, "Alfonso Fernández de Madrigal," 40; and Fernández Vallina, "La importancia de Alfonso de Madrigal," 164. On the circumstances surrounding the 1422 constitutions, see Hernández Montes, *Biblioteca*, 131–35, and Wolf, 40–45. For the constitutions themselves, see Pilar Valero García and Manuel Pérez Martín, eds., *Constituciones de Martín V*, Acta Salmanticensia: Estudio general 7 (Salamanca: Universidad de Salamanca, 1991).

12. Not only did the 1422 constitutions secure the position of *maestrescuela*, they also formalized the chair in Moral Philosophy—another position Madrigal held. Consequently, these constitutions had a direct impact on El Tostado's career at the University of Salamanca. See Maria Idoya Zorroza and Cecilia Sabido, "La continuidad intelectual entre Vitoria y Madrigal: Lecciones sobre la usura," *Revista empresa y humanismo* 19.1 (2016): 149–78, 151.

common to them both. The *repetitio* was an obligatory annual academic exercise at Salamanca, and it was in this genre that Madrigal and Segovia composed some of their earliest writings.¹³

Although, unsurprisingly, their *repetitiones* dealt with different topics, and although Madrigal and Segovia usually wrote much different types of works, in their other writings they nonetheless frequently addressed similar subjects or themes. I will now consider some of these subjects and themes.

Even if, as Miguel Anxo Pena González has suggested, ecclesiological concerns became more pressing in early fifteenth-century Spain where interreligious polemic had previously dominated theological debate,¹⁴ that polemic remained an important feature of fifteenth-century Spanish theological thought. Both Madrigal and Segovia engaged with this subject in their writings. Segovia's important engagement with the "Islamic question" has received increasing attention in recent years.¹⁵ Madrigal's *repetitio*, *De beata Trinitate* (On the Blessed Trinity) and his still unedited *Responsio de muliere sarracena transeunte ad ritum iudaicum* (Response regarding a Muslim woman converting to Judaism) have likewise attracted some scholarly interest.¹⁶ Yet

13. On Madrigal's *repetitiones*, see Joaquín Carreras Artau, "Las 'repetitiones' salmantinas de Alfonso de Madrigal," *Revista de filosofía* 5 (1943): 211–36, and the critical comments in Ajo, 24–26. See also Carmen Parrilla, "Qui scit, docere debet: Acerca de Alfonso de Madrigal," *Archivum* 54/55 (2004): 367–90, 374–77. On Segovia's two extant *repetitiones*, see Benigno Hernández Montes, "Obras de Juan de Segovia," *Repertorio de historia de las ciencias eclesiásticas en España* 6 (1977): 267–347, 271–72; Hernández Montes, *Biblioteca*, 204–06; Jesse D. Mann, "Ockham Redivivus or Ockham Confutator? Juan de Segovia's *Repetitio de superioritate* Reconsidered," *Annuaire Historiae Conciliorum* 24 (1992): 186–208; Santiago Madrigal Terrazas, "La *Repetitio de fide catholica* de Juan de Segovia: Análisis y comentario," *Estudios eclesiásticos* 78 (2003): 271–99; and Wolf, 35–46, 51–57.

14. Miguel Anxo Pena González, "Proyecto salmantino de Universidad pontificia e integración de la Teología en el siglo XV," *Salamanca y su universidad en el primer renacimiento siglo XV*, Miscelánea Alfonso 9, 2010 (Salamanca: Ediciones Universidad de Salamanca, 2010), 121–60, 125.

15. For several recent examples of this growing literature with additional bibliography, see Juan de Segovia, *De gladio divini spiritus in corda mittendo Sarracenorum: Edition und deutsche Übersetzung*, ed. Ulli Roth, 2 vols. (Wiesbaden: Harrassowitz, 2012); Wolf, *Juan de Segovia*; and Jesse D. Mann, "Juan de Segovia and the Superiority of Christians over Muslims: *Liber de magna auctoritate episcoporum in concilio generali* 10.6," in *Nicholas of Cusa and Islam: Polemic and Dialogue in the Late Middle Ages*, ed. Ian C. Levy, Rita George-Tvrtković, and D. F. Duclow, *Studies in Medieval and Reformation Traditions* 183 (Leiden: Brill, 2014), 145–59.

16. On the *De beata Trinitate*, published in Venice in 1529 as part of Madrigal's *opera*, see Carreras Artau, 220–21, and Parrilla, "Alfonso Fernández de Madrigal," 42. On the *De muliere sarracena*, see

to be explored in a comparative manner is how these two authors understood the relationship among the three Abrahamic religions. Similarly, it would be illuminating to compare how Madrigal and Segovia viewed the possibility of, and methods for, presenting the doctrine of the Trinity to non-Christians.¹⁷ Such a presentation, at least in Segovia's case, assumed the rationality of the Christian faith and the persuasive power of open debate—hallmarks of his conciliarist activity.

Integral to Segovia's approach to interreligious dialogue was his trilingual translation of the Qur'an (Arabic, Latin, and Castilian)—a work intended to provide a more accurate and more literal translation for Christians engaging in debate with Muslims. Thanks to the important work of Thomas E. Burman and Davide Scotto, we now know more about Segovia's ideas on translating.¹⁸ Still, Madrigal, for his part, made more and perhaps more significant contributions to translation theory than did Segovia. Indeed, according to Carmen Parrilla, "through his dedication to differing language demands and limitations of his diverse readership, El Tostado ended up making some of the most important contributions to the theory and practice of translation in the fifteenth century."¹⁹ Although they worked with different languages, with different purposes, and

David Nirenberg, "Love between Muslim and Jew in Medieval Spain: A Triangular Affair," in *Jews, Muslims, and Christians in and around the Crown of Aragon: Essays in Honour of Professor Elena Lourie*, ed. Harvey J. Hames, The Medieval Mediterranean 52 (Leiden: Brill, 2004), 127–55, esp. 144–49. This work survives in Universidad de Salamanca MS 70, fols. 86r–111v. See Oscar Lilao and Carmen Castrillo González, eds., *Catálogo de los manuscritos de la Biblioteca Universitaria de Salamanca: Manuscritos 1–1679bis*, Obras de Referencia 12 (Salamanca: Ediciones Universidad de Salamanca, 1997), 74.

17. See Immaculada Delgado Jara, "El Tostado y la exégesis bíblica," in *La primera escuela de Salamanca (1406–1516)*, ed. Cirilo Flórez Miguel, Maximiliano Hernández Marcos, and Roberto Albares Albares (Salamanca: Ediciones Universidad de Salamanca, 2012), 61–62, and Rudolf Haubst, "Johannes von Segovia im Gespräch mit Nikolaus von Kues und Jean Germain über die göttliche Dreieinigkeit und ihre Verkündigung vor den Mohammedanern," *Münchener Theologische Zeitschrift* 2 (1951): 115–29.

18. See Thomas E. Burman, *Reading the Qur'an in Latin Christendom, 1140–1560* (Philadelphia: University of Pennsylvania, 2009), 178–97; and Davide Scotto, "'De Pe a Pa'. Il Corano trilingue di Juan de Segovia (1456) e la conversione pacifica dei Musulmani," *Rivista di Storia e Letteratura Religiosa* 48.3 (2012): 515–77. See also José Martínez Gázquez, "El prólogo de Juan de Segovia al Corán (Qur'an) trilingüe (1456)," *Mittelalterliches Jahrbuch* 38.2 (2003): 389–410.

