Miszellen

Raimundus Lullus on Canon Law*)

This article gives an overview of the use of canon law in the Art of Raimundus Lullus, explaining the relevance of canon law for his plan to reform the Church, and Lullus' progressive comprehension and adoption of the culture of *ius commune*. Some examples extracted from his works are reviewed and commented in order to understand the place of Lullus in the history of canon law. – Keywords: Raimundus Lullus, Canon Law, Ius commune, Epistemology, Reformation of the Church

Dieser Beitrag versucht, einen Überblick über die Benutzung des kanonischen Rechts durch Raimundus Lullus. Dabei wird gezeigt, dass und wie das kanonische Recht verwendet wurde, um einen Reformplan für die Kirche zu entwerfen, und wie sich Lullus' Zugang zum Ius commune wandelte. Mehrere Beispiele aus seinen Werken werden untersucht. Auf diese Weise soll der Platz von Lullus in der Geschichte des kanonischen Rechts deutlich gemacht werden.

Raimundus Lullus (1232–1316) is a peculiar author in the history of canon and civil law. According to Savigny[1]), most legal historians have attempted to classify his works in one of the trends of the 13th century. Savigny claims that Lullus was a precursor of the Postglossators, while Eugen Wohlhaupter[2]) disagrees with this classification asserting that it is actually not possible to pigeonhole Lullus into a particular category due to the fact that his thoughts and aims were radically different from the legists and canonists of his era[3]). His line of thinking was indeed far from the structure of scholastic philosophy and theology. In fact, the understanding of the concept that Lullus had on law has changed and different perspectives have been developed.

In this article, I will explain Lullus' key ideas and his understanding and use of canon law. As Lullus is indeed a very peculiar theorist in the history of canon law, I will start with a short overview of his life and interests. Next, I will move on to give

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[1]) Friedrich Karl von Savigny, Geschichte des Römischen Rechts im Mittelalter, vol. V, Heidelberg 1850, 642–645.

[2]) Eugen Wohlhaupter, Ramon Lull, ein Vorläufer der Postglossatoren?, in: Atti del congresso internazionale di Diritto Romano: Bologna & Roma XVII–XXVII aprile 1933, Pavia 1934, 491–514.

[3]) Idem, Ramon Lull und die Rechtswissenschaft, in: Festschrift Ernst Mayer, Weimar 1932.

the background of his aims and scope in order to explain references to canon law in his works. The most relevant ideas of this study are the presentation of Lullus' writings as an alternative to the legal and canonical methods of his era, the use of canon law in his proposal to reform the Church, and his progressive comprehension and adoption of the *ius commune* culture in his works.

Thus, the aim of these pages is to contextualize Lullus' ideas in his époque. This article is addressed to historians of canon law in order to summarize the remarks made by Raimundus Lullus on *ius canonicum*. To this end, I have made detailed comments on all these aspects in several books and articles devoted to Lullus on Law[4]), in order to delve further into the Lullian *corpus*.

I. Lullus in his context:

Raimundus Lullus (commonly referred to as Ramon Llull, in vernacular) was born in Majorca sometime between 1232 and 1235[5]). He was the only son of well-to-do Catalan settlers who were established on the island prior to its conquest by James I of Aragon. Lullus was a close friend and member of the court of Prince James, the son of James I, who would later become James II of Majorca[6]). At the age of thirty, after having some sort of vision of Christ crucified, he abandoned his life as courtier, leaving his wife and two children, in order to devote himself completely to God. Following a pilgrimage to Santiago de Compostela, he met Raimundus of Penyafort in Barcelona. The Dominican friar counseled him not to go to Paris to study but rather to return to Majorca and enhance his own education as an autodidact.

Remaining in Randa, a hill in the center of Majorca, Lullus dedicated himself to disseminating his system of thought which he called *ars* or Art, the method by which he received divine illumination. Lullus's Art was a way to formulate a rational tool, capable of demonstrating the truth of Christianity above all other religions, that is to say, the Triune God and the incarnation, which provide explanation for the structure of the world. The primary aim of the Art was to convert unbelievers (mainly Muslims and Jews) to Christianity by *rationes necessariae*[7]), but his philosophy had reformist aims as well.

Lullus travelled throughout Europe speaking to popes, kings and princes interested in establishing special colleges to prepare future missionaries to convert the 'Infidels' of Tunis to Christianity. For this mission two tools were important: the

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[4]) Rafael Ramis-Barceló, Estudio Preliminar, in: Ramon Llull, Arte de derecho, Madrid 2011, 11–86; id., La fundamentación y la estructura del derecho en el *Ars brevis quae est de inventione iuris* de Ramon Llull, in: Scintilla, Revista de filosofía e mística medieval 10/1 (2013), 79–97; id., El pensamiento jurídico de Santo Tomás y de Ramon Llull en el contexto político e institucional del siglo XIII, in: Angelicum 90/1 (2013), 189–216; id., La recepció del pensament jurídic de Ramon Llull des de Savigny fins als nostres dies, in: Revista de dret històric català 14 (2015), 305–322; and id., Estudio Preliminar, in: Ramon Llull, Arte breve de la invención del derecho, Madrid 2015, 15–81.

[5]) For a detailed biography of Lullus see Fernando Domínguez/Jordi Gayà, Life, in: Raimundus Lullus, An Introduction to his Life, Works and Thought (= Corpus Christianorum), Turnhout 2008, 3–124.

[6]) N.J. Hillgarth, Ramon Llull i el naixement del lul·lisme, Barcelona 1998, 53–138.

[7]) Walter W. Artus, The philosophical understanding of Ramon Lull's 'rationes necessariae', in: Antonianum 62 (1987), 237–270.

knowledge of Art and the Arabic language[8]). The desire to introduce Art into the Universities led Lullus from Montpellier to Paris, where he was c

onfronted with the problem that his project was at odds with the mental habits of the contemporary scholastic world.

It should be noted that Lullian understanding of Law depended primarily on his stays in Montpellier, a city of the former Crown of Mallorca, and one of the busiest commercial cities during the 13th and 14th centuries. For Lullus, Montpellier was a "center of operations[9])". In the Faculty of Law, Lullus was able to establish relations with some professors and started to understand some of the subtleties of the *ius commune* and the preference of some jurists for the customary law[10]). Undoubtedly, during his stay in Montpellier, Lullus refined and increased his knowledge of *iura scripta*[11]). The study of the application of Art to law may help to understand this process of assimilation of canon law[12]).

Lullus neither studied at the university nor did he become a professor: his relationship with the university was always peripheral. However, he understood the necessity of convincing academics in order to spread his method. As a result of this realization, he went through a number of iterations to simplify and adapt his Art. According to Anthony Bonner, the first phase was known as quaternary Art and lasted from 1274 to 1289, while the second phase – ternary Art – went from 1290 to 1308[13]). Lullus, hoping to embrace a martyr's death, had embarked on three missions to North Africa. However, he died in his eighties either on a ship returning from Tunis, or after arriving in Majorca.

II. Lullus and the reformation of the Church:

Lullus' two main aspirations were the moral reform of the Church and of Christian society and the conversion of *infideles* to Christianity. To reach both goals, Lullus (1) wrote the Art to be an instrument of universal knowledge in order to explain rationally the mysteries of the Christian Religion with the aim of converting the *infideles*, (2) wrote didactic and apologetic works to explain the project of converting the *infideles* and obtaining the moral conversion of Christian societies, and (3) travelled around the Mediterranean Sea to spread his reformist ideals.

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[8]) See Jordi Gayà, Raimondo Lullo, Una teologia per la missione, Milano 2002, 27–71.

[9]) Jordi Gayà, Introducción General, in: Raimundi Lulli Opera Latina [ROL], vol. XX, Turnhout 1995, ix.

[10]) See André Gouron, Non dixit: Ego sum consuetudo, in: ZRG 105 Kan. Abt. 74 (1988) 133–140, repr. in: id., Droit et coutume en France, Aldershot 1993.

[11]) Ramis-Barceló, Estudio Preliminar, in: Arte de derecho (note 4), 74–75.

[12]) It is clear that Lullus was influenced by legists of Montpellier, see André Gouron, The Training of Southern French Lawyers during the Thirteenth and Fourteenth Centuries, in: Post Scripta, Essays on Medieval Law and the Emergence of the European State in Honor of Gaines Post (= Studia Gratiana XV), 1972, 217–227. But his knowledge of canon law was probably developed in Rome or Paris, because in Montpellier canonist teaching was established only later, see André Gouron, Les premiers canonistes de l'école montpelliéraine, in: Mélanges offerts à Jean Dauvillier, Toulouse 1979, 361–368, repr. in: id., La science du droit dans le Midi de la France au Moyen Âge, London 1984, nr. 15.

[13]) For a detailed explanation of Lullian Art, see Anthony Bonner, The Art and Logic of Ramon Llull: A User's Guide, Leiden 2007.

In fact, Lullus wrote basically two sorts of books[14]): on the one hand works based on the structure of the Art, in Latin, and intended for the educated public; on the other hand popular, apologetic and didactic explanations of his ideas, in Catalan or in Latin, directed at a broader audience. References to law (and specifically to canon law) may be found in both sorts of works. The works focused on Art were generally aimed at an academic audience and the others at the general public. The ideas of moral reformation (the relationship *ad intra*) of *Christianitas* were put forward in some of these books.

In other treatises, addressed to the Pope and to certain kings, Lullus developed his idea of the relationship of Christian kingdoms with *infideles* (*ad extra*): Petitio Raymundi pro conversione infidelium ad Coelestinum V papam (1294)[15]), Petitio Raymundi pro conversione infidelium ad Bonifacium VIII papam (1295)[16]), Liber de fine (1305)[17]), and Liber de adquisitione Terrae Sanctae (1309)[18]).

The need for reform had penetrated deeply into European society in the 13th century[19]). First, some Royal Families allowed the entry of their sons and daughters in the Franciscan order (as did the Majorcan and the French Royal Families). Some Kings protected the Beguines – such as Infant Philip of Mallorca or Robert and Sancha of Naples, or even Frederick of Sicily[20]) who welcomed fugitives because of their reformist ideas. Second, the reform was debated in the religious orders, especially among the Franciscans where the dispute struggled with the idea of pauperism. Third, the reformation of society was a topic in various social strata, for instance Beguines, Penitents or enemies of the Church. They demanded a return to the original spirit of the Church by preaching the word of God, the fulfillment of a lifestyle based on poverty, and ultimately, a more evangelical life.

