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Political Authority in International Relations: Revisiting the Medieval Debate

Julia Costa Lopez

Abstract In international relations, accounts of medieval political authority are divided between those who see a heteronomous patchwork of overlapping authorities and those who claim that the era of the state started in the twelfth century. How can we overcome this divide? I argue that IR's current difficulties in grasping the nature of medieval political authority stem from shortcomings in how the notion of political authority itself has been conceptualized. Thus, rather than starting from a substantive definition of political authority, I focus on contestation over the categorization and authorization of rule, that is, on how authority is produced in historically specific ways as a result of contemporary contestation over what political authority is, who is authorized, and how rulers stand in relation to one another. This reorientation allows us to appreciate how medieval political authority emerged from the competition between four sets of ordering categories: *iurisdictio*, *potestas*, lord/vassal, and magistrate. Each one of these four categories understood authority, rulers, and the relation between rulers in different ways. The problem with existing accounts of medieval authority is that they attempt to find *the single* ordering principle of medieval international relations. In doing so, they not only fail to capture the features of the time but also reinforce a particular approach to political authority that is unhelpful for understanding medieval and modern politics alike.

Medieval Europe occupies a distinct place in the disciplinary imaginary of International Relations (IR). In one of its core narratives, the “heteronomous shackles” that characterized the period gave way at some point in the sixteenth or seventeenth centuries to an international system of modern sovereign states. The Middle Ages, in this foundational myth, are “important in IR because [they are] the precursor to the Westphalian order that arose in Europe and was imposed from there onto the rest of the world.”¹ This role as a precursor has been key in the development of IR theory: the medieval-to-modern transformation, for example, was central in the establishment of constructivism, with scholars such as Ruggie or Kratochwil and Hall using the contrast between so-called medieval heteronomy and the state to show the mutability of international relations.² Their role as contrast and mirror to the modern state-system, however, goes beyond this.³ Indeed, in an uncertain context where the simplified notion of the international system of

1. Buzan and Albert, 2010, 332.

2. Hall and Kratochwil 1993; Ruggie 1993.

3. Costa Lopez 2016, forthcoming.

modern states no longer seems to conform to contemporary political dynamics, neo-medievalists have also referred to the Middle Ages as an imaginative resource to conceptualize current changes.⁴

However, even a cursory look at the various ways that the Middle Ages are mobilized in IR reveals a fundamental problem. For all the constant allusions, there seems to be no agreement on what medieval international order was like. This seems to particularly concern the issue of where political authority resided: while some neo-medievalists invoke the image of the “Dark Ages” by emphasizing feudal anarchy and violence,⁵ others highlight the integrative (if competing) forces of Church and Empire.⁶ Conversely, some recent takes see a pattern of authority that allows us to confidently speak about states, sovereigns, and stabilization of rule.⁷ Even within constructivist approaches focusing on the ideational dimensions of authority there are fundamental disagreements. Some, following Ruggie, emphasize the existence of lord-vassal chains and the integrative influence of the Church.⁸ More recently, scholars following continuist historiography see late-medieval political authority as characterized by constitutive norms of sovereignty and statehood.⁹ In sum, current IR scholarship on the Middle Ages presents such radically diverse views on the period that it seems to confirm Buzan and Little’s intuition that “existing concepts simply cannot begin to capture the complexity of medieval political organization.”¹⁰

How can we approach the issue of medieval political authority, and thus, of medieval international relations? In this article I put forward two connected arguments. First, I argue that the current difficulties in grasping the nature of medieval political authority stem not from the period being inherently ungraspable, but rather from shortcomings in how political authority itself has been conceptualized in IR. Thus, rather than a priori starting with a substantive definition of political authority, I focus on contestation over the categorization and authorization of rule, that is, on how authority is produced in historically specific ways as a result of contemporary contestation over what political authority is, who is authorized, and how rulers stand in relation to one another.¹¹

Second, this reorientation allows us to appreciate how medieval political authority emerged from the competition between four sets of ordering categories: *jurisdiction*, *potestas*, lord/vassal, and magistrate. Each one of these four categories understood authority, rulers, and the relation between rulers in different ways. Some, such as lord/vassal or magistrate, seem to more readily conform to the standard story of multiple, “heteronomous shackles.” Others, specifically *potestas*, articulate a much more

4. Friedrichs 2001, 2004; Holsinger 2016; Kobrin 1999.

5. Cerny 1998.

6. Friedrichs 2001.

7. Blaydes and Paik 2016; Fischer 1992.

8. Phillips 2010.

9. Latham 2012.

10. Buzan and Little 2000, 244.

11. For stylistic reasons I use *political authority* and *rule* interchangeably.

hierarchical and centralized understanding of rule in which some have seen the origins of sovereignty. Ultimately, I show that the problem with existing accounts of medieval authority is that they attempt to find *the single* ordering principle of medieval international relations and in doing so, they not only fail to capture the features of the time, but also reinforce an approach to political authority that is unhelpful for understanding medieval and modern politics alike.

Between Sovereignty and Heteronomy

IR literature on medieval international relations in general, and on medieval political authority in particular, is divided between two loosely related camps, which I will call “statists” and “heteronomists.”¹² Although they do not constitute cohesive schools of thought, the resulting outlook on the period within each bears some sort of family resemblance, even if different elements are emphasized.

The notion of heteronomy is perhaps the most common take on the period. Broadly understood, these scholars subscribe to the view that the organizing principles of political authority in the Middle Ages did not conform to the ideal of sovereignty, but were instead characterized by some form of heterogeneity in authority forms.¹³ This definition in negative terms (i.e., as “nonsovereignty”) already points to some of the major conceptual difficulties in examining how medieval political authority was understood and distributed. Indeed, a definition by opposition has allowed authors in this tradition to highlight radically different—and sometimes contradictory—aspects. Thus, where some see a central role of large, universalist political organizations such as Church and Empire, others see a highly localized system of rule integrated by the symbolic role of higher offices such as kings.¹⁴

Beyond these differences, however, heteronomists broadly agree on three features of medieval rule: first, that authority was not exclusive or territorialized but distributed through lord/vassal relations into a system of “loose enclaves” or “overlapping jurisdictions.”¹⁵ Second, they see medieval authority as private in nature. Feudal contracts meant that authority was indistinguishable from property and vested in the individuals owning land, in opposition to the modern public/private division.¹⁶ Finally, medieval authority was marked by oppositional struggles between Church and State and as such did not have the secular character of modern sovereignty.¹⁷ This argument, notably, is not exclusive to the heteronomy thesis, but also shared by

12. The use of *heteronomy* can be misleading. Within a Kantian tradition heteronomy would signify rule by someone other than oneself, and thus would be opposed to autonomy. Kant 2018, 45; in IR: Onuf 2013, 212. However, in IR and following Ruggie, heteronomy has been used in the sense I use here and thus, although problematic, I choose to use it as a descriptor of that literature.

13. Hall and Kratochwil 1993; Kratochwil 1986; Phillips 2010; Ruggie 1993, 1998.

14. Respectively Zielonka 2006, 2013; Friedrichs 2001; Osiander 2001, 2007.

15. Bull 2002 245; Larkins 2010; Osiander 2001.

16. Hall and Kratochwil 1993, 487; Teschke 2003.

17. Friedrichs 2001; Phillips 2010.

statists, and takes many different forms. Some authors draw a sharp division between secular and religious organizations: they consider that “authority” was exclusively secular, but was challenged by a parallel religious structure, the Church.¹⁸ Others consider that the Church indeed wielded political authority, but with entirely separate legitimating bases.¹⁹ Overall, the “heteronomist” take on medieval authority is nicely captured by Kratochwil and Hall: “to talk about the Middle Ages is to imply the existence of certain social institutions such as feudalism and personalistic rather than impersonal or state politics; it is to refer to traditional rather than legal rational legitimacy and to controversies between temporal and spiritual authority rather than sovereign supremacy.”²⁰

This view contrasts sharply with a burgeoning historiographical literature that not only problematizes traditional notions such as “feudalism,” but argues that allegedly modern concepts such as sovereignty and the state can be meaningfully used in the medieval period.²¹ In IR, this argument takes two forms. First, authors interested in a long-durée perspective have seen a pattern of centralization and stabilization of rule that allows them, on the basis of specified definitions, to speak of states.²² The claim in this tradition is not that these are *modern* states, but rather that the presence of structures coexisting in an anarchical environment can be *analytically* treated as states or sovereigns. Second, from a constructivist approach, Andrew Latham has recently argued that while the traditional heteronomy view might be applicable to the early and central Middle Ages, the political organization of Western Europe experienced a fundamental change in the twelfth and thirteenth centuries, with the emergence of a constitutive norm of sovereignty in the political thought and practice of the time.²³ This norm of sovereignty was articulated through concepts such as *potes-tas absoluta* and had distinctly territorial and public connotations. These conceptual and practical changes ultimately crystalized in a script of corporate-sovereign statehood that was “enacted throughout Latin Christendom.”²⁴ Thus, in this view, it would be an exercise in presentism to limit notions like sovereignty and the state to the modern era since the claim is that recognizable forms of them already emerged in the later Middle Ages.

We are therefore left with a variety of contradictory stories about medieval international relations, particularly from the twelfth century onward. According to some, the later Middle Ages were still characterized by an overlapping patchwork of authorities and loyalties, with chains of lord-vassal relations constituting the basic structure of political organization. According to others, the era of the state started in the twelfth century and so late-medieval Europe was populated by units that can be called

18. Blaydes and Chaney 2013; Fischer 1992.

19. Latham 2012; Ruggie 1998.

20. Hall and Kratochwil 1993, 487.

21. Canning 2011; Nederman 2009; Pennington 1993.

22. Blaydes and Paik 2016; Fischer 1992.

23. Latham 2012, 72.

24. *Ibid.*, 134.

sovereign states and co-existed in a situation of anarchy. How can we move beyond this division?

Political Authority

The core reason for this fundamental divergence of views does not lie in the exceptional nature of the period or in the difficulties of historical research, but rather on how IR has understood political authority. In what follows, I outline three existing approaches with radically different takes on both what constitutes political authority and how to study it. Against them, I propose an understanding based on contentious processes of authorization that captures both the historical embeddedness and thus variability of authority, and the contested dynamics by which it is constituted.