19. Parrilla, "Alfonso Fernández de Madrigal," 41. For more on Madrigal and translation theory, see Nelson Cartagena, *La contribución de España a la teoría de la traducción: Introducción al estudio y antología de textos de los siglos XIV y XV* (Madrid: Iberoamericana, 2009), 93ff. (with bibliography).

for different audiences, their common involvement in translating activity has led scholars to see both Madrigal and Segovia as “humanists,” or at least as “proto-humanists.”²⁰ Especially intriguing in regard to this translating activity is our authors’ differing use of the distinction between translating *verbum ad verbum* (word for word) and translating *ad sententiam* (for meaning).²¹

Under admittedly different circumstances and in significantly different genres, Madrigal and Segovia also addressed another common topic, namely usury. Madrigal treated usury in several biblical commentaries, notably his massive *Commentaria in Evangelium Matthaei* (Commentary on the Gospel of Matthew), while Segovia discussed usury in a *votum* (opinion) turned treatise initially composed for the Council of Basel in 1441.²² Unlike Segovia, Madrigal does not seem to have focused on *census* or rent-contracts, but, according to a recent investigation of his views, El Tostado “studied various types of contracts to assess their contents and value.”²³ There are some apparent similarities between Madrigal’s analysis of usury and Segovia’s *votum*. For example, both authors had similar views on the harm usury does to society and both treated the question of *dominium* in connection with sale transactions and loans.²⁴ Presumably such similarities simply reflect the common scholastic analysis of usury. Madrigal’s treatment of usury seemingly owes much to Thomas Aquinas, while Segovia’s is much indebted to Henry of Langenstein. Nonetheless, careful

20. On Madrigal, see, for example, Roxana Recio and Antonio Cortijo Ocaña, “Alfonso de Madrigal ‘El Tostado’: Un portavoz único de la intelectualidad castellana del siglo XV,” *La Corónica* 33.1 (2004): 7–15, 10, and Fernández Vallina, “La importancia de Alfonso de Madrigal,” 175. For Segovia, see Burman, 193–96, and Antonio Rivera García, “Humanismo, representación y angelología. El conciliarismo de Juan de Segovia,” in *La primera escuela de Salamanca (1406–1516)*, 95–113, 97.

21. See Parrilla, “Alfonso Fernández de Madrigal,” 46; and Jesse D. Mann, “Reading the Bible in the Fifteenth Century: The Case of Juan de Segovia,” *Journal of Medieval Religious Cultures* 43.1 (2017): 115–34, 122–23.

22. See Idoya Zorroza and Sabido, 157ff., and Jesse D. Mann, “Juan de Segovia’s *Super materia contractuum de censibus annuis*: Text and Context,” in *Nicholas of Cusa on Christ and the Church: Essays in Memory of Chandler McCuskey Brooks for the American Cusanus Society*, ed. Gerald Christianson and Thomas M. Izbicki, *Studies in the History of Christian Thought* 71 (Leiden: Brill, 1996), 71–85.

23. Idoya Zorroza and Sabido, 168: “el Tostado estudia distintos tipos de contractos para ver su contenido y su valor.”

24. See Idoya Zorroza and Sabido, 166–67; Mann, “Juan de Segovia’s *Super materia contractuum*,” 81; and Jesse D. Mann, “Henry of Langenstein and Juan de Segovia on the *Census*,” *Cristianesimo nella storia* 23 (2002): 429–41.

comparison of their views might shed more light on fifteenth-century Spanish economic and moral thought.

In treating questions of economics and morality, both Madrigal and Segovia drew, either directly or indirectly, upon Aristotle. More generally and not surprisingly, both authors frequently used the Stagirite in their writings. Indeed, Agustín de Asís referred to Madrigal as “the departure point for the Aristotelian school of Salamanca that later would culminate in Pedro Martínez de Osma and Fernando de la Roa.”²⁵ More recently, Cirilo Flórez Miguel made a similar claim for Madrigal as the initiator of an Aristotelian school of humanists that formed in Salamanca in the second half of the fifteenth century.²⁶ And Fernández Vallina has called El Tostado “a pioneer in drawing upon Aristotle as a new source for political thought and as ‘his’ go-to author.”²⁷ Accordingly, Madrigal’s much-studied *repetitio*, *De optima politia*, takes as its text book 2 of Aristotle’s *Politics* and also addresses Aristotle’s well-known discussion of the types of government in books 3 and 4.²⁸

Segovia, too, cited Aristotle often, and he also drew upon Aristotle’s analysis of the types of government in various works, notably his *Liber de magna auctoritate episcoporum in concilio generali* (On the great authority of bishops in a general council).²⁹ According to Antony Black, Segovia “read Aristotle

25. Agustín de Asís, *Ideas sociopolíticas de Alonso de Polo (El Tostado)* (Sevilla: Escuela de Estudio Hispano-Americanos de Sevilla, 1955), 158: “[...] el punto de partida de la escuela aristotelizante salmantina, que luego culminará en Pedro Martínez de Osma y en Fernando de la Roa.”

26. See Cirilo Flórez Miguel, “El humanismo cívico castellano: Alonso de Madrigal, Pedro de Osma y Fernando de Roa,” *Res publica* 18 (2007): 107–39, 113.

27. Emiliano Fernández Vallina, “El reflejo del texto en las ediciones del Tostado: *De optima politia*,” in *La primera escuela de Salamanca (1406–1516)*, ed. Cirilo Flórez Miguel, Maximiliano Hernández Marcos, and Roberto Albares Albares (Salamanca: Ediciones Universidad de Salamanca, 2012), 129–42, 140: “pioneer [...] en acudir a Aristóteles como nuevo fautor del pensamiento político y como ‘su’ autor de cabecera.” See also Jesús Luis Castillo Vegas, “Aristotelismo político en la Universidad de Salamanca del siglo XV: Alfonso de Madrigal y Fernando de Roa,” *La Corónica* 33.1 (2004): 39–52.

28. See Emiliano Fernández Vallina, “El tratado *De optima politia* del Tostado: una visión singular en el siglo XV hispano sobre las formas políticas de gobierno,” *Anuario Filosófico* 45.2 (2012): 283–311. For a recent bilingual edition of the *De optima politia*, see Alfonso de Madrigal, *El gobierno ideal: Introducción, traducción y texto latino con aparato crítico y citas*, ed. Nuria Belloso Martín (Pamplona: Eunsa, 2003).

29. Hernández Montes, *Biblioteca*, 280: “[...] las citas del Estagirita son frecuentísimas en la obra segoviana” ([...] citations of Aristotle are very frequent in Segovia’s work). See Hermann Josef Sieben, *Von Apostelkonzil zum Ersten Vatikanum: Studien zur Geschichte der Konzilsidee* (Paderborn: Schöningh,

more carefully and reproduced his ideas more faithfully” than many of his contemporaries.³⁰ While some scholars observe in Madrigal a predilection for democracy ruled by an elected prince,³¹ students of Segovia’s work have seen him as “fairly faithful to Aristotle” in his preference for mixed government, especially “monarchy inclining toward an aristocracy.”³² There is clearly need for nuance here, and, again, careful comparison of our authors’ engagement with Aristotle could prove illuminating.

Such a comparison should consider the translation of Aristotle used by both authors. Scholars seem to agree that Madrigal and Segovia employed William of Moerbeke’s translation of the *Politics*.³³ However, Segovia owned and donated to the University of Salamanca two translations of the *Metaphysics* and three translations of the *Ethics*.³⁴ As Flórez Miguel has noted, an important event in the development of the Aristotelian school of Salamanca was “the arrival in Salamanca of Leonardo Bruni’s translations of Aristotle’s *Ethics*, the *Politics*, and the *Economics*.”³⁵ Perhaps closer investigation of Segovia’s (if not

1996), 191–94, 214–16. For an edition of the text in question, see Rolf De Kegel, ed., *Johannes von Segovia, Liber de magna auctoritate episcoporum in concilio generali*, Spicilegium Friburgense 34 (Fribourg: Universitätsverlag, 1995), esp. 565–77 (hereafter: *LMA* with page references to De Kegel’s edition).

30. Antony Black, *Council and Commune: The Conciliar Movement and the Fifteenth-Century Heritage* (Shepherdstown: Patmos, 1979), 133.

31. See, e.g., Nuria Belloso Martín, *Política y humanismo en el siglo XV: El maestro Alfonso de Madrigal, El Tostado* (Valladolid: Universidad de Valladolid, 1989), 106, 153; Castillo Vegas, 18–20; Parrilla, “Alfonso Fernández de Madrigal,” 42; Flórez Miguel, “El humanismo cívico castellano,” 117; and Fernández Vallina, “El reflejo del texto,” 139.

32. Black, *Council and Commune*, 134. See also Werner Krämer, *Konsens und Rezeption: Verfassungsprinzipien der Kirche im Basler Konziliarismus*, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters, N.F., 19 (Münster: Aschendorff, 1980), 236, with n. 70; and Rolf DeKegel, “Johannes von Segovia und die verfassungsmässige Vereinbarkeit von Papst und Konzil,” in *Nach dem Basler Konzil: Die Neuordnung der Kirche zwischen Konziliarismus und monarchischem Papat, ca. 1450–1475*, ed. Jürgen Dendorfer and Claudia Märkl (Münster: LIT Verlag, 2008), 45–66.