Lullus upbraided civil and ecclesiastical leaders, criticizing especially the intellectual sloth of the clergy whom he found guilty of propagating the unfair state in which humanity found itself. References to the greedy and lustful bishops, gluttonous and voracious canons and ignorant and idle monks and friars are found in many a page written by Lullus, as will be explained in the following pages. He exposed the neglect of the hierarchy and the lower clergy of the Holy Church in fulfilling its mission. Lullus particularly blamed the low moral quality of the clergy, who deserved the censure

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[14]) For the study of the presence of legal ideas in the Works of Lullus see Andreu de Palma, Els sistemes jurídics i les idees jurídiques de Ramon Llull, Palma de Mallorca 1936, 7–21; Antonio Monserrat Quintana, La visión luliana del mundo del Derecho, Palma de Mallorca 1987; and Ramis Barceló, Estudio Preliminar, in: Arte de derecho (note 4), 21–40.

[15]) ROL XXXV (2014), 405–437.

[16]) *Ibidem*.

[17]) ROL IX (1981), 233–291.

[18]) Eugène Kamar, Projet de Raymond Lull *De acquisitione Terrae Sanctae*, Introduction et édition critique du texte, in: Studia Orientalia Cristiana 6 (1961), 103–131.

[19]) See Pamela May Beattie, Evangelization, Reform and Eschatology: Mission and Crusade in the Thought of Ramon Llull, Doctoral dissertation, University of Toronto 1995.

[20]) See Fernando Domínguez Reboiras, Las relaciones de Ramon Llull con la corte siciliana, in: I Francescani e la politica, Atti del Convegno internazionale di studio, Palermo 3–7 Dicembre 2002, Palermo 2007, 365–386.

of all reform movements. In this sense, Lullus wanted moral reform of the clergy and, accordingly, a reform of canon law.

Raimundus Lullus did not join any reform movement of the spiritual Franciscans, the Fraticelli, the Beguins or other factions[21]). Lullus disagreed with the exaltation of poverty as the virtue par excellence; the confrontation with or disobedience of the Papacy; and finally the incitement or support for the rebellion against the Church. Lullus remained always a defender and son of the Pope of the Holy Roman Church.

Nevertheless, Lullus' moral reform did not require a break in order to return to the primitive evangelical spirit; rather it required the casting away of sins and living according to a righteous model. Lullus thought that true reform must come from within the Church which should facilitate, encourage and guide *Christianitas* to its true path.

If these objectives had been carried out, genuine reform of *Christianitas* would have been achieved, namely the unity of *populum Dei*. Raimundus Lullus dreamt of the unity of the flock with one shepherd: one Church, the Holy Roman Church, pastured by the Vicar of Christ. In this sense, Lullus wanted canon law to be the instrument that could provide the moral reform, as will be explained in the following section.

III. Canon Law: Unity of Knowledge and Reform of the Church:

This article outlines Raimundus Lullus' main aspects on canon law. They cannot be studied separately from his reformist ideals. Lullus' intellectual and missionary program is not divided into several parts, but is one united piece. For him, the importance of the 'unity of knowledge' was as necessary as that of the unity of the Church.

For this reason, Lullus was a reformer who aimed for the radical reform of the Church, the Kingdoms, Society and the University. In order to demonstrate Christian reasons to Muslims and Jews, Lullus aimed for a society reformed according to the ideals of the Holy Gospel. He claimed the necessity of a purification of societies and Kingdoms, but he was especially critical with the Church whose example he considered bad for the society.

He complained of avaricious bishops, insatiable canons, and all sort of vices in the ecclesiastic order. For this reason, he preferred vertical reform from the top all the way down: He addressed the Pope to change the Holy Church in structure and content. Lullus did not agree with a reformation like the Beguines' which started from the bottom and separated from the hierarchy. Lullus aimed at obedience to law and social order. He placed more importance on canon law than on civil law because canon law lead people to *patria aeterna*. He wrote in his Lectura Artis (1304):

> Quaeritur: Vtrum ius canonicum sit magis necessarium quam ius ciuile? Et respondendum est quod sic, cum ius canonicum tendat ad bene uiuendum in patria et ius ciuile ad bene uiuendum in hac uita; uita autem patriae est aeterna, ista uero uita est in tempore habente principium et finem. Est ergo affirmatiua tenenda, ut uult regula de regula de B et definitions magnitudinis, maioritatis et monoritatis[22]).

Canon Law was, for Lullus, more important than civil law. A correct interpretation of canon law was indispensable for the reformation of the Church. And to make these changes, two steps were seen as essential: the will of the popes to refurbish and renew the Church, and a new method for teaching and solving the problems of canon law. If

[21]) Joan Cuscó i Clarassó, Els beguins: l'heretgia a la Catalunya medieval, Barcelona 2005, 71–81.

[22]) Lectura artis, ROL XX (1995), 417.

the Holy Church entered into a process of purification, returning to the ideals of the Gospel, and if the contents of the canon law were redefined according to a method that joined canon law with Catholic philosophy and theology, then the divisions and faults in the Church could be solved.

In fact, both problems are inseparable, and Lullus maintained in this regard the same position throughout his life. He had called, before his conversion, for the reform of the Church, a renovation of spiritual life and customs, and a change in teaching and applying canon law. There should be amendments in the Church *ad intra* if there was a desire to reach a solid and coherent position *ad extra* in the confrontation with *infideles*. Lullus argued for the relevance of schools for missionaries, educated in foreign languages (i.e. Arabic) and in the unity of method.

For these reasons, canon law had an important role in Lullus' plan which included: 1) writing the Art as a book of *rationes necessariae* for convincing *infideles*, 2) writing the Art as a unique method to reach unity of knowledge and to fight Averroism in universities and schools, 3) explaining the reformation of the Church and of society in line with evangelical ideals and convincing popes and kings of the necessity of changes in the Church and their kingdoms, and 4) exercising the personal task of persuasion for the intellectual battle against *infideles*, and if this was not possible, unifying all Christian efforts to carry out an effective battle against *infideles* and to conquer the Holy Land.

These reasons appeared in a letter to Boniface VIII, written in Rome and Agnani in 1295, after the renouncement of Celestin V. Lullus reminded the Pope that he should set a good example to Christendom, recalling the primacy of the Pope[23]) in governing the Holy Church as well as the role of the Cardinals[24]) in their collegiality[25]) (or shared responsibility) to govern and oversee moral customs:

> Aduertat sanctitas uestra, Sanctissime Pater, domine Bonifaci papa ac uos reuerendi patres domini cardinales, quod cum Deus creauerit homines, ut eum cognoscant, diligant et honorent et recolant in ueritate et cum infideles sint multo plures quam Christiani, qui a mundi principio usque nunc persistentes in errore, non cessant descendere ad poenas infernales: Quantum deceret, quod uos sanctissime pater, qui per Dei gratiam primatim tenetis in Populo Christiano, et uos reuerendi domini cardinales aperiretis ecclesiae sanctae thesaurum ad procurandum, quod omnes, qui uerum Dei cultum ignorant, ad ueritatis lumen perueniant, ut finem ualeant assequi, ad quem Deus eos ex sua benignitate creauit[26]).

And Lullus accused the Pope of negligence if he did not address out the appropriate changes for restoring the mission of the Church. The Popes should commit themselves to transforming the Church and the clergy into a model for the laymen, and to present a united face in the confrontation against the *infideles*.

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[23]) Antonio Oliver, El poder temporal del papa según Ramón Llull y postura de este relativa a las controversias de su tiempo, in: Estudios Lulianos 5 (1961), 99–131.

[24]) Sebastián García s Palou, Aspectos teológico-jurídicos del pensamiento luliano sobre el cardenalato (Un capítulo de la eclesiología medieval), in: Estudios Lulianos 21 (1977), 69–83.

[25]) It was a great debate from the 11th century, see Lucchesius Spätling, De mutatione cardinalatus Romani saeculo undecimo, in: Antonianum 42 (1967) 3–24; Giuseppe Alberigo, Cardinalato e collegialità, Studi sull'ecclesiologia tra l'XI e il XIV secolo, Firenze 1969; and Werner Maleczek, Papst und Kardinalskolleg von 1191 bis 1216: Die Kardinäle unter Coelestin III. und Innocenz III., Vienna 1984.

[26]) ROL XXXV, 429.

> Consideretis igitur, sancte pater et uos reuerendi domini cardinalis, quomodo pare ceteris hominibus tenemini honorem Dei et ecclesiae totis uiribus procurare, cum Deus uos prae ceteris honorauerint, uos suos uicarios et gregis sui pastores constituens, et quomodo per tractatum praedictorum potest uniuersali ecclesiae magna utilitatis euenire. Et licet sit longum negotium, est tamen executione dignum, cum sit amabile et Deo gratum ac ualde omnibus fructuosum. Nec est praetermitendum propter eius prolixitatem a uiris magnanimis tantum bonum considerantibus, quomodo mundane homines aggredintur laboriosa et ualde ardua propter bona transitoria acquirenda, et quomodo reges terrae guerras maximas et ualde periculosas assumunt, quomodo etiam Assassini se ipsos morti scienter exponent, et ad hoc faciendum ab infantia nutriuntur, ut genus suum trader ualeant libertati. Consideretis etiam, si placet, quomodo Christiani terras amittunt, et audaciam, quam contra Sarracenos habere solebant, et quomodo perit respublica fere ab omni Christiano neglecta, et quomodo clamant laici contra clerum. Quare ex praedictorum ordinatione habeberent in uobis et uestris bonis operibus exemplum laici ad bona publica procuranda, ex quo auferretur grande unos a uobis, cum damunum et detrimentum Christianitatis pro maiore parte uestrae negligentiae imputetur[27]).

This is the model of Church claimed by Lullus: a Pope missionary and a good example for the layman and for the clergy. The Pope should have an active position in the intellectual fight against *infideles* and the reform of society, and the Church should start with the example of the Pope: a reform from the top to the bottom.

Note that Lullus remained always with these ideals. In his last years he complained because kings and popes had not paid any attention to his proposals. His Liber de ciuitate mundi (1313)[28]) is an allegory of the vices of society and the Church, and again he wrote that nobody paid attention to his petitions of reform[29]). Lullus underestimated that, by his visits to Kings and Popes, and his attendance to Councils, he participated in and promoted the reform of the Holy Church quietly.