A large part of the neomedievalist literature is heir to a wide-spread descriptive approach to authority.²⁵ Seeking to examine how authority is currently held by a variety of organizations and institutions beyond the state, this approach understands authority as an attribute or property that some actors have.²⁶ What authority means is either taken for granted or specified by the researcher themselves in relation to their research agenda. Uncovering the variability of authority, therefore, becomes a matter of empirically noting who holds the predefined attribute. Thus, for example, a common claim among neomedievalists is the existence of a system of asymmetric “overlapping authority,” which is equated with various dimensions of contemporary governance, from private authority by companies to the EU.²⁷ However, none of these authors unpack what is meant by authority, and take it instead as an unproblematic descriptor. Similarly, within some quantitative studies on the period, researchers restrict the notion of rule to secular rulers that stand high in the feudal chain, but whether this is a warranted assumption is left undiscussed.²⁸ This approach leads to two fundamental problems: first, as mentioned, the notion itself is taken to be self-evident, thus preventing the examination of changing meanings and understandings of authority across time and space. Can we safely assume that rule was understood in the same way in the Middle Ages? Second, this leads to a static framework that is fundamentally unable to explain such variability or how authority patterns may change. Since the meaning and nature of authority are taken as given, this approach provides no way of explaining change, contestation, or differences between holders of authority.²⁹

In contrast to this, a substantial part of the literature on the Middle Ages draws on a constructivist approach. Rather than understanding authority as a given and then seeking to recognize it in different actors, authors in this tradition accept that the

25. For a similar critique see Sending 2017.

26. E.g., Avant, Finnemore, and Sell 2010; Hurd 1999.

27. Friedrichs 2001; Zielonka 2013.

28. Blaydes and Chaney 2013.

29. Sending 2017.

meaning and nature of authority is historically variable and constituted by the norms prevalent in a society. Reus-Smit, for example, speaks of “constitutional structures, which define the social identity of the state and the basic parameters of rightful state action.”³⁰ In the case of the Middle Ages, this is the prevalent approach among those who seek to study the period in its own terms, and stands at the core of the disagreement between heteronomists and statist. While Ruggie understands this historical constitution to be based on private and proprietary notions of lord and vassal, Latham sees a sovereign state imaginary in notions such as *potestas absoluta*.³¹ As this illustrates, however, existing constructivist approaches to authority present a problem: while incorporating historical variability across periods, the way in which they have articulated the idea of prevalent or constitutional norms as singular³² has prevented them from seeing diversity and variability within a period.³³ Indeed, “constitutional” and “constitutive” are frequently understood to mean noncontested or taken for granted.³⁴ As a result, even if the notion of rule is no longer analytically predefined and is endogenized to the ideational structures of the period, existing constructivist approaches have so far remained fundamentally static and to a large extent descriptive.

So-called relational approaches are a third take on political authority which has not been applied to Middle Ages but nevertheless provides useful insights on the matter. While encompassing a variety of different perspectives—from rationalist to Bourdieusian—this approach understands authority not as an attribute but as inherent in the relation between a ruler and a subordinate.³⁵ Authority denotes a relation of super/subordination between two actors whereby the subordinate one accepts the right of the superordinate to issue mandatory commands. Understanding authority as relational gets us a step closer to understanding the production and reproduction of authority: as an accepted relation between actors rather than an individual property or attribute, it is the constant re-enacting of this relation that perpetuates it in time.³⁶ As David Lake puts it, “authority is a dynamic and constantly evolving relationship of domination and subordination” that “does not follow from the office of the ruler but from a bargain between ruler and ruled.”³⁷ It is precisely this need for re-enactment and bargaining that opens up space for change and variations over time.³⁸

At the same time, however, they present some fundamental limitations. While understanding authority as a relation brings in dynamism, restricting the focus

30. Reus-Smit 1999, 26.

31. Latham 2012; Ruggie 1998.

32. Note mentions of *the* prevailing norm sovereignty in, for example, Reus-Smit 1999.

33. As evident in my approach, this is not essential to constructivism. It is possible to adopt a more processual and dynamic constructivist understanding, but historically oriented studies in this tradition have so far not done so. See, however, Guillaume 2014.

34. Wendt 1998.

35. Lake 2009; Nexon 2009; Sending 2015.

36. Adler-Nissen 2013; also Pouliot 2017.

37. Lake 2009, 334.

38. Krisch 2017.

exclusively to ruler and ruled—those who command and those who obey or defer—leaves us unable to account for a large part of the authority problématique because it overlooks the fact that the relational nature of authority involves more than the subordinate and superordinate actors—it also relies on the constitutive relation between these and third parties. Indeed, even the basic premise that states are at the core of the international system cannot be explained merely as a product of simultaneous contract-like (re)negotiations between populations and their rulers. On the contrary, we need to be able to account for both the importance of the concept, categories, and practices of a state, insofar as they create the framework within which authority can be negotiated, and for the relational centrality of third parties who are not themselves the ruler or the ruled.³⁹

This specific problem is something that Bourdieusian-inspired relational approaches explicitly attempt to address by pointing to the notion of recognition.⁴⁰ The argument is that authority always operates within an already-made hierarchical social and institutional context that makes it recognizable and stabilizes it. With this, Sending, for example, is able to understand broader patterns of reproduction and parallelism as something more than happenstance or coincidence. Furthermore, change becomes possible when actors mobilize different forms of capital to create a new symbolic and institutional context.⁴¹ While this opens up the possibility for both stability and change, it has an important shortcoming: the notion of change here is one of punctuated equilibrium by which symbolic stabilization is periodically successfully challenged by mobilization of different forms of capital that are then stabilized as a new symbolic and institutional order. In doing so, symbolic capital becomes merely a stabilizing by-product of other forms of capital, and one which can itself only stabilize. In this sense, therefore, ideas and institutions can be as static in this model as in existing constructivist accounts and their own importance in processes of contestation is left unexplored.

To overcome some of these issues and be able to understand the nature of medieval political authority I take two steps. The first involves recognizing, with constructivist approaches, that not only who has political authority but also what political authority is, is historically contingent. While we might generally define political authority as “rightful rule,”⁴² the particular meaning of both “rightful” and “rule” have been understood in radically different ways. Uncovering these different meanings, and how they change, necessarily needs to take a central stage in any inquiry into historical political authority.

The second step is recognizing, with relational approaches, that not only are these meanings historically contingent, but also the site of vivid contestation. This contestation goes beyond challenging an established norm for the attribution of authority or

39. Kessler and Herborth 2013; Tilly 1994.

40. Sending 2015, 2017.

41. Ibid.; Adler-Nissen and Gammeltoft-Hansen 2008.

42. Lake 2010.

disputing specific ruling rights.⁴³ Rather, it calls attention to the fact that authority is not a stable property but emerges as a result of constant (re)authorization. In turn, authorization is neither a mechanical process on the basis of an existing “constitutive” norm nor merely a by-product of other forms of capital: it involves the constant negotiation, definition, delimitation, and categorization of both authority and connected concepts and institutions that make authority possible. This of course takes a variety of forms, from contestation over the object of governance to struggles over the material representation of authority.⁴⁴

Here, however, I draw attention to the notion of categories and categorization: concepts of authority linked to specific semantic fields that get constantly deployed to reauthorize authority. The insight is simple: authorization starts with the naming of authorities as such, through specific words, and these categories and their variability are central to understand the production and evolution of authority itself.⁴⁵ Two aspects are worth bearing in mind. First, categories are the linguistic and normative resources with which authority is constituted and they must be understood not as singular but plural. At any point, there are a variety of categories available that can be meaningfully and intelligibly deployed in order to categorize—and thus authorize—authority. Mapping the existing categories, their meanings, and their interplay is essential to understand the constitution of authority in any period. Second, the meaning of these categories is not fixed. As words within a language, each instantiation of their use can also slightly reformulate their meaning and relation to concepts within their semantic field.⁴⁶ It is this multiplicity of categories and nonfixity of meaning that open up the potential for change and strategic contestation. Therefore, to understand the production of authority in IR we should not focus on fixed norms or bilateral bargaining but on the emergence of rule from a constant struggle for categorization.⁴⁷

Medieval Political Authority

In what follows, I show how this perspective can help us make sense of medieval political authority. I discuss how medieval lawyers—specifically Roman and Canon lawyers—understood and categorized authority from the twelfth to the fourteenth centuries, which is the period IR scholars disagree the most about. The choice of lawyers responds to their central role in medieval politics. Although IR scholars have focused overwhelmingly on theology through figures such as Augustine and Aquinas when approaching the Middle Ages,⁴⁸ historiography tells us that from

43. Compare Philpott 2001; Reus-Smit 2013; Wiener 2014.

44. Musgrave and Nexon 2018; Wiener 2008.

45. Keene 2013.

46. Wittgenstein 1997.

47. Bourdieu 1985, 729.

48. E.g., Brown, Nardin, and Rengger 2002.

the late twelfth century onward, university-trained canon and Roman lawyers started to occupy a variety of positions within both Church and secular administrations:⁴⁹ they worked in several levels of law courts and managed the affairs of and advised secular and ecclesiastical rulers alike. The centrality of lawyers in medieval politics is hard to overstate. For example, within the Church, after the mid-twelfth century lawyers dominated the College of Cardinals, and between the thirteenth and fifteenth centuries popes were more frequently lawyers than theologians.⁵⁰ As such, their categories and concepts became a fundamental part of the language of politics at the time and provide a crucial understanding of the nature of political relations and disputes.⁵¹

I examine a variety of legal books, court decisions, and political documents written by these medieval lawyers in both teaching and the daily practice of politics, and show that political authority in the later Middle Ages is best understood as emerging from the contestation between four ordering categories. As semantically related groups of concepts, each of these categories put forward a distinct view of what rule was and a different understanding of how rulers stood in relation to one another—that is, a different order. More broadly, in these four categories we can not only find reflected some of the arguments of statist and heteronomists but also alternative understandings that have been missed in IR because of how the medieval period was approached. After examining the four categories, a final section illustrates how contestation played out in a thirteenth-century high-profile dispute. [Table 1](#) summarizes the core categories and arguments.