33. See Belloso Martín, *Política y humanismo*, 171; and Black, *Council and Commune*, 134.

34. See Hernández Montes, *Biblioteca*, 106, 280–81, 283. For background on these translations, see Bernard G. Dod, “Aristotles Latinus,” *The Cambridge History of Later Medieval Philosophy*, ed. Norman Kretzmann, Anthony Kenny, and Jan Pinborg (Cambridge: Cambridge University Press, 1982), 45–79.

35. Flórez Miguel, “El humanismo cívico castellano,” 113. On the conflict between Leonardo Bruni and Alfonso García de Santa Maria (bishop of Burgos, who studied at Salamanca) over Bruni’s translation of the *Ethics*, see Alexander Birkenmajer, “Der Streit des Alonso von Cartagena mit Leonardo Bruni

also Madrigal's) citations of Aristotle will enhance our understanding of the Stagirite's translated presence in Salamanca.

Another point of comparison deserves mention here. In their analysis of governmental forms and thus in their use of Aristotle, both Madrigal and Segovia moved easily between secular institutions and ecclesiastical structures.³⁶ However, Segovia asserted a "great difference between Aristotle's polity and the polity of the Gospel"³⁷ such that the church gathered in council had a unique status distinct from all secular polities. As Francis Oakley has argued, Segovia in particular advanced conciliar theories "in such a way as to render them *less* relevant, or, indeed, *irrelevant* to matters political."³⁸ As far as I know, Madrigal does not seem to have shared Segovia's position on the unique status of the ecclesial *corpus mysticum*, but the question merits closer scrutiny. Indeed, as Oakley suggests, this question may have some bearing on our authors' respective contributions to subsequent constitutional thought.³⁹

The foregoing is intended not only to encourage closer comparison of Alfonso de Madrigal and Juan de Segovia around the issues identified above. It is also intended to highlight the wide-ranging contributions of the "school of Salamanca"—if one may properly speak of such a "school"—in the fifteenth century. Of course, one could easily identify still other connections and themes common to Madrigal and Segovia. For example, both show familiarity with

Aretino," in *Vermischte Untersuchungen zur Geschichte der mittelalterlichen Philosophie*, Beiträge zur Geschichte der Philosophie und Theologie des Mittelalters 20.5 (Münster: Aschendorff, 1922), 129–210, and María Morrás, "El debate entre Leonardo Bruni y Alonso de Cartagena: las razones de una polémica," *Quaderns: Revista de traducció* 7 (2002): 33–57.

36. For Madrigal, see Belloso Martín, *Política y humanismo*, 154. For Segovia, see Black, *Council and Commune*, 134.

37. See LMA 11.28 (ed. De Kegel, 574–77): "De maxima diferencia policie Aristotilis et evangelii." Segovia may have taken this idea from the important synodal response of the Council of Basel, *Cogitanti*; see Thomas Prügl, "Das Schriftargument zwischen Papstmonarchie und konziliarer Idee: Biblische Argumentationsmodelle im Basler Konziliarismus," in *Die Bibel als politisches Argument: Voraussetzungen und Folgen biblizistischer Herrschaftslegitimation in der Vormoderne*, ed. Andreas Pecar and Kai Trampedach (Munich: Oldenbourg, 2007), 219–41, 227.

38. Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church 1300–1870* (Oxford: Oxford University Press, 2003), 75 (his emphasis).

39. See Oakley, 76, 241–42. Oakley, who does not discuss Madrigal, argues that Segovia apparently found little echo among subsequent authors precisely because of his treatment of the church as a unique institution. More on this below. For more on Segovia's position, see Black, *Council and Commune*, 151.

Scotism,⁴⁰ both found a formidable opponent in their countryman Juan de Torquemada,⁴¹ both donated manuscripts to the University of Salamanca,⁴² and both seem to display affinities for attitudes and practices of the *Devotio Moderna*.⁴³ Nonetheless, as noted above, the issue that most closely connects Madrigal and Segovia is conciliarism. It is to this issue that we now turn.

Any attempt to compare Madrigal's conciliarist ideas with those of Segovia must be attentive to certain qualifications or challenges. First, unlike Segovia, Madrigal wrote few works that one might describe as primarily ecclesiological, and some that he did write, or at least intended to write, have not come down to us.⁴⁴ Consequently, as others have noted, one would have to search Madrigal's extensive oeuvre, especially his biblical commentaries, for the fullest picture of his ecclesiological ideas.⁴⁵ In the present study, I draw on Madrigal's well-known *Defensorium trium conclusionum* (Defense of the three conclusions, ca. 1443), his principal ecclesiological work, and on the introduction to his *Commentaria in Evangelium Matthaei* (Commentary on the Gospel of Matthew).⁴⁶ Second,

40. See Fernández Vallina, "Introducción al Tostado," 172; and Wolf, 47–48.

41. See Frédéric Gabriel, "Canon textuel et autorité magistérielle: une controverse entre Alfonso de Madrigal et Juan de Torquemada (Sienne, 1443)," *Revue des sciences religieuses* 86.1 (2012): 127–42, and José Martín Palma, "María y la Iglesia según Juan de Segovia y Juan de Torquemada," *Estudios Marianos* 18 (1957): 207–30.

42. See Florencio Marcos Rodríguez, "Los manuscritos pretridentinos hispanos de ciencias sagradas en la Biblioteca Universitaria de Salamanca," *Repertorio de historia de las ciencias eclesiásticas en España* 2 (1971): 261–481, esp. 289.

43. See Recio and Cortijo Ocaña, 9; and Jesse D. Mann, "Juan de Segovia and Medieval Hebdomadal Meditation on the Life of Christ," *Studies in Spirituality* 18 (2008): 113–32.

44. On Madrigal's lost or perhaps never completed ecclesiological works, see, e.g., Emiliano Fernández Vallina, "Poder y buen gobierno en Alfonso Fernández de Madrigal (el Tostado)," *Cuadernos salmantinos de filosofía* 23 (1996): 255–74, 270n76, and Jan Hallebeek, *Alonso "El Tostado" (c. 1410–1455): His Doctrine on Jurisdiction and Its Influence in the Church of Utrecht*, Publicatieserie Stichting Oud-Katholiek Seminarie 29 (Amersfoort: Stichting Centraal Oud-Katholiek Boekhuis, 1997), 8–9.

45. Others who have noted the importance of Madrigal's commentaries for his ecclesiological views include Johannes Helmuth, *Das Basler Konzil 1431–1449: Forschungsstand und Probleme* (Cologne: Böhlau, 1987), 448; and Belloso Martín, *Política y humanismo*, 58.

46. I have used the following editions of these texts: Alfonso de Madrigal, *Defensorium trium conclusionum contra emulos* (Venice: In edibus Petri Liechtenstein, 1531) (hereafter: *Defensorium* with folio numbers from this edition); and *Introducción al Evangelio según San Mateo: Edición bilingüe*, ed. José Manuel Sánchez Caro; Rosa María Herrera García; Inmaculada Delgado Jara (Salamanca: Universidad Pontificia de Salamanca, 2008) (hereafter: *Introducción* with page references to this edition). Much has

Madrigal's views, like Segovia's, changed over time, and one must acknowledge the differences resulting from that evolution. According to Belloso Martín, Madrigal progressively distanced himself from a conciliarist position. Segovia's later ecclesiological works, on the other hand, show a persistent conciliarism but also some significant refinement in formulation and emphasis.⁴⁷ I will focus here on principles underlying their common conciliarist views. Third, the specific context of their conciliarist writings should not be overlooked. Most of Segovia's conciliarist works took shape in the context of the Council of Basel (1431–49) where he was a leading advocate of the conciliar cause in the conflict with Pope Eugenius IV. Madrigal almost certainly did not attend the council. Recently, Miguel Anxo Pena González asserted without reservation that Madrigal participated in the Council of Basel as a royal legate intent on defending conciliar doctrines, but he provided no evidence for this assertion.⁴⁸ More than seventy-five years ago, Ernst Strasser was more prudent in stating that, if El Tostado had been present at Basel, his impact there must have been minimal, since the conciliar records make no mention of him.⁴⁹ In any case, I have not found any clear references to Basel in Madrigal's writings, and that important church council does not seem to have informed his conciliarism as it did Segovia's.