IV. Didactic and apologetic writings:

Some references to law are contained in Llibre de Contemplació[30]) (1273–4?), Llibre del Gentil e dels tres savis[31]) (1273–1275), the novel Blanquerna[32]) (1282–1287) and Llibre de Meravelles[33]) (1287–1289). Blanquerna contains his more literary explanation of the Lullian model of society, and in this work insofar as his reformation of the Church and some changes in canon law emerge directly[34]) or indirectly.

1) Blanquerna:

Blanquerna (or *Blaquerna*) is a fictional novel that mixes reality and utopia. The young protagonist Blanquerna, on his journey, first finds allegorical figures of the Ten Commandments, who lament that faith and charity as practiced in the times of the

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[27]) ROL XXXV, 433, 435.
[28]) See ROL II (1960), 173–201.
[29]) See Pedro Ramis Serra, Lectura del 'Liber de civitate mundi', Barcelona 1992, 37–39, 127–132.
[30]) Obres de Ramon Llull [ORL], vol. I–VIII, Palma 1906–1914, 381 pp.
[31]) Noves Edicions de les Obres de Ramon Llull [NEORL], vol. II, Palma 1993, 1–210.
[32]) NEORL VIII (2009), 709 pp.
[33]) Obres Essencials [OE], 2 vols. Barcelona 1957 and 1960, here I, 319–511.
[34]) See Josep E. Rubio, Un *casus* de derecho canónico matrimonial en el primer libro del *Romanç d'Evast e Blaquerna*: una aproximación al texto literario desde el contexto cultural, in: Revista de lenguas y literaturas catalana, gallega y vasca 15 (2010), 285–297.

Apostles failed. In the following chapters, he encounters a series of religious institutions that are all in need of reform to get back to the model of the church of the Apostles. The reformation of the institutions of the Church is one of the principal ideas of Blanquerna. In the subsequent chapters are examined: reforms in one monastery and surroundings, reforms in the Cathedral chapter and in the city, and finally reforms in the Papal court in Rome. These reforms should be *urbi et orbe*, the model of Rome ought to be followed in the whole world[35]).

Divine providence leads Blanquerna to become in turn abbot, bishop, and pope in order to renew the church and the world. At each stage of his apostolic service, he is able to transform the many states of society and levels of the Church[36]). Finally, having completed his mission to preach the holy Bible and train other missionaries in order to convert other *infideles* to the faith, he resigns from the Papacy[37]) and becomes a hermit. It is interesting to note that Pope Blanquerna's resignation served as a fictional precedent for the resignation of Celestine V in 1294[38]).

2) Doctrina pueril:

Some didactic writings specifically contain direct references to canon law. For his son Domènec, Lullus wrote a book entitled Doctrina pueril[39]) [in Catalan] (1278), or: Liber de doctrina puerile [in Latin] in which the learning of several disciplines was explained, including law. Reading the commentaries written by Lullus on his Doctrina pueril, some clear definitions may be found which explain the idea that the young Lullus had of canon law. In the rubric *De Scientia iuris* the following may be read:

> [1] Ius est divisum in duas partes, scilicet, in canonicum et civile. Et ius canonicum est ius ecclesiasticum, et istud pertinet clericis, qui tractat de ordinatione santae matris ecclesiae, et hoc iure regitur et gubernatur sancta catholica ecclesia[40]).
>
> [4] Quartus modus iuris est in iure canonico, quod disconuenit in theorica et in practica, quia aliqua res est iusta in theorica et suum contrarium est iustum in practica; et ideo clerici iudicant unam rem secundum theoricam et aliam secundum practicam[41]).
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> [6] Ius canonicum continetur in decretis et decretalibus, et processit a nouo et ueteri testamento, et est compositum ab apostolis et sanctis patribus administratoribus siue rectoribus sanctae matris ecclesiae, quod ius appellatur positiuum[42]).

In those sentences the Lullian conception of canon law may be found: 1) Canon law is the equivalent of *ius ecclesiasticum* or *ius clericorum*[43]), as was usual at that

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[35]) See Rubén Luzón Díaz, El ideal de reforma sociopolítica en el *Llibre d'Evast e Blaquerna*, de Ramon Llull, in: Pedro Roche Arnas (ed.), El pensamiento político en la Edad Media, Madrid 2010, 507–516.

[36]) See Albert Soler, Il papa angelico nel *Blaquerna* di Ramon Llull, in: Studi Medievali 40 (1999), 857–877.

[37]) See Sebastián García s Palou, La renuncia del Papa 'Blanquerna' al Papado (Aspectos jurídico-teológicos del pensamiento luliano sobre la renuncia a la Sede Romana), in: Estudios Lulianos 19 (1975), 61–70.

[38]) See idem, El Papa Blanquerna de Ramon Llull y Celestino V, in: Estudios Lulianos 20 (1976), 71–86.

[39]) ORL I (1906), 1–199, and ROL XXXIII (2009).

[40]) ROL XXXIII, 374.

[41]) ROL XXXIII, 377.

[42]) ROL XXXIII, 376.

[43]) José M. Soto Rábanos, Lo jurídico en la filosofía luliana, in: Revista Española de Filosofía Medieval 5 (1998), 75–85, especially 83: "El derecho canónico

time, 2) Canon law is the discipline for ordering and regulating the Holy Church, 3) The practice of canon law is disconnected from theory, 4) Canon law only concerns ecclesiastics, and 5) Canon law is contained in decrets and decretals, and in the Holy Bible, and is neither divine nor natural law, but positive law.

An encyclopaedic outline of all knowledge may be found in Arbor Scientiae (1296)[44]), that is a compendium of all knowledge addressed to the general public. It resorts throughout to a common analogy referring to an organic comparison in which each science is represented by a tree with roots, trunk, branches, leaves and fruit[45]). The roots represent the basic principles of each science; the trunk is the structure; the branches, the genres; the leaves, the species; and the fruit, individual acts and purposes.

The eighth part of Arbor Scientiae is the *Arbor apostolicalis*, devoted to canon law[46]). The roots are the four cardinal and the three theological virtues. The trunk is the Pope. The branches are ecclesiastical authorities from the cardinals down to simple priests. The branches are the precepts, the leaves the seven sacraments and the canons of the church, the flowers are the fourteen articles of faith, and the fruit is eternal salvation.

The majority of the questions of this Arbor are developed in the books devoted to the application of Lullus' Art to law[47]). In the Arbor apostolicalis, as a book of Lullian thought for layman, the structure of the Art is not explained, there appear only the questions and the solutions.

In respect of the roots of *arbor apostolicalis*, Lullus wondered if a Christian should obey the Pope against his conscience; according to Art, if the Pope was heretical they should not; but related to issues of faith, they should obey him. Another question was whether a bishop should be fearsome or friendly, the response was: better to be bishop for charity than for violence. He also wondered if he had to give greater honor to the Pope than to any other man and answered affirmatively, because God is more represented in the Pope than in any other man. He also wondered why the Princes kissed the Pope's feet, and the answer was a metaphor of the oil floating on water – because the spiritual power was always on top of the political power. He also questioned why the pope wore a white dress, and responded that the pope was the representation of limpidness and he could forgive the sins of others and purify them. Finally, Llull

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es para Lulio un derecho divino para la ordenación del clero. Aunque es cierto que el derecho canónico se orienta mayoritariamente al clero, si tenemos en cuenta la cantidad relativa de las normas que le afectan, y mas entonces, su destinatario era y es el pueblo cristiano. Y como tal, no se puede afirmar sin más explicación que el derecho canónico sea un derecho divino, aun siendo evidente su conexión con la teología y con la revelación divina."

[44]) OE (note 33), I, especially parts V, VI and XVI, 555–1046; and ROL XXIV–XXVI (2000), 1434.

[45]) For further references see Fernando Domínguez Reboiras/Pere Villalba Varneda/Peter Walter (eds.), Arbor Scientiae: Der Baum des Wissens von Ramon Lull, Akten des Internationalen Kongresses aus Anlass des 40-jährigen Jubiläums des Raimundus-Lullus-Instituts der Universität Freiburg i. Br., Turnhout 2002.

[46]) ROL XXIV, 406ss.; see Francesco Santi, *Arbor apostolicalis*, La vita dell'organismo apostolico, in: Arbor Scientiae (nota 45), 197–205.

[47]) All these questions are in Lullus' Arbor scientiae, ROL XXIV, 451.

questioned why the pope had no wife, and the answer was that if he had one he would seem more earthly, less-divine.

Thus, Lullus explained in several books not only the main ideas of his ecclesiology, but also some concrete reforms to eradicate the vices of members of the clergy. Lullus asserted that canon law does not establish a good connection between theory and practice and that this is one of the fundamental problems of the Church. A strong theoretical basis is necessary to provide a correct solution to the problems with the clergy, i.e. a correct translation of theory into practice. For these reasons, Lullus claimed, his Art would help to find a correct basis for resolving all the problems of canon law.

3) Writings based on Art:

Lullus' Art was an attempt to use a logical-ontological combinatory system to produce knowledge[48]). Lullus believed that Christian doctrine could be mechanically obtained by mixing a fixed set of principles, rules and questions in combinatory wheels called figures. In an abbreviated, shortened and simplified overview of the Art, in the ternary epoch, the principles of the first figure were *bonitas*, *magnitudo*, *duratio*, *potestas, sapientia*, *voluntas*, *virtus*, *veritas* and *gloria*[49]). This table listed the attributes of God. Lullus knew that all believers in monotheistic religions would agree with these attributes, giving him a sturdy platform from which to argue. The principles of the second figure had more technical significance and indicated gradation: *differentia, concordantia, contrarietas; principium, medium, finis; maioritas, aequalitas, minoritas*. Lullus mixed principles with rules and questions: *utrum, quid est, de quo est, quare est, quanta est, qualis est, quando est, ubi est, quo modo et cum quo*. In his last formulation of his *ars*, the Ars generalis ultima (1308), Lullus wrote:

> "principia huius Artis sunt haec: Bonitas, Magnitudo, Aeternitas sive duratio, Potestas, Sapientia, Voluntas, Virtus, Veritas et Gloria, Differentia, Concordantia, Contrarietas, Principium, Medium, Finis, Maioritas, Aequalitas et Minoritas[50])".

By making use of a combination of these figures, the canonist would be able to address all possible problems. To understand the legal writings of Lullus it was important to clarify that they were not legal remarks or legal-moral and canonical-legal issues, but an intensive study of philosophy and theology on the nature of law (as practical manifestation), beginning with the origins of a human action, followed by consideration of justice, and concluding with the most detailed casuistic problems.