Iurisdictio

The first and most central category through which late-medieval jurists—but also political practice—discussed and conceived of political authority is *iurisdictio* (jurisdiction). In 1456, for example, Pope Calixtus III, wanting to recruit further support in his fight against Muslim polities, decided to grant to the Order of Jesus Christ (a military order headed by then King Alfonso V of Portugal) authority over all the African lands beyond Guinea that he could conquer. He phrased this as granting “in perpetuity ... all kinds of ordinary jurisdiction [*omnimodam iurisdictionem ordinariam*], both in the acquired possessions ... and in the other islands, lands, and places which may hereafter be acquired by said king.”⁵²

That the idea of *iurisdictio* was central in conceiving of medieval political authority should not surprise IR scholars. Mentions of jurisdiction are scattered throughout both heteronomist and statist writings, from Latham’s claims that jurisdiction was one of the “quintessentially political ‘goods’” over which medieval states competed to the very characterization of the system as one of “interwoven and overlapping

49. See Brundage 2008. In IR, Holland 2010; Kratochwil 1995; Latham 2012.

50. Brundage 2008, 132, 347; Moraw 1992.

51. They do not of course constitute the only language of politics. See Black 1992.

52. Davenport 1917, 29. Unless otherwise stated, all translations are my own.

jurisdictions.”⁵³ Unpacking how this eminently legal notion was articulated, however, reveals a category that challenges some of the fundamental characterizations behind either thesis. Against the heteronomists, jurisdiction reveals a notion of authority that is explicitly articulated as public, and allows for the comparison of rulers beyond atomistic notions of lord/vassal. Against the statist, the conceptual structure of *iurisdictio* offers an understanding of rule that encompasses all rulers and questions the bases upon which we can claim fundamental distinctiveness for those at the top.⁵⁴

TABLE 1. *Four ordering categories*

Ordering category	<i>Iurisdictio</i>	<i>Potestas</i>	<i>Lord/Vassal</i>	<i>Magistrate</i>
<i>Subject</i>	Ruling rights	Ruling rights	Rulers	Rulers
<i>Scope</i>	All-encompassing	Varied	Narrow (bilateral)	All-encompassing
<i>Relation between rulers</i>	Diffusely stratified hierarchy	Normal/exception Partial/full Supremacy	Direct authority/subordination	Ordinally ranked hierarchy
<i>IR use</i>	Heteronomy—jurisdictional enclaves	State thesis—sovereignty	Heteronomy—Chains of lord/vassals	Heteronomy—Ranks

The classical definition of the term stated that “jurisdiction is a power publicly introduced with responsibility for pronouncing the law and establishing equity.”⁵⁵ This already points to several crucial dimensions in the meaning of authority: first, central to the conception of *iurisdictio* is the ability to “pronounce the law,” that is, to judge—to the point that the ruler was in many cases referred to as *iudex* (judge).⁵⁶ *Iurisdictio*, however, was also associated with the power to establish law. Jurisprudentially, the expression *ius dicere* was quite ambiguous: if at its origins it was tied to interpreting the law for a specific case—hence the judicial function—this was intimately connected to the ability to generally pronounce what is right [*ius*], that is, establish law. Thus, successive commentary started expanding the idea of “pronouncing the law” and differentiating it from mere judicial functions, to the point that “saying the law” became “establishing the law,” that is, legislating. Odofredus de Denariis, for example, already spoke of the power to “judge, say the law and establish equity,”⁵⁷ separating both aspects. Thus *iurisdictio* included legislative functions as well, constituting political authority in a way that encompassed all governance functions.

Contrary to what proponents of the heteronomy thesis claim, *iurisdictio* was not necessarily tied to an understanding of political authority as private: jurisdiction

53. Latham 2012, 135; Ruggie 1998, 23–24.

54. Compare Blaydes and Paik 2016; Latham 2012. See Costa Lopez 2018.

55. Accursius 1560, D. 2.1.1 v. *potest*.

56. E.g., Huguccio *Summa decretorum*, C.6 q.3 c.2. in Mochi Onory 1951, 166.

57. Odofredus de Denariis 1967, D.2.1.3.

was not based on private or patrimonial ideas, but instead had an explicit public dimension. In relation to its origins, and also to its nature, the standard definition that we saw earlier said that it was a power “publicly introduced.” This pointed to two fundamental aspects. First, jurisdiction could not be granted or created by private persons [*singuli*] but was established by some public institution instead: either another holder of jurisdiction, a corporation—understood in the late-medieval sense of a transpersonal entity composed of multiple individuals⁵⁸—or eminently public sources such as the law or custom.⁵⁹ Second, and as a consequence of this, the holder of jurisdiction had a public character. Although this public nature could be expressed in many ways, this was essentially connected to a sense of purpose insofar as it was meant to foster what Albericus de Rosate called “the public good.”⁶⁰

Taking seriously political authority as jurisdiction is essential, for it both challenges the private and proprietary notion of authority advanced by heteronomists, and it also poses significant challenges for the idea of sovereignty, particularly since its unitary and public character means that we cannot exclude certain political forms from the medieval distribution of political authority. If rule was conceived as jurisdiction, that means that the category was much broader than what we now understand as political authority. The authority wielded by artisan guilds, for example, or merchant corporations, was also understood through the lens of jurisdiction in the same sense as papal and royal authority were. When asking about the various sites and origins of jurisdiction, Azo mentioned that “the consensus of those who are of the same profession or business can create an ordinary [judge].”⁶¹ Similarly, Baldus asked “whether guilds, for example, the wool merchants, can make amongst themselves special statutes”⁶² and concluded that they indeed could. Since the governance of guilds and professions was articulated through the same vocabulary and thus constituted in essentially the same way as the more conventional authorities, creating any artificial labels that exclude these authorities from the realm of “political authority” on the basis that they currently belong to the realm of “private governance” or to a functionally differentiated sphere⁶³ misrepresents the medieval understanding of rule and constitutes a presentist exercise.⁶⁴

However, this unitary notion of rule did not mean that lawyers were unable to differentiate between rulers, for the political reality around them clearly showed that there were substantial differences. Thus, jurists developed several typologies within *iurisdiction* that allowed them not only to grasp different manifestations of authority, but also to contest them.⁶⁵ The most central of these typologies was

58. Canning 1980, 1988.

59. E.g., Odofredus de Denariis 1480, C.3.13.

60. Albericus de Rosate 1974, D.2.1.1.

61. Azo 1966, C.3.13.

62. Baldus, D.1.1.9, translated in Canning 1987, 152–53.

63. Buzan and Albert, 2010, 332.

64. Costa Lopez 2018.

65. I follow Vallejo 1992b.

based on the association between *iurisdictio* and *imperium*. Although in its evolution it took a variety of forms—highlighting the crucial role of contestation—the stabilized version of the typology had three main subcategories: *merum imperium*, *mixtum imperium*, and *iurisdictio simplex*. These categories of jurisdiction were clearly hierarchically ordered: *merum imperium* was superior to *mixtum imperium*, which in turn was superior to *iurisdictio simplex*. Commentators also created several subdivisions or degrees of jurisdiction within each of the categories, using clearly ordinal language such as *magnum/modicum imperium* or *maior/minima iurisdictio*. Bartolus's final classification, which was extensively reproduced, included six subdivisions within each category, ranging from *maximum* to *minimum*.

This had crucial implications regarding the constitution of authority. The genus of *iurisdictio*, as well as all the subspecies within it, did not each refer to a specific office or specific rulers. Instead, they provided a language to refer to *bundles of competencies* that could be accumulated in several ways. The notion of a “bundle” becomes clear if we briefly examine some of the eighteen categories created in Bartolus's typology. Within *merum imperium*, for example, we find that *maximum* is exclusive to the prince, and includes the ability to enact general laws, whereas *maius* refers to the ability “to punish the wicked,” which in this case means to impose capital punishment, incarceration, or loss of citizenship. *Vis-à-vis* this, *magnum* includes among other things the ability to deport, and *parvum* the ability to relegate, as well as the ability to impose certain physical punishments. The last two degrees refer to abilities possessed by most rulers, such as minimum and verbal coercion.⁶⁶

The categories of jurisdiction thus referred to both issue-specific prerogatives that different rulers could exercise, as well as the ability to enact laws and statutes on those matters. They did not, however, immediately refer to specific rulers. Some of them were reserved for special categories of rulers, such as the maximum types of both *merum* and *mixtum imperium*, which were reserved for the emperor, but most were just set up as abstract bundles of specific rights. Crucially, however, their bundled nature means that the same ruler could exercise more than one bundle at the same time—as exemplified by the emperor holding both *merum* and *mixtum imperium maximum*. In this sense, their bundled nature seems to conform to the expectation of heteronomists, with the strong caveat that we are talking about a public language with no explicit relation to property rights.

However, in the context of *iurisdictio*'s general applicability to all holders of political authority, these categories enabled these rulers' positions to be mutually intelligible and comparable to each other. As I mentioned, proponents of heteronomy focused on chains of lord-vassal relations, which effectively made the positions of rulers not connected by vassalage mutually unintelligible. Consider a hypothetical situation: what was, for example, the standing of the King of Castile's vassal vis-à-vis the vassal of the King of Hungary? If our understanding of political authority is based on lord-vassal relations this comparison is impossible. Redescribing them

66. Bartolus de Sassoferrato 1589. D.2.1.3. See also Woolf 1913.

in terms of jurisdiction, however, first of all tells us that we are talking about the same type of social position—they are both rulers-qua-holders of *iurisdictio*. But most importantly, they are comparable through the specific powers that each one holds in terms of the species and subdivisions of *iurisdictio*.

