



Ockham and Political Discourse in the Late Middle Ages

Takashi Shogimen

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DISCOURSE IN THE
LATE MIDDLE AGES

The English Franciscan William of Ockham (c. 1285–1347) was one of the most influential philosophers and theologians in late medieval Europe. Recent scholarship has shown his profound impact on logic, metaphysics, epistemology and the philosophy of language in the late Middle Ages and beyond. Following a dispute between the papacy and his Order, Ockham abandoned his academic career and devoted himself to anti-papal polemics. Twentieth-century scholars have produced divergent and often contradictory interpretations of Ockham as a political thinker: a destructive critic of the medieval Church, a medieval Catholic traditionalist, a Franciscan ideologue and a constitutional liberal. This book offers a fresh reappraisal of Ockham's political thought by approaching his anti-papal writings as a series of polemical responses. His aggressive and persistent attack on the papacy emerges in this study as an attempt to rescue the ethical foundations of Christian society from the political influences of heretical popes.

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For Danièle

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PREFACE

History can only be written in the context in which a historian is situated, and it continues to be revised as we seek to understand the past as well as the present in the context of our own times. This book was born out of a conviction that William of Ockham's polemical activities in response to the ecclesiastical and political issues of his day are germane to our times. The main question that runs through this book is: how and why did this fourteenth-century Franciscan theologian come to the view that contemporary papal government was tyrannical, and what did he endeavour to achieve through a series of anti-papal polemical responses? The world in which Ockham lived and the problem that he tackled may appear totally alien to us, but I do not think that they are entirely dissimilar to ours. In our globalised world, the forces of states, markets and international corporations dominate our public and private lives, and some commentators have perceived a very real threat to the fabric of our social and moral life. Restoring civil society is seen as imperative by political, social and moral commentators from across the political spectrum. To this contemporary problem, Ockham's polemical concerns form an intriguing parallel. At the root of what he perceived as the problem of papal heresy, Ockham identified a serious social and moral problem: the dissolution of Christian fellowship. For Ockham, excessive politicisation of medieval ecclesiastical government undermined the moral foundations and social solidarity of the Christian collective life. Hopefully, the voice of Ockham's conscience that I have endeavoured to re-create here will not only interest specialist readers concerned with the modern historiography of European political thought, but also prompt general readers to reconsider our own perspectives on the moral and social dimension of our collective life.

Re-creating the past, however, is a daunting task. David Knowles wrote: 'the historian is not a judge, still less a hanging judge'. More recently, Quentin Skinner has added that the historian should serve as

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'a recording angel'. I think this addition is redundant, since it is probably impossible to serve as 'a recording angel'. In Ockham's words, it is naturally impossible to obtain an intuitive (and therefore evident) knowledge of the past. Describing past events is difficult enough; recovering past ideas is even more problematic. Friedrich Schiller wrote: 'as soon as a soul *speaks*, ah . . . *the soul* no longer speaks! (*Spricht die Seele, ach, spricht die Seele nicht mehr!*).' An idea, as soon as it is written or spoken, becomes independent of the author, and enjoys its own fate. The estrangement of an idea's impact on the readers, present and future, from its authorial intention is indeed a paradox in the history of ideas. William of Ockham died in 1347. Some six hundred and fifty years later, has this study successfully made his soul, which 'no longer speaks', speak once again?

This book has grown from my Sheffield University doctoral dissertation, for which I received a PhD in 1998. The completion of the book owes much to generous support and assistance from a number of individuals and institutions. David Luscombe supervised my doctoral dissertation and has acted as the academic editor for this book. His calm and scholarly judgements on my work have always been incisive and inspiring. Stephen Conway has kindly read and commented on the entire draft of the dissertation and of the book at various stages and helped me patiently to improve my prose. David and Megan Luscombe's and Stephen Conway's unfailing support in my personal life I shall never forget. Seiichi Sumi first introduced me to the study of Ockham's political thought at the initial stage of my research career. Since the inception of my academic career, I have been greatly inspired by Michiko Arima, Constantin Fasolt and Katsumi Nakamura. And I am heavily indebted to Janet Coleman, Barrie and Narda Dobson and Cary Nederman for encouragement they have offered me in good times and bad.

I have benefited from stimulating conversations with a number of scholars in the field of medieval political and religious thought, including Antony Black, Stephen Lahey, Ian Levy and Stephen McGrade. Brian Tierney gave me generous advice by correspondence. It has always been a pleasure to exchange ideas with the members of *Politicās*: the Society for the Study of Medieval Political Thought, at the International Congress on Medieval Studies at Western Michigan University and at the International Medieval Congress at the University of Leeds. I have also been encouraged and helped in a variety of ways by friends and colleagues including Shin Chiba, Conal Condren, Fred Dallmayr, Gillian Evans, Hajime Fujiwara, Paul Hayward, Thomas Izbicki, John Kilcullen, Yoshiaki Kobayashi, John Marenbon, Koichiro Matsuda,

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Constant Mews, Jürgen Miethke, Francis Oakley, the late Heiko Oberman, Anthony Parel, Thomas Turley, Morimichi and Kiyomi Watanabe and Stella and the late Michael Wilks. I was fortunate to be introduced to medieval history by the medievalists of the Department of History in the University of Sheffield including R. I. Moore, Edmund King, the late Simon Walker and William Aird.

My research has been conducted in five places: the North Library of the British Museum; the Rare Books Room of Cambridge University Library; the Special Collection Department of the Brotherton Library in the University of Leeds; the Main Library of the University of Sheffield; and the Pontifical Institute of Mediaeval Studies in the University of Toronto. To all of these institutions I owe a huge debt of gratitude. An Overseas Research Student Award by the Committee of Vice-Chancellors and Principals of the Universities of the United Kingdom assisted my postgraduate research financially at an important stage; and election into a Research Fellowship at Clare Hall, Cambridge, in 1997–2000 provided me with an ideal environment in which to conduct research beyond the PhD. I am also indebted to Ian Hunter, Peter Cryle and members of the Centre for the History of European Discourses at the University of Queensland for electing me a Research Associate of the Centre. At the final stages, my colleagues at the Department of History in the University of Otago have supported my work in many ways. I am also grateful to Simon Whitmore, Michael Watson and Sarah Parker for their skilful management of the publication process.

The book includes sections of the following previously published articles: ‘Ockham’s Vision of the Primitive Church’, in R. N. Swanson, ed., *Studies in Church History* 33: *The Church Retrospective* (Woodbridge, 1997); ‘William of Ockham and Guido Terreni’, in *History of Political Thought* 19 (1998); ‘The Relationship between Theology and Canon Law: Another Context of Political Thought in the Early Fourteenth Century’, in *Journal of the History of Ideas* 60 (1999); ‘From Disobedience to Toleration: William of Ockham and the Medieval Discourse on Fraternal Correction’, in *Journal of Ecclesiastical History* 52 (2001); ‘Aquinas, Ockham and the Negative Authority of Conscience’, online publication by Instituto Universitario Virtual Santo Tomás, 2003; ‘William of Ockham and Conceptions of Heresy, c.1250–c.1350’, in Ian Hunter, John Christian Laursen and Cary J. Nederman, eds., *Heresy in Transition: Transforming Ideas of Heresy in Medieval and Early Modern Europe* (Aldershot, 2005); and ‘Defending Christian Fellowship: William of Ockham and the Crisis of the Medieval Church’, in *History of Political Thought* 26 (2005). I am grateful for permission to use them in the present work.

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Finally, my parents, Tadashi and Hiroko Shogimen, have always given me unfailing support throughout the long years far away from my own country. Had it not been for my wife, Danièle, my academic and personal life would have been less fulfilled. This book is, in a sense, the result of our collaborative work. Our twins, Anne-Sophie Miyuki and Dominic Hiroshi, despite their youth, have expressed enthusiastic interest in this book project; without them, it would have been completed in half the time, but its execution would have been less meaningful.

T. S.

ABBREVIATIONS

<i>A Letter</i>	William of Ockham, <i>A Letter to the Friars Minor and Other Writings</i>
<i>AP</i>	William of Ockham, <i>An Princeps</i>
Baluze-Mansi	E. Baluze, <i>Miscellanea</i> (ed. J. D. Mansi)
<i>Brev</i>	William of Ockham, <i>Breviloquium de principatu tyrannico super divina et humana, specialiter autem super imperium et subiectos imperio, a quibusdam vocatis Summis Pontificibus usurpato</i>
<i>CB</i>	William of Ockham, <i>Contra Benedictum</i>
<i>CI</i>	William of Ockham, <i>Contra Ioannem</i>
I–III <i>Dialogus</i>	William of Ockham, <i>Dialogus</i> Parts I–III
<i>DP</i>	Marsilius of Padua, <i>Defensor pacis</i>
<i>Epistola</i>	William of Ockham, <i>Epistola ad fratres minores</i>
Gewirth	Marsilius of Padua, <i>Defender of Peace</i> (trans. Alan Gewirth)
<i>IPP</i>	William of Ockham, <i>De imperatorum et pontificum potestate</i>
<i>OND</i>	William of Ockham, <i>Opus nonaginta dierum</i>
<i>OP</i> 1–4	William of Ockham, <i>Opera politica</i> , vols. 1–4
<i>Oph</i> 1–7	William of Ockham, <i>Opera philosophica</i> , vols. 1–7
<i>OQ</i>	William of Ockham, <i>Octo quaestiones de potestate papae</i>
<i>OTH</i> 1–10	William of Ockham, <i>Opera theologica</i> , vols. 1–10
<i>PL</i>	<i>Patrologia Latina</i>
<i>Short Discourse</i>	William of Ockham, <i>A Short Discourse on Tyrannical Government</i>

INTRODUCTION

At Whitsun in May 1334, the Franciscan theologian and Oxford philosopher William of Ockham (c.1285–1347) took shelter behind Ludwig of Bavaria, a claimant to the imperial throne, and wrote a letter to the Franciscan general chapter at Assisi. At the beginning of this letter, he explained how and why he had withdrawn obedience from Pope John XXII, fled from Avignon and joined Michael of Cesena, the Minister General of the Franciscan Order, who had been in dispute with the pope over the orthodoxy of the Franciscan doctrine of poverty. Michael of Cesena, who had himself been summoned to Avignon in December 1327, was convinced that the pope had fallen into heresy by rejecting the orthodoxy of the Franciscan doctrine, and demanded that Ockham, who was then in Avignon for an inquisition into his theological and philosophical writings, examine the papal bulls *Ad conditorem canonum*, *Cum inter nonnullos*, and *Quia quorundam*. Difficult as it was for Ockham to believe that the holder of the supreme ecclesiastical office could promulgate heretical doctrines, he studied the bulls. Contrary to his expectations, these papal decrees appeared, in the eyes of the *Venerabilis inceptor*, to be documents from the pen of a heretic: 'In these [bulls] I found a great many things that were heretical, erroneous, silly, ridiculous, fantastic, insane, and defamatory, contrary and likewise plainly adverse to orthodox faith, good morals, natural reason, certain experience, and fraternal charity.'¹

This discovery determined the course of the rest of Ockham's life. He abandoned his philosophical and theological speculations and devoted himself to anti-papal polemics in Munich under the protection of Ludwig until his death in 1347. The purpose of this book is to offer a

¹ *A Letter*, pp. 3–4; *Epistola*, p. 6: 'In quibus quamplura haereticalia, erronea, stulta, ridiculosa, fantastica, insana et diffamatoria, fidei orthodoxae, bonis moribus, rationi naturali, experientiae certae et caritati fraternae contraria pariter et adversa patenter inveni.'

historical account of Ockham's polemical writings. It is intended to decipher Ockham's motives and theoretical solutions to the ecclesiastical and political problems that he identified in contemporary Christendom.

Had Ockham not been in Avignon in 1328, perhaps we would never have known him as a political thinker and an ecclesiastical dissenter. Until 1324, Ockham was a leading scholar at Oxford in such fields as logic, metaphysics and natural philosophy. His anti-realism, which has conventionally been described as terminism or nominalism, made his logical, metaphysical and theological enquiries innovative and idiosyncratic. Before his visit to Avignon he had not, as far as we can determine, written anything of a political nature. According to the conventional account, however, his summoning to the papal court in 1324 changed the course of his life; the orthodoxy of his theological and philosophical writings was officially questioned. John Luttrell, a Thomist who had been Chancellor of the University of Oxford until 1322, accused Ockham of heresy; and this accusation brought him to the papal court. Luttrell produced and submitted to the papacy a list of fifty-six heterodox propositions, and subsequently Ockham was summoned to the papal court and subjected to a formal inquisition. But the enquiry into Ockham's doctrinal orthodoxy coincided with the period when John XXII was engaged in a furious battle of words with the Franciscan Order. Ockham eventually fled from Avignon with Michael of Cesena and others, including the Franciscan canonist Bonagratia of Bergamo; they went first to Pisa and then to the imperial court in Munich. Ockham was excommunicated in June 1328.²

This dramatic story, however, has been subject to revision in the past two decades and its truth remains largely uncertain. Recent biographical accounts question whether Ockham was actually 'summoned' to the papal court in 1324. He may have visited Avignon as a result of a

² For Ockham's biography, see especially Léon Baudry, *Guillaume d'Occam: sa vie, ses œuvres, ses idées sociales et politiques* (Paris, 1949); Jürgen Miethke, *Ockhams Weg zur Sozialphilosophie* (Berlin, 1969); and Gedeon Gál, 'William of Ockham died "impenitent" in April 1347', *Franciscan Studies* 42 (1982), pp. 90–5. See also C. K. Brampton, 'Ockham, Bonagratia and the Emperor Lewis IV', *Medium Aevum* 31 (1962), pp. 81–7; Brampton, 'Personalities at the Process against Ockham at Avignon, 1324–26', *Franciscan Studies* 24 (1966), pp. 4–25; Brampton, 'Traditions Relating to the Death of William of Ockham', *Archivum Franciscanum Historicum* 53 (1960), pp. 442–9; C. J. Chambers, 'William Ockham, Theologian: Convicted for Lack of Evidence', *Journal of the History of Philosophy* 7 (1969), pp. 381–9; G. J. Etzkorn, 'Ockham at a Provincial Chapter: 1323. A Prelude to Avignon', *Archivum Franciscanum Historicum* 83 (1990), pp. 557–67; R. Höhn, 'Wilhelm von William of Ockham', *Franziskanische Studien* 32 (1950), pp. 142–55; Francis E. Kelley, 'Ockham: Avignon, Before and After', in Anne Hudson and Michael Wilks, eds., *From Ockham to Wyclif*, Studies in Church History: Subsidia 5 (Oxford, 1987), pp. 1–18; George Knysh, *Ockham Perspectives* (Winnipeg, 1994); A. Pelzer, 'Les 51 articles de Guillaume d'Occam censurés, en Avignon, en 1326', *Revue d'Histoire Ecclésiastique* 18 (1922), pp. 240–70.

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commission from his order to teach there, and it has been argued that he was not 'summoned' to the court until 1326.³ According to another account, he knew that an enquiry awaited him at the papal court, but visited Avignon voluntarily in 1324 since he was optimistic about its outcome.⁴ Thus, the reason why Ockham left England for Avignon is a contentious issue. But how and why he was subjected to a formal inquisition also remains puzzling. We know that John Luttrell orchestrated it; however, we are uncertain whether Ockham was the only person to be implicated. Further, Luttrell's motives for accusing Ockham of heresy are unclear. According to the traditional account, Luttrell questioned Ockham's doctrinal orthodoxy while he was still Chancellor of the University of Oxford; this resulted in Luttrell's defeat and resignation from the Chancellorship. The resentful Luttrell appealed to the papal court for a ruling in the dispute; subsequently, Ockham was summoned.⁵ This understanding has been challenged by another view: that Luttrell's departure from Oxford had nothing to do with Ockham. According to this, Luttrell became interested in and suspicious of Ockham's speculative writings in order to win John XXII's favour. An undated letter from Stephen of Kettleburg advises Luttrell to visit Avignon and produce two theological treatises, since the pope desires able theologians to be based at the papal court.⁶ Hence, there was no doctrinal dispute between Ockham and Luttrell while the latter was still Chancellor of the University of Oxford. In short, Ockham's Avignon period remains unclear. However, one thing is certain: Ockham departed from Avignon with his Franciscan colleagues in May 1328 and withdrew obedience from the allegedly heretical pope.

Ockham's flight to Munich, however, meant that he became embroiled in yet another conflict of a political nature. Munich was a stronghold of Ludwig of Bavaria, who was engaged in a dispute with John XXII over the imperial election. At the turn of the thirteenth and fourteenth centuries, the imperial throne was held by two houses: Hapsburg and Luxemburg. In 1273, Rudolph of Hapsburg was elected, and he was succeeded by his son Albert I. In 1308 the imperial throne passed to Henry VII of the house of Luxemburg. But in the election of 1314, the majority of electoral princes voted for Ludwig of Bavaria, who

³ George Knysh, 'Biographical Rectifications Concerning Ockham's Avignon Period,' *Franciscan Studies* 46 (1986), pp. 61–91.

⁴ Volker Leppin, *Wilhelm von Ockham: Gelehrter, Streiter, Bettelmönch* (Darmstadt, 2003), p. 122.

⁵ F. Hoffmann, *Die erste Kritik des Ockhamismus durch den Oxforder Kanzler Johannes Luttrell* (Breslau, 1941), pp. 1–8. See also R. Guelluy, *Philosophie et théologie chez Guillaume d'Ockham* (Louvain and Paris, 1947) and Miethke, *Ockhams Weg zur Sozialphilosophie*, pp. 46–74.

⁶ Kelly, 'Ockham: Avignon, Before and After'.

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was head of the house of Wittelsbach. Two of the electors preferred a Hapsburg candidate, and civil war broke out between the imperial claimants.

In 1317, Pope John XXII declared that the imperial throne was vacant. Meanwhile, Ludwig defeated his rival at the battle of Mühldorf and invaded Italy. Pope John excommunicated Ludwig in 1324. In 1328 Ludwig occupied Rome and had himself acclaimed emperor by the Roman people. Furthermore, the imperial camp made an official declaration that the imperial authority was derived directly from God, not from the pope. Ever since the coronation of Charlemagne in 800, the emperorship had been seen as a gift of the papacy. Now it was declared that no papal approval was necessary in the process of electing the emperor. Imperial propagandists rejected the view that the papacy was the source of legitimate imperial authority.⁷

Thus the dissident Franciscans' withdrawal from papal obedience coincided with the height of the dispute between the papacy and the Holy Roman Empire. The circumstances in which Ockham began his polemical career are complex: the dispute between the papacy and the Franciscans, the conflict between Pope John XXII and Ludwig of Bavaria, and Ockham's own subjection to a formal inquisition all converged on the refuge of the so-called 'Michaelist' Franciscans in Munich. Mapping Ockham's polemical activities in this political and ecclesiastical matrix is a challenge that confronts every student of his political thought.

During his sojourn in Munich, Ockham's literary output was not only massive but also covered a wide range of concerns. Indeed, Ockham's interests changed over time and none of his anti-papal writings summarised the whole range of issues that he discussed. Ockham's polemical career began with the so-called poverty controversy. Perhaps after collaborating on a series of appeals against John XXII, Ockham produced *Opus nonaginta dierum* (*The Work of Ninety Days*),⁸ probably in three months sometime in the period 1332–4. This extensive rejoinder to John XXII's bull *Quia vir reprobis* was Ockham's first independent contribution to the Franciscan poverty controversy. The Letter to the General Chapter of the Franciscan Order at Assisi, which was cited at the beginning of the present chapter, was an *apologia* for his anti-papal polemics, written in spring 1334.⁹ Probably in the same year, he began

⁷ See, for instance, H. S. Offler, 'Empire and Papacy: the Last Struggle', *Transactions of the Royal Historical Society*, series v, 6 (1956), pp. 21–47; G. Mollat, *The Popes at Avignon*, trans. Janet Love (New York, 1963) and F. R. H. du Boulay, *Germany in the Later Middle Ages* (London, 1983).

⁸ *Opus nonaginta dierum* (OP 1, pp. 292–368; OP 2, pp. 307–509).

⁹ *Epistola ad fratres minores* (OP 3, pp. 6–17).

the gigantic Part I of *Dialogus* (*The Dialogue*).¹⁰ This book is a systematic and comprehensive account of the idea of heresy and heretics, with an extensive discussion of papal heresy. Already at this stage, Ockham had shifted his focus from Franciscan poverty to more generic questions on heresy. In 1335–6, he wrote a shorter treatise known as *Tractatus contra Ioannem* (*A Treatise Against John*),¹¹ which demonstrated that Pope John XXII was a heretic. In early 1337, he wrote *Compendium errorum Ioannis Papae XXII* (*A Summary of Pope John XXII's Errors*),¹² which enumerated doctrinal errors in the papal bulls. In late 1337, Ockham produced another short treatise, *Tractatus contra Benedictum* (*A Treatise against Benedict*),¹³ which attacked the heresy of the new pope, Benedict XII. In this work, however, Ockham shifted his focus from Franciscan poverty to the nature of papal power.