Nonetheless, Madrigal did express certain ecclesiological principles or positions that many scholars would describe as characteristic of Baselean conciliarism and that have led some to see his views and Segovia's as "very similar."⁵⁰ Cognizant of the aforementioned qualifications and challenges

been written on the context of the *Defensorium*, not all of it reliable. For some important correctives, see Beltrán de Heredia, *Cartulario*, 1:480; and Fernández Vallina, "Introducción al Tostado," 155–56. For a good recent summary of that context, see Gabriel, "Canon textuel et autorité magistérielle."

47. See Belloso Martín, *Política y humanismo*, 169, and Thomas Prügl, "Herbst des Konziliarismus? Die Spätschriften des Johannes von Segovia," in *Das Ende des konziliaren Zeitalters (1440–1450): Versuch einer Bilanz*, ed. Heribert Müller (Munich: Oldenbourg, 2012), 153–74.

48. Anxo Pena González, 158.

49. Ernst Strasser, *Alfonsus Tostatus und seine Gnadenlehre im Kommentar zum 19. Kapitel des Matthäusevangelium* (Emsdetten: Lechte, 1941), 7.

50. See, e.g., *Introducción* 20n14; and also M. Avilés, "La teología española en el siglo XV" in *Historia de la teología española*, ed. Melquiades Andrés Martín and Santiago Fernández Ardanaz, 2 vols. (Madrid: Fundación Universitaria Española, Seminario Suárez, 1983–87), 1:521. On conciliarism at Basel, see most recently Gerald Christianson, "Conciliarism and the Council," in *A Companion to the Council of Basel*, ed. Michiel Decaluwé, Thomas M. Izbicki, and Gerald Christianson, Brill's Companions to

inherent in the comparison, I will consider four such principles or positions here.

First, both Madrigal and Segovia argued that the church is necessarily a collective and that it therefore cannot consist of or inhere in a single individual, not even the pope. As Antony Black has put it, “the very nature of ecclesiastical power is such that it cannot reside in a single person. This argument was central to the Baselean case [...]”⁵¹ Accordingly, Madrigal stated that “the church, which is the assembly of the faithful, has many necessary parts without which it could not exist.”⁵² He also wrote that “church properly signifies a multitude and therefore does not properly converge in a single person.”⁵³ Indeed, Madrigal hammered this point home in the introduction to his *Commentary on the Gospel of Matthew*, arguing that

[... the church] is always a multitude and never signifies [just] one. Consequently, it is the nature of the church to be a multitude. [...] And what is more efficacious, the church is called a multitude consisting of parts without which there is no church. Thus, the church necessarily always consists of many [members].⁵⁴

For his part, in his *Tractatus decem avisamentorum* (1439), Segovia defined the church as “the assembly of all the faithful baptized or [of all] Christians” and as “a collective that cannot consist [solely] of a single individual.”⁵⁵ To justify this

the Christian Tradition 74 (Leiden: Brill, 2016), 75–111. See also Krämer, *Konsens und Rezeption*, and Antony Black, “The Conciliar Movement,” in *The Cambridge History of Medieval Political Thought*, c. 350–c.1450, ed. J. H. Burns (Cambridge: Cambridge University Press, 1988), 573–87.

51. Black, *Council and Commune*, 145.

52. *Introducción*, q. 13 (152): “Ecclesia, quae est congregatio fidelium, habet partes multas necessarias, sine quibus manere non potest.”

53. *Defensorium* 2.30 (fol. 20r): “[ecclesia ...] significat proprie multitudinem, non ergo convenit proprie uni homini.”

54. *Introducción*, q. 13 (176): “[...] semper est multitudo et numquam significat unum; ideo de ratione Ecclesiae est esse multitudinem. [...] Item quod est efficacius, Ecclesia dicit multitudinem consistentem ex partibus rationum, sine quibus non est Ecclesia. Et sic necesse est semper esse multos in Ecclesia.”

55. Edited in Krämer, 387, 232n5. On this work, see Hernández Montes, “Obras de Juan de Segovia,” 275–76; Krämer, 228ff.; and Santiago Madrigal Terrazas, “Si desineret esse sancta, desineret esse ecclesia: El *Tractatus decem avisamentorum de sanctitate ecclesiae* de Juan de Segovia,” in *Ecclesia tertii millennii*

position, both authors drew upon the well-known organic metaphor or analogy taken primarily from St. Paul (e.g., 1 Cor. 12:12–14). This organic metaphor allowed Madrigal and Segovia “to establish the essential pluralism of the church [and] its essential unity.”⁵⁶

For Madrigal and Segovia, the nature of the church and the nature of the faith—understood primarily as the content of what one believes rather than as the virtue by which one believes—are closely related. In nearly identical language, both authors concluded that “just as the church cannot exist in a single individual, neither can the faith.”⁵⁷ One might say that just as the church is necessarily a plurality, faith too is necessarily relational; it requires more than one participant. At root, this is a matter of epistemology or, in theological terms, of soteriological certainty.

Interestingly, their understanding of the church and of faith led Madrigal and Segovia to contest (and, in Segovia’s case, to reject) the common “pious teaching” that, during the Triduum of Christ’s death, Mary alone maintained the entire faith.⁵⁸ In contesting this teaching, our authors drew mainly on

advenientis, ed. F. Chica, Sandro Panizzolo, and Harald Wagner (Casale Monferrato: Piemme, 1997), 411–25.

56. Black, *Council and Commune*, 145. On the organic metaphor, see Cary J. Nederman, *Lineages of European Thought: Explorations along the Medieval/Modern Divide from John of Salisbury to Hegel* (Washington, DC: Catholic University of America Press, 2009), 39–45.

57. *Introducción*, q. 13 (180): “Et sic impossibile [est] manere Ecclesia aliquando in uno [...] et consequenter fides non potest manere in uno aliquando.” Segovia, *Speech at Mainz Reichstag* (1441) (hereafter: *Mainz Speech*) in *Deutsche Reichstagakten*, ed. Historische Commission bei der Königl. Academie der Wissenschaften, 22 vols. (Munich: Oldenbourg, 1867–73), 15:655: “[...] sicut ecclesia ita nec fides in uno solo manere potest” (hereafter: DRTA). On Segovia’s speech at Mainz, see Hernández Montes, “Obras de Juan de Segovia,” 296–97.

58. For Madrigal’s position, see *Introducción*, q. 14 (180–90). For Segovia, who addressed this teaching repeatedly and in various works, see Jesse D. Mann, “*Non in sola Virgine tunc remansit fides*: A Conciliarist’s Opposition to a Popular Marian Devotion,” in *The Church, the Councils, and Reform: The Legacy of the Fifteenth Century*, ed. Gerald Christianson, Thomas Izbicki, and Christopher Bellito (Washington, DC: Catholic University Press, 2008), 212–25; and Johannes Helmuth, “*Ecclesia enim parva esse potest, nulla esse non potest*: Die sogenannte Restlehre zwischen Mariologie und konziliarer Theorie, insbesondere bei Johann von Segovia,” in *Kirchenbild und Spiritualität: Dominikanische Beiträge zur Ekklesiologie und zum kirchlichen Leben im Mittelalter: Festschrift für Ulrich Horst OP zum 75. Geburtstag*, ed. Thomas Prügl and Marianne Schlosser (Paderborn: Schöningh, 2007), 291–317. For background on this Marian devotion and its ecclesiological implications, see Carolus Binder, “Thesis, in passione Domine fidem Ecclesiae in beatissima Virgine sola remanisse, iuxta doctrinam Medii Aevi

Scripture, but they also reflected a certain anxiety, present in Aristotle and in medieval canon law, about leaving crucial decisions to a single person, even the pope. Of course, for Madrigal and Segovia matters of faith were not simply crucial decisions, but quite literally matters of life and death, of salvation and damnation. This brings us to our second conciliar principle.

That certainty of salvation was an increasingly critical concern for fifteenth-century European Christians such as Alfonso de Madrigal and Juan de Segovia is well known.⁵⁹ For Madrigal and Segovia, the locus of certainty was found in the church. Consequently, both authors devoted considerable energy to proving that the church could not err in essential matters such as faith and morals. Both linked their arguments for ecclesial infallibility with the creedal note of the church's sanctity or holiness. Here again they used strikingly similar language. As Madrigal put it,

Thus, such faith must be given to the church that we believe the church cannot err. For it is an article of faith stated in the Apostles' Creed to believe that the catholic, i.e., universal, church is holy. [...] Therefore, it necessarily follows that the universal church has always been holy, and it is impossible that there was ever a time when the church did not exist or was not holy. Whence it follows that the universal church cannot err.⁶⁰

Segovia, in his tract on the presidency debate at Basel, wrote,

Likewise, since it is an article of faith that *I believe in the holy church*, there never was and never will be a time in which one could properly not

et recentioris aetatis," in *Maria et Ecclesia: Acta congressus Mariologici-Mariani in civitate Lourdes anno 1958 celebrati*, vol. 3: *De parallelismo Mariam inter et Ecclesiam* (Rome, 1959), 389–488, 448–52; and Yves Congar, "Incidence ecclésiologique d'un thème de dévotion mariale," *Mélanges de science religieuse* 8 (1950): 277–92, 284–85. Binder and Congar discuss Madrigal but not Segovia.