This has a further consequence for how to understand the ordering of rulers that resulted from this category. Although the language and classifications had obvious hierarchical connotations, the fact that the different types referred to bundles of competencies that could be accumulated, along with the multiple subdivisions within each category, led to a situation in which it is impossible to outline a clear hierarchy of competencies or positions. Since different bundles of jurisdictional rights could be accumulated at once by the same person, creating a complete rank of rulers or positions was not possible. Thus, against some of the historiography and IR treatments of the period, we cannot speak of a unitary rank of positions in a Weberian sense, a “hierarchy of sovereignty” or a “pyramid of jurisdictions” that some historians talk about,⁶⁷ but we can instead speak of a “loosely stratified” order.⁶⁸

Potestas

While the language of *iurisdictio* emphasized the distribution of a variety of bundles of rights, in *potestas* we find a language of binaries that emphasized a ruler’s distinctiveness and superiority compared to the ordinary nature of others. For this reason, it is the language that has most frequently been used by statist to justify their claims of a medieval ordering principle of sovereignty.⁶⁹ *Iurisdictio* and *potestas* were closely linked: they appeared side by side at various points in the law books, and crucially in political practice. We saw earlier the use of *iurisdictio* in a 1456 papal grant to King Alfonso V of Portugal. A few years later, the 1493 bull *Inter Caetera*, one of the famous Bulls of Donation by Pope Alexander VI dealing with the division of American lands, phrased the grant to Isabel of Castile as follows: “we make, appoint, and depute you and your heirs and successors, lord of them with full, free and every kind of power, authority, and jurisdiction [*plena, libera et omnimoda potestate, auctoritate, et iurisdictione*].”⁷⁰ And yet, despite its connection to *iurisdictio*, the language of *potestas* reveals a different articulation of rule and its types through a series of discussions of *potestas*-with-adjectives.⁷¹

The most important, and far-reaching, variation on *potestas* was that of *plenitudo potestatis* (fullness of power).⁷² The expression was originally used in canon law in a variety of contexts, mostly equivalent to that of *plena potestas*, to refer to the full

67. Canning, 1983, 2011; Reynolds 1994.

68. Vallejo 1992a, 20. For stratification see Keene 2014.

69. Latham 2012.

70. Davenport 1917, 59.

71. Collier and Levitsky 1997.

72. To my knowledge, in IR only Latham 2012, 72 and Bartelson 1995, 92 mention this.

administrative and jurisdictional authority of a variety of elected officials within the Church. The category, however, became progressively associated with the papal office. Johannes Teutonicus had already stated in the ordinary gloss that “papal authority is full, and that of other bishops is less full [*semiplena*], because they are called to a part of the responsibility not fullness of power,”⁷³ thus linking the full/less full gradation and the *plenitudo potestatis / in partem sollicitudinis* formula, and applying it to the relation between the pope and the other bishops. This formula was subsequently repeatedly used by Pope Innocent III in his letters, a few of which were compiled in the *Liber Extra*, and became current in commentary toward the middle of the thirteenth century.⁷⁴ By the end of the thirteenth century *plenitudo potestatis* was an almost mystical expression associated with the supreme power of the pope over all Christians, closely connected to other formulas such as *Vicarius Dei* (Vicar of God) or *iudex ordinarius omnium* (ordinary judge of all).⁷⁵

However, this category did not remain restricted to the papal office, but was later deployed by a variety of other rulers in their struggles to claim supreme authority, illustrating the centrality of processes of contestation and semantic change. At the turn of the thirteenth century, canonist Huguccio could note in passing that both pope and emperor had *plenitudo potestatis* in their respective spheres of action.⁷⁶ Toward the end of that century, Hostiensis was noting that although plenitude of power was a prerogative of only the pope and the emperor, “not only kings but even inferiors”⁷⁷ were wrongly using it. Eventually, by the end of the fourteenth century, the claim to *plenitudo potestatis* was instrumental in the Visconti family’s maintenance of claims to the government of Milan.⁷⁸ Thus, Baldus, at the time himself having a close relation to Giangaleazzo Visconti, not only used *plenitudo potestatis* to refer to the power of the emperor, saying that “nothing resists plenitude of power, for it overcomes all positive law” in his commentaries, but he also easily applied it to other rulers, such as the Italian *signori*, in his court opinions.⁷⁹

In terms of its ordering function, *plenitudo potestatis* therefore had strong hierarchical connotations. However, instead of being associated with bundles of prerogatives, it denoted the hierarchical relation between the whole and the parts, or between the geographically unlimited authority of the pope and the geographically circum-spect one of the bishops. With its extension to rulers other than the pope, *plenitudo potestatis* carried with it the idea of a strong, central authority and thus it is no surprise that it constitutes the basis for claims to the medieval idea of sovereignty.⁸⁰

73. Ord. Gloss to D.11 c.2 v. *Plena*

74. Pennington 1984, especially 59–74.

75. See Watt, 1964, 250 and after.

76. *Ibid.*, 259.

77. Hostiensis, X.3.49.2, translated in Black 2009, 37.

78. *Ibid.*

79. Canning 1987, 72, 223–24. See also Baldus qtd. in Canning 2011, 141.

80. E.g., Latham 2012.

Other concepts around *potestas* further this idea. Closely linked to the notion of *plenitudo potestatis* was the distinction between *potestas absoluta* and *potestas ordinata*. This distinction, coined by canonist Hostiensis, is a refinement of the concept of *plenitudo potestatis*, and had crucial implications well into the Early Modern period. As Pennington notes, despite the use by Innocent III in his letters, and increasing canonistic commentary, the term *plenitudo potestatis* remained undefined and connected to a series of statements concerning the divine origin and superiority of the pope's power. For example, a commentary on Innocent III's decretal *Quanto persona* stated that the pope "changes the nature of things by applying the essences of one thing to another ... he can make iniquity from justice by correcting any canon or law,"⁸¹ to which Johannes Teutonicus had added "he makes something out of nothing."⁸²

Hostiensis, writing in the second half of the thirteenth century, gave the concept a central place in his analysis of papal power and primacy. He wrote that when he was acting according to what has been established in canon law and Church statutes the pope is exercising the fullness of his office [*plenitudo officii*], but when he "transcends the law, then he uses his fullness of power."⁸³ In this treatment, fullness of power was the power of the exception, to act above the law and right what is wrong, capturing Laurentius's and Johannes Teutonicus's statements about the power of the pope to change the nature of things. Thus, *potestas ordinata* and *potestas absoluta* effectively created a standard of normality for the exercise of power, opposing it to an idea of exceptionality and in doing so it highlighted the hierarchically superior—some might say sovereign—position of the exception.

In the category of *potestas* we therefore find articulations of political authority that, while tied to jurisdiction, had significantly different connotations. While jurisdiction and its species portrayed a myriad of extremely specific bundles of rights that allowed for the careful consideration of all rulers, in the case of *potestas* the gradation was much vaguer. Instead, the language of *potestas* revolved around a series of concepts that emphasized the distinction between a strong authority, and smaller, more limited ones, or between the regular exercise of power, and the exceptional one afforded to only certain rulers. It was a language that emphasized the differences and exceptionality of supreme power vis-à-vis others, and it is thus no surprise that it constitutes the basis for many historiographical approaches to the existence of medieval sovereignty.⁸⁴

Lord/Vassal

We have so far seen two different ways of articulating political authority: jurisdiction, which portrayed an all-encompassing set of rulers with different bundles of rights, and *potestas* which tended to highlight the superior and in some cases exceptional

81. Laurentius Hispanus, 3 Comp. 1.5.3 v. *Puri hominis* qtd. in Pennington 1984, 17–18.

82. *Ibid.*, 64.

83. Hostiensis *Summa*, X. 1.8.2 qtd. in Watt 1965, 178.

84. E.g., Pennington 1993.

power of some rulers. We may note one commonality between them: they both refer to political authority in itself rather than to the people who hold it. In opposition to this, the last two ordering categories—lord/vassal and magistrates—refer to rulers. A look at feudal categories reveals the existence of a third notion of rule, in this case much more based on direct notions of authority and subordination between two rulers. Against statist, we see that the presence, distinctiveness, and extent of “feudal” language means that we cannot readily dismiss it by claiming that “by 1300, however, feudalism had both declined in importance as a mode of social and political organization and, in any case, effectively been subordinated to the logic of state-building.”⁸⁵ Conversely, against heteronomists, we see that beside the fact that it coexisted with other important categories and thus its existence as the main ordering category is questionable, it became associated with core elements of these other categories in a way that challenges its merely private and proprietary nature.

Before we proceed with an examination of feudal language, however, it is necessary to consider where this language was found, as this bears great importance for the nature and characteristics of these terms. The central locus of juristic analysis of feudal relations was neither a Roman nor a canon law text per se. The so-called *Libri Feudorum* was a compilation of a variety of unrelated texts—including letters, treatises, *consilia*, and imperial constitutions written at different times, some of which had already been included in the *Decretum*—that mostly contained Lombard custom and that in many instances contradicted each other.⁸⁶ Although initially a separate collection, the *Libri Feudorum* were from the thirteenth century onwards included in Roman law texts at the end of the *Volumen parvum*, and from the mid-thirteenth century, they were regularly cited in academic commentary.

This introduction to the textual sources of what is here called “feudal language” serves two crucial purposes that necessarily need to precede any examination of the language. First, although we speak of “feudal law,” the lawyers commenting on the *Libri* and practicing in court were trained civilians and canonists. Consequently, the cross-fertilization of ideas, vocabulary, principles, and approach to jurisprudence between the three laws is not only substantial, but also central to how “feudal language” was to be interpreted. Second, the *Libri* as a source of law stood halfway between local custom and imperial constitution, that is, between local restrictions and general applicability.⁸⁷ Lawyers never forgot that what they were commenting on was local custom, and that customs varied greatly throughout Europe. Thus, their commentary work can be seen as developing a set of categories of legal analysis of feudal relations that, while in some sense constituted a unified “feudal law,” never existed as a unified practice in reality. As we will see in the illustrative example, this meant that the possible space for contestation within feudal language itself was even broader than in the other categories.

85. Latham 2012, 57.

86. Lehmann 1896; Weimar 1990.

87. Ryan 2009.

The basic scheme of a feudal relation is well known: a vassal gets a fief from a lord in exchange for an oath of fealty/homage, which creates an obligation toward that lord. The relation is thus that of a contract between two unequal parties. According to Roffredus Beneventanus, “vassals are those who receive something from somebody else in fief [*feudum*] ... All these who are called vassals on account of their fiefs swear an oath of fealty to their lords.”⁸⁸ A first thing that should be noted is that, unlike the Romano-canonical terms we saw in the previous sections, the language of *dominus* and *vassallus* had, first, a purely relational, and second, an extremely concrete nature: neither category referred to a generalizable and substantive notion of rule,⁸⁹ but rather identified the condition of a person in relation to another. Thus, the vassal exists only in relation to the lord, and vice versa. While vassal and lord themselves are categories, and therefore applicable to a variety of people making them fundamentally comparable to each other, what we find here is not sustained reflection on the nature of authority, its origins, or meanings. The language itself does not imply in any sense that all rule is feudal—it is arguably a language about property and interpersonal relations rather than political authority.