The *Contra Benedictum* was a work of transition: Ockham not only attacked a particular pope but also discussed the nature of ecclesiastical and temporal government at a conceptual level. Thereafter, Ockham's interest shifted to the latter. The major contribution at this stage was Part III of the *Dialogus*. Tract I tackled various issues concerning papal government; the unfinished Tract II conceptualised imperial government. Ockham also produced a number of shorter works. *Octo quaestiones de potestate pape* (*Eight Questions on the Power of the Pope*),¹⁴ written in 1340–1, was, despite its title, a systematic account of the nature of temporal government; *Breviloquium de principatu tyrannico* (*A Short Treatise on Tyrannical Government*),¹⁵ written in 1342, is a passionate attack on the papal misconception of the doctrine of *plenitudo potestatis* ('plenitude of power') and a defence of the independence of temporal rulership from the papacy. His 'swan song' was *De imperatorum et pontificum potestate* (*On the Power of Emperors and Popes*),¹⁶ which summarised his polemical contentions on a wide range of issue from Franciscan poverty to the relationship between papal and imperial government, without delving into more generic questions such as papal heresy and ideal constitutions.¹⁷

¹⁰ I–III *Dialogus* (*Monarchia Sancti Romani Imperii*, 2, ed. Melchior Goldast [Frankfurt, 1614; Graz, 1960], pp. 392–957; *William of Ockham, Dialogus: Latin Text and English Translation*, ed. and trans. John Kilcullen, George Knysh, Volker Leppin, John Scott and Jan Ballweg [in progress; available on internet: <http://britac3.britac.ac.uk/pubs/dialogus/ockdial.html>]).

¹¹ OP 3, pp. 29–156.

¹² OP 4, pp. 14–77.

¹³ OP 3, pp. 165–322.

¹⁴ OP 1, pp. 15–217.

¹⁵ OP 4, pp. 97–260; *Wilhelm von Ockham als politischer Denker und sein Breviloquium de principatu tyrannico*, intro. and ed. Richard Scholz (Stuttgart, 1944).

¹⁶ OP 4, pp. 279–355.

¹⁷ Ockham's other polemical works include *An princeps* (OP 1, pp. 228–67) and *Consultatio de causa matrimoniali* (OP 1, pp. 278–86). H. S. Offler is not entirely convinced that *Allegationes de potestate*

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These works did not attract equal attention among late medieval intellectuals. This is borne out in the manuscript tradition of the works. According to H. S. Offler, for six of Ockham's polemical works only a single manuscript is known; and three of these are incomplete. Only two of the polemical works seem to have been fairly widely circulated.¹⁸ For the *Octo quaestiones de potestate pape*, over a dozen manuscripts are extant.¹⁹ The *Dialogus* survives in some thirty manuscripts.²⁰ Clearly, the transmission of the majority of Ockham's political works was poor. Nonetheless, as far as the two more widely circulated works are concerned, we may discern their influence on following generations. Pierre d'Ailly drew heavily on III *Dialogus* II when he discussed infidel *dominium*, the Romans' right to elect popes and natural law.²¹ D'Ailly also composed an abridged version of the *Dialogus*.²² According to Brian Tierney, Book v of I *Dialogus* helped to shape conciliar ideas.²³ It has recently been discovered that Juan de Segovia also drew heavily on Ockham's discourse on heretical pertinacity.²⁴ Jacques Almain wrote a commentary on the *Octo quaestiones* in Paris circa 1512.²⁵ Although the reception of Ockham's polemical works by posterity has yet to be fully examined, it is sufficiently clear that he was considered by a number of leading intellectuals in the late Middle Ages as one of the most influential political thinkers to tackle such questions as papal heresy and the relationship between Church and State.

In modern scholarship on the history of European political thought, Ockham has long been considered, along with Dante, Marsilius and Wyclif, as one of the giants in the late Middle Ages, and his name has rarely failed to gain entry into textbooks on the history of political

imperiali (OP 4, pp. 367–444) and *De electione Caroli Quarti* (OP 4, pp. 464–86) were Ockham's works. See OP 4, p. x.

¹⁸ H. S. Offler, 'The "Influence" of Ockham's Political Thinking: The First Century', in W. Vossenkuhl and R. Schönberger, eds., *Die Gegenwart Ockhams* (Weinheim, 1990), pp. 338–65.

¹⁹ H. S. Offler, 'Introduction', OP 1, pp. 3–6.

²⁰ John Kilcullen and George Knysh, 'Witnesses to the Text: Sigla and Descriptions', <http://www.britac.ac.uk/pubs/dialogus/sigla.html>.

²¹ Francis Oakley, *The Political Thought of Pierre d'Ailly: The Voluntarist Tradition* (New Haven, Conn., and London, 1964), pp. 80, 141–6, 177–9, 200–9.

²² *Ibid.*, pp. 177–9.

²³ Brian Tierney, 'Ockham, the Conciliar Theory, and the Canonists', *Journal of the History of Ideas* 15 (1954), pp. 40–70.

²⁴ J. D. Mann, 'William of Ockham, Juan de Segovia, and Heretical Pertinacity', *Mediaeval Studies* 56 (1994), pp. 67–88.

²⁵ Jacques Almain, *Expositio circa decisiones questionum Mag. G. Ockham super potestate summi pontificis*, in Jean Gerson, *Opera omnia*, vol. 2 (The Hague, 1728), cols. 1070–2. See Offler, 'The "Influence" of Ockham's Political Thinking', p. 349.

thought.²⁶ However, there is no such thing as the 'standard' view of Ockham as a political thinker. General surveys of the history of medieval political thought have mirrored the changes and divisions in modern scholarship on Ockham's political thought. In the 1930s Charles Howard McIlwain's *The Growth of Political Thought in the West from the Greeks to the End of the Middle Ages* portrayed Ockham as a radical critic of the papacy, more radical than Marsilius.²⁷ R. W. Carlyle and A. J. Carlyle's *A History of Mediaeval Political Theory in the West*, by contrast, described Ockham as a defender of secular power, just like Marsilius.²⁸ The contrasting views of McIlwain and of the Carlyle brothers were determined largely by the particular works of Ockham they read; neither of them examined all Ockham's works. McIlwain relied solely on the *De imperatorum et pontificum potestate* because he considered that it 'gives in small compass the conclusions defended at such portentous length in his longer works, the *Dialogus* especially'.²⁹ The Carlyles, on the other hand, represented Ockham's view by using the *Octo quaestiones de potestate papae*. Clearly, these presentations of Ockham as a political thinker were no more than partial sketches and no comprehensive monograph on his political thought had yet appeared.

Examining all of Ockham's polemical works is daunting enough; exploring their relationship to his speculative writings is still more difficult. After the Second World War historians were divided over the issue of the relationship between Ockham's philosophical and theological thought and his political thought. Walter Ullmann avoided discussing Ockham in his *A History of Political Thought: The Middle Ages* on the grounds that one must be familiar with Ockham's nominalism and his theology in order to appreciate his political thought.³⁰

Since the publication of a few substantial monographs in the 1960s and 1970s, the interpretation of Ockham in the textbooks has undergone a transformation. Nonetheless, Ockham as a political thinker remains elusive. Antony Black's *Political Thought in Europe, 1250–1450* (1992) describes Ockham as an upholder of the dualism of spiritual and temporal government,³¹ but suggests that his dualism may allow for mutual

²⁶ For example, see George H. Sabine, *A History of Political Theory*, 3rd edn (London, 1951), pp. 250–70; M. Judd Harmon, *Political Thought from Plato to the Present* (New York, 1964), pp. 144–7; Jean Touchard, *Histoire des idées politiques*, 2 vols. (Paris, 1959), 1, pp. 200–7.

²⁷ Charles Howard McIlwain, *The Growth of Political Thought in the West from the Greeks to the End of the Middle Ages* (New York, 1932), pp. 293–6.

²⁸ R. W. Carlyle and A. J. Carlyle, *A History of Mediaeval Political Theory in the West*, 6 vols. (Edinburgh and London, 1903–36; last reprint, 1970), 6, pp. 44–51.

²⁹ McIlwain, *The Growth of Political Thought*, p. 294.

³⁰ Walter Ullmann, *A History of Political Thought: The Middle Ages* (London, 1965), p. 9.

³¹ Antony Black, *Political Thought in Europe, 1250–1450* (Cambridge, 1992), p. 74.

intervention by the two spheres in exceptional circumstances, such as when the pope, a general council or other ecclesiastical authority errs, or when kings or princes fail to execute justice. Black asks: how is it decided when such a breakdown of ecclesiastical or secular rulership occurs? And who is to take the extraordinary course of action required when such a breakdown occurs? Black observes that, for Ockham, 'right and wrong will be obvious to any sincere, well-intentioned person', and comments that 'Ockham threw the whole liability for judgement and political decision-making back on to the individual conscience.'³² Black's Ockham is thus 'an anti-political thinker, an anarchist individualist, a meticulous deconstructor of church and polity'.³³

Joseph Canning's *A History of Medieval Political Thought, 300–1450* (1997) also describes Ockham as 'a non-political or even anti-political writer', but not for the same reasons as Black.³⁴ For Canning, Marsilius is 'a political theorist concerned with issues of peace and power', whereas Ockham is concerned far more with truth than human authority.³⁵ According to Canning, Ockham's polemics are primarily ecclesiological. Indeed he hardly mentions Ockham's contribution to secular political ideas, whilst he stresses Ockham's radical critique of the contemporary view of papal *plenitudo potestatis* and his rejection of conciliarism.

Black and Canning agree that Ockham was a non-political or even an anti-political thinker. This understanding is dismissed by Janet Coleman as anachronistic. Her recent work, *A History of Political Thought from the Middle Ages to the Renaissance*, portrays him primarily as a logician engaged in a logical search for Catholic truths.³⁶ She derives this interpretation by revisiting the issue of the relationship between Ockham's speculative thought and his political thought. Unlike some scholars of previous generations, however, Coleman does not look into Ockham's nominalist metaphysics or his theological doctrine of *potentia Dei absoluta*. Rather she identifies the epistemological foundations of his political thought in his speculative writings. Coleman shows in detail how Ockham's appeal to experience, natural reason and infallible scriptural tradition in his polemical works was anchored in his intuitive cognition theory. Consequently, Coleman's Ockham emerges as a 'rational voluntarist', who was 'not sceptical about human knowing but about our willing what we know'.³⁷ Individuals according to Ockham were

³² *Ibid.*, p. 75.

³³ *Ibid.*, p. 76.

³⁴ Joseph Canning, *A History of Medieval Political Thought, 300–1450* (London, 1997), p. 160.

³⁵ Canning, *A History of Medieval Political Thought*, p. 160.

³⁶ Janet Coleman, *A History of Political Thought from the Middle Ages to the Renaissance* (Oxford, 2000), p. 169.

³⁷ *Ibid.*, p. 190.

therefore 'social, rational voluntary moral agents'. This epistemological outlook, Coleman argues, explains Ockham's view that any authority that denied individual liberty would be illegitimate.³⁸

Black, Canning and Coleman no longer present Ockham as a sceptical critic of the papacy or a Marsilian defender of the empire. But at the turn of the twenty-first century Ockham still remains elusive. Black emphasises that Ockham's political thought was inherently destructive of the Church and secular polities. Canning, on the other hand, merely stresses the critical nature of Ockham's polemical discourse. Canning highlights Ockham's non-political motivations in his involvement in political debates. Unlike these two commentators, Coleman emphasises Ockham's methodological innovation in political theorising, and presents him rather as a philosophical defender of individual liberty.

Interestingly, both Black and Canning, like Walter Ullmann, note the difficulty of assessing Ockham as a political thinker. Black writes that Ockham is 'probably the most difficult medieval theorist'.³⁹ Similarly, for Canning, 'it is particularly difficult to assess Ockham's political ideas'.⁴⁰ Both commentators attribute that difficulty to Ockham's writing techniques. His works may be categorised into two kinds: personal and impersonal works. 'Personal' works are relatively short, with a narrowly defined subject-matter. They may be regarded as political pamphlets for the purposes of propaganda or agitation. In these works, Ockham's views are clearly and explicitly expressed and therefore readily identifiable, though they are not always thoroughly argued. Such works as *Contra Ioannem*, *Contra Benedictum*, *Breviloquium*, and *De imperatorum et pontificum potestate* belong to this category. The 'impersonal' works, on the other hand, are massive in volume and wide-ranging in scope. In these works, Ockham deliberately refrains from expressing his own position because he aims more at promoting discussion over the issues he is addressing than at persuading his audience. Hence he details several different arguments and counter-arguments on each question, without clarifying which view is his own. To be sure, in the light of the structure of the work, and the views he expressed in the 'personal' works, it is not always impossible to identify Ockham's own position. However, to read through such massive works as the *Dialogus* and *Opus nonaginta dierum* is taxing enough; it is still more so to decipher Ockham's own view amidst the morass of different views contained therein. These 'impersonal' works have puzzled students of Ockham's political thought. In the face of his encyclopaedic presentation of various views, E. F. Jacob was

³⁸ *Ibid.*, p. 192.

³⁹ Black, *Political Thought*, p. 71.

⁴⁰ Canning, *A History of Medieval Political Thought*, p. 159.

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stunned by Ockham's intellectual vigour.⁴¹ J. B. Morrall abandoned any attempt to determine Ockham's own position.⁴²

However, the assessment of Ockham's political thought is hindered not only by his stylistic approach in his 'impersonal' works. All of his political works are the product of his polemical activities. Ockham never wrote anything like a *summa* on ecclesiology or political theory. Instead he produced an array of works, long and short, whose focuses vary greatly. As we said earlier,⁴³ at the first stage of his polemical career Ockham was a contributor to the dispute over apostolic poverty between Pope John XXII and the Franciscans. Then he shifted his interests to ideas of heresy and heretics, with special reference to papal heresy. Later still, he explored the principles of government in both the spiritual and the temporal sphere. Why did he change his interest so often? Is there any overarching theme that runs through all his political works? These problems make the appraisal of Ockham's political thought even more difficult and complex.

THREE CLASSIC INTERPRETATIONS

From the 1940s to the 1960s, research into Ockham's political thought produced three broad interpretations: Ockham as an innovative destroyer of the Church and defender of the Empire; Ockham as a traditional, constitutional liberal; and Ockham as a non-political theologian. These three visions resulted from different reactions to the single question whether there is a link between Ockham's theology and/or philosophy and his political thought. The reduction of Ockham's political thought to his nominalist philosophy produced the image of an innovative destroyer of the Church. Conversely, reduction of Ockham's political thought to his theology resulted in the figure of a non-political theologian. The rejection of any attempt to reduce Ockham's political thought to either a philosophical or a theological paradigm generated the vision of Ockham as a traditional constitutional liberal.

Georges de Lagarde's monumental study, *La Naissance de l'esprit laïque au déclin du Moyen Age*, focused scholarly attention on the relationship between Ockham's innovative philosophy, which arguably undermined the foundations of scholastic philosophy, and the dissolution of the

⁴¹ E. F. Jacob, 'Ockham as a Political Thinker', in Jacob, *Essays in the Conciliar Epoch*, 2nd edn (Manchester, 1953), pp. 85–105, at p. 105.

⁴² J. B. Morrall, 'Some Notes on a Recent Interpretation of William of Ockham's Political Philosophy', *Franciscan Studies* 9 (1949), pp. 335–69, at p. 351.

⁴³ See above pp. 4–5.

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ecclesiastical order in the later Middle Ages. Lagarde considered that Ockhamist nominalism was the intellectual prerequisite for the collapse of the late medieval Church. Thus, in Lagarde's panoramic view of the intellectual transformations in late medieval Europe and the corresponding changes in the sphere of law and order in the thirteenth and fourteenth centuries, Ockham emerges as a destroyer of the medieval Church and a forerunner of the Reformation.⁴⁴

During more than three decades of research, however, Lagarde's interpretation underwent some modifications due to a number of critical reactions. Nonetheless, his fundamental perspective remained unchanged. The new editions of *La Naissance* which appeared between 1956 and 1970 argued that in Ockham's speculative and polemical writings, there was 'a profound internal unity'. This assumption was grounded in the unity of Ockham's personality as a cool logician and haughty university teacher of theology.⁴⁵ Based on this assumption, the first edition of Lagarde's study illuminated how Ockham applied his moral philosophy to his legal theory.

In the first edition, Lagarde considered Ockham's moral philosophy to be contradictory. On the one hand, the Good is an irrational postulate posited by the arbitrary will of God; on the other, human reason is the adequate and infallible expression of the Good.⁴⁶ This may be described, in Lagarde's words, as 'the coexistence . . . of a fanatical feeling for divine omnipotence and a limitless respect for free will and human reason',⁴⁷ or put more simply, a curious coexistence of voluntarism and rationalism. Ockham's ethics thus presuppose the possible existence of a morally indifferent domain in rational actions.⁴⁸ In order to establish this morally indifferent field, Ockham assumes that human law is independent

⁴⁴ Georges de Lagarde, *La Naissance de l'esprit laïque au déclin du Moyen Age*, 6 vols. (Paris, 1932–46). Also the new edition in 5 vols. (Louvain and Paris, 1956–70). Lagarde's works on Ockham include 'L'idée de représentation dans les œuvres de Guillaume d'Ockham', *Bulletin of the International Committee for Historical Sciences* 9 (1937), pp. 425–51; 'Marsile de Padoue et Guillaume d'Ockham', *Revue des Sciences Religieuses* 17 (1937), pp. 168–85, 428–54; 'Un exemple de logique ockhamiste', *Revue du Moyen Age Latin* 1 (1945), pp. 237–58; 'Ockham et le concile général', *Album Helen Maud Cam*, 2 vols. (Louvain and Paris: Publications universitaires de Louvain, 1960–1), 1, pp. 83–94; 'Marsile de Padoue et Guillaume d'Ockham', in G. Vedel, ed., *Etudes d'histoire du droit canonique dédiées à Gabriel Le Bras*, 2 vols. (Paris, 1965), 1, pp. 593–605.

⁴⁵ Lagarde, *La Naissance*, 1st edn, 5, pp. 10–22. Cf. new edn, 4, pp. 15–20.

⁴⁶ *Ibid.*, 1st edn, 6, p. 91.

⁴⁷ Lagarde, *La Naissance*, 1st edn, 6, p. 91: 'la coexistence . . . d'un sentiment exalté de la toute puissance divine et d'un respect sans mesure pour le libre arbitre et la raison humaine'.

⁴⁸ *Ibid.*, pp. 117–18: 'La seule chose qui compte est le fait qu'en les accomplissant l'homme a eu l'intention d'obéir ou de désobéir à un précepte . . . Seule l'intention de la volonté appartient à l'ordre moral . . . Tous les actes extérieurs sont donc moralement indifférents.'

of divine and natural law.⁴⁹ Consequently, Lagarde discerned an emphasis on the freedom of the human will⁵⁰ – the birth of ‘l’esprit laïque’.

Such abstraction of Ockham’s legal theory, however, has perplexed students of his political thought; was Ockham so ‘systematic’? The subtle equilibrium between voluntarism and rationalism described by Lagarde is an interpretation detached from the political and intellectual context. Lagarde’s concentration on the relationship between the political and social structure of fourteenth-century European society and Ockham’s legal thought prevented him from illuminating the circumstantial character of Ockham’s political works. For example, Lagarde’s presentation of Ockham’s philosophy of law is heavily reliant on the *Opus nonaginta dierum*, the work written in response to the dispute between the Avignon papacy and the Franciscan Order. Lagarde shows little awareness of the context in which the work was produced. Instead he treats it as if it were a systematic exposition of legal philosophy.

Later, Lagarde revised his approach. He argued that the most appropriate approach is to read Ockham’s political writings thematically and discover logical links between two domains of his thought: the philosophical and the political.⁵¹ Lagarde still insisted that it would be an abuse of words to suggest that Ockham’s claims were ‘conservative’,⁵² while he conceded that it was difficult to present Ockham’s thought as a unity.⁵³

In the new edition of *La Naissance*, Ockham wears two faces: a defender of the empire and a critic of the ecclesiastical structure. Lagarde stresses that for Ockham the empire was a universal order, a Christian order, a prolongation of the Roman Empire and indissolubly united with the German kingdom; but the empire was not an organ of the Church. ‘The empire is not dependent upon papal power. All the works of Ockham proclaim this. They were written for no other purpose.’⁵⁴ Lagarde’s Ockham is primarily and essentially a defender of the independence of the empire.

⁴⁹ *Ibid.*, p. 122.

⁵⁰ *Ibid.*, p. 156: ‘Nous fermons ainsi le cercle et nous trouvons de plain pied avec les conclusions de l’épistémologie ockhamiste. Le même Ockham, qui se montrait si soucieux de délimiter avec rigueur le domaine des vérités nécessaires et laisser en dehors de la science tout le champ du probable ou du conditionnel, se devait de tracer en morale la même ligne de démarcation, et de séparer par un seuil rationnel très net le domaine des impératifs moraux absolus à caractère strictement naturel, et celui des préceptes conditionnels qui sont fonction des imprévisibles variations des contingences humaines, et subordonnés pour une grande part au jeu du libre arbitre.’

⁵¹ Lagarde, *La Naissance*, new edn, 4, ch. 4.

⁵² *Ibid.*, pp. 273–4.

⁵³ *Ibid.*, p. 267.

⁵⁴ *Ibid.*, p. 132: ‘L’empire n’est pas une dépendance du pouvoir pontifical. Toutes les œuvres d’Ockham le clament. Elles n’ont été écrites que pour cela.’

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However, Lagarde also noted what he considered shortcomings in Ockham's defence of the empire. For instance, although Ockham thoroughly refuted the papal doctrine of *plenitudo potestatis*, his exposition of the positive and rational principles of the legitimacy of secular power was inadequate. Ockham did not develop such ideas as the common good and the social contract as foundations of the legitimacy of secular authority.⁵⁵ Lagarde also shed light on the verbal confusion in Ockham's theories of property and authority.⁵⁶ These 'deficiencies' in Ockham's secular political thought appeared to Lagarde to result in 'a curious alliance of positivism and theologism'.⁵⁷ Ockham's failure to base his secular political thought on any philosophical premise or legal principle led him to imperious appeals to the Bible.⁵⁸

Turning to Ockham as a critic of ecclesiastical structures, Lagarde highlighted Ockham's discourse on the doctrinal *magisterium*, and emphasised the anarchic character of his ecclesiology. Lagarde asserts that for Ockham, the sources of true faith were the Bible, reason and the unanimous decisions of the universal Church. However, the pope was also powerful and his faith should be watched over with caution; therefore, Lagarde wrote,⁵⁹ to investigate the pope's faith was a duty that fell upon Catholics in Ockham's ecclesiology. Catholics themselves are responsible for the maintenance of the 'promulgated truth': 'We therefore have a certain judgement on matters which are necessary for salvation only when *Scripture is clear, reason is compelling or the witness of the universal Church is obvious*.'⁶⁰ Lagarde thus concludes that Ockham's ecclesiology was anarchic and destructive:

starting with the idea, if not generally at least commonly admitted in the period, of the possible heresy of the pope, Ockham proposed a rational justification developed to the most minute consequences, and which resulted in ruining not only the principle of the infallibility of the Church but the existence (or even the desirability) of a doctrinal authority in the Church . . . In the name of the faith, he justified an anarchic and disorderly activism of the whole ecclesiastical body, and the logic of the system prevented any institution from being able to control it effectively. If Ockham ever introduced a reformist ferment in the

⁵⁵ *Ibid.*, pp. 225–32.