59. See, e.g., Scott H. Hendrix, "In Quest of the *Vera Ecclesia*: The Crises of Late Medieval Ecclesiology," *Viator* 7 (1976): 347–78.

60. *Defensorium*, 2.21–22 (fols. 18rv): "Ita et ecclesie adhibenda est tanta fides ut credamus eam errare non posse. Nam unde de articulis fidei positus in symbolo apostolorum est credere sanctam ecclesiam catholicam, i.e., universalem. [...] Necessè ergo est universalem ecclesiam omni tempore sanctam esse et impossibile est aliquo tempore eam vel non esse vel non esse sanctam." See also Belloso Martin, *Política y humanismo*, 154.

confess this faith. However, if the church had damnably erred, then at that time one could not have properly asserted that the church should be believed to be holy. Therefore, since the church cannot exist unless it is holy, it manifestly follows that the church is never going to err or that it cannot err.⁶¹

For both authors, the church that could not err was the universal church, as distinct from any individual prelate, including the pope, or from any particular or local church. Madrigal recognized this distinction both in his *Defensorium* and in his *Commentary on Matthew*, and Segovia likewise knew and used the distinction as well.⁶²

For Madrigal and Segovia, belief in the infallibility of this universal church was essential, fundamental, architectonic. As Madrigal put it, “although all the articles of faith are necessary, the article that the universal church cannot err is more necessary, because all the other articles seem to derive their necessity from this one.”⁶³ The alternative was intolerable soteriological uncertainty: “Therefore, from this it appears necessary that we believe that the universal church cannot err in the faith; for should we believe that it could err, we will never be able to be confident about ecclesiastical determinations.”⁶⁴

61. Juan de Segovia, *Super materia bullarum de praesidencia* §18, edited in Pascal Ladner, “Johannes von Segovias Stellung zur Präsidentenfrage des Basler Konzils,” *Zeitschrift für schweizerische Kirchengeschichte* 62 (1968): 1–113, 36: “Item cum sit articulus fidei *Credo sanctam ecclesiam*, numquam fuit aut erit tempus, in quo non liceat confiteri hanc fidem. Si autem ecclesia dampnabiliter erraret, iam pro eo tempore non liceret asserere credi eam esse sanctam. Cum ergo ecclesia non possit esse nisi sancta, sequitur manifeste nunquam erraturam vel non posse errare.” See also Santiago Madrigal Terrazas, “*Corpus mysticum-corporis politicum*: Primeros ecos de la crisis conciliar en la obra de Juan de Segovia,” in *Iglesia de la historia, iglesia de la fe: Homenaje a Juan María Laboa Gallego*, ed. Fernando Rivas Rebaque and Rafael María Sanz de Diego (Madrid: Universidad Pontificia de Comillas, 2005), 267–98, 285. Segovia made a similar argument in his *Tractatus decem avisamentorum*, 3; see Krämer, 413, and Madrigal Terrazas, “*Si desineret esse sancta*.”

62. *Defensorium* 2.22 (fol. 18v); *Introducción*, q. 13 (172). For Segovia, see, e.g., *Tractatus decem avisamentorum* 1 (edited in Krämer, 386).

63. *Defensorium* 2.23 (fol. 18v): “[...] licet omnes articuli sint necessarii, tamen articulus de universali ecclesia quod non possit errare est magis necessarius quia ex illo videntur ceteri necessitatem habere.”

64. *Defensorium* 2.22 (fol. 18v): “Apparet igitur ex hiis quod necesse est quod nos credamus ecclesiam universalem non posse errare in fide. Vel si credamus eam posse errare numquam poterimus habere fidem de determinatis ab ea.”

For similar reasons, in his conflict with Eugenius IV, Juan de Segovia also argued that the church could not err in its determinations.⁶⁵ Clearly, for Madrigal and Segovia, the infallibility of the church had important ecclesiological, soteriological, and even pastoral implications.

In her recent book on the quest for certainty in the early modern era, Susan Schreiner rightly observes that “in significant ways and contexts, the question of certitude emerged repeatedly in the fourteenth and fifteenth centuries.”⁶⁶ With their emphasis on ecclesial infallibility and on the tension between certainty and doubt, Madrigal and Segovia provide ample evidence for Schreiner’s argument. Their focus on the inerrancy of the church also led them, as it did contemporary and subsequent theologians, to reflect on the proper relationship between the church and Scripture. Madrigal addressed this relationship in his *Defensorium* and in his introduction to the *Commentary on Matthew*; Segovia addressed it in his *Explanatio de tribus veritatibus fidei* (1439) and in his speech at the 1441 Reichstag in Mainz.⁶⁷

A thorough analysis of their respective views on this relationship exceeds the limits of this study, but a few illustrative comments are in order here. First, given their convictions about the status of the church, it is not surprising that both Madrigal and Segovia cited Augustine’s famous dictum: “I would not have believed the Gospel had the authority of the church not moved me to do so.”⁶⁸ They invoked Augustine to assert the practical, if not ontological, priority of the church over Scripture. In the *Defensorium*, Madrigal stated plainly “it must be said that the authority of the church is greater than that of the holy books

65. See Jesse D. Mann, “Refuting the Pope: Comments on Juan de Segovia’s Gloss on the Bull *Etsi non dubitemus*,” *Annuario Historiae Conciliorum* 37 (2005): 323–40, 339 with n. 68.

66. Susan E. Schreiner, *Are You Alone Wise? The Search for Certainty in the Early Modern Era* (Oxford: Oxford University Press, 2011), 15.

67. See Jesse D. Mann, “The Historian and the Truths: Juan de Segovia’s *Explanatio de tribus veritatibus fidei*,” (PhD dissertation, 2 vols., University of Chicago, 1993), 1:62–73, and Segovia, *Mainz Speech* (DRTA 15:718ff.).

68. *Defensorium* 2.24 (fol. 19r); *Introducción*, q. 19 (p. 236); *Explanatio* §56 (ed. Mann 2:356); *Mainz Speech* (DRTA 15:718; slightly different wording). On the passage from Augustine, see Heiko Oberman, *The Harvest of Medieval Theology: Gabriel Biel and Late Medieval Nominalism* (Durham, NC: Labyrinth, 1983), 370.

of the Old and New Testaments.”⁶⁹ Second—although, in keeping with their conciliarist sympathies, Madrigal and Segovia seem to privilege the church over Scripture—one can concur with the editors of Madrigal’s *Introducción* that El Tostado’s views (and Segovia’s too) around this question are sufficiently nuanced to frustrate any absolute statement about the priority of the church over Scripture.⁷⁰ For example, as his editors note, Madrigal rejected the notion that the church could dispense with evangelical norms, thereby suggesting that the church was not simply superior to Scripture.⁷¹ Third, as Hermann Schüssler has argued, both Madrigal and Segovia saw the general council as the ecclesiastical organ that recognized, indeed even established, the biblical canon.⁷² That is, thanks to conciliar decisions, we know which books belong to the canon and which do not. With mention of the general council we come to our third common conciliarist position: identification of the universal church with the general council.

Like other fifteenth-century conciliarists, especially those at Basel, Madrigal and Segovia asserted a juridical and even spiritual identity between the universal church and the general council. As Thomas Prügl has put it, “the conviction that church and council were not just analogous but actually identical was the *opinio communis* among the Baselean conciliarists.”⁷³ Thus Madrigal could maintain that “if the church, that is, a general council, would at one time define some proposition regarding the faith, no other council could rule to the contrary.”⁷⁴ Even more explicitly, in his tract on the presidency debate, Segovia

69. *Defensorium* 2.24 (fol. 19r): “Dicendum igitur quod maior est auctoritas ecclesie quam sacrorum librorum veteris vel novi testamenti.” See also Hermann Schüssler, *Der Primat der Heiligen Schrift als theologisches und kanonistisches Problem im Spätmittelalter* (Wiesbaden: Franz Steiner, 1977), 149.