However, the specific hierarchical connotations of this language meant that it was increasingly used in political practice to denote political supremacy.⁹⁰ While *iurisdictio* and *potestas* represented a broad array of rights capable of encompassing a wide variety of rulers, lord/vassal takes us to an explicit acknowledgement of direct subordination. Thus, from the thirteenth century onward, a series of political relations between rulers which had not been described in feudal terms became progressively feudalized. Through the centrality of the idea of the coronation oath, for example, lawyers began to advocate for a feudalized understanding of the relationship between all kings and the pope, not only those who actually held their kingdoms as a papal fief.⁹¹ Similarly, canon lawyers increasingly portrayed the relation between pope and emperor as feudalized, and, more generally, it became established that all offices held from the emperor were held as fiefs. As a result, although partly a proprietary language referring to local customs, lord/vassal acquired great importance in the ordering of political authority. In this sense, then, a first examination would at least seem to confirm the intuitions of heteronomists.

A closer unpacking of the articulation of feudal categories and connected concepts, however, reveals some problems in the heteronomy thesis. IR scholars have frequently emphasized that feudalism constitutes an interpersonal, private mode of power.⁹² The contractual nature of feudal relations is key in these claims. However, these were not the necessary connotations of feudal language, but instead constituted just one jurisprudential option. When talking about the oath of fealty, canonist Rufinus stated that “oaths of fealty are done either to a person or

88. Rodofredus Beneventanus, qtd. in Ryan 1998, 214n7.

89. See Ryan 2002.

90. Guenée 1981; Reynolds 1994.

91. See Canning 1987, 40.

92. E.g., Hall and Kratochwil 1993, 487.

in respect to a person's office (*dignitatum*)."⁹³ Oaths of fidelity, therefore, need not be conceived as relations between two private persons, but in some cases, increasingly common, they had a public dimension insofar as they were associated with a specific office.

The medieval idea of an office (sometimes expressed through the word *dignitas*) is complex. At a basic level, it involved a distinction between the physical person who was mortal and held authority, and the titles and offices they operated, which were immortal.⁹⁴ The broader implications of the association between fidelity and office for the nature of political authority are crucial. A text by Baldus highlights the relevance:

Although the emperor is not bound by positive law, he is bound by the law of contract ... He, I say, is bound and not his successor, because the emperor's contract does not pass on to his successor ... because imperial rights do not pass on to his successor but are created anew through election ... And this is true unless [the emperor] does things which relate to the nature of his office or are a customary part of it, such as infeudation.⁹⁵

We have noted that the feudal bond had a contractual nature. In jurisprudence from the thirteenth century onward, contracts had generally been understood as belonging to natural law or the *ius gentium*, and as such, to be an effective limit to rulers' power.⁹⁶ As Baldus says, even when jurisprudence claimed that the prince was not bound by the laws [*legibus solutus*], he still had to abide by his contractual obligations. Insofar as private obligations between two parties, however, they died with the person and were thus not inheritable by his successor. And yet, Baldus makes an exception: feudal bonds are not contracted between two private persons but are made by the office which we have seen is immortal, and so they bind both the prince—as contracts—and his successors who take up the office. In the development of feudal language in the context of a broader Romano-canonical system, we therefore find the key to the fact that feudal bonds transcended the idea of a private realm and were associated with public rule and thus inheritable.

Feudal language therefore takes us to a third way of understanding rulers that refers to direct relations of authority and subordination rather than broad, all-encompassing schemes. In this sense, we seem to be closer to the heteronomist world of a variety of bilaterally (inter)linked rulers who can hardly be compared to each other. Two caveats we have seen, however, nuance this view. First, lord/vassal were *categories* that could be and were deployed, and as such, although comparison between rulers may not be possible, the relation in itself was intelligible beyond the two parties. Second, the link between feudal language and the notion of a (public) office means that feudal relations did not necessarily conform to the IR image. As a result, the

93. Rufinus 1963, C.15 q. 8 c.3 *alius item*.

94. Kantorowicz 1997.

95. Baldus de Ubaldis, D.1.4.1, translated in Canning 1987, 85.

96. Canning 1987, 82–86; Pennington 1993.

relation between feudal and private/public authority, and with it many presuppositions about this matter in the IR heteronomy proponents, needs to be qualified.

Magistrates

The fourth category of rulers is that of magistrates. The use of magistrates to categorize authority starts from a surprising asynchronous situation: the legal compilations that constituted the basis for late-medieval juristic commentary had been issued as a governance tool for the late-Roman Empire in the sixth century, and thus included a multiplicity of titles and books devoted to the discussion of its political organization. For example, the role of senators, consuls, praetorian prefects, and a variety of other long-dead imperial magistracies was extensively covered. Despite some of these roles' quite obvious obsolescence, medieval lawyers were not at liberty to ignore these long-lost institutions, and as a result, they produced extensive commentary on them. In doing so, they developed a jurisprudential language that, far from being obsolete or a pure academic exercise in pointless abstraction, provided a framework for the general understanding and categorization of rulers. Much like in the case of *iurisdictio*, this was an all-encompassing framework with clear hierarchical connotations. However, in this case it was based on a clear ranking of positions through the idea of orders of magistrates and their dignity, instead of loose notions of bundled rights. They therefore provide important points of connection to claims of hierarchy within both heteronomy and state theses.

Rather than providing an integrated typology for the consideration of all magistracies, the law books tended to approach each magistracy separately. Thus, for example, Title 9 of the first book of the *Digest* dealt with senators, while the following titles dealt with consuls and praetorian prefects. Despite this approach, late-medieval jurists promptly built on the separate treatments to construct a categorization in which all magistrates were included and that thus allowed for comparison between them. By the mid-thirteenth century, the structure of these classifications became more stable around five degrees or *ordines*—*superillustres*, *illustres*, *spectabiles*, *clarissimi*, and *infimi*—corresponding to five degrees of greatness—*maximi*, *magni*, *medii*, *minors*, and *infimi*. All the Roman magistrates described in the law books were then placed within each category. For example, the emperor and the pope occupied the highest rank (*superillustres*), followed by senators, consuls, quaestors, and some praetorian prefects as *illustres*, and this continued for over twenty different magistracies down to the last two offices, the defender of the city and other municipal magistrates, which were *infimi*.

Surprisingly, these classifications progressively included continuous references to rulers that did not find a basis in the law books—rulers contemporary to the lawyers themselves. For example, we read that “the praetorian prefect is equivalent to kings,”⁹⁷ that “cardinals are *illustres* like consuls,”⁹⁸ or that “counts are

97. Albericus de Rosate 1974, D.1.12.1

98. Baldus de Ubaldis 1577, D.1.11.1

spectabiles.”⁹⁹ Table 2 summarizes these discussions and equivalences, taking as the basis the composition in Guillelmus Durantis’s *Speculum iudiciale* but it also includes the writings of several other authors.

What function did these equivalences fulfill within the broader thought about political authority? Or, in other words, what is the significance of these parallels? If we look at the specific instances they were used in, we can see that the tension between a clear categorization of magistrates and a reality where those offices did not exist enabled the redescription and legitimation of the latter through its associations with legally existing—and thus legitimate—magistracies.¹⁰⁰ We thus see a process of semantic change within an ordering category by which something that was initially not used for contemporary authorization became progressively more central.

Particular details of some offices were used to think through the specifics of some contemporary rulers. We have already seen that kings were considered equivalent to the praetorian prefect. In the late Roman Empire, this was a high-ranking magistrate who was in charge of a large territorial unit called a praetorian prefecture. A particularity of this office was that when they served as judges, their decisions could not be appealed. In this context, Baldus commented that “finally, note that you cannot appeal [the decisions of] the king, even if they are subjects of the Roman Empire, because Kings are either equal or greater than the praetorian prefect.”¹⁰¹ In doing this, Baldus saw both offices as parallel but he also used the specific governmental prerogatives of one to think through the other, effectively recategorizing the office of the king.

Additionally, lawyers also used this classification to think through their contemporary political challenges. As I noted earlier, the division of the various kinds of jurisdiction into bundles of rights prevented the consideration of a holistic hierarchy because the same holder could have different rights for different territories. Problems within the classifications of magistrates, however, allowed for the discussion of this situation within the Roman law scheme. This was the case, for example, with the proconsul—the equivalent of the governor of a province for a year. Legally, only men who had formerly been consul could be elected for it, which created a problem identifying the status of the proconsul, since both offices had different dignities. Noticing this, Baldus asked: “The gloss says that the proconsul is *spectabile*, but is he not chosen from among the consuls, and aren’t all consuls *illustris*?” In his answer, rather than merely resolving the issue, Baldus draws an analogy with his contemporary situation: “I answer that by reason of his mission he is *spectabilis*, but by reason of his consulate he is *illustre*, just as the King of Sicily is king with respect to Sicily and provincial count with respect to the Provence, and Duke of Apulia with respect to several cities.”¹⁰²

99. Ibid. D.1.9.2

100. Ibid.

101. Baldus de Ubaldis 1577, D.1.11.1.

102. Ibid., D.1.16.1

TABLE 2. *Orders of magistrates and their equivalence in thirteenth- and fourteenth-century jurists*

<i>Jurisdiction</i>	<i>Ordines</i>	<i>Roman Magistrates</i>	<i>Contemporary equivalents</i>	
			<i>Secular</i>	<i>Ecclesiastical</i>
Merum Imperium (and Mixtum Imperium)	Superillustres	Emperor Pope Consul*	Emperor	Pope Papal Legates Patriarchs Primates*
	Illustres	Praetorian Prefect of the East Praetorian Prefect of the Illyricum Prefect for Africa Quaestor Senators Other counts Consul*	King Other counts*	Primates* Archbishops* Metropolitans Cardinals Bishops*
	Spectabiles	Masters of the soldiers Praetors Praefect of the Vigiles* Proconsul Augustalis Prefect Prefect of Egypt Vicarius Dux Comes rerum privatarum Comes orientis Consul*	Provincial counts* Ruling provincial counts* Counts* Podestà*	Archbishops* Bishops*
	Clarissimi	Praeses Provinciae Civitatum Rectores	Counts of Italy and Germany* Podestà*	Achdeacons Archpriests Abbots* Rectors
Jurisdicctio Simplex	Infimi*	Defensores Civitatum Magistratus Municipales	Podestà*	

Notes: This is my own elaboration from Vallejo 1992b, 248 complemented with various thirteenth- and fourteenth-century authors; * denotes that this position is disputed in jurisprudence.