⁵⁶ *Ibid.*, pp. 195–204.

⁵⁷ *Ibid.*, p. 260: 'Ces explications données par Ockham au sujet des droits des puissances constituant l'ordre établi de son temps confirment et éclairent les principes de ce que nous osons à peine appeler la philosophie politique d'Ockham. Elles font apparaître plus clairement que jamais une curieuse alliance de positivisme et de théologisme.'

⁵⁸ *Ibid.*, p. 261.

⁵⁹ Lagarde, *La Naissance*, new edn, 5, p. 157.

⁶⁰ *Ibid.*, pp. 162–3: 'Nous ne possédons donc un jugement certain des choses nécessaires au salut que dans les cas où l'*Ecriture est évidente, la raison contraignante, ou le témoignage de l'Eglise universelle patent*.'

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Church, it is certainly by this theory of doctrinal *magisterium* which, while claiming to save the principle of all the traditional institutions, irreparably undermined their basis.⁶¹

Lagarde's final view of Ockham is no longer systematic or coherent; it is rather ambivalent. For Lagarde, Ockham's political theory was oriented towards the meltdown of ecclesiastical and secular polities. To Ockham, there was no distinction between Church and State; the only political and social reality was '*the community of the faithful, which is spiritually and legally organised*' to safeguard the temporal common good and defend the Christian faith'.⁶² Lagarde clearly proposed that in Ockham's conception of the political and social community, the existing order of Church and State was dissolved and left without any positive principles for re-structuring.

Lagarde's interpretation found adherents.⁶³ Among them, Michael J. Wilks devoted large parts of his work on the political thought of Augustinus Triumphus to Ockham, especially his discourse on the political community.⁶⁴ His approach to Ockham was, like that of Lagarde, to stress the philosophical – more specifically, nominalist – foundations of his political thought:

Although the old view of William of Ockham as the 'great destroyer' has in recent years come under heavy attack, and his political theory proves upon examination to be disappointingly conservative, the importance of Ockham's part in the breakdown of the hierocratic system need not be underrated.⁶⁵

According to Wilks,

For Ockham the cardinal principle of life is the belief that everything which exists is a single thing . . . This reduction of all existence to individual existence

⁶¹ *Ibid.*, p. 164: 'partant de l'idée, sinon généralement, du moins couramment admise à l'époque, de l'hérésie possible du pape, Ockham en a proposé une justification rationnelle, développée jusqu'à ses plus infimes conséquences, et qui conduit à ruiner, non seulement le principe de l'infaillibilité de l'Eglise, mais l'existence (voire l'opportunité) d'une autorité doctrinale dans l'Eglise . . . Au nom de la foi, on a justifié un activisme anarchique et désordonné de tout le corps ecclésial, et la logique du système interdit qu'une institution quelconque puisse la contrôler efficacement. Si jamais Ockham a jeté un ferment réformiste dans l'Eglise, c'est bien par cette théorie du magistère doctrinal qui, en prétendant sauvegarder le principe de toutes les institutions traditionnelles, en sape irrémédiablement la base.'

⁶² *Ibid.*, p. 264: '*la communauté des fidèles spirituellement et civilement organisée pour la sauvegarde du bien commun temporel et la défense de la foi chrétienne*'.

⁶³ For instance, Maurice P. de Gandillac, 'Ockham et la "via moderna"', in A. Fliche, V. Martin and E. Jarry, eds., *Histoire de l'Eglise depuis les origines jusqu'à nos jours 13: Le mouvement doctrinal du XIe au XIVe siècle* (Paris, 1951), pp. 417–73.

⁶⁴ M. J. Wilks, *The Problem of Sovereignty in the Later Middle Ages* (Cambridge, 1963). Also Wilks, 'Royal Patronage and Anti-Papalism from Ockham to Wyclif' in Anne Hudson and Michael Wilks, eds., *From Ockham to Wyclif*, Studies in Church History, Subsidia 5 (Oxford: Blackwell, 1987), pp. 135–63.

⁶⁵ Wilks, *The Problem of Sovereignty*, p. 88.

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is the essence of nominalism, and it was this emphasis upon the individual in Ockham's thought which completely reversed the traditional hierocratic view of the relationship existing between the whole and its parts, between the community and its members, as well as transforming the idea of society itself.⁶⁶

Thus, it is individuals alone, Wilks argues, who are the judges of truth in the light of their present experience; in other words, 'every man must be his own priest and his own church: he may be right when everyone else is wrong'.⁶⁷ The logical consequence of this is the denial of all authority: 'The whole structure of society disintegrates.'⁶⁸ Therefore, Wilks concludes: 'At bottom Ockham was an anarchist.'⁶⁹

The interpretation of Ockham as a destructive critic of the Church attracted various criticisms. The first reaction came from Philotheus Boehner.⁷⁰ According to Boehner, Ockham's fundamental problem was not the defence of imperial power but 'the actual limits of papal power'.⁷¹ Two contemporary problems, the struggle between the emperor and the pope and the conflict between the Franciscan Order and the papacy, were fundamentally one and the same in the eyes of Ockham: 'both were one in their opposition to an unjust claim of the supreme ecclesiastical power, which was prejudicial to lawful right. Thus, the essential problem of the entire struggles became the question of the limits of papal authority.'⁷²

Boehner also dissents from Lagarde's approach: 'to base Ockham's political ideas on, or to develop them from, his so-called Metaphysics . . . appears to us more as an adventure and certainly as a construction of the writer'.⁷³ Boehner's approach, which is diametrically opposed to Lagarde's, brings to light an entirely new vision of Ockham as a political thinker: 'Ockham's political ideas in their great outlines could have been developed . . . from any of the classical metaphysics of the thirteenth century; . . . they coincide with a sound Catholic political theory.'⁷⁴ The whole of Boehner's article is devoted to demonstrating this proposition. Boehner, contrary to Lagarde, attempts to rescue Ockham from the notoriety of heresy and restore him as an orthodox Roman Catholic. Boehner concludes his article with the assertion that 'the *Venerabilis Inceptor* . . . remained moderate in his theory'.⁷⁵

⁶⁶ *Ibid.*, p. 93.

⁶⁷ *Ibid.*, p. 519.

⁶⁸ *Ibid.*

⁶⁹ Wilks, *The Problem of Sovereignty*, p. 109.

⁷⁰ Philotheus Boehner, 'Ockham's Political Ideas', *Review of Politics* 5 (1943), pp. 462-87. Boehner's contribution to Ockham scholarship is enormous. His major works on Ockham are collected in E. M. Buytaert, ed., *Collected Articles on Ockham* (St. Bonaventure, N.Y., Louvain and Paderborn, 1958).

⁷¹ Boehner, 'Ockham's Political Ideas', p. 464.

⁷² *Ibid.*, p. 464.

⁷³ *Ibid.*, p. 465.

⁷⁴ *Ibid.*, p. 466.

⁷⁵ *Ibid.*, p. 487.

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Boehner's thematic exposition, however, shares a similar problem with Lagarde's early view: it entirely overlooks the context in which Ockham actually wrote his political works. Boehner's presentation is no more than, as A. S. McGrade rightly put it, a set of 'notions'.⁷⁶

Like Boehner, J. B. Morrall rejected the view that Ockham's political thought and his nominalist philosophy formed a unity: 'Can so complex a system of thought as that of the English Franciscan be patient of quite so clear an explanation, however competent? How far are we justified in believing that M. de Lagarde's synthesis was Ockham's own?'⁷⁷ Instead, Morrall stresses that Ockham's political works were 'theological through and through'. He argues that 'Ockham approaches politics by way of ecclesiology; revelation, not reason, has the last word in this sphere'.⁷⁸ However, Ockham's theologism resulted in political conservatism because he merely attempted to transmit what he regarded as traditional Catholic doctrine to the Church of his day.⁷⁹ For Morrall, Ockham was no more than an 'interpreter and defender of the achievements of the past'.⁸⁰

For E. F. Jacob, the fundamental problem in Ockham's political thought was papal heresy. Because he was first involved in the poverty controversy, the question of 'the relation of the Pope to the law of the church'⁸¹ emerged as the key theme, especially in the *Dialogus*. In other words, Jacob, like Boehner, maintains that Ockham's overriding concern in his polemical activities was to control papal power. Jacob considers that the substance of Ockham's political discourse was not novel: 'He represents, in fact, a sort of half-way house between conservatism and radical reform.'⁸² 'Ockham does not proceed by dogmatic definition as Marsilius did . . . nor by mystical analogies, like the theorists of the Investiture Controversy, but by an exhaustive balancing and comparison of rival positions.'⁸³ Like Boehner, Jacob makes no attempt to elucidate the philosophical foundations of Ockham's political thought, though he detects some similarity in method between Ockham's political and philosophical writings. Jacob, in conclusion, characterises Ockham as

⁷⁶ A. S. McGrade, *The Political Thought of William of Ockham. Personal and Institutional Principles* (Cambridge, 1974), p. 43.

⁷⁷ Morrall, 'Some Notes on a Recent Interpretation', p. 336. See also Morrall, 'William of Ockham as a Political Thinker', *Cambridge Journal* 5 (1951/52), pp. 742-51; 'Ockham and Ecclesiology', in J. A. Watt, J. B. Morrall and F. X. Martin, eds., *Medieval Studies presented to Aubrey Gwynn S.J.* (Dublin, 1961), pp. 481-91.

⁷⁸ Morrall, 'Some Notes on a Recent Interpretation', p. 338. ⁷⁹ *Ibid.*, p. 360.

⁸⁰ *Ibid.*, p. 369. ⁸¹ Jacob, 'Ockham as a Political Thinker', p. 93.

⁸² *Ibid.*, p. 89.

⁸³ *Ibid.*, pp. 88-9. Adalbert Hamman made a similar suggestion. See Hamman, *La Doctrine de l'église et de l'état chez Occam. Etude sur le 'Breviloquium'* (Paris, 1942); 'La doctrine de L'Eglise et de l'Etat d'après le *Breviloquium* d'Occam', *Franziskanische Studien* 32 (1950), pp. 135-41.

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‘a constitutional liberal, not an anti-papal zealot’.⁸⁴ Jacob’s interpretation is in essentials the same as Boehner’s.

C. C. Bayley also joined the camp of Boehner, Jacob and Morrall.⁸⁵ Bayley examined how Ockham used three key words – equity, utility and necessity – in his political writings. Bayley indicates that all these concepts originated in the traditions of medieval political theory: ‘equity’ was derived from Thomas Aquinas; ‘utility’ from Isidore or St Thomas; and ‘necessity’ from jurists like Baldus and Bartolus. Bayley endeavours to demonstrate that Ockham combined these ‘traditional’ political doctrines.

Bayley argues that Ockham exerted influence upon conciliar theorists. This suggests, as McGrade wrote,⁸⁶ that Bayley, like Boehner, finds some constitutionalist component in Ockham’s political thought. He also argues that the three key concepts of Ockham’s political philosophy form a prototype of *ragione di stato*. In Bayley’s view, each thread of Ockham’s political doctrine is traditional, but he intertwined them in a revolutionary manner. Bayley’s Ockham rehabilitated traditional political theories in an innovative manner.

‘Constitutionalism’ in Ockham’s political thought was explored by Brian Tierney. Tierney examines Ockham’s technique in handling the canonist sources which were quoted frequently in his political works, and illuminates the doctrines of ecclesiastical government that Ockham deduced from these sources.⁸⁷ This novel approach shows that Ockham’s doctrine of ecclesiastical government was by no means a ‘radical departure from the accepted canonical tradition’;⁸⁸ Tierney discerns similarity in arguments on ecclesiastical government between Ockham and canonists such as Huguccio and Johannes Teutonicus. But Tierney also illuminates differences between Ockham and the conciliarists: Ockham’s denial of the infallibility of any ecclesiastical office was the most radical, and thereby original, part of his ecclesiology, though this teaching was not at variance with the canonist tradition. Tierney’s conclusion is paradoxical: ‘Ockham was most influential [to the conciliarists] precisely when he was least original’,⁸⁹ for ‘Ockham’s more radical and anarchic ideas held no attraction for the great publicists in the age of the Schism – their task was to restore authority in the Church, not to hasten the process of disintegration.’⁹⁰

⁸⁴ Jacob, ‘Ockham as a Political Thinker’, p. 103.

⁸⁵ C. C. Bayley, ‘Pivotal Concepts in the Political Philosophy of William of Ockham’, *Journal of the History of Ideas* 10 (1949), pp. 199–218.

⁸⁶ McGrade, *The Political Thought*, p. 41.

⁸⁷ Tierney, ‘Ockham, the Conciliar Theory, and the Canonists’.

⁸⁸ *Ibid.*, p. 45.

⁸⁹ *Ibid.*, p. 70.

⁹⁰ *Ibid.*, p. 68.

Ockham and Political Discourse in the Late Middle Ages

Although those historians who emphasised the constitutionalist dimension in Ockham's political thought intended to criticise Lagarde's early view, they also had something in common with Lagarde: they, like him, concentrated on Ockham's legal theory. The only difference was that Boehner and others treated it on its own, whereas Lagarde attempted to deduce it from Ockham's moral philosophy. Perhaps the most striking example of this is a study by Y. D. (George) Knysh, who criticised Lagarde most severely in order to establish Ockham as a constitutionalist, but also endeavoured, like Lagarde, to reconstruct a systematic theory of law from Ockham's political thought.⁹¹

The third classic interpretation of Ockham differs from the other two on this point. It does not discern any legal character in Ockham's political thought. Rather it stresses its theological nature. Richard Scholz's interpretation serves as a case in point.⁹² Scholz believed that 1337 was the turning-point in Ockham's career as a political polemicist. The works written between the escape from Avignon and 1337 were, according to Scholz, essentially theological; on the other hand, after 1337, Ockham's political stance was more clearly expressed in his works. Scholz maintains that in the *Breviloquium de potestate tyrannico* Ockham summarised all his political opinions explicitly, 'without the mask of philosopher and theologian'. Thus, Ockham's polemical position moved closer to more political and more radical ideas. Nonetheless, Scholz argues that Ockham was still far from being a secularist like Marsilius. He denies that the defence of Ludwig of Bavaria was Ockham's primary intention, and that Ockham was influenced by Marsilius of Padua in his political arguments. Ockham was neither an anti-papal zealot nor a mere sceptic:

Ockham was a theologian and not a political man like Marsilius of Padua. Nothing is, therefore, more instructive than a comparison of the writings of these two men, who, as has recently been recognised, really fought each other on political questions. We are dealing with differing viewpoints that are deeply rooted in a difference of world-views: Marsilius' enlightened Aristotelianism, and Ockham's religious-ecclesiastical thought, critical radicalism and practical conservatism or faithful criticism – perhaps a typical English feature, which is reflected in Ockham's whole philosophical-theological system.⁹³

⁹¹ Y. D. Knysh, 'Political Authority as Property and Trusteeship in the Works of William of Ockham', PhD Thesis (University of London, 1968), which is now published under the title of *Political Ockhamism* (Winnipeg, 1996).

⁹² Scholz, *Wilhelm von Ockham als politischer Denker*, pp. 1–28.

⁹³ *Ibid.*, p. 18: 'Ockham war Theologe und nicht Politiker, wie etwa Marsilius von Padua. Nichts ist dafür lehrreicher als ein Vergleich der Schriften dieser beiden Männer, die sich ja auch wirklich, wie neuerdings erkannt wurde, gegenseitig in politischen Fragen bekämpft haben.'

Introduction

In opposition to Lagarde, Scholz argues that Ockham was not a precursor of Martin Luther in his religious mentality, though some seminal ideas of the Reformation might be attributable to his thought. In Ockham's concept of the ecclesiastical order, the historical form of the Church is not as important as the divine will in the *communio sanctorum*, and Ockham's initial intention was only to correct human mistakes in matters of faith in the existing Church, not to reform the structure of the Church.⁹⁴ Ockham as a philosopher and theologian was revolutionary, whereas Ockham as a political thinker was conservative:

In spite of all, Ockham is not an innovator. In no way does he, like Marsilius, wish to reverse the relationship between the spiritual and temporal power, between the Church and the State, or to elevate the empire over the papacy. His fundamental thought on the relationship of the two powers is wholly the conservative, traditional one of coexistence and concordance.⁹⁵

At this point, Scholz's view comes closer to the interpretations of Boehner and Jacob.

Scholz's emphasis on a theological paradigm was not without precedent. Alois Dempf, for example, endeavoured to show that Ockham's doctrine of *potentia Dei absoluta et ordinata* determined the paradigm of his political thought.⁹⁶ The keystone for understanding Ockham's political philosophy is, according to Dempf, the metamorphosis of the medieval concept of order, which is distinctively recognisable in his natural philosophy;⁹⁷ the natural order was contingent under the theological framework of *potentia Dei absoluta et ordinata*.⁹⁸ Dempf observes that in Ockham

Es handelt sich dabei um Verschiedenheiten der Gesichtspunkte, die tief begründet lagen in der Verschiedenheit der Weltanschauungen, dem aufgeklärten Aristotelismus des Marsilius und dem religiös-kirchlichen Denken, dem kritischen Radikalismus und praktischen Konservatismus oder gläubigen Kritizismus Ockhams, einer vielleicht typisch englischen Eigenschaft, die sich in dem ganzen philosophisch-theologischen System Ockhams widerspiegelt.'

⁹⁴ *Ibid.*, p. 23.

⁹⁵ *Ibid.*, p. 26: 'In alledem ist Ockham kein Neuerer. Er will ja keineswegs, wie Marsilius, das Verhältnis von geistlicher und weltlicher Gewalt, von Kirche und Staat umkehren und das Kaisertum über das Papsttum erhöhen. Sein Grundgedanke vom Verhältnis der beiden Mächte ist durchaus der konservative, traditionelle des Nebeneinanders, der Konkordanz.'

⁹⁶ Alois Dempf, *Sacrum imperium: Geschichts- und Staatsphilosophie des Mittelalters und der politischen Renaissance* (Munich and Berlin, 1929), p. 506: 'Ein Engländer schafft nach Duns Scotus die erste Metaphysik des Absolutismus, einen radikalen Positivismus des göttlichen Willens und einen radikalen Empirismus der Erkenntnistheorie, läßt aber daneben noch Raum für den Positivismus des freien Einzelwillens, der indeterminiert bleibt wie der Gotteswille.'

⁹⁷ For Dempf's further argument on Ockham's natural philosophy, see his *Die Naturphilosophie Ockhams als Vorbereitung des Kopernikanismus* (Munich, 1974).

⁹⁸ Dempf, *Sacrum imperium*, p. 507: 'Die Ordnung der Natur ist jederzeit hypothetisch. Sie läuft nur so lange nach ihrer Gesetzlichkeit, als es die *potestas ordinata* Gottes zuläßt.' Dempf seems to understand *potentia Dei absoluta* as the divine power of causing miracles; see p. 508: 'for that precise reason, for criticism this seems to be the only absolute truth. In it alone lies absolute

anti-rationalistic religion was juxtaposed with rational logic within the framework of *potentia Dei absoluta et ordinata*.⁹⁹ The idea of universal human nature is critically dissolved, and the ethical norm is wholly attributed to God's will by fideism. Thus, Dempf concludes that Ockham's theology, philosophy and ethics totally lacked a rational foundation. What are the repercussions of such an anti-rationalist philosophy on political thought?

For the nominalists, it is the exception that is more important. The universal monarchy represents *potentia Dei ordinata*; popular sovereignty, *potestas Dei absoluta*. Certainly the emperor is above the positive law, but not above *aequitas naturalis*, the natural law of the Ten Commandments and the commonweal.¹⁰⁰

Dempf goes further by arguing that, due to its lack of a rational foundation, Ockham's ecclesiology was deeply coloured by 'a positive biblicism . . . which is supplemented by the traditionalism of his concept of the Church'.¹⁰¹ Dempf concludes his chapter on Ockham with an assertion that his biblicism, his hatred of the contemporary papacy and his tenacity for ecclesiastical tradition prevented his political thought from providing a fruitful outcome to the conciliar movement.

Wilhelm Kölmel also considered that if any internal, if not systematic, unity of thought could be discerned in Ockham's speculative and political thought, that unity should be based upon a theological paradigm rather than a philosophical one. Contrary to Lagarde, Kölmel clearly denies the relation between political thought and nominalism.¹⁰² Kölmel considers that Ockham's career as a polemicist started with a theological

certainty, because in it God's *potestas absoluta* has revealed itself and proved itself through miracles. Its content is supernatural (gerade dadurch erscheint sie für den Kritizismus als die einzige absolute Wahrheit. In ihr gibt es allein absolute Sicherheit, weil in ihr die potestas absoluta Gottes sich geöffnet hat und sich bewiesen hat durch die Wundertaten. Ihr Inhalt ist supernatural).'