70. See *Introducción*, 23.

71. See *Introducción*, 23.

72. See Schüssler, 148–50 (Madrigal), 202–08 (Segovia). In his discussion of Madrigal, Schüssler cites only the *Defensorium*. One wonders whether his discussion would have been different had he also consulted Madrigal’s *Introducción*. For a similar discussion of Madrigal’s views (that makes no mention of Schüssler or of the *Introducción*), see Gabriel, esp. 130.

73. Prügl, “Das Schriftargument,” 224: “Die Überzeugung, dass sich Kirche und Konzil nicht nur analog, sondern geradezu identisch zueinander verhalten, war *opinio communis* unter den Baseler Konziliaristen.”

74. *Defensorium* 2.27 (fol. 19v): “[...] si ecclesia, i.e., concilium generale diffineret semel aliquam propositionem circa fidem, nullum aliud concilium potest determinare contrarium.”

wrote, “[...] it follows that the council has not been and is not separate from the church, but is one with the church, united and identified with it, such that whatever the council does or suffers, the church itself should be said to do and suffer.”⁷⁵ This identification between church and council, in turn, required a distinction between the universal church understood as dispersed throughout the world and the church understood as gathered in one place. As Antony Black has noted, “Segovia’s excessive confidence in the ‘identity’ in title and power between Church and council stemmed from his view that the Church dispersive and the Church collective are but two aspects of the same entity.”⁷⁶ Madrigal likewise knew and used this distinction repeatedly. For example, in the *Defensorium* he wrote,

It should be known, moreover, that the universal church we are discussing can be understood in two ways: firstly, as the dispersed church and secondly as the gathered church. In this first sense, the universal church is the totality of all Christians dispersed throughout the world. [...] In the second sense, it refers to a congregated multitude, and, in that case, any legitimately gathered holy general synod is called the universal church.⁷⁷

He made a very similar argument in the *Introducción*, where he again distinguished the dispersed church from the gathered church and again identified the gathered church with the general council.⁷⁸

To describe the relationship between the *ecclesia universalis* and the general council necessitated some notion of representation. Segovia devoted

75. Segovia, *Presidencia* (ed. Ladner, p. 103): “[...] sequitur quod concilium ab ecclesia non est divisum nec se dividit, sed est cum ea unum et idem seu eidem unitum et identificatum, ita ut quodcumque agit concilium sive patitur, ipsam ecclesiam agere sive pati dicatur.”

76. Black, *Council and Commune*, 185. For more on this distinction, see Black, *Council and Commune*, 148–54; and Black’s earlier work, *Monarchy and Community: Political Ideas in the Later Conciliar Controversy, 1430–1450* (Cambridge: Cambridge University Press, 1970), 13ff.

77. *Defensorium* 2.36 (fol. 21r): “Sciendum ulterius quod ista ecclesia universalis de qua agimus potest accipi dupliciter: uno modo pro ecclesia dispersa; alio modo pro ecclesia congregata. Primo modo ecclesia universalis est universitas omnium christianorum per totum orbem dispersorum. [...] Secundo modo accipitur pro multitudine congregata et tunc sacra quaelibet synodus generalis legitime congregata vocatur ecclesia universalis.” See also Bellosio Martín, *Política y humanismo*, 154.

78. *Introducción*, q. 13 (172–74). In this work, Madrigal explicitly cites his previous discussion in the *Defensorium*.

considerable intellectual energy to discussing the idea of representation and how the council could represent the church.⁷⁹ Black has characterized Segovia's position as "virtual" or even "symbolic" representation.⁸⁰ Madrigal had much less to say about this notion. For him, the general council represented the universal church "sufficiently"—a term he does not explicitly define. As Madrigal put it in his *Introducción*,

The universal church can be understood in two ways: sometimes as it actually is; sometimes through representation. [...] In this second way, through representation, the universal church is the general council legitimately gathered, because there is no congregation that legitimately and sufficiently represents the entire body of believers other than the general council.⁸¹

And likewise in the *Defensorium*,

The legitimately congregated general synod is not really the universal church but [is the church] through sufficient representation. [...] And because the general council sufficiently represents the universal church, it can do everything that the universal church can do [...] and it has all the qualities of the universal church.⁸²

79. See, e.g., *Mainz Speech* (DRTA 15: 680ff.); *Amplificatio*, in *Monumenta conciliorum generalium seculi decimi quinti*, ed. F. Palacký and E. von Birk et al., 4 vols. (Vienna: Typis C.R. Officinae typographicae aulae et status, 1857–1935), 3:601 (hereafter: MC); and *LMA* 1.10–11, 4.1 (ed. De Kegel, 141–44, 218–22). For analysis, see Rivera García, "Humanismo, representación y angelología," 100–02, and Sieben, *Von Apostelkonzil zum Ersten Vatikanum*, 173–78.

80. See Black, *Monarchy and Community*, 20; Black, *Council and Commune*, 185; and Black, "The Conciliar Movement," 576–77.

81. *Introducción*, q. 13 (172–74): "Ista Ecclesia universalis accipitur dupliciter, aliquando vere, aliquando per repraesentationem. [...] In secundo modo dicitur Ecclesia universalis per repraesentationem. Et ista est Concilium Generale legitime congregatum, quia nulla alia congregatio est, quae legitime et sufficienter repraesentet totam universitatem fidelium, nisi generale Concilium."

82. *Defensorium* 2.37 (fol. 21v): "Generalis autem synodus legitime congregata non est realiter ecclesia universalis sed per representationem sufficientem. [...] Et quia concilium generale sufficienter representat ecclesiam universalem, potest omnia que potest ecclesia universalis [...] et habet omnes conditiones universalis ecclesie."

Importantly, for Madrigal and Segovia neither the pope nor any other entity could represent the universal church as sufficiently or truly as the general council.⁸³ Consequently, both authors ascribed to the council the same infallibility they had ascribed to the universal church.⁸⁴ For both, the infallible council, guided by the Holy Spirit, served as the “supreme tribunal” in the church, superior to the pope and able to judge him, and able to define doubtful or uncertain matters authoritatively.⁸⁵ Thus, after a conciliar definition, no recourse, no appeal, no dissent was possible. Madrigal and Segovia stated this point in similar terms. As El Tostado put it, “Christ put the supreme tribunal of the church in the sacred general council, and after its ruling, there is to be no recourse to another.”⁸⁶ And Segovia wrote that “after the judgment of the church legitimately congregated, there remains no recourse on earth as if to a higher tribunal.”⁸⁷ In this, both authors echoed Aquinas who had said that, while doctors might disagree even in matters of faith prior to an ecclesiastical definition, after such a definition, obstinate opposition to the church’s definition was tantamount to heresy.⁸⁸

It will be recalled that Madrigal and Segovia were themselves *doctores* or professors, and their position regarding the role of *doctores* in the church’s teaching authority or magisterium constitutes our final conciliar “common place.” As Antony Black has shown, *doctores* played a prominent part at the

83. *Defensorium* 2.68 (fol. 28r): “Et per hoc patet quia nulla persona singularis vel publica quantecumque dignitatis vel sanctitatis potest sufficienter representare ecclesiam.” See also Segovia, *Amplificatio* (MC 3: 601): “Etenim representaret verius quam papa generalis synodus ecclesiam universalem.”

84. See *Defensorium* 2.37–38 (fol. 21v); and Segovia, *Tractatus decem avisamentorum*, cited in Santiago Madrigal Terrazas, *El pensamiento eclesial de Juan de Segovia (1393–1458): La gracia en el tiempo* (Madrid: Universidad de Comillas, 2004), 182. For more on Segovia’s position, see also Hermann Josef Sieben, *Traktate und Theorien zum Konzil vom Beginn des grossen Schismas bis zum Vorabend der Reformation (1378–1521)*, *Frankfurter Theologische Studien* 30 (Frankfurt: Joseph Knecht, 1983), 190–96.

85. See *Defensorium* 2.69 (fol. 28r), 2.76 (fol. 29v); and *Mainz Speech* (DRTA 15:699). Schüssler noted some similarity between Madrigal and Segovia in their use of the expression “tribunal” (149n88).

86. *Defensorium* 2.71 (fol. 28v): “[...] Christus posuit in generali concilio supremum tribunal ecclesie et quod post illud non sit ad aliquem recurrendum.”