Baldus hence resolved the issue by applying a variation of the distinction between dignity and administration.¹⁰³ But at the same time, through the analogy between his contemporary situation and the books, he used the books to rethink, categorize, and ultimately validate the contemporary situation. Moreover, it is worth noting that these parallels applied to secular powers and served the same function regarding ecclesiastical rulers. Thus, Albericus de Rosate, commenting on the same problem and the same passage, said that: “the proconsul is *superillustre* in terms of its dignity, but *spectabile* in terms of administration. In the same way, as well, the King of England is duke of Aquitaine and nevertheless King of England ... and in this way some cardinals are called bishops, others presbyters, and others deacon cardinals.”¹⁰⁴

Crucially, this categorization of their contemporary political situation through the magistracies of Roman law not only served to validate existing rulers but was also a vivid site of contestation, both in terms of the equivalences themselves and also through the deployment of some of the other ordering categories we have seen. This is evident in the case of the discussion about cities’ power. The last degree of magistrates—*infimi*—were holders of only *iurisdictio simplex*. Through the association of defenders of the city and municipal magistrates with this degree, therefore, it seems that elected officials within late-medieval Italian cities—usually called *podestà*—would therefore be included in this category. This was certainly the opinion of Bartolus, who claimed that “the *potestates* which are nowadays elected are municipal magistrates or defenders of the cities, who do not have *merum imperium*.”¹⁰⁵ The problem here was that many of the Italian cities were effectively exercising those powers—recall the earlier discussion about *plenitudo potestatis* and the Visconti family in late-Medieval Milan.¹⁰⁶ Guilelmus Durantis, for example, noted that “the *potestates* of the cities of our time, mutilating limbs and amputating heads usurp *merum imperium* for themselves.”¹⁰⁷

In this context, recategorization became key to understand and even legitimize the situation. Some, such as Albericus de Rosate, noted that “the potestates of the Lombard cities are in the place of praeses [provincia] and proconsuls on account of the Peace of Constance,”¹⁰⁸ thus trying to give a legitimate legal basis for such an exceptional circumstance, but still constructing this fact as exceptional and the normal situation being their equivalence to one of the *infimi* magistrates. Conversely, Baldus simply bypassed the problem by changing the equivalence and arguing that they were in the category of *clarissimi* as *praesides provinciae* all along: “Take the examples of Florence, Perugia and the city of Siena: they are considered to occupy the position of a province. Therefore those who exercise authority

103. Riesenbergh 1956.

104. Albericus de Rosate 1974, D.1.16.1.

105. Bartolus de Sassoferato qtd. in Ryan 2000, 69n14.

106. Black 2009.

107. Durantis 1612. 1.1. qtd. in Vallejo 1992b, 245.

108. Albericus de Rosate 1974, D.1.16.9.

in them have the position of a *praeses provinciae*.”¹⁰⁹ Recategorization of cities through the language of magistrates could thus effectively be used to authorize and legitimize their rule beyond the scope afforded by other categories, and change their standing vis-à-vis other rulers. In other words, in the category of magistrates we find a language through which all rulers, both secular and ecclesiastical, could be subsumed under the broad scheme and ranked in one unitary hierarchy with five possible ranks.

Contestation in Practice: Edward I and Philip IV

My core claim is that political authority can be understood as emerging from a process of contested categorization. In the previous sections, I have analyzed the four ordering categories that authorized medieval rule, showing how, although related, they constituted authority in fundamentally different ways. However, how did this process of contestation take place in medieval political practice? In this section, I provide an illustration of how the theoretical and historical insights of this article can help us understand political dynamics through a brief overview of a specific high-profile episode: the conflict between Edward I of England and Philip IV of France over the Duchy of Aquitaine in the 1290s.¹¹⁰

Because of family inheritance Edward I, King of England, was also Duke of Aquitaine, a large territory in the southwest corner of present-day France. The duchy had originally not been legally tied to the French crown,¹¹¹ but after a war defeat Edward I's father Henry III gave up many of his continental possessions and retained the duchy as a fief from the French crown in the 1259 Treaty of Paris.¹¹² In exchange, Louis IX of France agreed to cede to Henry the bishoprics of Limoges, Cahors, and Périgueux. Over the next few decades, and particularly from the end of the 1280s, tensions mounted between the two rulers over both the role that Philip had as an overlord and the continental activities of Edward I, which affected some of Philip's territories. Eventually, Philip summoned Edward to appear in his court to answer for alleged breaches of the feudal relation. When Edward did not appear, Philip proceeded to confiscate the duchy. After some failed negotiations, this led to a war between both monarchs which mobilized a large system of alliances throughout Europe, included the occupation of the duchy by Capetian armies until 1302, and spread to other territories such as Flanders.

Providing a full account of the conflict is beyond the scope of this article. However, we can briefly see how contestation over authority on the basis of the four categories I described was key to the breakout, development, and resolution of this conflict. With regards to its causes, this was ultimately a conflict about authority over the duchy

109. Baldus de Ubaldis C.7.33.12, translated in Canning 1987, 126.

110. For a recent account, see Vale 1996.

111. This is disputed in historiography. See Boutouille 2009.

112. Le Patourel 1965.

specifically and of both monarchs more generally. In the thirteenth century the French crown attempted to reassert and expand its role within its dominions. Doing so in the duchy of Aquitaine compromised the power and rule of the king-duke, and caused increasing frictions which, coupled with some naval incidents, resulted in the war.

As mentioned earlier, the core understanding of political authority in the period was articulated by the concept of *iusdictio*, which had a fundamentally judicial connotation. How the French crown reasserted its supremacy in this case was nothing but the establishment of what some have called a “theory of the appeal”¹¹³ or the idea that anyone in the kingdom dissatisfied with their lord-qua-judge could appeal to the king. As Malcolm Vale remarked, “this was what sovereignty [sic] really meant—the king of France’s right to hold a supreme court of appeal.”¹¹⁴ In the case of the duchy of Aquitaine, the number of appeals increased dramatically in the second half of the thirteenth century, with some historians counting up to 260 appeals between 1259 and 1324.¹¹⁵ This undermined the authority of the king-duke insofar as it gave his subjects the opportunity of bypassing his authority by appealing to the authority of the king-qua-judge.

The status of both rulers also caused increased friction. This status element is not easily understandable if we understand political authority to be constituted only through the lord/vassal relation. While other vassals of the Capetian kings were also of course resisting the monarchy’s appellate role, this was all the more problematic for Edward I. Given that he was the king of England, being put in a subordinate position to a fellow king and treated as a vassal was particularly thorny. As we saw with the category of the magistrate, there was an ordinal rank between different types of rulers, and in this case the double status as king-duke under another king not only meant an affront to his status, but it also limited his ability to act as a king in other circumstances. For example, a core element of liege-homage was that the vassal could not be mobilized against the lord. In 1275 Alfonso X of Castile had requested the participation of Edward I in his capacity as king in a war against Philip III. Married to Alfonso’s sister, Edward had a standing alliance treaty with Castile. However, in this case he had to (embarrassingly, says Chaplais)¹¹⁶ decline providing assistance on account of his vassal status in Aquitaine. When coupled with the expanding role of the French crown, this mismatch between different orderings of authority contributed to escalating the situation.

If contestation through different notions of authority played a role in the increasing tensions, it was also key in how the kings themselves disputed the conflict. As noted earlier, the tensions really escalated when Phillip—in a legal procedure—summoned Edward to appear before his court, arguing breach of the feudal agreement. Edward of course countered the charges, asking his jurists to produce a set of arguments that

113. Chaplais 1948, 204.

114. Vale 1996, 67.

115. Kicklighter 1979, 132.

116. Chaplais 1957, 19.

supported his position. A brief examination of two of these arguments shows how contestation for authorization occurred both within each ordering category and between ordering categories.

A first argument stayed within the feudal ordering scheme: lawyers argued that the 1259 treaty was indeed a contract between the two kings that established a reciprocal feudal relation. Much like Edward was bound by it, so was Philip. Given that Philip had not fulfilled the territorial commitments stated in the treaty—specifically the transfer of the three bishoprics—Edward could not therefore be accused of failing to fulfill his part. The forfeiture of the fief and confiscation by Capetian troops in the war was thus illegal, and Edward was the legitimate ruler of Aquitaine.

A second argument, however, sought to completely bypass the feudal logic and redescribe Edward's authority. Edward's lawyers claimed that before 1259 Aquitaine was actually an allod rather than a fief.¹¹⁷ (An allod was a figure of medieval law used for free lands where the owner had complete rights.) But if ownership was complete and free, rather than inscribed within a feudal order, how was authority in this land to be described? The lawyers did so with recourse to the concepts within the ordering category of *iurisdictio*: Edward I “had in it *merum* and *mixtum imperium*, and all jurisdiction, mediate and non-mediate.”¹¹⁸ As we saw earlier, these were core subcategories within the language of *iurisdictio*. And *merum et mixtum imperium*, as an expression, had increasingly come to signify the holding of full rights within a territory. In using it Edward's lawyers were challenging Capetian action in the war but they were also recategorizing Edwards' authority in a way that completely erased the possibility for Philip to legitimately rule over the territory. If Edward already held both *merum* and *mixtum imperium* over it, the way the language of *iurisdictio* was structured meant that there was no legitimate authority left for Philip.