⁹⁹ *Ibid.*, p. 508: 'Kritizismus und Fideismus gehören hier notwendig zusammen und sind vereinigt durch den obersten Gedanken der potestas absoluta. Dazwischen hat keine rationale Ethik mehr Platz.'

¹⁰⁰ *Ibid.*, p. 522: 'Für den Nominalisten ist eben der Ausnahmefall das Wichtigere. Die Universalmonarchie entspricht der potestas ordinata dei, die Volkssouveränität aber seiner potestas absoluta. Wohl steht der Kaiser über dem positiven Gesetz, aber nicht über der aequitas naturalis, dem Naturgesetz der zehn Gebote und des Gemeinwohls.'

¹⁰¹ *Ibid.*, p. 516: 'ein positiver Biblizismus . . . der ergänzt wird durch einen Traditionalismus der Kirchenauffassung.'

¹⁰² Wilhelm Kölmel, *Wilhelm Ockham und seine kirchenpolitischen Schriften* (Essen, 1962), p. 232. Kölmel's works on Ockham include 'Das Naturrecht bei Wilhelm Ockham', *Franziskanische Studien* 35 (1953), pp. 39–85; 'Von Ockham zu Gabriel Biel. Zur Naturrechtslehre des 14. und 15. Jahrhunderts', *Franziskanische Studien* 37 (1955), pp. 218–59; 'Voluntarische Tendenzen im Rechtsdenken Wilhelm Ockhams und der "Via moderna"', *Österreichische Zeitschrift für öffentliches Recht* 25 (1974), pp. 217–46; 'Perfekter Prinzipat? Ockhams Fragen an die Macht', in Vossenkuhl and Schönberger, eds., *Die Gegenwart Ockhams*, pp. 288–304.

dispute over Franciscan poverty, and developed into a theological response to the question of the relationship between Christ and the world. In this shift of interest, Kölmel perceives a shift from Christology to ecclesiology, and his analysis concentrates on this. According to Kölmel, Ockham's Christology emphasises Christ's spiritual government and his character as 'the rulership of Love (*Liebesprinzipat*)'.¹⁰³ This vision of Christ was, in Ockham, tightly associated with radical withdrawal from the world by having no possessions.¹⁰⁴ Kölmel argues, however, that Ockham's attack on the doctrine of papal *plenitudo potestatis* from this viewpoint did not lead him to a deeper understanding of the Church. In his ecclesiology, Ockham's subjective concept of order is predominant, whilst his idea of Christ's spiritual government in the Church is unclear.¹⁰⁵ For Kölmel, Ockham's shift from Christology to ecclesiology was awkward and incoherent:

He [= Ockham] forgot how closely imperial dignity was interwoven with the spiritual unity of the Church. He overlooked the theological meaning of solipsistic-ecclesiastical theory. He only realised its concrete effect; he did not endeavour to understand the underlying truth of Christ's royal government over the redeemed cosmos.¹⁰⁶

Nevertheless, Kölmel notes that Ockham's conception of the social order did not imply any destructive intent; it was simply subjective and concrete. Hence, Kölmel's Ockham is more moderate than Lagarde's: 'Ockham is not a revolutionary of the same stamp as Jandun or Marsilius. He did not transform the structure of spiritual-temporal tension into the simplified secularism of the *Defensor pacis*.'¹⁰⁷

The three views that have been described are all revealing but not sufficient. Lagarde clearly showed the innovative character of Ockham's political ideas by presupposing an internal unity in all Ockham's thought, philosophical, theological and political. As a consequence of this, however, the outcome of his analysis was far more speculative and systematic than Ockham's own polemical writings actually were, and he neglected

¹⁰³ Kölmel, *Wilhelm Ockham*, p. 185.

¹⁰⁴ *Ibid.*

¹⁰⁵ Kölmel, *Wilhelm Ockham*, p. 227.

¹⁰⁶ *Ibid.*, p. 232: 'Ockham sah mit seinen Freunden im Approbationsanspruch nur die rein temporale Forderung. Er vergaß die enge Verflechtung der kaiserlichen Würde mit der spiritualen Einheit der Kirche. Er übersah die theologische Bedeutung der solipsistisch-ecclesiarchen Theorie. Er bemerkt nur ihre konkrete Auswirkung, bemüht sich jedoch nicht, die ihr zugrundeliegende Wahrheit von der Königsherrschaft Christi über den erlösten Kosmos zu begreifen.'

¹⁰⁷ *Ibid.*, p. 233: 'Ockham ist kein Revolutionär vom Schlage eines Jandun oder Marsilius. Er verwandelt nicht das spiritual-temporale Spannungsgefüge in den vereinfachten Säkularismus des *Defensor pacis*.'

the context in which they were written. The constitutionalist interpretation of Ockham, in contrast, restored his place in the medieval orthodoxies of political discourse. However, as A. S. McGrade would later comment, such an attempt made Ockham 'too tranquil'.¹⁰⁸ Ockham was an agitator who took part in contemporary political controversies. Separating his political thought from his speculative thought and reducing the former to traditional doctrines failed to capture Ockham's political thought in the context of his polemical activities. Alan Gewirth once wrote that Lagarde's destructive Ockham and Boehner's conservative Ockham are not mutually exclusive. Rather, they are two different aspects of the same thinker: the former is his theoretical side, the latter his practical side.¹⁰⁹ In these terms, the theological interpretation of Ockham seems somewhat synthetic: it highlights not only Ockham's revolutionary philosophy and theology but also his practical conservatism in political thought. However, this approach is also one-sided. For example, Ockham's use of Aristotelian or legal sources escapes scrutiny in Scholz's reduction of Ockham's political thought to his theological positivistic perspective. Dempf's reduction of his political thought to the framework of *potentia Dei absoluta et ordinata* is also problematic in that Ockham scarcely referred to the latter in his polemical writings.

CURRENT INTERPRETATIONS

From the 1970s onwards, studies of Ockham's political thought underwent considerable change. This was due mainly to three scholars: Jürgen Miethke, Brian Tierney and Arthur Stephen McGrade. In contrast to scholars of the previous generation, they were not obsessed by the alleged relationship between Ockham's speculative thought and his political thought. Rather, they attempted to treat the latter on its own, neither rejecting the links between the two domains of thought nor reducing his political ideas to his philosophical or theological paradigm.

However, their approaches vary greatly. Miethke endeavours to show how the Oxford philosopher and theologian was led to search for a social philosophy. Tierney tries to demonstrate how Ockham shaped his doctrine of 'anti-papal infallibility' in the earlier stages of his polemical career. McGrade attempts to illuminate the process whereby Ockham's 'personal' involvement in the anti-papal campaign eventually ended in the formulation of a theory of governing institutions, ecclesiastical and

¹⁰⁸ McGrade, *The Political Thought*, p. 41.

¹⁰⁹ Alan Gewirth, 'Philosophy and Political Thought in the Fourteenth Century', in F. E. Utey, ed., *The Forward Movement of the Fourteenth Century* (Columbus, Ohio, 1961), pp. 125–64.

secular. Clearly, these three scholars shed light upon three different aspects of Ockham's polemical activities. But although we can put their contributions together, no single coherent vision of Ockham as a polemicist emerges. To understand this requires further scrutiny of their scholarly contributions.

Since Jürgen Miethke was concerned with the change in Ockham's career before and after his summons to Avignon, he devoted much of his attention to Ockham's first polemical work, the *Opus nonaginta dierum*, and attempted to establish how Ockham's later ecclesiology stemmed from the ideas articulated in that work. Hence, Miethke's analysis of the *Opus nonaginta dierum* was intended to discover the seminal ideas of Ockham's later ecclesiology.

Miethke points out that the main issue in the controversy between John XXII and the so-called Michaelists shifted from administrative matters, such as the legal status of the Franciscan Order, to doctrinal concerns, such as the idea of Christian perfection. In the earliest stage of his polemical career, therefore, Ockham was engaged in a doctrinal, not a disciplinary or administrative, dispute over the Franciscan Order. Miethke's analysis of the *Opus nonaginta dierum* is essentially doctrinal; he emphasises the Franciscan character of the work in terms of doctrine.

According to Miethke, Ockham maintained that Christ and the Apostles did not own possessions either as individuals or as a group, and that the Franciscans abandoned the possession of property as a positive right.¹¹⁰ Ockham drew a sharp distinction between Christ and the Apostles, who were perfect in poverty, and the Church, the sum of the faithful, which owns property; and drawing on traditional canonist doctrine, he dissented from the view that unfettered possession of

¹¹⁰ Miethke, *Ockhams Weg*, pp. 446–91. Miethke's works on Ockham include *Ockhams Weg*; 'Zu Wilhelm von Ockhams Tod', *Archivum Franciscanum Historicum* 61 (1968), pp. 79–98; 'Repräsentation und Delegation in den politischen Schriften Wilhelm von Ockham', in A. Zimmermann, ed., *Der Begriff der Repraesentatio im Mittelalter. Stellvertretung, Symbol, Zeichen, Bild*, *Miscellanea Mediaevalia* 8 (Berlin and New York, 1971), pp. 163–85; 'Marsilius und Ockham. Publikum und Leser ihrer politischen Schriften im späteren Mittelalter', *Medioevo* 6 (1980), pp. 543–67; 'Zur Bedeutung der Ekklesiologie für die politische Theorie im späteren Mittelalter', in A. Zimmermann, ed., *Soziale Ordnungen im Selbstverständnis des Mittelalters*, *Miscellanea Mediaevalia* 12–2 (Berlin and New York, 1980), pp. 369–88; 'Ein neues Selbstzeugnis Ockhams zu seinem *Dialogus*', in Hudson and Wilks, eds., *From Ockham to Wyclif*, pp. 19–30; 'Zur Bedeutung von Ockhams politischer Philosophie für Zeitgenossen und Nachwelt', in Vossenkuhl and Schönberger, eds., *Die Gegenwart Ockhams*, pp. 305–24; 'Ockhams Theorie des politischer Handelns', in E. Mock and G. Wieland, eds., *Rechts- und Sozialphilosophie des Mittelalters* (Frankfurt, 1990), pp. 103–14; 'William of Ockham's Concept of Liberty', in *Théologie et droit dans la science politique de l'état moderne* (Rome: Table Ronde du CNRS, L'Ecole française de Rome, 1991), pp. 89–100; *De potestate papae: Die päpstliche Amtskompetenz im Widerstreit der politischen Theorie von Thomas von Aquin bis Wilhelm von Ockham* (Tübingen, 2000).

temporal goods was inherent in the ecclesiastical office. Yet Miethke considers that Ockham did not intend to criticise the material affluence of the Church; he only emphasised the human origin of the ecclesiastical institution. To Miethke, Ockham's primary concern was to revive the spiritual function of the Church, modelled on Christ's spiritual pastorate. The organisation was, therefore, of secondary importance.¹¹¹ This is the permeating theme of Ockham's later polemical works, which, according to Miethke, stemmed from Ockham's Franciscan rejection of positive rights to temporal goods. The outlook that determined Ockham's social philosophy was Franciscan: 'Ockham answers inadequate theology as a theologian and at the same time indicates how he defends his theological existence not only practically – as a Franciscan in the poverty controversy – but also theoretically.'¹¹² Miethke's Ockham as a social philosopher was essentially a Franciscan theologian.

Brian Tierney offers a different picture of Ockham's early polemics. Tierney's analysis of Ockham's doctrine of 'anti-papal infallibility' forms only a part (but a very important one) of his narrative of the history of ideas of papal infallibility and sovereignty from circa 1150 to 1350.¹¹³ Two dominant features in Tierney's exposition are the evolution of a canonist ecclesiology and the ecclesiological implications of the poverty controversy. In this context, Tierney endeavours to show that Ockham's ecclesiology is best understood as 'a novel synthesis' of the 'two major traditions of Catholic thought':

the classical canonist tradition which emphasized the indefectibility of the universal church while acknowledging that any individual Catholic, even the pope, could fall into heresy (a tradition continued by the episcopal theologians); and the Franciscan theological tradition which emphasized the infallibility of the Church, the progressive revelation of Christian truth through the course of the ages, and the necessary role of the pope as the authenticator of newly revealed truth.¹¹⁴

¹¹¹ Miethke, *Ockhams Weg*, p. 534.

¹¹² *Ibid.*, p. 499: 'Ockham antwortet als Theologe auf unangemessene Theologie und zeigt einmal andeutungsweise, wie er seine theologische Existenz nicht nur praktisch – als Franziskaner im Armutsstreit – sondern auch theoretisch verteidigt.'

¹¹³ Brian Tierney, *Origins of Papal Infallibility, 1150–1350* (Leiden, 1972; 2nd impression, 1988), pp. 205–37. Tierney's major works on Ockham include 'Ockham, the Conciliar Theory, and the Canonists'; 'Natural Law and Canon Law in Ockham's *Dialogus*', in J. G. Rowe, ed., *Aspects of Late Medieval Government and Society. Essays Presented to J. R. Lander* (Toronto, 1986), pp. 3–24; 'Villey, Ockham and the Origin of Individual Rights', in J. Witte and F. S. Alexander, eds., *The Weightier Matters of the Law. Essays on Law and Religion. A Tribute to Harold J. Berman* (Atlanta, Ga., 1988), pp. 1–31.

¹¹⁴ Tierney, *Origins*, p. 208.

Tierney considers that the Franciscan dimension of Ockham's ecclesiology has not been sufficiently appreciated by historians and consequently Ockham has been regarded as a tireless attacker of the doctrine of papal infallibility. However, Tierney asserts that 'The truth is just the opposite. We should say rather that, when Ockham insisted on the irreformability of a true pope's doctrinal decrees, he was implicitly affirming a new doctrine of papal infallibility.'¹¹⁵

Tierney explains that in Ockham's ecclesiology what a Roman pontiff has once defined in faith is immutable, so a successor cannot call it into question; it is the principal duty of a Catholic to analyse papal pronouncements and to judge, in the light of Scripture and the doctrine of the unerring Church, whether the irreformability of the doctrinal decrees of true popes is respected in later pronouncements. Tierney considers that Ockham 'was able to attack the contemporary papal publicists quite effectively on many detailed points of doctrine . . . but he did not succeed in building up a coherent counter-ecclesiology of his own'.¹¹⁶ He points out that Ockham's 'paradoxes always arise from [his] conviction that the true church had to be infallible while the existing, institutional church was in error'.¹¹⁷ In Tierney's view, Ockham was dealing with two questions. The first was a conventional question in medieval ecclesiology: was it possible for a given institution of Church government to err? The second was a question that modern theologians would raise: how can it be determined which particular pronouncements of the institutional Church are infallible? Ockham did not neglect the first question, but he also attempted to answer the second one. Tierney maintains that Ockham failed to answer the second question, because his identification of the true Catholic faith ultimately dissolved in the light of the subjectivity of individual Catholics. Tierney concludes, somewhat provocatively, that the assumption that the idea of individual rights in the modern sense can be found in Ockham's teaching of 'evangelical liberty' is 'fantasy indeed'.¹¹⁸ 'In the end Ockham's conclusions were simply perverse . . . He offers us only dogma without order, anarchy without freedom, subjection without tolerance.'¹¹⁹

This conclusion is essentially very similar to the position held earlier by Tierney himself and to that of Lagarde and Wilks. Tierney's emphasis on the Franciscan theological tradition and the canonist legal tradition does not lead to the derogation of the ecclesiastical organisation and the restoration of spiritual government which Miethke observed in Ockham's ecclesiology: on the contrary, it leads to anarchical

¹¹⁵ *Ibid.*, p. 209.

¹¹⁶ *Ibid.*, p. 227.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*, p. 235.

¹¹⁹ *Ibid.*

sectarianism. Tierney's interpretation attracted controversy, and a brief survey of the debate between Tierney and his critics will help to elucidate the debatable issues.

Tierney's critics attacked his attempt to locate Ockham in the history of the concept of papal infallibility. John J. Ryan, for example, claimed that Tierney had confused infallibility with irreformability:

Pronouncements and documents containing them may very well be without error and thus irreformable, but their warrant in that case is the immutability of the faith which *happens* to be accurately reflected, not an infallibility on the part of the pronouncing pontiff. To make a claim for the irreformability of any papal pronouncement is of itself not to say decisively more than that the document is good doctrine, i.e., a correct and true witness of the Faith. It is not *of itself* to make a claim for the infallibility of the pontiff . . . Tierney persistently forgets that infallibility is (in however delimited a sense) a *prerogative* (or it is nothing at all) while irreformability is, of itself, only a fact.¹²⁰

Against Ryan's criticism, Tierney clarified that his study was intended to show that 'infallibility is a quirky, paradoxical doctrine *that can take many forms*, including the one propounded by Ockham [my emphasis]' and that the association between the two concepts of infallibility and irreformability was defended by many modern theologians at the First Vatican Council.¹²¹ Ryan's criticism was theological, whereas Tierney's study was historical. The core of the debate concerned the two concepts of infallibility and irreformability rather than Ockham's ecclesiology.

Perhaps the most important criticism came from John Kilcullen.¹²² Kilcullen's rejection of Tierney's view was more powerful than Ryan's, because Kilcullen's study involved a historical reconstruction of Ockham's discourse on Catholic truth and heresy. Kilcullen's goal was to show that Ockham's ecclesiology was 'coherent, sensible and not at all perverse'.¹²³ He argued that Ockham's ecclesiology did not result in total subjectivity because 'Ockham himself did not see any great problem for a Christian in finding out what he must believe explicitly and did not think that papal decrees were the appropriate starting point.'¹²⁴ From Ockham's

¹²⁰ John J. Ryan, 'Ockham's Dilemma. Tierney's Ambiguous Infallibility and Ockham's Ambiguous Church,' *Journal of Ecumenical Studies* 13 (1976), pp. 37–50 at pp. 38–9. For the debate between Tierney and Ryan, see Ryan, 'Evasion and Ambiguity. Ockham and Tierney's Ockham', *Franciscan Studies* 46 (1986), pp. 285–94; Tierney, 'Ockham's Infallibility and Ryan's Infallibility', *Franciscan Studies* 46 (1986), pp. 295–300. See also the postscript of the second impression of Tierney, *Origins*. In his book *The Nature, Structure and Function of the Church in William of Ockham* (Missoula, Montana, 1979), Ryan treated Ockham's ecclesiology as an attempt to relativise ecclesiastical authority historically.

¹²¹ Tierney, 'Ockham's Infallibility and Ryan's Infallibility', pp. 295–6.

¹²² John Kilcullen, 'Ockham and Infallibility', *Journal of Religious History* 16 (1991), pp. 387–409.

¹²³ *Ibid.*, p. 390.

¹²⁴ *Ibid.*, p. 401.

perspective, Kilcullen maintained, it was not necessary to question how a Christian can know Catholic truths with certitude, because he already knows that they are contained in the Bible or the teachings of the Church, or has already been taught them. Further, Catholic truths are, according to Ockham, to be found primarily in the Bible and the patristic writings rather than in papal pronouncements. Kilcullen's study suggested that the problem with Tierney's understanding lay in his interpretation of Ockham's idea of Catholic truth (and its reverse, heresy) rather than his conception of infallibility. Kilcullen concluded that the purpose of Ockham's ecclesiology was 'to make room for free speech and theological exploration within the Church'.¹²⁵

Miethke and Tierney concentrated on Ockham's earlier polemical discourse, whereas McGrade attempted to grasp the main threads of his political thought which permeated his early and later polemical activities.¹²⁶ However, McGrade's study carefully excluded the aspects that Miethke and Tierney had already explored. McGrade examined Ockham's contribution to the poverty controversy very briefly. He stated explicitly that the two topics that Tierney had handled – Ockham's use of canon law and his ideas of theological truth and of the universal Church as the 'rule of faith' – would not be dealt with in his book. Though he said this, however, McGrade's study was not intended to be merely complementary to Miethke and Tierney. McGrade speculated, in much greater depth, on the appropriate approach to Ockham as a political thinker. His attitude towards Ockham was based on his critical reaction towards two contrasting approaches: one represented by Boehner, and the other by Lagarde and Scholz. McGrade attempted to interpret Ockham's political writings not by ignoring his philosophical and theological works or by starting from them, but 'by examining the polemical works in their own terms', hoping 'to discover exactly what in Ockham's political thought needs speculative explanation or justification'.¹²⁷ McGrade also explicitly emphasised the importance of tracing chronologically Ockham's changes of interest. McGrade's study produced a historical vision of Ockham as a political thinker.

For McGrade, Ockham's initial involvement in politics was a 'personal' one; his reaction to the problem of papal heresy was to enable the individual Christian to correct and bring down an erring ecclesiastical

¹²⁵ *Ibid.*, p. 408.

¹²⁶ McGrade, *The Political Thought*. McGrade's works on Ockham's political thought include 'Ockham and the Birth of Individual Rights', in B. Tierney and P. Linehan, eds., *Authority and Power. Studies in Medieval Law and Government Presented to Walter Ullmann on His Seventieth Birthday* (Cambridge, 1980), pp. 149–65.

¹²⁷ McGrade, *The Political Thought*, p. 45.

superior, above all a heretical (pseudo-)pope. Therefore the key to the problem was, for Ockham, to find a justification for such an action against institutional authority. McGrade argued that in Ockham's view, 'the traditional distinction between authoritative and fraternal correction has been effectively collapsed'. 'The concept of a cognitively legitimate correction', he continued, '— a process in which the *errans* is clearly shown his error — has superseded it.'¹²⁸ This 'cognitive' metamorphosis is the foundation of what McGrade called Ockham's 'radical action' against heretical popes. The consequence of this metamorphosis was, McGrade argued, the decline of institutional authority and its replacement by emphasis on the understanding of each individual.

