Public Authority and Right to Kill in the ‘Petit’ and ‘Falkenberg Affairs’ at the Council of Constance (1414–1418)*

Abstract

This article considers the use of Augustine’s auctoritas within the context of the discussions held at the Council of Constance (1414–1418) concerning the orthodoxy of two texts that defended the legitimacy of tyrannicide: Jean Petit’s Justification du duc d’Orléans and Johannes Falkenberg’s Satira. In particular, it will consider how some prominent figures at the Council referred to a series of Augustinian passages on public authority and the right to kill (most notably, De civ. Dei 1:21; 1:26; Decretum C. 23 q. 8, attributed to De civ. Dei 1) in order to discuss whether a tyrant could be legitimately slain by any private individual without any previous legal trial or explicit public mandate.

* This article is a result of my research on the reception of Augustine at the Council of Constance as part of the project “Magnum opus et arduum. Towards a History of the Reception of Augustine’s De civitate Dei”, nr. 3H170335, funded by the KU Leuven Research Council. I am grateful to Andrea A. Robiglio and the anonymous reviewers for their constructive comments; all remaining shortcomings are mine. Throughout the article, quotations from modern editions are reported in the original orthography, introducing, however, the u/v distinction.