Finally, the setting in which these arguments were put forward adds some further light to the contested process by which rule was authorized. When the truce was declared toward the end of 1297, the negotiation of peace terms became a difficult affair between both monarchs. As a result, the case was referred for legal arbitration by Pope Boniface VIII. Papal arbitrations were a relatively common occurrence in the twelfth and thirteenth centuries.¹¹⁹ Indeed, we have already seen that through notions like *plenitudo potestatis* or *potestas absoluta* the papacy had sought to expand its role over Christian secular affairs, and central within this was his judicial capacity.¹²⁰ However, in a context of the French crown's expanding claims—and also of almost overt conflict with the papacy—referring the dispute for papal arbitration largely reinforced papal claims to supremacy and undermined the king's standing. For this reason, both monarchs made use of one of the legal figures that we have seen: the distinction between an office and a private person. Indeed, rather than

117. Rothwell 1927.

118. Public Records Office, Diplomatic Documents, Chancery 29/4/20, cited in Chaplais, 1948, 206n3. Also D.D.C. 27/5/19.

119. Ullmann 1971.

120. Watt 1964.

referring the case to Pope Boniface VIII, they called on his private person, Benedetto Caetani.¹²¹ Doing this, the monarchs both conformed to established practices and reinforced their status as kings. At the same time, however, they also undermined the role of the pope—as evidenced by the fact that five years later, when the pope attempted once again to mediate in the conflict between both kings, he insisted that he could do so as his public rather than his private person.

In conclusion, merely seeing this as either a feudal dispute in the image of a simplified heteronomy thesis or as a sovereignty one does not allow us to understand most of its proceedings: without the hierarchical and ordinal ideas of prestige between kings and dukes that we saw through the category of magistrates, one cannot grasp the problems of appellate jurisdiction. Similarly, without recourse to the concepts of *merum* and *mixtum imperium*, it would have been difficult to articulate an alternative ordering to that of lord/vassal between both kings. Finally, the referral to Boniface for arbitration both authorized the papacy and undermined some of its claims, thanks to recourse to the distinction between office and person. Ultimately, this case illustrates how political authority in the middle ages emerged from the fierce contestation not only of specific ruling rights and contractual relations but also of the terms themselves that authorized—that is, as an interplay between different sets of ordering categories.

Contesting Political Authority in IR

We started this article noting a wide variety of accounts of medieval authority. Against this, approaching authority through categorization allowed us to examine four separate semantically related groups of authority categories that structured the contestation over the authorization of medieval rule. In terms of existing accounts of the period, this provided mixed evidence for existing positions. The unified framework of *iurisdictio*, which as we saw encompassed all rulers, coupled with the importance of feudal language, seems to indicate a world closer to that described by heteronomists. Conversely, the presence of a language of *potestas* that highlighted the exceptional nature of supreme power or the progressive use of appellate jurisdiction supports the statist narrative of progressive centralization of rule and could be seen to indicate an emergent notion of sovereignty. Overall, the fundamental role of *iurisdictio* and the dynamics we have seen in the case between Edward I and Philip IV would seem to tilt the scales toward a more nuanced heteronomy side.

And yet, what the approach to authority I have outlined indicates is that more than merely advocating for more historical nuance in both views or trying to decide on a “winner,” it is thinking in the binary terms of either sovereignty or heteronomy that was problematic and ultimately prevented a historicized understanding of medieval political authority. For this separation is based on the possibility of the existence of the single ordering principle of sovereignty, which is then mirrored to create a notion of

121. Prestwich 1997, 395.

heteronomy as its complex—but conceptually dependent—other. And as a result, rather than serving as useful analytical tools to capture the ethos of a time, thinking of rule in those terms actually prevents us from understanding the production of political authority—heteronomous or sovereign alike. To understand political authority we need a conceptual apparatus that puts authorization as a contested process at the center and allows us to see the emergence of rule from political struggles for categorization.

This has important implications beyond the IR debate about the Middle Ages. As the literature on neomedievalism exemplifies, even a cursory look at contemporary world politics reveals that a sovereignty heuristic does not begin to capture the authority dynamics we are interested in. And still with the neomedievalism literature, the Middle Ages have an important role in transcending the limitations of our current vocabulary. However, how the Middle Ages can help is not as much by analogy to the current system as it is by showing us what taken-for-granted elements of our present are actually historically contingent rather than immutable facts of authority. For example, the question is not whether the existence of private authority means a return to premodern times¹²²—the discussion here showed that even that is problematic. It is rather what dynamics and changing configurations of public/private as categories are at play and how these are authorizing new forms of authority. For the analysis of *iurisdictio* showed an effectively different *meaning* of public and private—one where kings and guilds stood firmly together on one side of that divide. Looking at the medieval thus reveals that the public and the private are not fixed transtemporal categories but are subject to constant reconfiguration. And it is that insight, and not a quick historical analogy that can help us understand the current evolution of authority. In what way are notions of public/private and authority being redeployed to enable corporations to exercise rule? What other categories are at play in this process of authorization? And, even, to what extent does speaking of “private authority” itself authorize? These are the type of questions that a reimagined Middle Ages can help us formulate, and with them we can get better insights about the changing authority dynamics of our contemporary world.

References

- Accursius. 1560. *Digestum Vetus. Pandectarum Iuris Civilis Tomus Primus*.
- Adler-Nissen, Rebecca. 2013. Sovereignty. In *Bourdieu in International Relations: Rethinking Key Concepts in International Relations*, edited by Rebecca Adler-Nissen, 179–92. Routledge.
- Adler-Nissen, Rebecca, and Thomas Gammeltoft-Hansen, eds. 2008. *Sovereignty Games: Instrumentalizing State Sovereignty in Europe and Beyond*. Palgrave Macmillan.
- Albericus de Rosate. 1974. *Commentarii in Primam Digesti Veteris Partem*. A. Forni.
- Avant, Deborah D., Martha Finnemore, and Susan K. Sell. 2010. *Who Governs the Globe?* Cambridge University Press.
- Azo. 1966. *Azonis Summa Super Codicem*. Ex officina Erasmiana.
- Baldus de Ubaldis. 1577. *Baldi Ubaldi Perusini in Primam Digesti Veteris Partem Commentaria*.

122. Hall and Biersteker 2004.

- Bartelson, Jens. 1995. *A Genealogy of Sovereignty*. Cambridge University Press.
- Bartolus de Sassoferrato. 1589. *Bartoli a Saxoferrato in Primam Digesti Veteris Partem Commentaria Cum Additionibus*.
- Black, Antony. 1992. *Political Thought in Europe 1250–1450*. Cambridge University Press.
- Black, Jane. 2009. *Absolutism in Renaissance Milan: Plenitude of Power under the Visconti and the Sforza 1329–1535*. Oxford University Press.
- Blaydes, Lisa, and Eric Chaney. 2013. The Feudal Revolution and Europe's Rise: Political Divergence of the Christian West and the Muslim World Before 1500 CE. *American Political Science Review* 107 (1):16–34.
- Blaydes, Lisa, and Christopher Paik. 2016. The Impact of Holy Land Crusades on State Formation: War Mobilization, Trade Integration, and Political Development in Medieval Europe. *International Organization* 70 (3):551–86.
- Bourdieu, Pierre. 1985. The Social Space and the Genesis of Groups. *Theory and Society* 14 (6):723–43.
- Boutouille, Frédéric. 2009. La “Gasconne Allodiale”: Reconsidérations Sur Un Thème Historiographique [“Allodial Gascony”: Reconsiderations over a historiographical topic] In *Provinciales. Hommages à Anne-Marie Cocula*, edited by Jean Mondot and Philippe Loupès, 553–62. Presses universitaires de Bordeaux.
- Brown, Chris, Terry Nardin, and Nicholas J. Rengger. 2002. *International Relations in Political Thought*. Cambridge University Press.
- Brundage, James A. 2008. *The Medieval Origins of the Legal Profession: Canonists, Civilians, and Courts*. Chicago University Press.
- Bull, Hedley. 2002. *The Anarchical Society: A Study of Order in World Politics*. Palgrave.
- Buzan, Barry, and Mathias Albert. 2010. Differentiation: A Sociological Approach to International Relations Theory. *European Journal of International Relations* 16 (3):315–37.
- Buzan, Barry, and Richard Little. 2000. *International Systems in World History*. Oxford University Press.
- Canning, Joseph. 1980. The Corporation in the Political Thought of the Italian Jurists of the Thirteenth and Fourteenth Centuries. *History of Political Thought* 1 (1):9–32.
- . 1983. Ideas of the State in Thirteenth and Fourteenth-Century Commentators on the Roman Law. *Transactions of the Royal Historical Society* 33:1–27.
- . 1987. *The Political Thought of Baldus De Ubaldis*. Cambridge University Press.
- . 1988. Law, Sovereignty and Corporation Theory, 1300–1450. In *The Cambridge History of Medieval Political Thought C. 350–1450*, edited by J.H. Burns, 454–76. Cambridge University Press.
- . 2011. *Ideas of Power in the Late Middle Ages, 1296–1417*. Cambridge University Press.
- Cerny, Philip G. 1998. Neomedievalism, Civil War and the New Security Dilemma: Globalisation as Durable Disorder. *Civil Wars* 1 (1):36–64.
- Chaplais, Pierre. 1948. English Arguments Concerning the Feudal Status of Aquitaine in the Fourteenth Century. *Historical Research* 21 (64):203–13.
- . 1957. Le Duché-Pairie de Guyenne: L'hommage et les Services Féodaux de 1259 à 1303. [The Duchy-Pairie of Guyenne. Homage and Feudal Services from 1259 to 1303] *Annales du Midi: revue archéologique, historique et philologique de la France méridionale* 69 (37):5–38.
- Collier, David, and Steven Levitsky. 1997. Democracy with Adjectives: Conceptual Innovation in Comparative Research. *World Politics* 49 (3):430–51.
- Costa Lopez, Julia. 2016. Beyond Eurocentrism and Orientalism: Revisiting the Othering of Jews and Muslims through Medieval Canon Law. *Review of International Studies* 42 (3):450–70.
- . 2018. *Merum Imperium* and Sovereignty in the Later Middle Ages. In *Forum: In the Beginning There Was No Word (For It): Terms, Concepts, and Early Sovereignty*. *International Studies Review* 20 (3):489–519.
- . Forthcoming. International Relations in the Middle Ages. In *The Routledge Handbook of Historical International Relations*, edited by Benjamin de Carvalho, Julia Costa Lopez and Halvard Leira. Routledge.
- Davenport, Christian. 1917. *European Treaties Bearing on the History of the United States and Its Dependencies to 1648*. 4 Volume 1. Carnegie.
- Durant, Guilelmus. 1612. *Speculum Juris*.