The Art was a method that did not claim to provide an ontologization of legal concepts, but a philosophical and theological derivation from the principles and from the figures. The canonist, for Lullus, should be also a philosopher-theologian who should derive principles of philosophy and theology, including those of justice[51]). The combination of the principles of Art allowed an entirely new legal knowledge to be

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[48]) Josep Maria Ruiz Simon, L'Art de Ramon Llull i la teoria escolàstica de la ciència, Barcelona 1999.

[49]) See Josep E. Rubio, Les bases del pensament de Ramon Llull, Els orígens de l'Art lul·liana, Barcelona 1997, 64ss.

[50]) ROL XIV (1986), p. 6.

[51]) Francisco Elías de Tejada/Gabriella Percopo, Historia del pensamiento político catalán, Sevilla 1963, vol II, cap. IV (55–107), cap. V (109–146), cap. VI (147–173).

created which would be capable of responding to the legal cases in accordance with both Divine law and Natural law.

Despite the dialectic trend of legists and canonists of 13th century references, Lullus was not interested in the application of the *trivium* to law[52]). There was a legal construct, but it allowed philosophical and theological understanding that any legal problem was solved based on knowledge of philosophical and theological principles and a combination thereof using a series of questions. For Lullus, it was unjustifiable that canonists trusted in the authority of Gratian in order to defend their answers: He required a more solid foundation to resolve any issue. The realistic ontology and epistemology espoused by Lullus did not support direct apprehension of natural law; however, he considered that natural law was indeed accessible to the principles of Art reflecting the goodness and greatness of God's eternity. And such principles, taken in ontological plenitude, could be applied to solve casuistic problems.

Lullus wrote four books regarding the application of the Art to civil and canon law: Liber principiorum iuris (1273–1275)[53]), Ars iuris (1275–1281)[54]), Ars de iure (1304)[55]) and Ars brevis quae est de inventione iuris (1308)[56]). He sought the reduction of all individual rights (primarily civil and canonical) to universal principles of legal knowledge, but in his last works he emphasized especially the relationship that all universal principles have with natural law. The legal art should arise from the combination of principles and questions with justice, which was the basis of law.

a) Liber principiorum iuris:

Lullus' first treatise devoted to law was the Liber principiorum iuris. When Lullus wrote it (1274–83) he had not yet become familiar with canon law. This book was written at the beginning of his intellectual life: the 'quaternary era' (called so because the combination figure was constructed on a 4 x 4 basis). The specific figure of law had sixteen principles: B (*forma*), C (*materia*), D (*ius*), E (*ius commune*), F (*ius speciale*), G (*ius naturale*), H (*ius positivum*), I (*ius canonicum*[57]), K (*ius civile*), L (*ius consuetudinale*), M (*ius teoreticum*), N (*ius practicum*), O (*ius nutritivum*), P (*ius comparativum*), Q (*ius antiquum*), R (*ius novum*[58]). Simplifying some aspects, there are other auxiliary figures (basically triangles) that help to connect these principles to each other[59]).

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[52]) See the interpretation of Lullus' legal works in Hermann Lange/Maximiliane Kriechbaum, Römisches Recht im Mittelalter, Die Kommentatoren, vol. II, München 2007, 487–496.

[53]) ROL XXXI (2007), 323–412.

[54]) Roma (Jacobus Mazzocchi) 1516 [not available, for the moment, in ROL].

[55]) ROL XX (1995), 119–177.

[56]) ROL XII (1984), 257–389.

[57]) Liber principiorum iuris, I: [siue de iure canonico], ROL XXXI, 347, *ius canonicum est, se habens ad S, qualiter possit forma corporis esse, ut simul ualeant ad aeternam beatitudinem peruenire. Hoc I primordium sumpsit in decem mandatis, quae A in lege ueteri praebuit, et potestate, quam Iesus Christus ecclesiae Romanae in sancto Petro donauit. Principium enim ipsius I finem intuitur, propter quem A mundum creauit; medium sunt operationes ipsius S, cum taliter operatur, quod principium et finis nequaquam sint simul per medium repugnantes, et quod A T V X Y Z alterationem non occupant prout in huius artis principiis iacent formae, figure atque conditiones eorum*.

[58]) Liber principiorum iuris, ROL XXXI, 342–343 .

[59]) As the objective is to explain the application of Art to canon law, in this article

The definitions provided within the text are so abstract that they can barely be understood. Each of these principles was more or less related to the definitions of the different types of law used by jurists (so, for example, *ius speciale*, *ius naturale*, *ius positivum*, *ius canonicum*, *ius civile,* etc.) while others are based on Lullus' anthropological or theological principles (*ius compositium*, *ius nutritivum,* etc.) making the book nearly unmanageable for jurists as well as for philosophers and theologians[60]).

These sixteen principles, combined together, gave a total of one hundred and twenty possibilities, representing all legal knowledge. This work presented – somewhat naively – the possibility of easily gaining such knowledge[61]). In reality, this treatise was an ontological speculation that, while it was put forward under legal pretenses, was in fact completely fruitless for canonists, philosophers or theologians[62]). The definitions are so complex that the only idea that can be drawn from them is the need to retreat from a specific case to general principles. It is, therefore, an exercise in abstraction and legal ontology with unclear results.

The last part of the Liber principiorum iuris was a set of twenty examples that attempted to show how – through this combinatorial technique – specific legal problems could be resolved. Two examples may be:

> [3][63]) Quaeritur: Vtrum summus pontifex siue papa tantum teneatur conseruare sanctam ecclesiam, quantum augmentare ipsam.
> Solutio: In triangulo rubeo papa et eius sequaces plus tenentur in principio ad conseruationem ecclesiae sanctae, in causa uero finali magis tenentur ad multiplicationem eiusdem. Et quoniam in triangulo croceo rubeus ad maiorem dignitatem se habent in fine, quam in principio, idcirco pontifex magis tenetur propter finem, quam propter principium. Si enim esset huius oppositum camerae figurae ipsius D delerentur atque conditiones earum et A S T V X Y essent contra principia huius artis, nec D conueniret cum G H I K, neque multiplicatio ipsius O nec ipsa L Q R haberent, in quo conuenirent in B C D G. Hoc autem est omnino inconueniens[64]).

> [8] Quaeritur: Vtrum electio praelatorum sit magis necessaria per scientiam theologiae, quam iuris uel e conuerso.
> Solutio: A S V Y maiorem habent concordantiam in I, quam in K, et B format maius D in C per I, quam per K, ac F ipsius E in I est maius quantum ad G H, quam F ipsius E in K, et in triangulo rubeo se habet D ad medium, et theologia ad finem; finis autem et maioritas simul conueniunt, minoritas uero et medium simul. Quod si non sic esset, ipsum K et D atque medium essent intentione prima, et I et theologia et finis essent intentione secunda, Hoc autem est inconueniens[65]).

To better understand these cases, it is necessary to know the distinction done by Lullus between the first and the second intention[66]). The theory of two intentions is

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some aspects of the Lullian combinatory are simplified considerably, because Lullian Art deserves a detailed explanation that cannot be undertaken in a few pages, see Bonner, Art and Logic (note 4), passim.

[60]) See Elías de Tejada/Percopo, Historia del pensamiento (note 51), vol. II, 157–163.

[61]) Liber principiorum iuris (note 53), 355–399.

[62]) Monserrat Quintana, Visión luliana (note 14), 70–71.

[63]) These numbers in square brackets refer to the number of the *casus* in the critical edition (see note 53).

[64]) Liber principiorum iuris, ROL XXXI, 407.

[65]) Liber principiorum iuris, ROL XXXI, 408–409.

[66]) See M. Cruz Hernández, El pensamiento de Ramon Llull, Madrid 1977, pp. 216–219.

one of the pillars of Lullus' ethics. The intention is the work of the intellect and the will to give desired compliance. And – for Lullus – it should lead to a teleology that takes into account the order of creation. Man felt two contrary movements: one that leads to do good, and another that leads to evil.

For Lullus, the first intention was to push man towards knowledge, esteem and praise of God: "being created" by God is like being a part of Him. The second focused on the media and frequently incited worry about himself, as a mere 'being created', *esse creatus*, characterized by 'deprivation'. Human freedom forced man to overcome selfishness of the second intention (a particular purpose, which is a 'privation'), putting his eyes on God and acting in accordance with the first intention. This is an ontological and teleological universal purpose. All the works by Lullus search for this first intention and adapt the world (humanity, Church …) to it. The canonist should use the Art to find the correct answer according to the first intention.

b) Ars iuris:

The second book was the Ars iuris (1285–1287), a work supported on the principles of the previous one and designed primarily to resolve jurisdictional issues. Lullus believed that the biggest problem in the application of law was its complexity and lack of systematicity, ultimately generating in return an endless spate of lawsuits[67]).

To simplify the previous system, Lullus reduced it into a first figure of eight principles symbolized by the following letters: A (*Deus*), B (*Actor*), C (*Ius*), D (*Reus*), E (*Anima* B), F (*Corpus* B), G (*Corpus* D) and H (*Anima* D)[68]). As can be seen, the content is clearly anthropological and theological, interspersing the righteousness of God with the human purpose of body and soul in the actor and the defendant. Along with these principles, Lullus inserted three triangles which allowed an internal adaptation to form a combinatorial circular figure. As mentioned previously, these triads are *Differentia – Concordantia – Contrarietas*; *Principium – Medium – Finis*; *Maioritas – Aequalitas – Minoritas*.

A simple listing of the following cases allows a first glance at the topics studied by Lullus in his work: whether the Pope should be legally obliged to send preachers to the *infideles*; whether any prince should be legally obliged to fight against the *infideles*; whether man is legally bound to do as much good as possible; whether a man who commits a mortal sin is entitled to have material possessions; regarding the role of the judge, whether he should attend more to what he hears or what he sees; whether the poor have a right to the assets of the rich; how to proceed in elections; the assumptions about the defendant and the plaintiff; whether to coerce the infidel to embrace the faith; "self-defense" in case of death; whether it is permissible to lie to save the life of another; the immunity in court; whether a woman can be a witness in a criminal case; whether judgment (a judicial sentence) issued by *infideles* carries the authority to be enforced among Christians; whether a servant can testify in court; whether those who are greedy or lustful should receive greater punishment; problems concerning restitution; and whether a single person can sell goods from one Collegium to which he belongs[69]).