87. *Mainz Speech* (DRTA 15: 666): “quod post iudicium ecclesie legitime congregate velut ad superius tribunal in terris nullus remanet recursus.”

88. See Thomas Aquinas, *Summa Theologie* 2.2.11.2 ad 3.

Council of Basel.⁸⁹ Segovia himself called them “outstanding in the church,” and the council “declared doctors to have a share with bishops in the teaching function of the church.”⁹⁰ Segovia buttressed this position by citing Eph. 4:11–13 where, in his interpretation, apostles, prophets, evangelists, pastors, and doctors were all part of an “authoritative college [...] properly called a general council.”⁹¹ In short, at Basel—a council dominated by university men—*doctores* enjoyed special authority in matters of faith, and, during the council, Segovia championed this authority.

Madrigal, too, championed the teaching authority of *doctores*, especially in regard to scriptural interpretation. Indeed, Frédéric Gabriel has argued that Madrigal’s *Defensorium* seems “a defense and illustration of the status, authority and usefulness of teachers of theology.”⁹² Importantly, however, El Tostado does not seem specifically concerned about the role or rank of professors in a general council. Still, like Segovia and other Baselean conciliarists, he shared a confidence in the theological expert’s ability and authority to resolve doctrinal uncertainties and disputes.

As this exploratory review of some of their shared conciliar common places demonstrates, Alfonso de Madrigal and Juan de Segovia have rightly been seen as ideological allies; as advocates of similar conciliar ecclesiologies. These two authors did indeed share certain fundamental conciliarist positions, and they sometimes expressed these positions in similar language. But the similarities outlined above certainly do not tell the full story. Not only might one find additional conciliar common places in their work, but we must

89. See Black, *Monarchy and Community*, 23–24, and Antony Black, “The Universities and the Council of Basle: Collegium and Concilium,” in *The Universities in the Late Middle Ages*, ed. Jozef Ijsewijn and Jacques Paquet (Leuven: Leuven University Press, 1978), 511–23.

90. Black, *Monarchy and Community*, 19.

91. *Amplificatio* (MC 3:651): “Christus ascendens in celum collegium auctoritativum instituit ex apostolis, prophetis, evangelistis, pastoribus et doctoribus [...] proprie dicitur generale concilium.” On Segovia’s use of this passage, see Thomas Prügl, “Successores apostolorum: Zur Theologie des Bischofamtens im Basler Konziliarismus,” in *Für euch Bischof, mit euch Christ: Festschrift für Friedrich Kardinal Wetter zum 60. Geburtstag*, ed. Manfred Weitlauff and Peter Neuner (St. Ottilien: EOS, 1998), 195–217, 199–201.

92. Gabriel, 142: “une défense et illustration en règle du statut, de l’autorité et de l’utilité du maître en théologie.”

also acknowledge significant differences or contested places in Madrigal and Segovia. I'll discuss two such contested places here.

First, although in his *Defensorium* Madrigal often referred to conciliar history, he never explicitly cited the contemporary reform councils of Constance or Basel.⁹³ Even when invoking the common "superscription" of conciliar letters ("This holy general synod legitimately congregated in the Holy Spirit, constituting a general council and representing the universal church")—so reminiscent of the crucial Constance decree *Haec sancta*—he made no mention of Constance.⁹⁴ And even when citing well-known arguments about the "heretical pope," and writing that "anyone judged a heretic by a general council truly is a heretic," he made no mention, positively or negatively, of Pope Eugenius IV, whom the Council of Basel had deposed for heresy and other crimes in 1439.⁹⁵ In short, contemporary church politics are notably absent from Madrigal's conciliarist arguments.⁹⁶

Not so Segovia, whose conciliar writings, as noted above, emerged from contemporary conflict and are replete with references to Constance and Basel. For Segovia, the "truth" of *Haec sancta*, of conciliar doctrinal and jurisdictional authority in the church as defined at Constance, served as a touchstone of his conciliarism. Similarly, his conviction that Eugenius was a heretic seemingly endured even after Basel's demise.⁹⁷

Madrigal's omission of contemporary ecclesiastical events may have many explanations. But the underlying issue in his *Defensorium* was not the conflict between council and pope. Rather, the issue was the theologian's freedom of

93. For examples of Madrigal's references to conciliar history, see *Defensorium* 2.38 (fol. 21v), 2.78 (fol. 30r).

94. See *Defensorium* 2.68 (fol. 28r). The literature on *Haec sancta* is extensive. For an introduction, see Michiel Decaluwé, "Three Ways to Read the Constance Decree *Haec sancta* (1415): Francis Zabarella, Jean Gerson, and the Traditional Papal View of General Councils," in *The Church, the Councils, and Reform*, 122–39.

95. *Defensorium* 2.38 (fol. 21v): "Ideo quicumque per concilium generale hereticus iudicatur, vere hereticus est." For Madrigal's treatment of the case of the "heretical pope," see, e.g., *Defensorium* 2.30 (fol. 20r) and 2.72–75 (fols. 28v–29r).

96. Their absence from his writings may provide further evidence that Madrigal did not attend the Council of Basel.

97. See Jesse D. Mann, "The Devilish Pope: Eugenius IV as Lucifer in the Later Works of Juan de Segovia," *Church History* 65 (1996): 184–96.

inquiry, and Madrigal's conflict was with those who had judged certain of his views as suspect or even heretical.⁹⁸ His reply—that matters not yet adjudicated by the church (that is, a general council) could not be judged heretical—did not need to engage contemporary church politics and probably benefitted from not doing so. Thus, Madrigal's position shows that a fifteenth-century "conciliarist" could endorse key elements of Baselean conciliarism without supporting the Council of Basel.

Second, Madrigal and Segovia expressed somewhat different views on the relationship between pope and bishops.⁹⁹ As Jan Hallebeek has noted, "el Tostado was [at least in his *Defensorium*] a conciliarist but certainly no episcopalist."¹⁰⁰ To wit, in *Defensorium* 2.64, when addressing the distinction between *potestas ordinis* (power of order) and *potestas jurisdictionis* (power of jurisdiction), Madrigal stated, "Bishops, however, receive their power and jurisdiction from the pope. The pope himself, however, receives power immediately from God or he receives it from his mother, the church, of which he is a son and a member, and in which is the fullness of power granted by Christ."¹⁰¹ Leaving aside the seemingly ambiguous origins of papal power as presented here—an interesting problem in its own right—we focus on the derivative nature of episcopal power. That is, as Madrigal put it here, the episcopate derives its jurisdictional authority from the pope, not directly from Christ.

In his *Amplificatio* and in his *LMA*, Segovia proposed a different view.¹⁰² In contrast to Madrigal, Segovia wrote, "Whoever closely considers the substance and order of ecclesiastical jurisdiction will find therein four grades. The first

98. In this I agree with Gabriel, 141.

99. For background on the relevant issues, see Kenneth Pennington, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia, PA: University of Pennsylvania, 1984).

100. Hallebeek, 16. It is important to note that, according to Hallebeek (17), Madrigal actually defended an "episcopal ecclesiology" in his *Commentary on Numbers*.

101. *Defensorium* 2.64 (fol. 27r): "Episcopi autem accipiunt potestatem et iurisdictionem a papa. Ipse autem papa accipit potestatem immediate ab ipso deo vel accipit eam a matre sua ecclesia cuius filius et membrum est in qua est plenitudo totius potestatis concessa sibi a Christo." On the important distinction between *potestas ordinis* and *potestas jurisdictionis*, see Oakley, 4–8.

102. See *Amplificatio* (MC 3: 772–81); *LMA* 7 (De potestate immediate a Christi in episcopis; ed. De Kegel 295ff.); and *LMA* 6.11.1–3 (ed. De Kegel, 291). But cf. *LMA* 11.24.7 (ed. De Kegel, 561). See also Black, *Council and Commune*, 188; Sieben, *Von Apostelkonzil zum Ersten Vatikanum*, 176–77; and Prügl, "Successores apostolorum," 204–05.

of these grades includes those who have power directly from God, such as all the bishops, as the following section demonstrates.¹⁰³ Although (or perhaps because) Segovia's experience at Basel apparently moved him to reconsider the role of bishops in the church and to see the presence of bishops as essential to the legitimacy of general councils, he still avoided the "papalism" implied by Madrigal's formulation of the relationship between pope and bishops. At the same time, Segovia recognized a "gradation" among bishops that favoured the position of the pope.¹⁰⁴ As Prügl has observed, "the relationship between pope and bishops clearly caused Segovia difficulties as he tried to balance two irreconcilable principles, namely monarchical and collegial *plentitudo potestatis*."¹⁰⁵ Both Madrigal and Segovia struggled to define this relationship coherently, and both authors' evolving views on the episcopacy merit further investigation.