But, according to McGrade, Ockham became aware of the need to resolve contemporary disagreements over the origins and functions of both ecclesiastical and secular institutions. McGrade characterised Ockham's thought on 'institutional' (as opposed to 'personal') principles as traditional dualism. McGrade argued that Ockham's dualist institutional theory was intended to be practically viable. In order to promote a stable institutional structure, Ockham attempted to 'widen the distance between secular and spiritual government' by desacralising secular power on the one hand, and by undercutting the juridical aspect of spiritual authority on the other.¹²⁹

McGrade also discerned novelty in Ockham's political thought. He maintained that Ockham's emphasis on personal freedom re-defined the relationship between society and government by regarding law and government as 'merely instrumental'.¹³⁰ However, McGrade stressed that the emphasis on personal liberty was not rooted in atomistic individualism. On the contrary, Ockham, like Aristotelians such as St Thomas and Dante, regarded active participation in the community as an important fulfilment of human potentialities.¹³¹ Overall, McGrade's interpretation is a critical synthesis of the divergent visions of Ockham in previous scholarship. McGrade's Ockham is neither an irrational destroyer of the Church, nor a conservative Catholic political theorist, nor a non-political theologian, but a 'constructive political thinker' who attempted 'to strengthen institutions while undercutting the spirit of institutionalism'.¹³²

As far as Ockham's ideological stance is concerned, McGrade's study made a unique contribution. Hitherto, Ockham's political thought had often been considered as a reaction *within* the conflict between ecclesiastical and secular powers. Georges de Lagarde's Ockham as a defender of the empire is a typical example. Philotheus Boehner considered that

¹²⁸ *Ibid.*, p. 57.

¹²⁹ *Ibid.*, p. 84.

¹³⁰ *Ibid.*, p. 85.

¹³¹ *Ibid.*, p. 170.

¹³² *Ibid.*, p. 225.

Ockham's concern with the limits of papal power associated him with Ludwig of Bavaria. The ideological position of Boehner's Ockham is (somewhat negatively) anti-papal, not necessarily pro-imperial. By contrast, McGrade argued that 'Ockham's political thought must be assessed as a response to the potentialities and ideological chaos of the world in which it was produced'.¹³³ It was a response not *within* but *to* the ideological conflict between Church and State. In this way, McGrade avoided making Ockham either a secularist or an anti-papal ideologue or an armchair theorist, apathetic towards real politics.

One may question, however, how Miethke's distinctively Franciscan Ockham fits into this ideological framework. McGrade's distinction between Ockham's 'personal' and 'institutional' principles emphasised the chronological discontinuity in Ockham's polemical activities. By contrast, Miethke's focus on the Franciscan aspect of Ockham's legal theory emphasised continuity. McGrade's stress on discontinuity concerns the shift of Ockham's polemical concern. Miethke's emphasis on continuity concerns doctrinal developments in Ockham's legal theory and ecclesiology. These two views, however, did not simply shed light on different aspects of Ockham's polemics because, contrary to Miethke, McGrade rejected the view that Ockham's political thought stemmed from Franciscan ideals.¹³⁴ This difference of opinion highlights a problem on each side. In the light of McGrade's view, Miethke's emphasis on the Franciscan element in Ockham's legal theory and his later ecclesiology does not explain why Ockham, alone among the Michaelist Franciscans in Munich, did not remain merely a contributor to the poverty dispute but deepened his interest in the problems of papal heresy and ecclesiastical and temporal government. In the light of Miethke's view, on the other hand, it seems worth reconsidering whether Ockham's later thought on governing institutions has any root in his earlier polemics. More specifically, it is questionable whether Ockham's early polemical concern was, as McGrade has suggested, so narrowly focused on the correction and deposition of heretical popes that it did not provide a paradigm for his later polemics.

The difference of opinions between McGrade and Tierney is perhaps more obvious. How can Ockham's 'perverse ecclesiology', which falls into the pitfall of 'total subjectivity', serve as a 'constructive' solution to the contemporary problem of ecclesiastical government? Tierney argued that Ockham's ecclesiology pointed in the direction of 'the most radical sectarianism', and his doctrine of 'anti-papal infallibility' was 'utterly

¹³³ *Ibid.*, p. 207.

¹³⁴ *Ibid.*, p. 15.

destructive of ecclesiastical authority'.¹³⁵ McGrade, by contrast, maintained that Ockham 'at no point recommended atomic individualism – on the contrary, he had a strong sense of human solidarity'.¹³⁶ McGrade highlighted Ockham's novel emphasis on individual freedom, whereas Tierney maintained that Ockham's predisposition of himself as 'a champion of individual liberty' was 'fantasy indeed'. This polarisation seems to be partly due to the texts that the two historians used. Tierney examined Ockham's early works, including *Opus nonaginta dierum*, I *Dialogus*, *Contra Ioannem* and *Contra Benedictum*, whereas McGrade used Ockham's later works such as III *Dialogus* I, *Breviloquium* and *De imperatorum et pontificum potestate*. The question then arises: how and why could the early 'perverse', 'subjective' and 'sectarian' ecclesiology end in the later 'constructive' proposal of a 'pastoral' theory of ecclesiastical government?

Tierney, however, has produced a more positive assessment of Ockham's contribution to political thought in his most recent work, *The Idea of Natural Rights*.¹³⁷ In this engaging work, Ockham looms large: a third of the historical narrative is devoted to him. The book, on the one hand, bridges the gap between Miethke and McGrade: it demonstrates how Ockham's Franciscan discourse on natural rights permeates his entire political work. Tierney reads Ockham's early polemics not as an ideological defence of the Franciscan doctrine of poverty, but rather as a theoretical response to the question of natural rights.

Tierney's perspective is not unprecedented. Michel Villey had previously argued that Ockham was responsible for the 'semantic revolution' in the language of rights.¹³⁸ The 'classical' notion of right was objective: right in classical Roman law tradition referred to a 'thing' (*res*). Things were in classical law both corporeal and incorporeal, and right (*ius*) was conceptualised as an incorporeal thing. Villey maintained that this 'objective' notion, which can be discerned, for instance, in the writings of Thomas Aquinas, was abandoned by Ockham. Ockham proposed a 'subjective' concept: right was the power of an individual, the 'licit power' inherent in an individual person. Villey considered that this was a major departure from the classical language of right and attributed the 'revolution' to Ockham's metaphysical metamorphosis, that is his nominalism. Villey insisted that Ockham's novel definition of right was derived from his nominalist philosophy, thereby remaining in the historiographical framework before the 1970s.

¹³⁵ Tierney, *Origins*, p. 237.

¹³⁶ McGrade, *The Political Thought*, p. 170.

¹³⁷ Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law, 1150–1625* (Atlanta, Ga., 1997).

¹³⁸ Michel Villey, *La Formation de la pensée juridique moderne*, fourth edn (Paris, 1975).

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Tierney traces back the origins of the 'subjective' notion of right to twelfth-century canonist discourse, thus rejecting both Ockham's 'revolution' and its nominalist origins simultaneously. However, this is not to downplay the historical significance of Ockham's discourse on rights. On the contrary, in Tierney's narrative, Ockham emerges as an influential disseminator of the canonist language of natural rights. Ockham was responsible for placing the language of rights in the mainstream of European political discourse.

Furthermore, Tierney stresses that Ockham derived natural rights and natural laws from 'right reason'. Tierney rejects the conventional view that Ockham argued for an 'exaltation of human will'.¹³⁹ In the light of Ockham's rationalist idea of rights, Tierney is no longer dismissive of Ockham's frequent appeal to 'rights and liberties', but suggests that Ockham's idea of liberty relates to areas of free moral choice. Accordingly, Ockham's rights-talk was not a manifestation of atomistic individualism but was balanced by his concern for the common good. Tierney concludes: 'The new feature of Ockham's work was that all these conventional assertions were set in a framework of discourse about natural rights, the rights granted to humankind "by God and nature"'.¹⁴⁰

Tierney's book set a new benchmark. Ockham the political thinker, as depicted by more recent commentators such as Annabel S. Brett and Holly Hamilton Bleakley, is unmistakably rationalist.¹⁴¹ The focus on Ockham's idea of natural rights seems to shed a new light on how Ockham's contribution to the poverty controversy developed into a political theory that underlined the limits of papal power: a question highlighted by Miethke. However, the discrepancies between Ockham as a somewhat fanatical proponent of the doctrine of 'anti-papal infallibility' and Ockham as a disseminator of the rationalist theory of natural right remain unresolved by Tierney himself and have not been addressed by any scholar. It is a curious oversight. Meanwhile, Ockham's 'institutional principles' as McGrade identified them – that is, his separation of the spiritual and temporal spheres – have been endorsed by Matthew Kempshall and Holly Hamilton Bleakley.¹⁴² Since the turn of the century, Ockham has emerged increasingly as a classic 'liberal' thinker.

¹³⁹ Tierney, *The Idea of Natural Rights*, p. 192.

¹⁴⁰ *Ibid.*, p. 193.

¹⁴¹ Annabel S. Brett, 'Introduction', in William of Ockham, *On the Power of Emperors and Popes*, ed. and trans. A. S. Brett (Bristol, 1998), pp. 7–51; Holly Hamilton Bleakley, 'Some Additional Thought on Ockham's Right Reason: An Addendum to Coleman', *History of Political Thought* 21 (2000), pp. 565–605. See also A. S. Brett, *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought* (Cambridge, 1997).

¹⁴² M. S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford, 1999), pp. 359–62, and Bleakley, 'Some Additional Thoughts'.

He was a proponent of the separation of Church and State and a defender of natural rights from political power.

APPROACHING OCKHAM AS A POLEMICIST

While recent views of Ockham's political thought appear to converge on its 'liberal' characteristics, existing accounts have not paid serious attention to the plain fact that Ockham was primarily a polemicist in his involvement in political disputes. No previous study has fully contextualised Ockham's anti-papal literary output as a series of polemical responses. Tierney's accounts covered parts of the history of the ideas of infallibility and natural rights and his treatment of Ockham's polemical writings is accordingly selective. In his historical account of the idea of infallibility, Tierney focused on Ockham's early polemical works, while in his work on natural rights he hardly discussed I *Dialogus*, a comprehensive and gigantic treatise on heresy. Miethke's classic work highlighted how a social philosophy was derived from the Franciscan legal discourse; hence, Miethke was primarily interested in the seminal ideas of Ockham's political and social views in his first polemical work, *Opus nonaginta dierum*; therefore, as in Tierney's account of infallibility, Miethke's book laid partial emphasis on Ockham's theoretical contribution to the poverty controversy. Perhaps McGrade's celebrated study differentiates itself from others in this regard. McGrade rightly traced the shift of Ockham's polemical focus from papal heresy to questions of spiritual and temporal government. However, McGrade was interested in what we today call 'political thought', as the title of the book clearly indicates. The subtitle of the book – 'Personal and Institutional Principles' – also suggests that it traces Ockham's migration from 'personal' dissent from papal authority to an 'institutional' theory of government. From the general standpoint of political thought, McGrade saw Ockham (presumably in response to Tierney's account of Ockham's idea of anti-papal infallibility) as a 'constructive political thinker' who rehabilitated traditional institutional principles, while he also offered a seminal account of Ockham's theory of natural rights. Ockham's polemical works came under McGrade's scrutiny in so far as they were related to the general framework of political thought.

But what did Ockham do in producing a number of controversial treatises, which displayed a wide range of public concerns? In this book I shall analyse Ockham's literary concerns more seriously than other scholars have done. This study will re-read Ockham's post-1328 works primarily as a series of responses to the issues that he identified in contemporary intellectual exchanges. I shall not presuppose anything

like a ‘unity’ or a ‘system’ in Ockham’s polemical activities. I do not presume the existence of any philosophical, theological or legal paradigm to which Ockham’s entire polemics may be reducible. Similarly, I shall not prejudge any ideological perspective. Ockham has conventionally been seen as belonging to the ‘nominalist’, ‘Franciscan’, ‘Michaelist’, ‘anti-papal’ or ‘imperial’ camp. To be sure, these expressions precisely describe the situation in which Ockham found himself, and I shall also use them where appropriate. Nonetheless it would be incorrect to think that these descriptions also mirror Ockham’s ideological position. Reduction of Ockham’s ideas to such contexts as the conflict between the papacy and the empire, or the dispute between the papacy and the Franciscans, would not do justice to his personal and innovative perspectives. Rather, I shall attempt to discover Ockham’s polemical stance in his own words.

My approach is twofold. Firstly, I shall compare Ockham’s approach to a specific issue with the approaches that his contemporaries employed when dealing with the same issue. This will highlight not only Ockham’s original contribution but also his own perspective. Secondly, I shall compare Ockham’s reactions to a variety of issues that faced him and see whether there is any constant perspective permeating his polemical responses. This will determine whether Ockham’s polemical activities were essentially opportunistic, predominantly influenced by circumstantial factors, or whether they represent consistent responses from a constant perspective to a variety of changing issues.

These considerations dictate the sequence of the following exposition. The [first chapter](#) contains an account of Ockham’s polemical responses to the poverty controversy. A comparison between Ockham and his predecessors, as well as his contemporaries in the Franciscan Order, will show not only his unique contribution to the poverty dispute but also his own polemical stance. I conclude that Ockham was not a Franciscan ideologue, but rather a theologian ideologically opposed to the canonists, a body including the father of canon law, Gratian, and popes since Innocent III. From this polemical perspective, Ockham offered a moral defence of the Franciscan way of life. The [second chapter](#) offers an analysis of the first five books of Part I of the *Dialogus*. Previous scholarship has rarely paid due attention to this part of the work. [Chapter Two](#), in contrast, will show not only that it was a generic study of the concepts of heresy and heretics, but also that Ockham radically reduced the conventional authoritative concept of heresy to a purely interpretative category. Ockham destroyed the hierarchical assumptions of the traditional discourse on heresy and re-defined the concept of ‘heretic’ by presenting various modes of pertinacity, this being the characteristic feature of a heretic. The result was the de-juridicisation of the medieval

discourse on heresy and heretics. **Chapter Three** scrutinises Ockham's response to the problem of papal heresy. An examination of the rest of I *Dialogus* and such works as *Contra Ioannem* and *Contra Benedictum* shows that Ockham's demonstration of papal heresy, and his vindication of dissent from papal authority, in fact re-defined the moral duty of Christians, thereby proposing an alternative vision of the Christian community. More specifically, Ockham re-conceptualised the conventional idea of fraternal correction in order to justify ecclesiastical dissent, and explored further the moral obligations that dissenters, popes and all other Christians bear in their communal, Christian life. Consequently, he discovered that the problem of papal heresy could not be attributed to the erring pope alone. It epitomised the breakdown of Christian fellowship.

Chapter Four begins with an enquiry into Ockham's shift of polemical concern from papal heresy to the principle of papal power. The chapter shows that his ideological outlook as a theologian in opposition to canonists explains his change of interest occasioned by the accession of Benedict XII. This will be followed by an examination of his distinctively biblical argument in search for the true definition of papal *plenitudo potestatis*. I shall show that Ockham's generic discourse on heresy determined the paradigm of his account of papal power; his exclusive focus on the textual sources of Christian doctrine forced him to define the true concept of papal power in the light of the Bible. This theme will be explored further in **Chapter Five**, where Ockham's discourse on the primacy of St Peter will be discussed. In analysing the primatial texts of the Holy Scripture, Ockham established the historical irreversibility of the fact that Christ conferred special authority on Peter and on Peter alone. However, this argument did not lead to the defence of papal primacy; indeed, the Bible does not indicate anywhere that special authority was conferred on Peter *and his successors*. Ockham's position on papal primacy was thus more nuanced than Marsilius' outright rejection of it.

Drawing together all the main threads of the previous arguments, the final chapter discusses Ockham's discourse on temporal government with some focus on its relationship to spiritual power; more specifically, it will show that Ockham's position on the relationship between spiritual and temporal power is not characterised so much by 'separatism' as by 'a theory of crisis management', which allowed mutual intervention in case of need. The chapter also includes the general conclusion of the book: Ockham will emerge primarily as a theorist of political and social ethics who attempted to restore the moral domain in the public – ecclesiastical and secular – spheres of human activities. He was a theologian who

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tackled the tension between ethics and politics. In his eyes, ecclesiastical institutions had broken down and fellowship among believers had crumbled. Ockham's polemical activities were a call for action to restore the foundations of Christian solidarity in opposition to corrupt government. Viewed from a general standpoint of 'political thought', Ockham was not merely a 'liberal' or 'constitutional' thinker. Both characterisations fail to capture Ockham's passionate concern with the common good – the preservation of Catholic truths and 'rights and liberties' granted by God and nature – which alone can explain his unfailing involvement over two decades in polemical disputes. Ockham may be described more aptly as a proponent of what I call 'ecclesiastical republicanism': republicanism in the medieval Christian tradition.

THE POVERTY CONTROVERSY

Ockham's first polemical work does not owe its title to the author. It is today called the *Opus nonaginta dierum* (*The Work of Ninety Days*), since it was probably written within three months in the period between February 1332 and the beginning of 1333.¹ The work was devoted to the refutation of John XXII's decree *Quia vir reprobus* (1329). The *Opus nonaginta dierum* emerged from the bitter battle of words over apostolic poverty.

This work, however, had long failed to attract modern scholarly attention beyond the circles of medieval ecclesiastical historians until Jürgen Miethke highlighted in the work all the seminal ideas of Ockham's later ecclesiology.² It is now widely recognised that the *Opus nonaginta dierum* presents Ockham's ideas on natural law and natural right.³ This should not lead us to think that the *Opus nonaginta dierum* is a systematic treatise on legal theory. It cites the papal bull and presents the opinions of the anti-papal 'attackers (*impugnantes*)' in an 'impersonal'

¹ H. S. Offler, 'Introduction' to the *OND*, *OP* 1, pp. 288–90. However, George Knysh recently denied that the *OND* is Ockham's earliest polemical work. He attributed to Ockham the authorship of a brief political treatise in Florence, Laurenziana S. Crucis MS Plut. 31, Sin, cod. 3: George Knysh, 'Ockham's First Political Treatise? The *Impugnatio constitutionum Pape Johannis* [April/May 1328]', *Franciscan Studies* 58 (2000), pp. 237–59.

² See Miethke, *Ockhams Weg*, ch. 4. At an earlier stage of studies of Ockham's political thought, Richard Scholz wrote: 'Ockham expressly declines here [= in the *OND*] to announce his own thought, which he left to his later work . . . The *Opus nonaginta dierum* is, moreover, a purely theological work on Christ's teaching on poverty and the concept of lordship according to the Old Testament (indessen verwahrt sich Ockham ausdrücklich dagegen, hier schon seine eigenen Gedanken auszusprechen, das verschiebt er auf das spätere Werk . . . Das *Opus XC dierum* ist im übrigen eine rein theologische Arbeit über die christliche Armutslehre und den Begriff des dominium nach der Bibel AT).' Nor did Philotheus Boehner refer to the *OND* in his only article on Ockham's political theory. See Scholz, *Wilhelm von Ockham als politischer Denker*, p. 7; Boehner, 'Ockham's Political Ideas', pp. 462–87.

³ See Kölmel, 'Das Naturrecht bei Wilhelm Ockham', pp. 218–259; Michel Villey, 'La genèse du droit subjectif chez Guillaume d'Occam', *Archives de Philosophie du Droit* 9 (1964), pp. 97–127; Gordon Leff, *William of Ockham. Metamorphosis of Scholastic Discourse* (Manchester, 1975), and most recently Brett, *Liberty, Right and Nature*, and Tierney, *The Idea of Natural Rights*.

format, responding to the whole papal bull, sentence by sentence, phrase by phrase, and even word by word.⁴ The *Opus nonaginta dierum* was clearly not written as a system of ecclesiological or legal theory but as a series of responses to the issues raised by the pope.

What did Ockham intend in writing the *Opus nonaginta dierum*? The circumstances appear to show that he was simply defending the Franciscan case. Indeed, he escaped from Avignon with the Minister General of the Friars Minor and other Franciscan comrades, and they may have worked together on the appeals (*appellationes*) against the pope. According to Jürgen Miethke, Ockham was, in his engagement in the poverty controversy, nothing other than a Franciscan theologian. Ockham defended 'his theological existence not only practically – as a Franciscan in the poverty controversy – but also theoretically'.⁵ Miethke was not alone in asserting this. M. D. Lambert stressed that the Michaelists, including Ockham, who 'represent the rump of the Community', merely re-stated and expanded the contentions of the Conventuals.⁶ More recently, Annabel Brett has underlined the 'Franciscan' nature of Ockham's entire polemical activities. Indeed, his retrospective remark in *De imperatorum et pontificum potestate* is illuminating: 'it is my wish, withholding nothing, to render an account before a judge of all those things which I have done, written, or said, since I undertook the Rule of Saint Francis' (emphasis mine).⁷ In this statement, Brett observed, his life was unified by the fact of self-submission to the Rule.⁸

But Ockham did not devote the second half of his life to the poverty controversy; shortly after the completion of the *Opus nonaginta dierum*, his interest diverged from the Michaelists' narrow concern with the orthodoxy of Franciscan poverty to the wider – ecclesiastical and political – issues of his day. Accordingly, some scholars do not agree that Ockham was exclusively playing the role of a Franciscan ideologue in writing the *Opus nonaginta dierum*. C. K. Brampton, for example, questioned whether the defence of the Franciscan case was, for Ockham, the primary concern: rather the fundamental problem for Ockham was that the alleged heresy of John XXII jeopardised the whole Church,

⁴ In the *Epistola* there is a list of major erroneous propositions that Ockham found in *Quia vir reprobus*. See *Epistola*, pp. 11–14.

⁵ Miethke, *Ockhams Weg*, p. 499: 'Ockham antwortet als Theologe auf unangemessene Theologie und zeigt einmal andeutungsweise, wie er seine theologische Existenz nicht allein praktisch – als Franziskaner im Armutsstreit – sondern auch theoretisch verteidigt'. Also Miethke, *De potestate papae*, p. 282.