[67]) Ars juris, 1r–v.
[68]) Ars juris, 3v–4r.
[69]) Ars juris, 11r–25v.

Lullus believed that the application of the figures of Ars iuris could provide legal solutions in each case. However, the solution provided is not a casuistic one, as is the case in canon law. As can be seen, it is not a solution of specific casuistry, but rather what we call "weighting principles" which help solve each problem. Lullus had no immediate response to each case, but provided a series of principles to be articulated to solve the case. Given the ontological hierarchy of them, the Artist (the person who knows the Art) could solve any problem that arose. – Nevertheless, the most interesting cases of canon law are in the last two books devoted to the application of Art to law: Ars de iure and Ars brevis quae est de inventione iuris.

c) Ars de iure:

This work[70]), written in Montpellier (1304), also sought the reduction of all individual rights (primarily civil and canon) to universal principles of legal knowledge. But on this occasion the relationship they all had with natural law was especially emphasized[71]).

Lullus divided the book into two parts. The first section was concerned with the construction of the tree of legal knowledge (*arbor iuris*) and the principles and rules of the tree, while in the second, legal issues were discussed and it was shown how the tree and its principles and rules could provide concrete solution to each of them.

Again, the book emphasized the importance of Art to resolve complex legal cases. It devoted almost the entire second part to show how Art could serve to respond to difficult cases. Lullus found that through the combination of the nine letters from his configuration with questions, various legal problems could be solved. By combining these nine letters and excluding repetitions, thirty-six possibilities arise:

B *enim dicitur quod est bonitas, differentia, iustitia et utrum.*
C *vero est magnitudo, concordantia, iustitia et quid est.*
D *est duratio, contrarietas, iustitia et de quo est.*
E *est potestas, principium, iustitia et quare est.*
F *est sapientia, medium, iustitia et quanta est.*
G *est uoluntas, finis iustitia et qualis est.*
H *est uirtus, maioritas, iustitia et quando est.*
I *est ueritas, aequalitas, iustitia et ubi est.*
K *est gloria, minoritas, iustitia, quo modo et cum quo est*[72]).

The second part of Ars de iure showed the resolution that Lullus made of different legal *quaestiones*, following the method of the *quaestio*, habitual in the Faculties of

[70]) Ars de iure remained unedited for a long time. Monserrat Quintana, Visión luliana (note 14), presented a short description and a reproduction in the Appendix in 1987. The critical edition of the ROL (note 55) was published in 1995. Eugen Wohlhaupter (notes 2 and 3) and de Palma, Els sistemes (note 14) could not yet use any edition.

[71]) Ars de iure, ROL XX (1995), Pref., 128: *Quoniam scientia iuris est ualde prolixa et difficilis, eo quia est de multis particularibus, idcirco nos cum auxilio diuino conari uolumus, in quantum possumus, facere istum compendiosum tractatum, ut sit ad omnia iura principium uniuersale. Ad quod principium iura particularia reducantur et cum ipso glossentur et intelligantur respectu iuris naturalis, quod requirit ab intellectu humano rationem, ius positiuum autem non, quia uoluntarium est. Ideo liber iste de iure naturali erit et uocamus ipsum artem, eo quia iura per ipsum ad necessitatem artificialiter reduci possunt.*

[72]) Ars de iure, ROL XX, 129–130.

Arts and Theology as well as in law faculties. Hence through the study of law, Lullus attempted to build a sort of 'science of law' and, through it, to solve casuistic problems.

There is an obvious influence of the civilists of Montpellier in Lullus' writings. Nevertheless, it is complicated to identify his masters of canon law. For this reasons, it would be interesting to know what particular sources were used. Canon law studies were consolidated somewhat later in Montpellier[73]), and its heyday does not exactly match Lullus' stays in Montpellier. The great canonists, like Bernard de Deaux, Guillaume de Mandagout, Pierre Bertrand or Jesselin Cassagnes, who achieved great celebrity and were church dignitaries, had flourished already in the fourteenth century; its notoriety runs almost parallel to the move of the Holy See to Avignon.

Lullian perspective, therefore, matched fully his own era where the fields of theology, philosophy and law had not clearly defined its borders. Lullus' aim was to alert lawyers, canon lawyers, theologians and philosophers against the division of a reality that could only be understood from a unified perspective. The Art should be an epistemological instrument in order to reach the unity of knowledge.

In casuistry, canon law, moral theology and philosophy were often mixed. The problems were, for example[74]):

– Ecclesiastical law and the system of *beneficia*:

[460] In una sede siue collegio sunt duo canonici electi in discordia. Vnus est auarus, alius est superbus et luxuriosus. Quaeritur: Quis istorum est magis indignus ad eligendum? Solutio: Vade ad flores de B C et de C D, et ad regulas de D H I K[75]).

[462] In quadam sede sunt duo canonici electi in discordia. Vnus est mendax, alius gulosus. Quaeritur: Quis istorum minus est eligendus? Solutio: Vade ad definitiones contrarietatis et maioritatis, et ad flores E I K[76]).

[466] Causa de aliqua electione canonica: absens est unus ex canonicis illius ecclesiae, qui uocari debet ad illam electionem, aliter election non ualet. Ipso uero uocato episcopus excommunicauit in capitulo coram aliis canonicis, illum absentem, propter contumatiam. Quaero: Cum excommunicatus non possit nec debeat ad electionem admitti, utrum canonici eum citare debeant ad electionem illam? Solutio: Vade ad flores E G et C F, et ad definitiones maioritatis et aequalitatis[77]).

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[73]) André Gouron, Les juristes de l'école de Montpellier, in: Ius Romanum Medii Aevi IV/3 (1970), 3–35.

[74]) All the examples are explained in Ramis-Barceló, Arte de derecho (note 4), Estudio Preliminar, 160–178.

[75]) Ars de iure, ROL XX, 172, a *quaestio* that mixes canon law and moral theology. Compare the rubric in X 3.5.37 (Aemilius Friedberg [ed.], Corpus Iuris Canonici, vol. II, Leipzig 1879, repr. Graz 1955, 480): *Clerici ignobiles et non eminentis scientiae propter hoc non debent a praebendis repelli, etiam in ecclesia, quae tales admittere non consuvertit*. For Lullus, the solution was an abstract combination of principles B and C (*Magnitudo*, *concordantia et quid*) with D (*Duratio, contrarietas and de quo*), and the *regulae* D H I K (that contained the questions *de quo, ubi, quando, quomodo et cum quo*). The canonist should reflect upon the principles B, C, D, H, I and K, and ask about the differences between the sins of avarice, superbly and luxury, and they will lead him to find the less vicious candidate for a canonical election.

[76]) Ars de iure, ROL XX, 172. It is also a problem of selection because both *canonici* are vicious. Compare *indigni* in X 1.6.53 (Friedberg, Corpus II [note 75], 93) and other cases on election. The problem is the same as in the precedent case. Lullus did a difficult valuation of *principia* and *regulae*. He suggests that the solution was a consideration of the definitions of *contrarietas* and *maioritas* (as in n. 77) and the flowers of E, I and K.

[77]) Ars de iure, ROL XX, 172. This is a question concerning canonical election

[467] Viginti sunt canonici in munere. Electio episcopi in eorum sede facienda, omnes excommunicati sunt praeter unum. Iste ignorans ipsos esse excommunicates, uocat eos ad electionem. Quaero: Vtrum election facta per ipsos ualeat aut non? Solutio: Vade ad flores C E et G F, et ad definitiones maioritatis et aequalitatis[78]).

[474] Rector alicuius ecclesiae lepra percussus est. Iura uolunt, quod detur sibi coadiutor, qui curam exerceat animarum et prouideatur eidem de bonis ecclesiae illius leprosi. Quaero: Si redditus illis duobus non sufficiant, de quibus bonis alteri illorum, cui non sufficient, redditus debeat prouideri, cum leprosus ecclesia non dit priuandus? Solutio: Vade ad definitionem bonitatis, magnitudinis, contrarietatis, maioritatis et ad regulam de E G[79]).

In these casuistic examples, Lullus described the situation and provided his own solution. It was not a solution based on the canonical precedents or on the solutions compiled by the sources of *iura scripta*. The solution arose by weighting or balancing some principles of law: These principles were a combination of divine attributes, the accurate mixing of which can solve the problems "canonically".

The problems were not taken from the Decretum Gratiani or the *decretales*, but apparently from the practice of canonical jurisdiction that Lullus knew, or was provided to him[80]). For this reason, it is in some cases difficult to determine the exact source of the *quaestio*.

(if an excommunicated canon should be called to the chapter election) with unclear reference to canon texts. Compare X. 1.6.19 (Friedberg, Corpus II [note 75], 58–61). For Lullus, the solution to the problem is found in *flores* E, G and C, F and in definitions of majority and equality. *Maioritas* is defined, in Ars de iure, 131, as "*imago immensitatis bonitatis, magnitudinis et ceterorum princiorum*"; "*aequalitas est subiectum, in quo finis concordantiae bonitatis, magnitudinis et ceterorum principiorum quiescit.*"

[78]) Ars de iure, ROL XX, 172–173 on episcopal election and excommunication. Remember X. 1.6.50 (rubric) (Friedberg, Corpus II [note 75], 91): *Electio facta a non maiori parte capituli et omissa collatione non valet*. This is a very similar case to the previous one. For Lullus the intention of the canon was important when he assembled his brothers to the Chapter. The solution was in the flowers C, E and G, F and in the definitions of *maioritas* and *aequalitas* (see previous note 77).

[79]) Ars de iure, ROL XX, 173–174. This is a classical problem of canon law. Compare X. 3.6.3 (Friedberg, Corpus II [note 75], 465): *De rectoribus ecclesiarum leprae macula usque adeo infectis, quod altari servire non possunt, nec sine magno scandalo eorum, qui sani sunt, eccesias ingredi, hoc volumus te tenere, quod eis dandus est coadiutor, qui curam habeat animarum, et de facultatibus ecclesiae ad sustentationem suam congruam recipiat portionem*. In a general sense, see Peter Landau, Die Leprakranken im mittelalterlichen kanonischen Recht, in: Dieter Schwab (ed.), Staat, Kirche, Wissenschaft in einer pluralistischen Gesellschaft, Festschrift zum 65. Geburtstag von Paul Mikat, Berlin 1989, 565–578. For Lullus the solution was in the definitions of *bonitas*, *magnitudo*, *contrarietas* and *maioritas* and in the rules of E and G. *Bonitas* is defined as "*ens, ratione cuius bonum agit bonum, et sic bonum est esse et malum est non esse*"; *magnitudo* "*est ens, ratione cuius bonitas, duratio et cetera principia sunt magna ambiens omnes extremitates essendi*"; *contrarietas* is "*quorundam mutia resistentia propter diversos fines*", for *maioritas* see note 77. The combination of these definitions and the rules of E and G would give the solution to the canonist.