Madrigal and Segovia differed in two other ways that are closely related to their thought but are not precisely expressions of specific doctrinal differences. No comparison of these important Castilian thinkers should overlook their respective fates on two fronts.

The University of Salamanca formed both Madrigal and Segovia as students and teachers, but ultimately treated them both quite differently. As noted above, Madrigal became *maestrescuela* of the university in 1446. He had important students such as Pedro Martínez de Osma and Fernando de la Roa. And he only left the university to accept an episcopal see.

103. *Amplificatio* (MC 3:755): "Animadvertens quippe intrinsecus ad substantiam ordinemque ecclesiastice iurisdictionis, reperiet in ea gradus quatuor, quorum primus sunt habentes immediatam potestatem a Deo, quomodo sunt episcopi omnes ut sequens intelligencia patefacit." See also *Amplificatio* (MC 3:911): "Et quoniam questio urget de episcopis, a quo, videlicet a papa vel Christo, immediate recipiant potestatem [...] respondet labor iste unicuique tribuens, quod suum est, quamvis promoveri et iudicari per papam possint episcopi, a Christo tamen immediate eos accipere potestatem" (And since the question arises as to whether the bishops receive their power directly from the pope or from Christ, [...] this work responds, giving each his due, that although the bishops can be promoted and judged by the pope, nonetheless they receive their power immediately from Christ). Here, Segovia seems to recognize more explicitly papal jurisdiction over other bishops without suggesting that episcopal jurisdiction *derives* from the pope.

104. See Sieben, *Von Apostelkonzil zum Ersten Vatikanum*, 180 with n. 98; Prügl, "Successores apostolorum," 205; and the preceding note.

105. Prügl, "Successores apostolorum," 205.

Segovia left Salamanca in 1431, eventually arriving in Basel where he served as the university's sole representative to the council—a fact he was still obviously proud of toward the end of his life.¹⁰⁶ But in light of his unwavering support for the council in its conflicts with Pope Eugenius IV, Segovia's relationship with the university deteriorated. Upon transferring the Council of Basel to Ferrara in September, 1437, Pope Eugenius IV advised numerous universities, including the University of Salamanca, to withdraw their representatives from Basel and to send them to the papal council in Italy. Salamanca seemingly complied, at least with the directive to withdraw its emissary.¹⁰⁷ At the same time, Castilian royal policy began to turn against the Council of Basel.¹⁰⁸ Consequently, Segovia notified the university, probably in 1438, that he was giving up his professorship in order to remain at the council. By the beginning of 1441, Segovia's falling out with the University of Salamanca must have been complete. A letter from Eugenius IV (dated January 1441), thanking the university for its support, makes a none-too-veiled reference to Segovia and to the university's "rejection of his impiety."¹⁰⁹

These tellingly different tales confirm that to espouse conciliarist opinions at the University of Salamanca in the first half of the fifteenth century was neither unusual nor necessarily detrimental to one's academic or ecclesiastical career.¹¹⁰ Theoretical conciliarism without practical involvement in the ecclesiastical conflicts of the fifteenth century does not seem to have hindered

106. Segovia mentions this fact with pride in his library donation. See Hernández Montes, *Biblioteca*, 82.

107. For background here, see Hermann Diener, "Zur Persönlichkeit des Johannes von Segovia: Ein Beitrag zur Methode der Auswertung päpstlicher Register des späten Mittelalters," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 44 (1964): 289–365, 316–19.

108. See Luis Suárez Fernández, *Castilla, el cisma y la crisis conciliar, 1378–1440* (Madrid: CSIC, 1960), 133–41.

109. See Hernández Montes, *Biblioteca*, 146. The letter is printed in Vicente Beltrán de Heredia, *Bulario de la Universidad de Salamanca (1219–1549)*, 3 vols. (Salamanca: Universidad de Salamanca, 1966), 2:475, and in Suárez Fernández, 435. The relevant passage includes the phrase: "Vos autem reiecto impio cum sua impietate."

110. For a fine overview of the diversity of ecclesiological opinion present in Salamanca in the fifteenth century, see Adeline Rucquoi, "Democratie ou monarchie: Le discours politique dans l'université castillane au XVe siècle," in *El discurso político en la Edad Media*, ed. Nilda Guglielmi and Adeline Rucquoi (Buenos Aires: Program de Investigaciones Medievales, 1995), 223–55. We should reject Jose Goñi Gaztambide's suggestion that conciliarism was foreign to the University of Salamanca prior to the Council of Basel. His view of conciliarism is distorted, in my opinion, by an anachronistic

Madrigal's advancement. On the other hand, Segovia's attempts to realize his conciliar convictions led him to a rupture with his *alma mater* and to a more obscure, but not at all unproductive, "retirement" in the Haute Savoie.¹¹¹

Compared to Madrigal, Segovia endured another kind of obscurity. Most of Segovia's works remained unedited, and few subsequent ecclesiological authors drew upon his writings, until the late nineteenth and early twentieth centuries. Although Black claimed to have found echoes of Segovia in Suarez and Vitoria, he did not adduce actual quotations from Segovia's writings in their works.¹¹² And despite impressive research in the relevant sources, Oakley could find "only a single reference to Segovia in the seventeenth century writers."¹¹³

In contrast, Madrigal's "complete" works were first printed with royal support in the early sixteenth century (Venice, 1507–31).¹¹⁴ There was another edition in 1596, two in the early seventeenth century (Cologne, 1613; Venice, 1614–15), and yet another in the eighteenth century (Venice, 1728). Clearly, Madrigal's writings were more widely disseminated than Segovia's and thus, unlike Segovia's, they were used.

El Tostado's influence on other early modern authors has not been fully investigated, but we already know of several later writers using his work. For example, in his 1551 tract, *Apuntamientos en la dirección del concilio*, written for the Council of Trent, the Spanish diplomat Francisco de Vargas cited Madrigal explicitly.¹¹⁵ And according to Jan Hallebeek, Madrigal's views on jurisdiction had significant impact on ecclesiological and canon law doctrines in the seventeenth and eighteenth centuries in the church of Utrecht, thanks to the work of Edmond Richer (1559–1631). As Hallebeek explains, "this French theologian [i.e., Richer] quoted extensively from Tostado's passages on

Ultramontanism. See Jose Goñi Gaztambide, "El conciliarismo en España," *Scripta Theologica* 10 (1978): 893–928, 910.

111. On Segovia's "retirement," see *LMA* (De Kegel, 46–50).

112. See Black, *Council and Commune*, 203, 211.

113. Oakley, 242.

114. For a brief discussion of the editions listed here, see Fernández Vallina, "Introducción al Tostado," 167. On the *editio princeps*, see Luisa Cuesta, "La edición de las obras del Tostado, empresa de la corona española," *Revista de Archivos, Bibliotecas y Museos* 56 (1950): 321–34.

115. See Constancio Gutiérrez, "Nueva documentación Tridentina 1551–1552 (Continuación)," *Archivum Historiae Pontificiae* 2 (1964): 211–50, 223. On Vargas, see Xavier Tubau's contribution to this special issue. I am grateful to Tubau for calling Vargas's use of Madrigal to my attention.

jurisdiction in support of his own teachings, and because his works became influential in later Jansenism and in the church of Utrecht, Tostado's ideas were spread.¹¹⁶ It is possible, in keeping with Oakley's argument, that these subsequent authors found Madrigal's arguments attractive because those arguments were grounded in universal principles or natural law.¹¹⁷ However, as Madrigal's case suggests, one should also not overlook the role played by the sheer availability of texts and by the vicissitudes of textual transmission.

Ironically, while Madrigal's works may have played a more influential role in the development of the "conciliar tradition," Segovia's conciliarism has been the focus of considerably more modern research. The present study has attempted to point out some important common and contested places in their writings. If this preliminary comparison should serve to stimulate further and deeper comparison of these two notable fifteenth-century Spanish thinkers, it will have achieved its purpose.

116. Hallebeek, 17. On Richer, see Oakley, 159–72, esp. 159 with n. 70.

117. For Oakley's argument, see Oakley, 240–42. I have not found explicit reference to natural law a significant element in Tostado's writings, but one would want to consult a larger sample before reaching a conclusion on this point.