⁶ M. D. Lambert, *Franciscan Poverty. The Doctrine of the Absolute Poverty of Christ and the Apostles in the Franciscan Order, 1210–1323* (London, 1961), p. 244.

⁷ Brett, 'Introduction', in Ockham, *On the Power of Emperors and Popes*, p. 68.

⁸ *Ibid.*, p. 9.

and this manifested itself in the pope's attitude towards the Franciscans.⁹ Thus Ockham defended the Franciscan cause in the wider context of what he perceived as a general ecclesiastical crisis. In the light of the whole system of Ockham's political ideas A. S. McGrade explicitly denied that Ockham attempted to shape his political theory on the basis of the Franciscan doctrine of poverty.¹⁰ If McGrade is correct, Ockham's involvement in the poverty controversy should not lead us to believe unconditionally that Ockham was a Franciscan ideologue. But if he really was a Franciscan ideologue in his early polemical activities, he must have changed his mind; we must then ask when, how and why.

This chapter illuminates Ockham's ideological stance in his involvement in the poverty dispute. For this purpose, we must first locate Ockham in the context in which his polemical career originated: that is, the conflict between John XXII and the Franciscans. The poverty controversy of the early fourteenth century is an oft-told story.¹¹ But only in the light of the contemporary discourses on mendicant poverty shall we be able to identify Ockham's intent and to assess his originality. We shall see that there was no such thing as *the* Franciscan position; the Franciscan doctrine of poverty was far from being monolithic and immutable. In the early fourteenth century Franciscan discourse became steadily less theological and more legalistic. St Bonaventure's theological discourse, which anchored Franciscan poverty in the Christian perfection of charity, gradually gave way to the juristic re-formulation that emphasised the rightless state of poverty.

In view of this shift of emphasis, I reject the view that Ockham was a Franciscan ideologue in the poverty controversy. His defence of Franciscan poverty was not primarily intended to secure the legal standing of the Franciscan Order, which was under papal attack. Rather, he was defending the theological truth of Franciscan poverty against juristic distortions and rejection. Ockham viewed himself essentially as a theologian in opposition to the canonists, including Pope John XXII, who intruded into doctrinal matters in the poverty controversy. Once we grasp Ockham's ideological outlook, we can readily see why he did not remain a mere advocate of Franciscan poverty, like other Michaelists, but quickly turned himself into a harsh critic of papal heresy and contemporary ecclesiastical government.

⁹ Brampton, 'Ockham, Bonagratia and the Emperor Lewis IV', p. 83.

¹⁰ McGrade, *The Political Thought*, p. 15.

¹¹ There is a considerable body of literature relating to this subject. See especially Lambert, *Franciscan Poverty*; Gordon Leff, *Heresy in the Later Middle Ages*, 2 vols. (Manchester, 1967); Felice Tocco, *La quistione della povertà nel secolo XIV* (Naples, 1932), and Tierney, *Origins*.

The poverty controversy

THE FRANCISCAN DISCOURSE ON POVERTY IN THE EARLY FOURTEENTH CENTURY

The year 1316 marked a new stage in the history of the papacy as well as in Franciscan history. In Avignon, Jacques Duèse was elected, after a long vacancy, as successor to Pope Clement V, and assumed the name John XXII. In Naples, the Franciscan general chapter appointed Michael of Cesena as Minister General of the Order.

The major problem that confronted the new Minister General was the long-lasting conflict between the Conventuals (the Community) and the Spirituals in the Franciscan Order. The issue in question was the doctrine of *usus pauper*. The Conventuals maintained that the essence of evangelical poverty was the renunciation of all positive rights to any property whatsoever, not only individually but also communally. The Spirituals, inspired by Peter Olivi, argued that not only the abandonment of legal rights but also the rigorous practice of poverty (*usus pauper*) was indispensable to evangelical poverty. Michael of Cesena, a Conventual, attempted to be neutral in coping with this conflict. Pope John XXII did not. This elderly, but energetic, pope never hesitated to show hostility towards the Spirituals, who were critical of the papacy. The pope struck a blow against the Spirituals with the bull *Quorundam exigit* (October 1317). A sentence in the bull reads: 'Poverty is great, but integrity is greater. Yet obedience is the greatest good.' The pope maintained that poverty was concerned with goods, but obedience with mind and soul.¹² The bull was followed shortly by *Sancta Romana*, another serious blow to the Spirituals (December 1317). The Spirituals fell into disarray. At the general chapter in Marseilles in 1319 Michael of Cesena called for them to show obedience to the pope in order to settle the disorder.¹³

M. D. Lambert noted an important difference between these two bulls.¹⁴ *Quorundam exigit* was administrative in nature and was intended to penalise the Spirituals' disobedience. In *Sancta Romana*, on the other hand, John shifted his interest from discipline to doctrine. He turned his attack on the Spirituals' idea that the Roman Church was the *ecclesia carnalis*

¹² Leff, *Heresy in the Later Middle Ages*, vol. 1, p. 208.

¹³ For Franciscan history in general, see J. R. H. Moorman, *The History of the Franciscan Order from its Origin to the Year 1517* (Oxford, 1968). See also H. Holzapfel, *The History of the Franciscan Order*, trans. A. Tibesar and G. Brinkmann (Teutopolis, Ill., 1948) and R. Huber, *A Documented History of the Franciscan Order* (Milwaukee, 1944). For the earliest part of the Order's history, see Rosalind Brooke, *Early Franciscan Government* (Cambridge, 1954); C. Esser, *Origins of the Franciscan Order*, trans. A. Daly and I. Lynch (Chicago, 1970); P. Gratien, *Histoire de la formation et de l'évolution de l'ordre des Frères Mineurs au XIII^e siècle* (Paris, 1928).

¹⁴ Lambert, *Franciscan Poverty*, pp. 216–17.

in contrast to the *ecclesia spiritualis* that they represented. The papacy could readily trace the source of the Spirituals' doctrine back to Peter John Olivi.

It is known that the Dominican curial theologians who carried out the investigation of Peter Olivi's teachings prejudiced Pope John XXII against the entire Franciscan Order.¹⁵ Two reports on Olivi's teachings, presented to John XXII, have survived: one was written by Nicholas Alberti de Prato, the Dominican cardinal of Ostia, and the other, which investigated a pamphlet by an anonymous Catalan Beguin, was written by two theologians, the Dominican Pierre de la Palud and the General of the Carmelite Order, Guido Terreni. The former, which reports on Olivi's *Lectura*, enumerates eighty-four errors in the work, and Alberti does not conceal his hostility towards the Franciscans. The second report argues that the Spirituals' idea that the Roman Church was the *ecclesia carnalis* stemmed from the Franciscan doctrine that Christ and the apostles did not own anything either individually or communally. The investigators also added that, on the issue of perfection, the Beguins' identification of the Franciscan Rule with the gospel shares the same error. John XXII's attitude towards the Franciscan doctrine of poverty was considerably influenced by these manoeuvres on the part of Dominican theologians.¹⁶ Having concluded that the Franciscan doctrine of poverty was the source of Olivi's heretical errors, John XXII finally determined that it was heretical to assert that Christ and the apostles did not own anything either individually or communally. He rejected and withdrew Pope Nicholas III's decree *Exiit qui seminat* (1279), which officially approved the Franciscan way of life. John XXII, a canonist, was aware of the canonist tradition that recognised the fallibility of papal decrees.¹⁷ The bull *Quia nonnunquam* (March 1321) declared that the doctrine pronounced in *Exiit qui seminat* was null and void.¹⁸

¹⁵ Thomas Turley, 'John XXII and the Franciscans: A Reappraisal', in J. R. Sweeney and S. Chodorow, eds., *Popes, Teachers and Canon Law in the Middle Ages* (Ithaca, N.Y., 1989), pp. 74–88, at pp. 80–7.

¹⁶ Turley, 'John XXII and the Franciscans,' pp. 86–7.

¹⁷ Thomas Turley, 'Infantilists in the Curia of Pope John XXII', *Journal of Medieval History* 1 (1975), pp. 71–101.

¹⁸ Historians have been perplexed by the motive for this radical action by John XXII. Franz Ehrle emphasised Dominican influence upon the pope's policy-making process. Joseph Koch considered that John XXII had to take such radical action because the condemnation of Olivi's doctrine turned out to be virtually impossible without contradicting the officially approved doctrine in the bull *Exiit qui seminat*. See F. Ehrle, 'Die Spirituellen, ihr Verhältnis zum Franziskanerorden und zu den Fraticellen', *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 4 (1888), pp. 45–50; J. Koch, 'Der Prozess gegen die Postille Olivis zur Apokalypse', *Recherches de Théologie Ancienne et Médiévale* 5 (1933), pp. 302–15. These two classic interpretations have been questioned and amended in recent scholarship. See M. D. Lambert, 'The Franciscan Crisis under John XXII', *Franciscan Studies* 32 (1972), pp. 123–43; Tierney, *Origins*; Leff, *Heresy*; E. Pásztor, 'Le polemiche sulla "Lectura super Apocalipsim" di Pietro di Giovanni Olivi fino alla sua condanna', *Bollettino dell'Istituto Storico Italiano per il Medio Evo e Archivio Muratoriano* 70 (1958), pp. 365–424; David Burr, *The Persecution of Peter Olivi* (Philadelphia, 1976). Turley, 'John XXII

The poverty controversy

This marked a turning-point in John XXII's policy towards the Franciscans. Now the central issue was no longer the Joachimite doctrine of the Spirituals, but rather the very heart of the Franciscan doctrine of Christ's poverty, which was formulated first by Bonaventure. Bonaventure argued in his *Apologia pauperum*¹⁹ that renunciation of ownership has a twofold mode: individual and communal. Correspondingly, evangelical poverty is also twofold: one mode is the abdication of individual possessions while retaining communal possessions; the other is the total abdication of possessions, individual and communal. The first mode corresponds to monasticism, while the second conforms to the way of life of Christ and the apostles.²⁰ Referring to a number of scriptural and patristic testimonies, Bonaventure concluded that Christ and the apostles practised this supreme poverty.

John XXII's attack on the Franciscan doctrine provoked resistance from the Friars Minor. The general chapter of Perugia in 1322 declared that it was Catholic and orthodox to affirm that Christ and the apostles did not own anything individually or communally. The assertions were made in two encyclicals: the shorter version was issued on 4 June and the longer one on 11 July.²¹ These encyclicals were authorised by the leading Franciscan theologians of the time, including William of Nottingham,²² William of Alnwick²³ and possibly Nicholas of Lyra.²⁴

and the Franciscans' provides a good survey of the debate on the topic. Most recently, Patrick Nold has argued that *Quia nonnumquam* did not revoke or nullify *Exiit qui seminat* (Nold, *Pope John XXII and His Franciscan Cardinal: Bertrand de la Tour and the Apostolic Poverty Controversy* (Oxford, 2003)). Nold demonstrated in the light of close studies of manuscript sources that the Chronicle of Nicholas the Minorite, which historians of the poverty controversy had relied upon, distorts the papal position in favour of the Michaelists and is therefore unreliable.

¹⁹ Bonaventure, *Apologia pauperum*, in Collegium S. Bonaventurae ed., *Opera omnia*, 10 vols. (Quaracchi, 1883–1902), 8, pp. 233–330.

²⁰ *Ibid.*, p. 273.

²¹ The shorter version is included in *Bullarium Franciscanum* 5, ed. C. Eubel (Quaracchi, 1891), p. 233, n. 5; the longer one in Luca Wadding, *Annales Minorum*, ad ann. 1332, no. 55, VI (Rome, 1733), pp. 397–401, and Baluze-Mansi 3, pp. 208–11.

²² William of Nottingham was an Oxford theologian and the seventeenth Provincial Minister as successor to Richard Conington. See A. G. Little, *The Grey Friars in Oxford* (Oxford, 1892), pp. 165–6; Beryl Smalley, 'Which William of Nottingham?' in Smalley, *Studies in Medieval Thought and Learning from Abelard to Wyclif* (London, 1981), pp. 249–87; A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500*, 3 vols. (Oxford, 1957, reprinted 1989), 2, pp. 1377–8; J. Catto and R. Evans, eds., *A History of the University of Oxford* (Oxford, 1992), vol. 2, pp. 10, 197, 221n, 415, 441, 463n, 469n.

²³ William of Alnwick lectured on theology at Oxford c. 1315–20, and later at Naples. In 1330 he was made bishop of Giuvenazzo near Bari, and two years later died in Avignon. See Little, *Grey Friars*, p. 167; Emden, *A Biographical Register*, 1, p. 27; Catto and Evans, eds., *A History of the University of Oxford*, 2, pp. 9, 11–12, 148, 160.

²⁴ One of those who signed the encyclicals is recorded as 'Nicolaus Provinciae Franciae minister'. Charles-Victor Langlois considered that this was Nicholas of Lyra; see his 'Nicolas de Lyre, Frère Mineur', *Histoire Littéraire de la France* 36 (1927), pp. 355–400.

These encyclicals merit closer inspection because they significantly determined the paradigm of later Michaelist polemics. The encyclicals concisely express the main threads of the arguments repeatedly employed by Michael of Cesena and Bonagratia of Bergamo, a canonist among the Michaelist exiles.²⁵ First, both encyclicals stress the irreformability of the decisions of the Roman Church. The shorter version is devoted to this point alone. The longer version opens with the statement that no assertion grounded in the determination of the Roman Church can be heretical. Yet the absolute poverty of Christ and the apostles was confirmed by papal decrees such as *Exiit qui seminat* and *Exivi de Paradiso* (1312). The decisions of the Roman Church stand irreformably and cannot be revoked. In *Quia nonnunquam*, John XXII had claimed that his sovereign power allowed him to revoke the decrees of his predecessors at any time which he considered expedient. The longer encyclical proposes a counter-principle: the irrevocability of papal decrees.

The appeal to *Exiit*, based on the immutability of official decisions of the Roman Church, is perhaps the most distinctive feature of the polemics of Michael of Cesena and Bonagratia of Bergamo. In *Tractatus de paupertate Christi et apostolorum*,²⁶ Bonagratia repeats that the Rule and the life of St Francis had been approved by the universal Church. Hence Bonagratia appeals repeatedly to the authority of *Exiit qui seminat* to demonstrate that its statements counter any possible objection to be found in John XXII's constitutions. Similarly, Michael of Cesena tirelessly asserts the orthodoxy of the teaching in *Exiit* and endeavours to demonstrate contradictions between *Exiit* and John XXII's constitutions. Michael also turns the Pope's attack on its head. He maintains that if Nicholas III's approval of the Franciscan doctrine of poverty in *Exiit* is heretical, *a fortiori* then Nicholas himself is a heretic and therefore not a true pope; so too are his successors who have approved his bull *Exiit*, and the college of cardinals who elected John XXII as pope. Michael concludes therefore that John XXII would effectively deny that he himself was a true pope if he condemned Franciscan poverty.²⁷

²⁵ For Bonagratia of Bergamo's biographical data, see A. Van den Wyngaert, 'Bonagratia de Bergame', *Dictionnaire d'histoire et de géographie ecclésiastiques*, ed. A. Baudrillart et al. (Paris: Letouzey et Ané, 1912-), vol. 9, cols. 720-2.

²⁶ Bonagratia of Bergamo, *Tractatus de paupertate Christi et apostolorum*, in L. Olier, 'Fratres Bonagratia de Bergamo et eius Tractatus de paupertate Christi et apostolorum', *Archivum Franciscanum Historicum* 22 (1929), pp. 323-35; 487-511.

²⁷ Michael of Cesena, *Appellatio Avenionensis*, p. 239, in Baluze-Mansi 3, pp. 238-40. See also Nicolaus Minorita, *Chronica*, ed. Gedeon Gál and David Flood (St Bonaventure, N.Y., 1996), pp. 182-9, at p. 187.

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In the longer version of the Perugia encyclicals, the immutability of *Exiit* is reinforced by two further arguments. First, it is not heretical to assert that Christ and the apostles were devoted to perfect poverty, because the highest poverty essentially removes anxiety about temporal goods.²⁸ This argument echoes Bonaventure's theological formulation of Franciscan poverty.²⁹ According to *Apologia pauperum*, the significance of poverty lies in the contrast between charity and cupidity.³⁰ Charity is the foundation of every good, whereas cupidity is the root of all evil. Cupidity results from the possession of temporal goods. This 'root of all evil' can be amputated by renouncing the world and concupiscence: this is called spiritual poverty (*paupertas spiritus*).³¹ Bonaventure adduces some scriptural evidence to show that Christ practised and taught such renunciation by words and deeds.³² Clearly the argument in the encyclicals that supreme poverty removes anxiety about temporal goods is modelled on this Bonaventuran doctrine.

Nonetheless, it is easy to discern that in other respects the Franciscans at the general chapter of Perugia departed from the Bonaventuran discourse. Bonaventure perceives the theological virtue of poverty not only in its opposition to cupidity but within the wider framework of Christian perfection. He observes that all goodness is derived from charity; and charity is supremely perfect in Christ. Absolute perfection consists in perfect charity, which is unattainable for men. In the light of divine perfection, everything else is simply imperfect. However, Bonaventure's idea of perfection is not so much a dichotomous as

²⁸ Baluze-Mansi 3, p. 209.

²⁹ Accounts of Bonaventure in the context of the poverty controversy include J. G. Bougerol, 'Saint Bonaventure et la défense de la vie évangélique de 1252 au Concile de Lyons', *S. Bonaventura Franciscano (Convegno del Centro di Studi sulla Spiritualità Medievale 1973)* (Todi, 1974), pp. 109–26; S. Clasen, *Der hl. Bonaventura und das Mendikantentum. Ein Beitrag zur Ideengeschichte des Pariser Mendikantenstreiches 1252–1272* (Werl in Westfalen, 1940); J. Coleman, 'The Two Jurisdictions: Theological and Legal Justifications of Church Property in the Thirteenth Century', in W. J. Sheils and Diana Wood, eds., *The Church and Wealth, Studies in Church History* 24 (Oxford, 1987), pp. 75–110; Y. M.-J. Congar, 'Aspects ecclésiologiques de la querelle entre mendians et séculiers dans la seconde moitié du xiii^e siècle et le début du xiv^e', *Archives d'Histoire Doctrinale et Littéraire du Moyen Age* 36 (1961), pp. 35–151; Decima Douie, *The Conflict between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century* (London, 1954); M.-M. Dufeil, *Guillaume de Saint-Amour et la polémique universitaire parisienne, 1250–1259* (Paris, 1972); J. Ratzinger, 'Der Einfluß des Bettelordensstreiches auf die Entwicklung der Lehre vom päpstlichen Universalprimat unter besonderer Berücksichtigung des heiligen Bonaventura', in J. Auer and H. Volk, eds., *Theologie in Geschichte und Gegenwart: Festgabe M. Schmaus*, 2 vols. (Munich, 1957), 2, pp. 697–724.

³⁰ Bonaventure, *Apologia*, c. vii, 1–2, p. 272.

³¹ *Ibid.*, 3, p. 272: 'Si igitur gemina haec abdicatio, mundi scilicet et concupiscentiae eius, quae etiam *paupertas spiritus* dicitur, ipsa est, qua *radix omnium malorum* perfecte amputatur et Babylonis fundamentum evertitur.'

³² *Ibid.*, pp. 272–3.

a sequential concept. He considers that there can be some grades of perfection which man can achieve. One such type of perfection, evangelical perfection, is conceptualised as man's conformity to Christ in the habit of charity, and it is attainable in three ways: by renunciation of all possessions, abdication of one's own will or self-control. Bonaventure thus bases his justification of the renunciation of all possessions on charity.³³

Bonaventure's triangle of charity, poverty and perfection is clearly discernible in his exegesis of John 12.6 ('He [Judas Iscariot] said this not because he cared about the poor, but because he was a thief; he kept the common purse and used to steal what was put into it') and John 13.29 ('Some thought that, because Judas had the common purse, Jesus was telling him, "Buy what we need for the festival"; or, that he should give something to the poor.'). The question was as follows: if Christ and the apostles were perfect in poverty, why did one of the apostles, Judas Iscariot, carry a purse and money? This question was repeatedly raised as one of the 'classic' objections to the Franciscan idea of apostolic poverty. On the basis of such biblical verses as John 12.6 and 13.29, William of Saint-Amour,³⁴ the spearhead of the anti-mendicant campaign in the thirteenth-century University of Paris,³⁵ argued that Christ was the actual owner of the purse and money which Judas carried with him.³⁶ Likewise, Gerald of Abbeville, the secular master who re-habilitated William of Saint-Amour, argued that Christ, as the exemplar of perfection, and his apostles had possessions in

³³ Bonaventure, *Apologia*, c. i.

³⁴ On William of Saint-Amour, see Dufeil, *Guillaume de Saint-Amour*. See also J. D. Dawson, 'William of Saint-Amour and the Apostolic Tradition', *Mediaeval Studies* 40 (1978), pp. 223–38.

³⁵ On this topic, there is a considerable number of secondary works, including M. Bierbaum, *Bettelorden und Weltgeistlichkeit an der Universität Paris* (Munster, 1920); Douie, *Conflict*; P. Gratien, 'Ordres mendiants et clergés séculiers à la fin du XIII^e siècle', *Etudes Franciscaines* 36 (1924), pp. 499–518; Gratien, *Histoire de la formation et de l'évolution*; C. Paulus, *Welt- und Ordensklerus beim Ausgange des XIII. Jahrhunderts im Kampf um die Pfarrechte* (Essen, 1900); K. Schleyer, *Anfänge des Gallikanismus im 13. Jahrhundert* (Berlin, 1937). For the ecclesiological aspect of this dispute, see Coleman, 'Two Jurisdictions'; Congar, 'Aspects ecclésiologiques'; D. E. Luscombe, 'Thomas Aquinas and Conceptions of Hierarchy in the Thirteenth Century', in A. Zimmermann, ed., *Thomas von Aquin: Werk und Wirkung im Licht neuerer Forschungen*, *Miscellanea Mediaevalia* 19 (Berlin, 1988), pp. 261–77; J. Marrone, 'The Ecclesiology of the Parisian Secular Masters, 1250–1320', PhD dissertation (Cornell University, 1972); J. Miethke, 'Die Rolle der Bettelorden im Umbruch der politischen Theorie an der Wende zum 14. Jahrhundert', in K. Elm, ed., *Stellung und Wirksamkeit der Bettelorden in der städtischen Gesellschaft* (Berlin, 1981), pp. 119–53; Ratzinger, 'Einfluß'; C. Zuckerman, 'Dominican Theories of the Papal Primacy, 1250–1320', PhD dissertation (Cornell University, 1971).