[80]) Jordi Gayà, Introducción General (note 9), XL: "La escasa o nula referencia a las colecciones jurídicas en uso hace imposible establecer si las cuestiones propuestas lo son dependiendo de un texto que quiere explicarse, o se debe a la pura inventiva del autor. De todos modos, muchos de los ejemplos presentados adquieren tales rasgos de verosimilitud, que podrían verse como instantáneas tomadas de la vida diaria de la sociedad medieval."

In fact, I claim that the system of Lullus and the casuistry contained in the sources of canon law are incommensurable. Lullus wrote an alternative to the casuistic answer, and he claimed that the canonical questions should be solved by a rational system according to a combination of theological and philosophical principles and rules.

– Conflict of jurisdictions:

[469] Quidam iuuenis laicus citatus fuit supra quibusdam coram iudice saeculari. Citatione facta clericus effectus est per receptionem ordinis clericalis. Quaero: Vtrum super hiis, quibus conuentus fuerat coram iudice saeculari, debeat modo conuenire coram iudice ecclesiastico, cum de foro ecclesiae factus sit? Solutio: Vade ad flores B C D G et ad definitiones bonitatis, magnitudinis, durationis, iustitiae[81]).

[470] Laicus decimas possidere non potest. Quaero iuxta illud hoc, quoniam si laicus expoliatus fuerat decimis aliquibus per aliquos religiosos uel clericos saeculares: Vtrum possit petere restitutionem? Solutio: Vade ad regulas de G K[82]).

Lullus studied some typical cases of that period of time, in particular the conflict between ecclesiastic and civil jurisdiction. In order to provide a correct and universal solution. Lullus refused the particular solutions of the kings and prelates of his era and preferred a general distinction.

To compare the solutions of the canon law and those of Lullus, cases [469] and [470] will be shown. The first [469] was a case of changing the status from *laicus* to *clericus* after a judicial request. For Lullus it was necessary to check the flowers of B (*Bonitas, differentia, utrum*), C (*Magnitudo, concordantia, quid*), D (*Duratio, contrarietas et de quo*) and G (*Voluntas, finis et quale*) and the definitions of *bonitas, magnitudo, duratio* and *iustitia*. According to Lullus, the canonist should be able to find justice according to an examination of the definitions and rules. He has to discern if the layman received the Holy Orders only to avoid secular justice, if the layman was following the first or the second intention.

In the second case [470], the solution of the Liber Extra was according to X. 3.30.17. The main idea is that the text gave the direct solution to the case, according to a previous answer. For Lullus, the resolution of the case was indirect, because if he had not given the *solutio*, the canonist could not be able to reach it. In this case, the solution was in the *regulae* of G and K. The canonist, according to the rules of the Art, should ask himself on the *qualitas*, the *modo* and the *instrumentalitas*: the questions were *qualis est*, *quo modo est* and *cum quo est*?

The difference between the casuistic system of the Liber Extra and the abstract Art of Lullus is evident. In the papal answer to each case, the solution was clear and univocal, and the canonist could spread the effects by analogy. In the *ars* of Lullus the answer depended on a combination of rules or principles, and the final solution is not

[81]) Ars de iure, ROL XX, 173, a conflict between civil and ecclesiastical jurisdiction. Compare in general X. 2.2.10 (Friedberg, Corpus II [note 75], 242): *Laicus laicum super re civili coram iudice ecclesiastico convenire non potest, nisi in defectu iustitiae saecularis, vel nisi consuetudo id exposcat*. See Richard H. Helmholz, The Spirit of Classical Canon Law, Athens/GA 1996, 194.

[82]) Ars de iure, 173, ROL XX: a classical quaestio of canon law. Compare Decretals X. 3.30.17 (rubric) (Friedberg, Corpus II [note 75], 561): *Decimae vel oblationes ecclesiae laici concedi non possunt, et praelatus contra faciens est puniendus*. Lullus would require deliberating between will and justice.

clear and univocal. It was a balance between several theological concepts, and for this reason the exact solution was difficult to reach.

Consequently, it is not necessary to compare all the solutions of the Liber Extra with all the resolutions of Lullus. There are incommensurable systems in the Art of Lullus, its final answer to a problem remains unclear because of its theological and philosophical abstraction.

– Canon criminal law:

[473] Episcopus excommunicat aliquem pro crimine. Accidit postmodum, quod ipse episcopus participat eidem in eodem crimine. Quaero: Vtrum episcopus sit excommunicato uel incidat in aliquam sententiam, cum quicumque alius sibi participet sit excommunicatus? Solutio: Vade ad definitiones virtutis, contrarietatis et maioritatis, et ad regulam de C G[83]).

[477] Excommunicatus aliquis per epistolam, quaero: Quando dicitur excommunicatus, utrum quando scribitur, uel quando recipitur? Solutio: Vade ad regulam C E G H, et ad definitionis uirtutis et maioritatis[84]).

Two examples of the most relevant canonical punishment are quoted here to explain the solution provided by Lullus. The Art of Lullus is virtually inaccessible to modern readers – and so it was, of course, to the canonists of the 13th and 14th centuries. The weighting of principles together with definitions is a headache for anyone who tries to do a serious study. Among the many problems that allow an accurate solution we highlight only two: first the large number of concepts used in each flower (B, C, D …) and the difficulty to find a concrete solution based on them; second: If Llull had not provided a solution appropriate to each case, the canonist would not know what principles to apply.

– Matrimonial Law:

[461] Matrimonium factum est inter iuuenem et uetulam, et inter domicellam et senem. Nunc ita est, quod ille iuuenis refutat uetulam et dimittit; domicella similiter senem. Accidit, quod uetula et senex conquaeruntur coram officiali. Quaeritur: Quem istorum officialis debet citius audire? Solutio: Vade ad flores C D E G et ad definitiones contrarietatis et maioritatis, et ad regulas C D et de E K[85]).

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[83]) Ars de iure, ROL XX, 173: a case of excommunication. Compare X. 1.29.29 (Friedberg, Corpus II [note 75], 167–168): *Excommunicatus pro crimine vel manifesta, offensa, quod satisfaciat antequam absolvatur*. See Lotte Kéry, Gottesfurcht und irdische Strafe, Wien 2006, 601ss. For Lullus it would be a complicated deliberation. In fact, with the definitions of *virtus*, *contrarietas* and *maioritas*, and the rules of C and G, Lullus tried to emphasize the importance of the bishop and his position in front of the criminal person. In an *argumento a fortiori*, if a criminal is excommunicated, the bishop – who has a position of *majoritas* in front of the criminal – should be condemned with major motivation, according to the rules of C and G (*quid* and *quale*).

[84]) Ars de iure, ROL XX, 174: a question on procedure. Compare X. 1.38.15 (Friedberg, Corpus II [note 75], 210): *Excommunicatus si litteras impetret pro non excommunatis an valeant*. See Helmholz, The Spirit (note 81), 366. For Lullus, the answer was in the rules of C (*quid*), E (*quare*), G (*quale*) and H (*quando*). Lullus was interested in the intention of the person who sends the excommunication letter and in the intention of the receiver. The definition of *virtus* ("*origo unionis bonitatis, magnitudinis et ceterorum principium*") and *maioritas* (as in note 77) should help the canonist in his analysis.

[85]) Ars de iure, ROL XX, 172. This is a classical problem of a marriage between two persons with a great difference in age, see James A. Brundage, Medieval Canon Law, London 2013, 166–168. For Lullus it would be solved by intricate

[472] Mulier recessit a uiro auctoritate propria. Modo petit restitui, quia uir eam recipere non uult. Quaero: Cum maritus eam non expulerit, utrum possit ab eo petere expensas, quas fecit postquam ipsa ab ipso recessit? Solutio: Vade ad definitiones magnitudinis, maioritatis et iustitiae[86]).

[479] Vir et uxor uouent castitatem. Ipsa intrat religionem et ipse efficitur presbyter. Processu temporis ipse rediens ad eam habet ex ea filium. Quaero: Vtrum talis alius sit legitimus? Solutio: Vade ad definitiones contrarietatis et maioritatis et ad flores G E[87]).

In the concept of Lullus canon law covered ecclesiastical law (in its entirety) and matrimonial law. This produced the most frequent problems in practice. The preceding examples explain the most relevant solutions in the case of marriage problems. To sum up, Lullus aimed for a rational theological-philosophical methodology for civil and canon law of which the previous examples are a practical explanation.

In Lullus' mind, natural law and divine law could ontologically be separated: While God's commandments were contained in the Scriptures and were ascertainable through Revelation, natural law was implicit in the structure of Lullus's Art. Although Llull constantly referred to natural law, this could not be studied independently of his Art. At this point, a difference between Llull and contemporary thinkers occurred with the *introductio* of Art stimulating the debate on rational or volitional grasp of Natural law.

For Gratian and his followers[88]), Natural law was contained *in Lege et in Evangelio*, connecting the natural law with the divine will. For Aquinas, natural law could be captured immediately, deduced from nature, closely connected to a number of assets to be protected, and in any case could be reached by the human will[89]). For Llull knowledge of natural law was not immediate, but mediate. To understand the essence of law it was necessary that the Art transformed the legal cases on a weighting of metaphysical principles.

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deliberation. The canonist should check the contents of the flowers C, D, E and G and the definitions of *contrarietas* and *maioritas*, and the rules of C, D, E and K. Lullus provided different elements of analysis deciding the order of attention by the judge.

[86]) Ars de iure, ROL XX, 173. This is the problem of matrimonial separation. See *in extenso* X 2.13 *De restitutione spoliatorum* (Friedberg, Corpus II [note 75], 284). See Helmholz, The Spirit (note 81), 242–249. For Lullus it is to be solved by deliberating between *magnitudo*, *maioritas* and *iustitia* (which he defined as "*ens, cum quo iurista iudicium rectum causat et ius et iustitiae suus actus*"). If the lady abandoned her husband without his permission, the canonist should weigh the arguments of both according to the mentioned definitions.