- Fischer, Markus. 1992. Feudal Europe, 800–1300: Communal Discourse and Conflictual Practices. *International Organization* 46 (2):427–66.
- Friedrichs, Jörg. 2001. The Meaning of New Medievalism. *European Journal of International Relations* 7 (4):475–501.
- . 2004. The Neomedieval Renaissance: Global Governance and International Law in the New Middle Ages. In *Global Governance and International Legal Theory*, edited by Ige F. Dekker and Wouter G. Werner, 3–36. Springer.
- Guenée, Bernard. 1981. *L'occident aux XIVe et XVe Siècles: Les États*. [The West in the XIV and XV centuries: States] 2nd ed. Presses universitaires de France.
- Guillaume, Xavier. 2014. *International Relations and Identity: A Dialogical Approach*. Routledge.
- Hall, Rodney Bruce, and Thomas J. Biersteker, eds. 2004. *The Emergence of Private Authority in Global Governance*. Cambridge University Press.
- Hall, Rodney Bruce, and Friedrich V. Kratochwil. 1993. Medieval Tales: Neorealist “Science” and the Abuse of History. *International Organization* 47 (3):479–91.
- Holland, Ben. 2010. Sovereignty as *Dominium*? Reconstructing the Constructivist Roman Law Thesis. *International Studies Quarterly* 54 (2):449–80.
- Holsinger, Bruce. 2016. Neomedievalism and International Relations. In *The Cambridge Companion to Medievalism*, edited by Louise Darcens, 165–79. Cambridge University Press.
- Hurd, Ian. 1999. Legitimacy and Authority in International Politics. *International Organization* 53 (2): 379–408.
- Kant, Immanuel. 2018. *Groundwork for the Metaphysics of Morals*. Edited by Allen W. Wood. Yale University Press.
- Kantorowicz, Ernst. 1997. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton University Press.
- Keene, Edward. 2013. The Naming of Powers. *Cooperation and Conflict* 48 (2):268–82.
- . 2014. The Standard of “Civilisation,” the Expansion Thesis and the Nineteenth-Century International Social Space. *Millennium—Journal of International Studies* 42 (3):651–73.
- Kessler, Oliver, and Benjamin Herborth. 2013. Recognition and the Constitution of Social Order. *International Theory* 5 (1):155–60.
- Kicklighter, Joseph. 1979. French Jurisdictional Supremacy in Gascony: One Aspect of the Ducal Government's Response. *Journal of Medieval History* 5 (2):127–34.
- Kobrin, Stephen J. 1999. Back to the Future: Neomedievalism and the Postmodern Digital World Economy. In *Globalization and Governance*, edited by Aseem Prakash and Jeffrey A. Hart, 165–87. Routledge.
- Kratochwil, Friedrich. 1986. Of Systems, Boundaries, and Territoriality: An Inquiry into the Formation of the State System. *World Politics* 39 (1):27–52.
- . 1995. Sovereignty as *Dominium*: Is There a Right of Humanitarian Intervention? In *Beyond Westphalia? State Sovereignty and International Intervention*, edited by Gene M. Lyons and Michael Mastanduno, 21–42. Johns Hopkins University Press.
- Krisch, Nico. 2017. Liquid Authority in Global Governance. *International Theory* 9 (2):237–60.
- Lake, David. 2009. Relational Authority and Legitimacy in International Relations. *American Behavioural Scientist* 53 (3):331–53.
- . 2010. Rightful Rules: Authority, Order, and the Foundations of Global Governance. *International Studies Quarterly* 54 (3):587–613.
- Larkins, Jeremy. 2010. *From Hierarchy to Anarchy. Territory and Politics Before Westphalia*. Palgrave Macmillan.
- Latham, Andrew. 2012. *Theorizing Medieval Geopolitics: War and World Order in the Age of the Crusades*. Routledge.
- Le Patourel, John. 1965. The Plantagenet Dominions. *History* 50 (170):289–308.
- Lehmann, Karl. 1896. *Das Langobardische Lehnrecht. Handschriften, Textentwicklung, Ältester Text Und Vulgattent Nebst Der Capital Extraordinaria*. [The Lombard Feudal Law. Manuscripts, Text Development, Oldest Text and Vulgate Text next to the Capital Extraordinaria] Dieterich
- Mochi Onory, Sergio. 1951. *Fonti Canonistiche Dell'idea Moderna Dello Stato*. Vita e Pensiero.

- Morav, Peter. 1992. Careers of Graduates. In *A History of the University in Europe*. Volume 1. *The Middle Ages*, edited by Hilde De Ridder-Symoens, 244–79. Cambridge University Press.
- Musgrave, Paul, and Daniel Nexon. 2018. Defending Hierarchy from the Moon to the Indian Ocean: Symbolic Capital and Political Dominance in Early Modern China and the Cold War. *International Organization* 72 (3):591–626.
- Nederman, Cary. 2009. *Lineages of European Political Thought*. Catholic University of America Press.
- Nexon, Daniel H. 2009. *The Struggle for Power in Early Modern Europe: Religious Conflict, Dynastic Empires and International Change*. Princeton University Press.
- Odofredus de Denariis. 1480. *Lectura Super Codice*.
- . 1967. *Lectura Super Digesto Veteri*. Volume 1. Forni.
- Onuf, Nicholas Greenwood. 2013. *World of Our Making: Rules and Rule in Social Theory and International Relations*. Routledge.
- Osiander, Andreas. 2001. Before Sovereignty: Society and Politics in Ancien Régime Europe. *Review of International Studies* 27 (5):119–45.
- . 2007. *Before the State. Systemic Political Change in the West from the Greeks to the French Revolution*. Oxford University Press.
- Pennington, Kenneth. 1984. *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries*. University of Pennsylvania Press.
- . 1993. *The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Legal Tradition*. University of California Press.
- Phillips, Andrew. 2010. *War, Religion and Empire: The Transformation of International Orders*. Cambridge University Press.
- Philpott, Daniel. 2001. *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations*. Princeton University Press.
- Pouliot, Vincent. 2017. Against Authority. In *Hierarchies in World Politics*, edited by Ayşe Zarakol, 113–33. Cambridge University Press.
- Prestwich, Michael. 1997. *Edward I*. Yale University Press.
- Reus-Smit, Christian. 1999. *The Moral Purpose of the State*. Princeton University Press.
- . 2013. *Individual Rights and the Making of the International System*. Cambridge University Press.
- Reynolds, Susan. 1994. *Fiefs and Vassals. The Medieval Evidence Reinterpreted*. Oxford University Press.
- Riesenberg, Peter. 1956. *Inalienability of Sovereignty in Medieval Political Thought*. Columbia University Press.
- Rothwell, H. 1927. Edward I's Case Against Philip the Fair over Gascony. *The English Historical Review* 42 (168):572–82.
- Rufinus. 1963. *Summa Decretorum*. Edited by Heinrich Singer. Scientia Verlag.
- Ruggie, John Gerard. 1993. Territoriality and Beyond: Problematizing Modernity in International Relations. *International Organization* 47 (1):139–74.
- . 1998. *Constructing the World Polity: Essays on International Institutionalization*. Routledge.
- Ryan, Magnus. 1998. The Oath of Fealty and the Lawyers. In *Political Thought and the Realities of Power in the Middle Ages*, edited by Joseph Canning and Otto Gerhard Oexle, 211–28. Vandenhoeck and Ruprecht.
- . 2000. Bartolus of Sassoferrato and Free Cities. The Alexander Prize Lecture. *Transactions of the Royal Historical Society* 10:65–89.
- . 2002. Feudal Obligation and Rights of Resistance. In *Die Gegenwart Des Feudalismus*, edited by Natalie Fryde, Pierre Monnet, and Otto Gerhard Oexle, 51–78. Vandenhoeck and Ruprecht.
- . 2009. Zur Tradition Des Langobardischen Lehnrechts. [On the tradition of Lombard Feudal Law] In *Die Anfänge Des Öffentlichen Rechts*, edited by G. Dilcher and Diego Quaglioni, 225–45. Dunker and Humblot.
- Sending, Ole Jacob. 2015. *The Politics of Expertise: Competing for Authority in Global Governance*. University of Michigan Press.
- . 2017. Recognition and Liquid Authority. *International Theory* 9 (2):311–28.
- Teschke, Benno. 2003. *The Myth of 1648: Class, Geopolitics, and the Making of Modern International Relations*. Verso.

- Tilly, Charles. 1994. *Coercion, Capitals and European States 990–1992*. Blackwell.
- Ullmann, Walter. 1971. The Medieval Papal Court as an International Tribunal. *Virginia Journal for International Law* 11:356–71.
- Vale, M.G.A. 1996. *The Origins of the Hundred Years War: The Angevin Legacy, 1250–1340*. Clarendon.
- Vallejo, Jesus. 1992a. Power Hierarchies in Medieval Juridical Thought. An Essay in Reinterpretation. *Ius Commune* 19:1–29.
- . 1992b. *Ruda Equidad, Ley Consumada. Concepción De La Potestad Normativa (1250–1350)*. Centro de Estudios Constitucionales.
- Watt, J.A. 1964. The Theory of Papal Monarchy in the Thirteenth Century: The Contribution of the Canonists. *Traditio* 20:79–317.
- . 1965. The Use of the Term “Plenitudo Potestatis” by Hostiensis. In *Proceedings of the Second International Congress of Medieval Canon Law*, edited by Stephan Kuttner and James Ryan, 161–87. S. Congregatio de seminariis et studiorum universitatibus.
- Weimar, P. 1990. Die Handschriften Des Liber Feudorum Und Seine Glossen. [The Manuscripts of the Liber Feudorum and its Glosses] *Rivista internazionale del diritto comune* 1:31–98.
- Wendt, Alexander. 1998. On Constitution and Causation in International Relations. *Review of International Studies* 24 (5):101–18.
- Wiener, Antje. 2008. *The Invisible Constitution of World Politics*. Cambridge University Press.
- . 2014. *A Theory of Contestation*. Springer.
- Wittgenstein, Ludwig. 1997. *Philosophical Investigations*. Blackwell.
- Woolf, Cecil Sidney. 1913. *Bartolus of Sassoferrato: His Position in the History of Medieval Political Thought*. Cambridge University Press.
- Zielonka, Jan. 2006. *Europe as Empire: The Nature of the Enlarged European Union*. Oxford University Press.
- Zielonka, Jan. 2013. The International System in Europe: Westphalian Anarchy or Medieval Chaos? *Journal of European Integration* 35 (1):1–18.

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