³⁶ Penn R. Szittyá, *The Antifraternal Tradition in Medieval Literature* (Princeton, N.J., 1986), pp. 49–50. For William of Saint-Amour's use of Scripture, see Beryl Smalley, 'Use of the "Spiritual" Senses of Scripture in Persuasion and Argument by Scholars in the Middle Ages', *Recherches de Théologie Ancienne et Médiévale* 52 (1985), pp. 44–63, at pp. 57–59.

common.³⁷ As M. D. Lambert pointed out, Judas' purse and money became the kernel of the secular masters' criticism of the doctrine of apostolic poverty.³⁸

Bonaventure handles this issue by introducing a distinction between exterior acts (*opus exterius*) – what one has done – and interior acts (*opus interius*) – what one is about to do. In interior acts, Bonaventure maintains that Christ was undoubtedly most perfect; but he was not always perfect in exterior acts because he escaped from confrontation with persecutors, hid himself and begged the Father to take the chalice away.³⁹ The fact that Christ allowed Judas to carry a purse and money was an example of the overtly imperfect deeds of Christ. Bonaventure explained that Christ had the purse for a threefold purpose.⁴⁰ First, in order to console the imperfect: Christ held a purse and money to console those who needed them in terms of condescension to the imperfect. Secondly, to give advice to the impious: Christ's having a purse suggested that the act of having a purse itself was not a sin, while Christ demonstrated, by giving the purse to Judas who he foresaw would betray him, that the cause of impiety is not poverty but cupidity. Thirdly, to teach the perfect: Christ and the apostles' communal ownership, Christ's manner of dispensing with goods to ease the poverty of believers, and Christ's lack of a purse except in a case of necessity, provide a model for the perfect form of holding, dispensing and using property respectively. Among these three purposes Bonaventure emphasises the first: to console those who needed a purse and money. This is the well-known Bonaventuran theory of condescension to the imperfect. Bonaventure supported his argument by a citation from Augustine's writings, according to which Christ had a purse on account of his mercy.⁴¹

³⁷ Gerald of Abbeville, *Contra adversarium perfectionis Christianae*, in S. Clasen, 'Tractatus Gerald de Abbatisvilla "Contra adversarium perfectionis Christianae"', *Archivum Franciscanum Historicum* 31 (1938), pp. 284–329; 32 (1939), pp. 89–200. See especially 31, pp. 89–101, 284–91. On Gerald of Abbeville himself and for the texts of his other writings, see *ibid.*, pp. 277–83; Clasen, 'Die "Duplex Quaestio" des Gerhard von Abbeville über den Ordenseintritt Jugendlicher', *Antonianum* 22 (1947), pp. 176–200; A. Teetaert, 'Quatre questions inédites de Gérard d'Abbeville pour la défense de la supériorité du clergé séculier', *Archivio italiano per la storia della pietà* 1 (1951), pp. 81–178.

³⁸ Lambert, *Franciscan Poverty*, p. 133.

³⁹ Bonaventure, *Apologia*, c. i, 10, p. 238: 'cum loquimur de Christi operibus, potest fieri sermo de eius opere interiori, aut exteriori. Interiorius dicimus opus operans, exteriorius opus operatum. Omne autem opus Christi operans sive interiorius est perfectissimum, quia ex perfectissima caritate processit, et est actus perfectissimae voluntatis et virtutis. Opus vero eius exteriorius in se consideratum aliquando fuit perfectum de genere actus, utpote morti se offerre, vel animam pro ovibus ponere; aliquando imperfectum, ut a facie persequentium fugere, ut se ipsum abscondere, ut pro amotione calicis exorare. Verumtamen hoc opus, relatum ad Christi caritatem et rationem et causam, quare hoc faciebat, et ad personam suam, efficitur perfectissimum.'

⁴⁰ *Ibid.*, c. vii, 35–40.

⁴¹ *Ibid.*, 35, p. 284.

The longer version of the Perugia encyclicals also deals with the question of Judas' purse; however, the Bonaventuran theory of condescension to the imperfect is discarded.⁴² The Franciscans at Perugia proposed an alternative understanding, which was more legalistic. The emphasis is laid not on Christ's intention of charity, but on his lack of ownership (*dominium*). Christ allowed Judas to carry a purse and money because, by using the money in the purse, Christ and the apostles dispensed temporal goods to the people. Christ and the apostles never had the ownership of the purse and money, but only the use of them. And to have the use, not the ownership, as Christ and the apostles had, represents the state of innocence, since before the Fall men did not have any ownership but enjoyed the use of every temporal good.⁴³

Bonagratia of Bergamo amalgamates this legalistic interpretation of Judas' purse with the Bonaventuran theological discourse. Bonagratia borrows Bonaventure's language of exterior and interior acts to shed light upon the problem of Judas' purse, though, unlike Bonaventure, he gives a legal meaning to the two terms. 'To have a purse in terms of exterior acts' means, according to Bonagratia, 'to carry a purse and to dispense in common or to hold the contents of the purse'. 'To have the purse in terms of interior acts', on the other hand, is defined as 'to wish to own them individually or communally, and to possess and hold them by such a right of ownership'.⁴⁴ Ownership is thus anchored in interior acts. Christ's act as understood through the Bonaventuran idea of condescension is defined in a twofold way: it was an external act of carrying a purse in order to divide and appropriate its contents, and an internal act of wanting the ownership of the goods individually or communally and possessing them by right of ownership. The point that Bonagratia wants to make is that Christ condescended to the imperfect not in interior acts but in exterior acts. Bonaventure had indeed made the same point: he defended the perfection of Christ's poverty despite external imperfection. Both thinkers seek Christ's perfection in interior acts. But when Bonaventure wrote of Christ's condescension, he identified Christ's perfection with his internal act, which was his charitable intent. When Bonagratia discusses the same subject, by contrast, he identifies Christ's perfection with his interior acts, which implied a lack of

⁴² I am grateful to Professor Brian Tierney for drawing my attention to this point.

⁴³ Baluze-Mansi 3, pp. 210–11.

⁴⁴ Bonagratia, *Tractatus*, p. 488: 'duo actus considerantur. Unus est exterior, scilicet loculos portare, et res que habentur in loculis sive in communi dispensare sive contractare. Alius est actus interior, scilicet velle habere eas in dominio speciali vel communi suo speciali collegio participato et eas iure talis domini possidere et contractare.'

ownership, not charity. Clearly Bonagratia re-shapes the Bonaventuran discourse on Christ's perfection into a juristic one.

John XXII responded swiftly to the encyclicals at Perugia with the bull *Ad conditorem canonum* (December, 1322; revised the following year).⁴⁵ In it the pope asserts once again his sovereign power to revoke his predecessor's decree. He also attacks the theological foundation of the Franciscan doctrine of poverty: Bonaventure's connection of charity and poverty as seen in his theory of condescension to the imperfect. The pope emphasises that perfection consists essentially and principally in charity. This was of course commonplace in scholastic theology; however, the pope changes its meaning in relation to poverty. He argues that papal ownership on behalf of the Franciscans does not decrease but increases their solicitude about temporal things. 'It follows that if solicitude were to remain the same after such renunciation as it is beforehand, such renunciation can have no contribution to make to perfection.'⁴⁶ In short, the pope sunders the Bonaventuran nexus between charity and poverty, thereby denying also the primacy of apostolic poverty; instead, he argues that 'charity itself, not poverty, was the virtue most enshrined in the life of Christ'.⁴⁷ Poverty becomes simply irrelevant to Christian perfection. It is only a step from here to assert that Christ did have ownership of the purse that Judas carried. Once poverty lost the backing of charity, the Bonaventuran interpretation of condescension to the imperfect would inevitably change its meaning to imply that Christ *did* own a purse and money in order to condescend to the imperfect. In fact, John XXII explicitly asserted later in the decree *Quia quorundam* (November 1324) that Christ had the purse in terms of proprietorship (*proprietas*) in order to dispose of its contents; and he supported his argument with Augustine's words: 'the Lord had the purse offered by the faithful, conserved it and disposed of it for his own people's necessities and others' needs'.⁴⁸

The pope also revived Gerald of Abbeville's argument that use and ownership of consumables are not separable. In his *Contra adversarium perfectionis Christianae* (1269), Gerald of Abbeville had questioned the

⁴⁵ *Extravag. Ioann. XXII*, 14, 3 (*De verborum significatione*), cols. 1225–9.

⁴⁶ *Ibid.*, col. 1225: 'restat, quod, si sollicitudo eadem post expropriationem huiusmodi, quae ante ipsam inerat, perseveret, ad perfectionem huiusmodi talis expropriatio valeat nihil conferre'.

⁴⁷ Conal Condren, 'Rhetoric, Historiography and Political Theory: Some Aspects of Poverty Controversy Reconsidered', *Journal of Religious History* 13 (1984), pp. 15–34, at p. 21. A similar view was taken by Lambert, *Franciscan Poverty*, p. 231, and Leff, *Heresy*, 1, p. 164.

⁴⁸ *Extravag. Ioann. XXII*, 12, 5, col. 1233. The citation of Augustine is from c. 17, C. 12, q. 1, col. 683 = Augustine, *In Ioann. Evang.*, tr. lxii, 5 (*PL* 35, 1803): 'Habebat Dominus loculos a fidelibus oblata conservans, et suorum necessitatibus, et aliis indigentibus tribuebat.'

distinction between the use and ownership of consumables. (This idea originated with Gregory IX, who declared in *Quo elongati* that the Franciscans retain use, but renounce all ownership.) Gerald enquired: where does the ownership of the goods that the Franciscans enjoy actually reside? The Franciscans responded that it was the pope, as the father (*papa*) of the Friars Minor, who retained ownership. Gerald in turn retorted with another question: what would be the utility for the pope to retain ownership for the Franciscans if he was unable to use his possessions? This is particularly relevant to things consumed by use. Gerald argued that it is impossible to separate use from ownership in the consumption of goods such as food that is taken into the stomach and disappears by being eaten. The Franciscans, not the pope, enjoy the utility of these goods; therefore, the Franciscans do have the ownership of consumables.⁴⁹ Thus Gerald articulated a utilitarian theory that ownership belongs to those who use and enjoy the goods concerned. John XXII raises precisely the same point, arguing that it is repugnant to law and contrary to reason to say that use of right (*usus iuris*) or use of fact (*usus facti*) in the things consumed by use can be separated from property or ownership.⁵⁰ John XXII even sarcastically questions whether it was the intention of Nicholas III to preserve for the Roman Church the ownership of one egg, one cheese, or one crust of bread, which were given to the brothers.⁵¹

John XXII's attack upon the Achilles' heel of the Bonaventuran doctrine of Franciscan poverty did not generate any significant counter-arguments from the leading polemicists of the Friars Minor. Neither Michael of Cesena nor Bonagratia of Bergamo endeavoured to restore the nexus between charity, poverty and perfection. However, this is hardly surprising. This Bonaventuran triangle had already lost its main significance in the general chapter at Perugia. We have seen that the longer version of the Perugia encyclicals makes no reference to the Bonaventuran theory of condescension to the imperfect when it responds to the classic exegetical problem of Judas' purse and money.⁵² What mattered to the Franciscans at Perugia was not the theological validity of their doctrine but the approval of their teaching by the

⁴⁹ Gerald of Abbeville, *Contra adversarium*, pp. 130–40.

⁵⁰ *Extravag. Ioann. XXII*, 12, 3, col. 1226: 'Dicere siquidem, quod in talibus rebus usus iuris vel facti, separatus a proprietate rei seu dominio, possit constitui, repugnat iuri, et obviat rationi, nec praedecessoris nostri praedicta fuisse videtur intentio, Romanae ecclesiae talium bonorum dominium reservare.'

⁵¹ *Ibid.*: 'Quis enim sanae mentis credere poterit, quod intentio fuerit tanti patris, unius ovi, seu casei, aut frusti panis, et aliorum usu consumptibilium, quae saepe fratribus ipsis ad consumendum e vestigio conferuntur, dominium Romanae ecclesiae, et usum fratribus retinere?'

⁵² Above p. 46.

Church Fathers, the popes (above all Nicholas III) and the doctors such as Bonaventure, John Pecham, Matthew of Aquasparta and more recently Cardinal Vidal du Four.⁵³ The Franciscans merely stated again and again that their doctrine of evangelical poverty had *always* been approved by the Roman Church. The irreformability of the doctrines of the Roman Church, as quintessentially seen in Pope Nicholas III's official endorsement in *Exiit qui seminat*, was their last bastion to defend.

Clearly the Franciscan discourse on poverty underwent a transformation in the early fourteenth century. In the light of the Bonaventuran discourse on Franciscan poverty it is evident that the Franciscan discourse on poverty in the early fourteenth century made a significant shift from a theological emphasis to a legalistic one. The leading Franciscan polemicists, such as Michael of Cesena and Bonagratia of Bergamo, considered that the dispute in which they were deeply involved was essentially a matter of law rather than theology. When Bonaventure defended the mendicant case vigorously against the secular masters' attacks, he gave a theological expression to St Francis's ideals.⁵⁴ The responses of early fourteenth-century Franciscan leaders to the attacks on their doctrine were far removed from Bonaventure's. Michael of Cesena never endeavoured to strengthen the theological foundations of Franciscan doctrine; nor did the canonist Bonagratia. This, however, is not to suggest that Franciscan scholarship was futile. For the Franciscans, the foe was no longer the secular masters, as in the thirteenth century, but the pope. The Franciscans could not defend their case on purely doctrinal grounds, since papal decisions concerning doctrinal matters, unlike the opinions of secular masters, had authority. Hence the immediate response to papal attacks was to appeal to another authority: John XXII's predecessor Nicholas III. In the dispute between the Franciscans and John XXII, Brian Tierney perceived a conflict of ideas: papal irreformability versus papal sovereignty. To put it another way, the early fourteenth-century poverty controversy was not essentially doctrinal. It was a legalistic dispute over competing concepts of papal authority.

THE RESTORATION OF THE THEOLOGICAL
DISCOURSE ON FRANCISCAN POVERTY?

It is ironic that, while the Franciscans did not strive to restore the Bonaventuran association of poverty with perfection, Marsilius of Padua,

⁵³ Baluze-Mansi 3, p. 211.

⁵⁴ For St Francis's personal experience of divine vision, see, for example, Duane V. Lapsanski, *Evangelical Perfection* (St Bonaventure, N.Y., 1977).

who was not a theologian, discerned precisely the significance of John XXII's attack.⁵⁵ Marsilius' attempt to rescue Franciscan poverty is intriguing. He wrote in the *Defensor pacis* (1324) that apostolic poverty was an independent virtue, entailing no association with charity. According to Marsilius, charity is a universally binding virtue which is under divine command, not under vow. Poverty, on the other hand, is under vow and neither a habit nor an act of charity.⁵⁶ This is not to deny that poverty is a virtue, however. On the contrary, he wrote that it was clear from scriptural evidence that poverty was an independent virtue.⁵⁷ Marsilius severed the Franciscan nexus between charity and poverty, and enshrined both respectively. Unlike John XXII, Marsilius defended the virtue of poverty; and yet, like the pope, he virtually dissolved the Bonaventuran triangle of charity, perfection and poverty.

Probably Marsilius was not interested in restoring the Bonaventuran language.⁵⁸ This can be verified in Marsilius' casual reference to the condescension theory. He wrote: 'I say that it cannot be proved from Holy Scripture that Christ, *however condescending he may have been to the weak*, had the aforesaid ownership or possession of temporal goods in private or in common'⁵⁹ (my emphasis). Marsilius did not think that Christ's condescension to the poor was relevant to the question of his private or communal ownership of temporal goods, and Marsilius therefore did not relate the condescension theory to Christ's 'internal'

⁵⁵ Marsilius' contribution to the poverty controversy has been long neglected. John Marshall, the sixteenth-century translator of the *DP*, and C. W. Previté-Orton, its twentieth-century editor, equally maintained that chapters xiii and xiv of Discourse II in the *DP* are of no importance. Georges de Lagarde wrote in 1965: 'What good is it to compare Ockham's interminable considerations on poverty to the three small, subsidiary and conventional chapters [= *DP* II, xii, xiii and xiv] on the same subject in *Defensor*? (A quoi bon comparer les interminables considérations d'Ockham sur la pauvreté aux trois petits chapitres adventices et conventionnels du *Defensor* sur le même sujet?)' See Lagarde, 'Marsile de Padoue et Guillaume d'Ockham' (1965), p. 594. It is only fairly recently that the importance of Marsilius in the context of the dispute over poverty has been justly recognised. The pioneering studies are Lagarde, *La Naissance*, new edn, 3, ch. 11; Jeannine Quillet, *La Philosophie politique de Marsile de Padoue* (Paris, 1970), chs. 16–17. See also Kerry E. Spiers, 'The Ecclesiastical Poverty Theory of Marsilius of Padua: Sources and Significance,' *Il pensiero politico* 10 (1977), pp. 3–21; Condren, 'Rhetoric, Historiography'; and Brian Tierney, 'Marsilius on Rights,' *Journal of the History of Ideas* 52 (1991) pp. 3–17.

⁵⁶ *DP*, II, xiii, 18.

⁵⁷ *Ibid.*, 11–21.

⁵⁸ Jeannine Quillet and Kerry Spiers considered that Marsilius' true intention in mentioning poverty was not the defence of Franciscan poverty, but the criticism of ecclesiastical power. Cf. Quillet, *La Philosophie politique*, p. 213; Spiers, 'Ecclesiastical Poverty', p. 11.

⁵⁹ *DP*, II, xiii, 37: 'Hiis consequenter dico quod ex Scriptura Sacra convinci non potest, Christum, quantumcumque condescendentem infirmis, habuisse temporalium iam dictum dominium seu possessionem in proprio vel communi, quamvis hoc credantur sensisse sanctorum aliqui.'

perfection. Clearly Marsilius did not appreciate the importance of the condescension theory to the Franciscan doctrine of poverty.

One central task that Ockham handled in the *Opus nonaginta dierum*, in contrast, was to restore the theological triangle of charity, poverty and perfection. Unlike his Franciscan colleagues in Munich, Ockham fully grasped that John XXII had destroyed the theological foundation of Franciscan poverty. Unlike Marsilius, however, Ockham attempted to reconnect poverty with charity and perfection.⁶⁰

His defence starts with 'the semantic differentiation'⁶¹ of the word 'perfection'. 'Perfection' has a twofold meaning: first, 'essential perfection', which is perfect charity (*caritas perfecta*); secondly, 'quasi-actual or secondary perfection' (*perfectio quasi actualis vel secundaria*), as in 'perfect' poverty and 'perfect' chastity.⁶² 'Essential perfection' or 'perfect charity' means the perfect habit, or inclination of the soul (*praeparatio animi*), which renders a man perfectly perfect no matter how deficient his exterior acts may be. 'Quasi-actual or secondary perfection', on the other hand, is the perfection that can be achieved by virtues other than charity, such as perfect poverty or perfect chastity.⁶³ Poverty as the perfection of the second mode does not in itself guarantee perfection, but disposes one to it. The connection between charity and poverty remains, thanks to the twofold meaning of perfection.

Ockham also classifies human acts into four modes, depending on what type of perfection they pertain to. According to the first mode of the act of perfection, 'a certain act is perfect because it is in itself and essentially perfect; and in this mode, charity and the meritorious act of loving God aspire to perfection'.⁶⁴ 'In the second mode', wrote Ockham:

a certain act pertains to perfection, because it is arduous and difficult, removes and diminishes the impediments for the perfection of the first mode, and

⁶⁰ Accounts of Ockham's perfection theory include Léon Baudry, 'L'ordre franciscain au temps de Guillaume d'Occam', *Mediaeval Studies* 27 (1965), pp. 184–211; Leff, *Heresy*, I, p. 251; Miethke, *Ockhams Weg*, pp. 444–58.

⁶¹ *Ibid.*, p. 452.

⁶² *OND*, c. 18, p. 445.

⁶³ *Ibid.*, c. 18, p. 454: 'Ad hoc respondent isti impugnatores distinguendo tam de perfectione quam de impedimento perfectionis, dicentes quod perfectio, de qua nunc loquimur, est duplex: Quaedam scilicet essentialis, quae reddit hominem perfectum, et illa est caritas perfecta, qua habita perfecte est homo perfectus quantumcunque careat aliis secundum actum, licet aliis virtutibus, stante illa caritate perfecta, secundum praeparationem animi carere non possit. Alia est perfectio quasi actualis vel secundaria, quae in aliis virtutibus a caritate invenitur, sicut si dicatur paupertas perfecta vel castitas perfecta, et sic de aliis.'

⁶⁴ *OND*, c. 76, p. 612: 'Uno enim modo pertinet aliquid ad perfectionem, quia est de se et essentialiter perfectio; et isto modo caritas et actus meritorius diligendi Deum ad perfectionem spectant.'

disposes one to such perfection. And, in this mode, the individual and communal renunciation of proprietorship (*proprietas*) of all temporal things, grievous vigils, persistent self-control, solitary fasting, renunciation of one's own will and so forth belong to perfection.⁶⁵

The acts of perfection of the second mode alone can be institutionalised as the perfect way of life because they need to be pursued against the corrupt nature of men. The renunciation of temporal goods is indeed one of the various states of perfection.