[87]) Ars de iure, ROL XX, 174. This is a problem of matrimony and canonical wows. Compare X. 3.32.14 (rubric) (Friedberg, Corpus II [note 75], 583): *Per religionis professionem, non per propositum castitatis servandae in saeculo, dissolvuntur sponsalia de praesenti*. See Helmholz, The Spirit (note 81), 194. For Lullus it was necessary to analyze the definitions of *contrarietas* (note 79) and *maioritas* (note 77) and the flowers G and E. The interpretation of the Lullian deliberation seems to show that the baby would be *legitimus*.

[88]) See Rudolf Weigand, Die Naturrechtslehre der Legisten und Dekretisten von Irnerius bis Accursius und von Gratian bis Johannes Teutonicus, München 1967, 132–153.

[89]) For a further development, see Anthony Lisska, Aquinas's Theory of Natural Law: An Analytic Reconstruction, New York 1996.

Ars de iure ended with an analysis of the beginning of the Decretals of Gregorius IX – in order to argue that all decretals could be studied like the examples proposed by Lullus in the book[90]).

d) Ars brevis quae est de inventione iuris:

This work was written in Montpellier in 1308 and is a conversion of Lullus' Art into a theory of legal argumentation. The four most relevant points of this book are: 1) the conversion of the Art into a theory of argumentation in order to find a good argument *in utroque iuris*, 2) a major integration of Lullus' ideas in the culture of the canon law, 3) a progressive evaluation of the analysis of canonist sources to convince canonists, and 4) the relevance of Aristotle and the incorporation of a theory of syllogism in his method.

For Lullus, there were four sorts of law[91]): 1) Ius divinum that the jurist and canonist were obliged to indentify for its causal precedence, imitating God in order to reproduce the divine justice; 2) Ius gentium identified by leveling to adapt the laws to all peoples; 3) Ius naturale, the most important one for the argumentation because it could be proved by demonstrative syllogism in order to find justice and peace, and finally 4) Ius positivum, based on human belief and congruence, that should be the basis for regulating questions concerning human opinion. Eugen Wohlhaupter wrote an extensive study on the sources of this work[92]) and edited it[93]), according to the manuscript BSB München, Clm. 10568 (XVII), ff. 2–52v. In his study he considered that this book was the most interesting work of application of Lullian Art to law, but that the practical results were null.

Actually this book is a sort of general theory of argumentation. Regarding canon law, there are two sorts of procedures[94]): 1) the explanation of a canonical precept with examples, and their resolution according to the Art of Lullus, and 2) the explanation of a case, and the resolution according to the Art. First an example of 1) is shown followed by examples of 2).

> [2] Non debet quis in criminibus, nisi forsitan in exceptis ad testificandum admitti, pendente accusatione de crimine, cum etiam accusati, nisi prius se probauerint innocentes, ab accusatione et susceptione ordinum repellantur[95]).
>
> Quidam clericus est simoniacus aut concubinus aut huiusmodi, ratione cuius non potest facere testimonium. Accidit, quod Petrus interfecit regem, aut est haereticus. Modo quaeritur: Vtrum Guilelmus clericus potest facere testimonium contra Pe-

[90]) Ars de iure, ROL XX, 175–176. Compare X. 1.1.1 (Friedberg, Corpus II [note 75], 5): *Firmiter credimus et simpliciter confitemur, quod unus solus est verus Deus, aeternus, immensus et incommutabilis, incomprehensibilis, omnipotens et ineffabilis, Pater et Filius et Spiritus Sanctus: tres quidem personae, sed una essentia, substantia seu natura simplex omnino: Pater a nullo, Filius a Patre solo, ac Spiritus Sanctus pariter ab utroque*.

[91]) Ars brevis quae est de inventione iuris, ROL XII, 287–296.

[92]) Eugen Wohlhaupter, Die 'Ars brevis, quae est de inventione mediorum iuris civilis' des Ramon Lull, Estudis Franciscans 46 (1934), 196–215.

[93]) Eugen Wohlhaupter, Estudis Franciscans 47 (1935) 161–250.

[94]) See, in a general sense, Christoph H.F. Meyer, Die Distinktionstechnik in der Kanonistik des 12. Jahrhunderts, Ein Beitrag zur Wissenschaftsgeschichte des Hochmittelalters, Leuven 2000.

[95]) See X 2. 20. 56 (rubric) (Friedberg, Corpus II [note 75], 340): *Accusatus criminaliter non admittitur in testem contra alium in causa criminali sua accusatione pendente, nisi in exceptis criminibus*.

trum? Et haec quaestio implicata est in hac praesenti decretali. Ad quod respondendum est, quod sic, ut patet per quartam distinctionem. Ius namque positiuum pro Petro et grado positiui. Sed contra Petro sunt ius diuinum et naturale, et etiam ius gentium; quae quidem existunt superius ratione superlatiui gradus et comparatiui; et similiter secunda praedicatio secundae distinctionis, et etiam tertia distinctio et quinta. Sed ostendere modum esset prolixum, sed tamen ualde facilis est scienti istam Artem[96]).

Lullus tried to carry out his argumentation following Aristotelian philosophy while applying the rules of his Art. In this work, the differences among natural law and other laws are especially relevant[97]). In the following cases Lullus started with a problem of canon law, and offered a resolution following the rules of the Art.

According to Lullus in the Ars brevis quae est de inventione iuris, natural law was obtained from five modes. It was not a reduction of rights, but argumentative modes, with the use of the Art, and according to syllogistic structure: The canonist could obtain natural law following the processes of the Art. In previous works, the Art was called the solution to legal problems, but in this work Lullus shifted towards the theory of argument and to an "extension" of modes of discourse, because Lullus took loans of scholastic logic. The five modes are as follows:

1) The first mode was for the first deduction from predicate. Lullus combined his principles with Aristotelian argumentation. Thus, in the first predicate he claimed: 'Every right is good. And because this predicate is necessary and infallible, so that right is natural and necessary'[98]).

2) The second mode was for the second deduction of predicate. Llull thought this was a useful tool for the jurist who had to choose 'the good, lasting, powerful right' etc., and should always avoid any entitlement inherent to the minority. It was therefore – according to the eighteen principles of Art – imperative to choose the best of rights[99]).

3) The third mode was used for the investigation of the natural medium between subject and predicate, thereby indicating that 'by the science that makes the intellect, pursuing and finding the natural law and the existing natural environment between subject and predicate, somebody can know whether the judge should do judgment against the plaintiff or against the defendant, knowing what laws and canons are in favor of natural law and what rights are in favor of the positive law'[100]).

4) The fourth mode was the deduction of nature, reasoning by the rules of the Art. The judge should be informed of the nature of everything and conclude naturally in his judgment. Lullus explained, almost in passing, the relations between the *ius gentium* and the *ius naturale*: 'natural law is higher and more common than the law of nations, because it includes animal rights. It is acting as the lioness feeds her son; and so on other animals'[101]).

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[96]) Lullus, ROL XII, Ars brevis quae est de inventione iuris, 335.
[97]) Ramis-Barceló, La fundamentación (note 4), 79–97.
[98]) ROL XII, Ars brevis quae est de inventione iuris, 291(transl. from Latin to English by R.R.-B.).
[99]) See Ramis-Barceló, El pensamiento (note 4), 210–216.
[100]) Ars brevis quae est de inventione iuris, ROL XII, 291–292.
[101]) ROL XII, Ars brevis quae est de inventione iuris, 292.

5) The fifth mode was the argument: 'mode, for which the lawyer knows how to argue and how to reduce the natural law to a syllogism'[102]). For example, the following syllogism: 'Any entity, having goodness, is bound to do good. But natural law is a body that has goodness; then, natural law is bound to do good. As proof: For as fire has the nature of hot water, just as any being that has goodness is bound to do good. Proof of the minor: Because if it did not have the natural goodness, it could not achieve its purpose, namely: to achieve peace, give each what is his'[103]).

Returning to case [2] in the above text, Lullus made an effort to clarify in this work his system, and gave an answer that could be understood more easily by canon lawyers. In case [2], a certain Petrus killed the king. The question was, if Guilelmus, a vicious cleric, could testify. In this case, it seems that it was a weighted decision between a killer, or heretic, against a simoniacus and concubinus. For Lullus, the *ius divinum*, the *ius gentium* and the *ius naturale* were against Petrus, because his sins were worse than the sins of Guilelmus.

> [3] Quaeritur: Vtrum uxor possit inuito uiro uotum transmarinum[104]) emittere? In capitulo generationis et corruptionis, quod est in sexta distinctione, significatum est, quod de quaestione negatio est tenenda, quia ius magis est corruptibile circa mulierem quam circa uirum, sicut magis est generabile circa uirum, quam circa mulierem. Vlterius secundum ius necessarium et contingens bonitas moralis mulieris magis est circa bonitatem uiri in loco, in quo est uir, quam alibi, et magis distat a contingentia. Tamen distinguendum est secundum capitulum comparationis, posito quod deuotio mulieris sit in superlatiuo gradu, deuotio autem uiri in positiuo gradu.
> Amplius: Quo ad ius gentium: Sicut uir absque mulieris licentia potest facere peregrinagium, sic et mulier; sed quo ad ius naturale nequaquam, quia natura in altiori gradu est in uiro ratione comparationis, quam in muliere. Ratione cuius uir est magis dispositus et proportionatus quo ad quintam distinctionem quam mulier. Et hoc probat definitio maioritatis et minoritatis, et etiam prima regula[105]).

Case [3] is a good example to check the theory of the argumentation proposed by Lullus in his last book. In this case, it is discussed if women could do the *votum transmarinum*. And Lullus, according to the structure of his book, explains in a system of comparisons (majority against minority) that women are more fragile than men and the *votum transmarinum* is not appropriate for them. It is necessary to remark that in the cases contained in the Ars brevis quae est de inventione iuris, the structure of knowledge was more inserted in the culture of the Aristotelian logic[106]).

> [4] Quaeritur: Vtrum Petrus debeat excommunicari, quia ipse percussit Guilelmum, credendo ipsum esse clericum per signum falsum, sed rei ueritate ipse non erat clericus[107])?
> Per capitulum signi et signati, quod est in tertia distinctione, est pro Petro in primo gradu comparationis per signum fictum. Et quia secundum ius diuinum maxime clericus est defendendus, et quia Petrus habuit iniquam mentem contra uerum clericum, peccauit per signum fictum contra inordinatam imaginationem et sensum, et contra ordinationem potentiarum animae quintae distinctionis. Quorum ratione

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[102]) ROL XII, Ars brevis quae est de inventione iuris, 295.
[103]) ROL XII, Ars brevis quae est de inventione iuris, 295.
[104]) Compare X. 3.34.9 (rubric) (Friedberg, Corpus II [note 75], 594).
[105]) Ars brevis quae est de inventione iuris, ROL XII, 354.
[106]) Ramis-Barceló, Estudio Preliminar, in: Arte breve (note 4), 32–58.
[107]) Compare, among other precepts, X. 1.29.31 (rubric) (Friedberg, Corpus II [note 75],175).

excommunicandus est; alioquin ius diuinum non esset in superlatiuo gradu comparationis; quod est impossibile[108]).

In case [4], Lullus argued that *ius divinum* protected the rights of the cleric. According to this view, canon law was preferable to civil law because canon law was for clergymen, and they are by definition nearer to the *ius divinum*. This example is a good model for understanding the conception that Lullus had of the Church and clerical law: He claimed that clergymen represented God before the Christian society, and therefore deserved more respect. All the transgressions of clergymen against the law should be harshly punished. And Petrus, in this case, should be punished because he hit a man (thinking he was a cleric), and clergymen should be protected by *ius divinum*.

By the way, according to Lullus' view, clergymen should be punished harder than laymen when they failed, because they are ministers and people who represented God before the society, and their sins should be punished with extreme severity.

The main difference with the previous books is that in this last one Llull wanted to provide indirect solutions denying the study of canon law. And when he quoted legal and canon law sources, it was to show that the answers he gave in his Art were better than the canon law text, since its general principles applied a method seeking the truth , and not mere casuistry.

Indeed, for Lullus the *iura scripta* were an entangling impediment for the canonist, for they did not provide an accurate way. In previous works on the application of Art to law, the casuistry was described vividly and accurately. If the young Lullus had a blind trust in his Art to provide solutions, in Ars brevis quae est de inventione iuris he was more realistic and pragmatic. He saw that he could not replace the compilations of Raymond of Penyafort or Gratian by his Art, and that law schools would carry on with the analysis of *iura scripta*. For this reason, Lullus tried to transform his Art in an argumentative system to assist jurisprudence. canon lawyers should examine the provisions in the light of philosophical and theological principles and discourse.

In fact, this mixture of Lullus' Art with canon law provided in the end an unrepresentative result. In comparison, the Lullian solution was usually consistent with that given by the canon law texts, but the procedure was different. Instead of proceeding from analogy, Lullus applied argumentative techniques of *ars* and proceeded to test them according to syllogism. This was a strange and ultimately unsuccessful proposal in the Middle Ages because Lullus did not write anything on the content of canon law, but he insisted on applying this method[109]).

[108]) Ars brevis quae est de inventione iuris, ROL XII, 354.

[109]) See J.M. Soto Rábanos, Los saberes filosófico-teológicos frente a los saberes jurídico-canónicos en algunos autores españoles medievales, in: L.A. de Boni (ed.), A ciência e a organização dos saberes na Idade Média, Porto Alegre 2000, pp. 99–116. In p. 114 it is stated, "Lulio manifiesta tener un buen conocimiento de la ciencia del derecho y un conocimiento pormenorizado de la práctica del mismo, pero no se interesa por la discusión de la temática jurídica. Al contrario de cómo se interesa con respecto a la teología y a la filosofía, materias en las que se adentra en consideraciones básicas, en el ámbito de los jurídico deja esas reflexiones para los jurisperitos; se mantiene al margen de glosas y comentarios, de comentaristas y glosadores. En efecto, Lulio no escribió glosas ni comentario alguno a una ley o a un canon, ni desde la fundamentación de la norma, ni desde la perspectiva de su aplicabilidad. No entró en el sistema."

Nevertheless, the methodology of legal humanism[110]) and rationalism, which arose in the 16th and 17th centuries, tried to use this sort of argumentation. For general legal theory, covering canon law and including Lullian examples, this method was used by Pierre Grégoire[111]), Miguel Gómez de Luna y Arellano[112]) or Athanasius Kircher[113]). A general explanation of the development of legal and canonical methodology and the influence of Lullus on modern legal method should be done[114]).

V. Conclusions:

In this article, I have tried to provide a new view of Lullus' main ideas and his comprehension and use of canon law. The most important contribution of this study is the presentation of Lullus's writings as an alternative to the legal and canon legal method of his era, including 1) the necessity of 'unity of knowledge' in science in order to avoid Averroism, 2) the use of canon law for a plan to reform the Church and 3) Lullus' progressive comprehension and adoption in his works of the culture of the *ius commune*, although he never accepted the casuistic method of the canonists.

I claim that the plan to purify learned discourse from Averroistic mistakes was developed in parallel with the plan of purification of society and the Church. Lullus was a reformist of the University, society and the Church. He declared the importance of one unique method and one unique Christian Church for reaching the truth and convincing the *infideles*.

For Llull *Ecclesia semper reformanda* was a good aphorism: He aimed at a reform *ad intra* in order to reach a good projection outdoors (*ad extra*). His works (because of his radical proposals) provide a good way to rethink the paths of the canon law and the development of the Ecclesiology from the Middle Ages to recent times.

On the one hand, in his popular and didactic works, he claimed the necessity of the Reform of the Church from top to bottom. He tried to convince the popes and cardinals to start a conversion process according to the ideals of the Gospel. The radical

[110]) Rafael Ramis-Barceló, Bernard de Lavinheta y su interpretación de las ideas jurídicas de Ramon Llull, in: J. Higuera Rubio (ed.), Knowledge, Contemplation, and Lullism Contributions to the Lullian Section at the SIEPM Congress, Freising, August 20–25, 2012, Turnhout 2015, 207–225; and id., Lulismo y derecho en Italia durante el Renacimiento, in: M.M.M. Romano (eds.), Il lullismo in Italia: itinerario storico-critico, vol. miscellaneo in occasione del VII centenario della morte di Raimondo Lullo, Palermo 2015, 407–425.

[111]) Rafael Ramis-Barceló, La recepción de las ideas jurídicas de Ramon Llull en los siglos XV y XVI, in: Revista de Estudios Histórico-Jurídicos 34 (2012), 431–456, available also online.

[112]) Rafael Ramis-Barceló, La obra jurídica de Miguel Gómez de Luna y Arellano: derecho, racionalismo y lulismo en la España del XVII, in: Anuario de Historia del Derecho Español 83 (2013), 413–435.

[113]) Anasthasius Kircher, Ars Magna Sciendi, in XII libros digesta, Amsterdam 1669, 427–443.

[114]) See Aldo Mazzacane, Methode und System in der deutschen Jurisprudenz des 16. Jahrhunderts, in: Jan Schröder (ed.), Entwicklung der Methodenlehre in Rechtswissenschaft und Philosophie vom 16. bis zum 18. Jahrhundert, Stuttgart 1998, 127–136; and Wilhelm Schmidt-Biggemann, Topica universalis, Eine Modellgeschichte humanistischer und barocker Wissenschaft, Hamburg 1983. The method of Lullus also converged with the dichotomies of Petrus Ramus, with important repercussions on the formal and visual structure of canon law: see Rafael Ramis-Barceló, Petrus Ramus y el derecho, Los juristas ramistas del siglo XVI, Madrid 2016.

conversion of the top hierarchy of the Church would lead to change at all levels of society. Lullus was especially harsh on the sloth and the other sins of the ecclesiastics, particularly bishops, canons and friars.

On the other hand, Lullus was not interested in the material contents of canon law, but in the methodological incongruencies in the answers. His Art is able to provide an adequate process to resolve all the potential theoretical cases in accordance with the philosophical and theological principles of Christian doctrine. In the explanation of Ars de iure, some examples are put forward regarding problems of *beneficia*, canon punishment, matrimonial controversies, or conflicts on jurisdiction.

Lullus was not primarily interested in canon law knowledge, but in the unity of the doctrines taught at the University and in the reform of the Church. The main idea is that Lullus wanted a general deductive system in order to find the truth and, subsequently, avoid the *opiniones* and the *auctoritates* because these provided only *ad hoc* solutions. The dispute between Lullus and the Latin Averroists[115]) in Paris led him to build a unique epistemological model (the Art) which accepted only one single truth. While Lullus defended the unity of knowledge among philosophy, theology, medicine and law, the four medieval faculties were not independent, and "double truths" could not exist.

Lullus used references to Justinian's law or canon law to disseminate his ideas among jurists and canonists. By reporting on controversial cases of civil and canon law, he tried to show that better solutions would be provided through the Art rather than through Roman or canon law. He was not interested neither in the academic study of the Decretum of Gratian nor in the text of the Liber Extra by Raimundus de Penyafort. He had no interest in the casuistic solutions of canonists. He only tried to advance a system according to Christian truth for getting a rational solution to all the problems.

Using his Art, Lullus sought a rational theological-philosophical solution for the problems of canon law. As it has been tried to demonstrate in the previous pages, he completely rejected, at first, the *iura scripta* explained in Montpellier and Paris, and he proposed his own classification and interpretation of law. Progressively, with the ongoing contact with scholars from the Universities of Montpellier and Paris, he showed greater interest in the problems of canon law. However, Lullus had no philological or dialectical interest in them: I have attempted to demonstrate that his Art was meant to offer a more universal and rational solution to the problems than the solutions offered by popes and contained in compilations.

In his first presentation of the Art applied to canon law he did not mention any ideas of the systematicity of *iura scripta*. In the following works, especially in Ars de iure and Ars brevis quae est de inventione iuris, he picked out some problems of the canon law and tried to solve them according to the Art. Lullus demonstrates a progressive comprehension of the method of the Liber Extra, and in his last work he tried to adapt the Art to a theory of legal argumentation on canon law.

In concluding it is necessary to remark that neither a methodological change in the knowledge of canon law, nor a purification of the Church were indeed carried out. The ideas of Raimundus Lullus did not have any success during his lifetime, but his legacy

[115]) Constantin Teleanu, Raymundista et Averroista, La réfutation des erreurs averroïstes chez Raymond Lulle, Paris 2014.

was used in the Renaissance and in the Baroque period by some canonists and sages like Kircher to develop a new theory of legal and canonical principles, and it is useful in current times to have a retrospective view on the alternative methods of canon law and on the claims of reformation along the history of the Roman Catholic Church.

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