The third mode is the act that results from supreme perfection. For instance, many holy men, due to their great perfection, accept the care of communal ecclesiastical property, such as bishoprics and other offices, for they accept administrative duties of this kind due to the perfection of their charity, not to ambition or avarice.⁶⁶ Ockham adds that this kind of perfection is easy for those who live corrupt lives, but difficult for those who live in the love of God. Finally and perhaps least significantly, the act of perfection of the fourth mode is perfect because 'it disposes one somehow to perfection'.⁶⁷ Any good deed can be regarded as perfect.

Ockham is unequivocal in stating that human acts were perfect if their motive is charity, thereby reasserting the traditional superiority of charity over poverty. He argues that, when a Franciscan friar is elected a bishop, he can remain perfect as long as he embraces charity in terms of the inclination of the soul ('secundum praeparationem animi'). A Franciscan bishop, who administered temporal goods merely *in actu* for the sake of the common good, would remain perfect. Ockham thus underlines that the moral meaning of external acts is dependent on internal acts, that is, on charity.⁶⁸ Hence, he also writes that the first

⁶⁵ *Ibid.*: 'Secundo modo pertinet aliquid ad perfectionem, quia est arduum quid et difficile, impedimenta perfectionis primo modo dictae tollens vel diminuens et ad ipsam disponens; et isto modo abdicatio proprietatis omnium temporalium in speciali et in communi et graves vigiliae, perpetua continentia, singularia ieiunia, abdicatio propriae voluntatis et huiusmodi ad perfectionem spectant.'

⁶⁶ *Ibid.*: 'Tertio modo potest intelligi aliquid ad perfectionem spectare, quia ex magna perfectione procedit, sive sit difficile et arduum, sive non sit difficile: sicut multi sancti viri ex perfectione magna dispensationem rerum ecclesiasticarum communium et episcopatus ac dignitates alias receperunt; quia ex perfectione caritatis curas huiusmodi, non ex ambitione vel avaritia susceperunt, immo quantam licuit renuerunt.'

⁶⁷ *Ibid.*, p. 613: 'Quarto modo potest aliquid intelligi ad perfectionem pertinere, quia potest qualitercunque ad perfectionem disponere. Et isto modo omnis actus bonus, sive sit facilis sive difficilis, potest dici ad perfectionem pertinere.'

⁶⁸ *Ibid.*, p. 614: 'et tale quid est proprietatem omnium abdicare in speciali et in communi. Sine hoc tamen in actu potest aliquis esse perfectus; sed non potest esse in summo sine tali abdicatione secundum praeparationem animi. Et isto modo sancti patres in Veteri Testamento et perfectissimi religiosi alii talem obtinent abdicationem secundum praeparationem animi; non tamen

mode of perfection cannot be achieved with any imperfection whatsoever, but the second mode of perfection can, because 'hypocrites do many arduous and difficult things *in order to be seen by others*'.⁶⁹

Ockham's discourse on the triangle of charity, poverty and perfection, however, was not intended to be Bonaventuran. Rather, Ockham bases his arguments on the authority of Thomas Aquinas.⁷⁰ Ockham refers to Thomas Aquinas' *Contra impugnantes Dei cultum et religionem*, *Contra doctrinam retrahentium a religione* and possibly *De perfectione spiritualis vitae*.⁷¹ Indeed, Ockham's discourse on the state of perfection (*status perfectionis*) echoes Thomist language. Aquinas' conception of the state (*status*) is central to his theory of perfection. Secular masters used the words *status*, *gradus* and *ordines* interchangeably to signify rank.⁷² Aquinas, by contrast, distinguished among these terms. According to Aquinas, *status* specifically denotes the condition, internal and external, of man, which has nothing to do with the deeds that one is called to perform or the grade that one occupies in the ecclesiastical order.⁷³ The state of perfection was considered to signify the essence of bishops and religious.⁷⁴ Thus, a religious, who aspires to perfection, gains the state of perfection. Similarly, Ockham argues that those who pertain to the perfection of the second mode belong to the state of perfection. 'The state of perfection', writes Ockham, 'is the state that obliges one to acts that pertain to the perfection of the second mode, beyond the duties to the perfection of the first mode to which every one is obliged, for it obliges to some things which are arduous and difficult for men with a

habuerunt in actu omnem perfectionem secundariam'; p. 620: 'Sicut unusquisque magis disponitur ad caritatem per bonam affectionem interiorem quam per opus exterius, ita unusquisque magis disponitur ad caritatem per amputationem malae affectionis interioris quam per amputationem operis exterioris; cum opus exterius non sit bonum vel malum, nisi propter actum interiorem. Cum ergo amor inordinatus temporalium sit affectio interior, et sollicitudo sit exterior, magis disponitur via ad caritatem per amputationem amoris inordinati temporalium quam per amputationem sollicitudinis exterioris.'

⁶⁹ *Ibid.*, p. 614: 'Perfectio enim primo modo dicta non potest male haberi nec fieri vel assumi. Sed abdicatio proprietatis omnium, sive in speciali tantum sive in speciali et in communi, potest male assumi, quia malo fine: quemadmodum hypocritae multa ardua et difficilia faciunt, ut ab hominibus videantur.'

⁷⁰ Thomas Aquinas, *De perfectione spiritualis vitae*, in *Sancti Thomae de Aquino Opera omnia* 41 (Rome, 1970), cc. 18–23. The accounts of Thomas Aquinas in the context of the poverty controversy include Douie, *Conflict*; Congar, 'Aspects ecclésiologiques'; Dufeil, *Guillaume de Saint-Amour*; P. Glorieux, 'Le "Contra Impugnantes" de S. Thomas, ses sources, son plan', in *Mélanges Mandonnet*, 3 vols. (Paris, 1930), 1, pp. 51–81; F. Hirschenauer, *Die Stellung des heiligen Thomas von Aquino in Mendikantenstreit an der Universität Paris* (Münster, 1934); Luscombe, 'Thomas Aquinas'; and U. Horst, *Evangelische Armut und Kirche. Thomas von Aquin und die Armutskontroversen des 13. und beginnenden 14. Jahrhunderts* (Berlin, 1992).

⁷¹ Offler, 'Introduction' to the OND, OP 2, p. xvi.

⁷² Congar, 'Aspects ecclésiologiques', p. 84.

⁷³ *Ibid.*, p. 85. ⁷⁴ Aquinas, *De perfectione*, c. 19.

corrupt nature who follow their passion.’⁷⁵ The state of perfection is not identical to perfection itself but prepares men for perfection.

Aquinas emphasised that the habit of charity, not the acts of perfection, makes the state of perfection.⁷⁶ Acts of perfection (*actus perfectionis*) are one thing; the state of perfection is quite another. Therefore, it is possible for one to perform perfect acts, without being under a vow to perform such acts.⁷⁷ In Aquinas’s own words:

It happens indeed that some perform acts of perfection without taking a vow, and that others, who take a life-long vow to undertake works of perfection, do not fulfil them. Hence, it is apparent that some people are perfect, though they do not have the state of perfection; and some others have the state but are not perfect.⁷⁸

Ockham reiterates the Thomist argument as follows:

There are many persons in the state of perfection, though they are not perfect, just as the religious and prelates are in the state of perfection though many of them are not perfect but rather criminal and wicked. However, there are many that are not in the state of perfection, although they are perfect in terms of the essential and primary perfection, namely the charity of God. Many kings and other rich men, contracting marriage and having wealth of their own, were perfect due to the perfect charity within them, but they were not in the state of perfection as it is commonly spoken of by modern people.⁷⁹

⁷⁵ *OND*, c. 76, p. 613: ‘Tertio dicunt esse sciendum quod status perfectionis vocatur ille status, qui supra obligationem ad perfectionem habendam primo modo dictam, ad quam omnes obligantur, obligat assumentes ad aliqua, quae ad perfectionem secundo modo pertinere noscuntur; quia obligat ad aliqua ardua et difficilia naturae corruptae et hominibus suas sequentibus passiones.’

⁷⁶ Aquinas, *De perfectione*, c. 23, B98, 101–4: ‘Contingit autem, ut supra dictum est, aliquem non in perfectionis statu existentem opera perfectionis agere, et perfectum esse secundum habitum caritatis.’

⁷⁷ *Ibid.*, 79–85: ‘Iam enim supra dictum est aliud esse perfectionis actum, atque aliud perfectionis statum. Nam perfectionis statum non efficit nisi perpetua obligatio ad ea quae ad perfectionem spectant, sine qua obligatione plurimi perfectionis opera exequuntur, puta qui nullo voto facto continentiam servant aut in paupertate vivunt.’

⁷⁸ Aquinas, *De perfectione*, c. 18, B90, 45–51: ‘Contingit vero aliquos perfectionis opera facere non voventes; alios vero totam vitam suam voto obligantes ad perfectionis opera, quae non implent. Unde patet quosdam perfectos quidem esse, qui tamen perfectionis statum non habent; alios vero perfectionis quidem statum habere, sed perfectos non esse.’

⁷⁹ *OND*, c. 109, pp. 786–7: ‘Multi enim sunt in statu perfectionis, qui tamen non sunt perfecti: sicut religiosi et praelati sunt in statu perfectionis, et tamen multi eorum non sunt perfecti, immo sunt scelerati et pessimi. Multi etiam non sunt in statu perfectionis, qui tamen sunt perfecti perfectione essentiali et primaria, quae est caritas Dei: sicut multi reges et alii divites utentes coniugio et proprietatem divitiarum habentes fuerunt perfecti propter caritatem perfectam in eis; et tamen non fuerunt in statu perfectionis, secundum quod communiter de statu perfectionis moderni loquuntur.’

Ockham's distinction between perfection and the state of perfection resembles Aquinas'.

When discussing poverty as the perfection of the second mode, however, Ockham does not hold that charity alone can warrant perfection in poverty; the practice of poverty can also achieve perfection 'in another sense'. This seems to contradict what is commonly assumed to be Aquinas' view: like Bonaventure, Aquinas asserted that charity alone underpinned Christian perfection. In the *De perfectione spiritualis vitae* (1269–70), Aquinas maintains that Christ's teachings turns men towards a perfection that is not equivalent to Christ's own but similar to it, and men can achieve such perfection by eliminating love for this world.⁸⁰ An individual can shun this-worldly desire by the three ways of perfection (*viae perfectionis*): the renunciation of temporal goods, the abandonment of carnal desire and marriage, and the voluntary renunciation of individual possessions.⁸¹ Christ, Aquinas argues, taught that it was difficult for the rich man to enter the kingdom of heaven because 'the cares of the world and the lure of wealth choke the word, and he produces nothing' (Matthew 13.22). Hence it is more useful to abandon wealth for the sake of eternal life than to retain it.⁸² Scriptural testimonies, however, seem to contradict Christ's teaching of poverty. For instance, 'Abraham gave all he had to Isaac' (Genesis 25.5), although God said to Abraham, 'Be perfect' (Genesis 17.1). This contradiction is reconciled by downgrading the renunciation of temporal goods to an 'instrument of perfection (*instrumentum perfectionis*)'.⁸³ The mere renunciation of goods is not sufficient to reach perfection; adherence to God through perfect charity makes perfection possible in spite of temporal possessions. 'Abraham was rich but perfect by having a soul which was not entangled in wealth but totally united with God.'⁸⁴ The man who, though living in wealth, is not attached to affluence is truly miraculous and, without doubt, perfect.⁸⁵ Therefore, poverty as a way of perfection is primarily not an outward practice but a mental attitude. Clearly, Aquinas considered the external practice of poverty to be less significant than charity, which is the only supreme virtue.

Ockham, by contrast, considered evangelical poverty (as the perfection of the second mode) to be perfect 'in another sense', because he considered that Christ and the apostles were perfectly poor, both

⁸⁰ Aquinas, *De perfectione*, cc. 4–7.

⁸¹ *Ibid.*, cc. 8–11.

⁸² *Ibid.*, B72–B73, 47–70.

⁸³ *Ibid.*, B73, 77–136; c. 21, B94, 75–195.

⁸⁴ *Ibid.*, B73, 106–9: 'Abraham divitias possidens perfectus fuit, non quidem habens animum divitiis irretitum, sed totaliter Deo coniunctum.'

⁸⁵ *Ibid.*, B73, 151–4.

internally and externally: '(the perfection of poverty) was most perfect in Christ and in the apostles: not only in respect of inclination of the soul but also in respect of exterior works'.⁸⁶

Any doctrine of moral perfection should teach how a virtuous man must practise interior acts as well as exterior acts. However, evangelical doctrine, in so far as it deals with poverty, is the doctrine of perfect morals. Therefore, it touches how one must be poor not only to the extent of interior acts, that is, to the extent of the preparation of the soul, but also to the extent of exterior works, that is, to the extent of the renunciation of temporal goods.⁸⁷

Evidently, not only the intention of the will but also external actions are matters of great importance in Ockham's 'apostolic ideal'.⁸⁸ The idea of Christ's perfection of poverty in both interior and exterior acts clearly marks Ockham's departure from the traditional argument on poverty in the mendicant orders, which did not deny the imperfection of Christ's overt behaviour as illustrated by his permitting Judas to carry a purse.

Despite this 'departure' from the Thomist position, however, Ockham claimed that his notion of Christ's internal and external perfection in poverty originated in Aquinas.⁸⁹ What we have seen as Aquinas' view on perfection and evangelical poverty in the *De perfectione* was a moderate one. But Aquinas changed his mind during the course of the poverty dispute. In the earlier stage of his polemical involvement, Aquinas' position was almost identical to that of the Franciscans. When he met the seculars' attack on the mendicant claim for poverty head-on in one of his earlier polemical works, *Contra impugnantes Dei cultum et religionem* (1256),⁹⁰ Aquinas defended the actual practice of poverty by the renunciation of all possessions, communal and personal. In the

⁸⁶ OND, c. 21, p. 467: 'Fuerunt "in Christo et Apostolis perfectissime": Non solum secundum praeparationem animi, sed secundum opus exterius.' Cf. *ibid.*, c. 23, p. 477: 'Quartum est quod Christus non solum fuit pauper voluntate, sed etiam realiter per carentiam proprietatis omnium temporalium'; *ibid.*, c. 78, pp. 636-7: 'Dicimus quod falsum est quod hoc consulerit Apostolis: Hoc non accipit appellans, sed accipit quod hoc Christus consuluit volentibus ad perfectionem attingere, hoc est, volentibus attingere ad perfectissimam paupertatem realiter, et non solum secundum praeparationem animi.'

⁸⁷ *Ibid.*, c. 23, p. 469: 'Cuiuslibet doctrinae perfectae moralis est docere qualiter tam actus interiores quam exteriores virtuosus debeat exercere. Sed doctrina evangelica, prout tractat de paupertate, est doctrina perfecta moralis; ergo non tantum docet qualiter quis debeat esse pauper quantum ad actum interiorem, scilicet quantum ad praeparationem animi, sed etiam quantum ad opus exterius, scilicet quantum ad carentiam temporalium rerum.'

⁸⁸ Gordon Leff, 'The Apostolic Ideal in Later Medieval Ecclesiology', *Journal of Theological Studies* 18 (1967), pp. 58-82.

⁸⁹ OND, c. 23, pp. 472-3.

⁹⁰ Thomas Aquinas, *Contra impugnantes Dei cultum et religionem*, in *Opera omnia*, 41, A49-A166.

The poverty controversy

Contra doctrinam retrahentium a religione (1271),⁹¹ which was written after *De perfectione*, Aquinas maintained that the lack of *all* possession pertained to the perfection of Christian life in this world because the poverty which Christ taught by words and practised by actions pertained to perfection.⁹² Ockham anchored his idea of the perfection of poverty selectively in Aquinas' more radical views. Evidently Ockham used the Thomist views as long as they suited his polemical purposes. It was a clever tactic, because Aquinas was John XXII's favourite authority. The pope canonised him, and often grounded his anti-Franciscan argument in Aquinas' authority. Arguably Ockham's use of Aquinas was intended to counter John's.

Given the notion of Christ's practice of perfect poverty, how does Ockham solve the dilemma of Judas' purse? The reconciliation of the Franciscan doctrine of poverty with the biblical fact that Judas carried a purse was the Achilles' heel of Bonaventure's theological exposition of poverty. In interpreting Judas' purse, Ockham refers neither to Bonaventure nor to *Exiit qui seminat*. His goal is rather to prove, like Franciscan leaders at Perugia, that Christ had no ownership of the purse and money. He endorses this view with a number of biblical testimonies, demonstrating that the purse and money that Judas was carrying were used for ministering to the needy and for keeping Christ and the apostles alive. In the light of scriptural evidence, Ockham maintains, in harmony with the contemporary Franciscan view, that the ownership (*dominium*) of the purse and money really belonged either to the community of the faithful or to the ladies who served Christ (Luke 8.3).⁹³

This is not to say, however, that Ockham merely reiterates the legalistic view found in the longer version of the Perugia encyclicals. He makes a point that contemporary Franciscans did not: Christ's poverty was perfect in a sense other than charity. In so arguing, Ockham associates the rightless state of poverty with perfection in its 'secondary' meaning, namely, without reference to charity. Bonaventure and Aquinas alike maintained that poverty can be perfect if and when it is based on charity. Ockham argues, by contrast, that poverty can be perfect on account of charity but it can also be perfect in itself in a sense other than charity. Poverty as perfection in the secondary sense can do without the theological foundation of charity. His semantic analysis of perfection (or what

⁹¹ Thomas Aquinas, *Contra doctrinam retrahentium a religione*, in *Opera omnia*, 41, C37–C74.

⁹² *Ibid.*, c. 15.

⁹³ *OND*, c. 94. This idea had already been suggested briefly by Bonagratia, though Bonagratia seems to prefer the Bonaventuran explanation of Judas' carrying the purse as condescension to the imperfect. See Bonagratia, *Tractatus*, p. 490.

Jürgen Miethke called 'semantic differentiation')⁹⁴ is not intended to rehabilitate the traditional theological discourse. On the contrary, it asserts that poverty is an independent theological virtue. Despite the traditional façade, Ockham's position is, after all, not so dissimilar to that of Marsilius.

Does this intricate argument successfully restore the theological foundation of Franciscan poverty? The three key notions of charity, poverty and perfection remain present in the argument, and yet their relationship is unmistakably altered. Clearly Ockham did not think that he had any alternative but to divert his argument from the realm of theological virtues to that of semantic classification. The whole argument leaves us with the impression that he was desperate to reunite poverty with charity and perfection. But one might wonder why Ockham took up such a hopeless task. For the general chapter at Perugia no longer recognised the key significance of the Bonaventuran triangle of charity, poverty and perfection; moreover, Michael of Cesena and Bonagratia of Bergamo never made any effort to restore it. Why, then, did Ockham endeavour to re-work a theological discourse on charity, poverty and perfection when the dispute was no longer theological? This question holds the key to illuminating his unique perspective on the poverty controversy, which will be examined in the remainder of this chapter.

THEOLOGIAN VS. CANONIST: THE
IDEOLOGICAL CONTEXT

The first half of the *Opus nonaginta dierum* is devoted to one of the classic problems in the poverty controversy: whether it is possible for use to be separated from ownership in the use of a consumable. Ockham's argument starts by giving definitions of the terms that were often used in the dispute: 'because the Pope tries to induce errors in the disguise of a multiplicity of vocabulary and attempts to destroy the truth, they [= the Michaelists] wish to explain several terms which are often used in this constitution [= *Quia vir reprobus*] in order to clarify what should be said'.⁹⁵ A long list of definitions of terms follows. Use by right (*usus iuris*) is 'a certain positive right determined and instituted by human order, by which one has licit power and authority to use the goods of

⁹⁴ Baudry, Leff and Miethke saw no more than the traditional depreciation of poverty in relation to perfection in Ockham's 'semantic differentiation' of 'perfection'. Cf. Baudry, 'L'ordre franciscain', pp. 208–10; Leff, *Heresy*, I, p. 251; Miethke, *Ockham's Weg*, pp. 457–8.

⁹⁵ *OND*, c. 2, p. 300: 'quia impugnatus sub multiplicitate vocabulorum errores conatur inducere et molitur prosternere veritatem, ad evidentiam dicendorum quosdam terminos in hac constitutione saepius usitatos volunt exponere'.

others without changing the substance'.⁹⁶ Use of fact (*usus facti*) is 'every act that one performs with regard to external things, such as eating, drinking, dressing, writing, reading a book, riding a horse etc., and *facti* is added in order to distinguish such use from *usus iuris*'.⁹⁷ Use (*usus*) is defined as 'the right of using (*ius utendi*) the goods of others without changing their substance';⁹⁸ and 'right of using' is 'licit power of using an external thing, of which one must not be deprived against one's will without culpability and without reasonable cause'.⁹⁹

The term 'lordship' (*dominium*) can be understood in several ways; but according to the Michaelists, Ockham wrote, there were two essential meanings. One was the broader meaning: lordship is 'the principal human power to lay claim to, and defend a certain temporal thing in, a human court'.¹⁰⁰ The other was the narrower one: lordship is 'the principal human power of laying claim to a temporal thing in a court and of treating it in every way which is not prohibited by natural law'.¹⁰¹ Finally, proprietorship (*proprietas*) is defined as 'the power of disposing of a thing by selling, giving, bequeathing, donating and alienating it freely according to one's will' or simply 'the power of laying claim to things in court'.¹⁰² Perhaps Ockham owed his definition of ownership to Bonagratia of Bergamo. Bonagratia wrote in his *Appellatio* against Pope John XXII that the abdication of property, ownership and rights to all goods, both communally and individually, removes all chance and power of laying claim to a temporal good in court.¹⁰³ This definition evidently resembles that of Ockham.

It is noticeable that the terms to which Ockham gives definitions here are all juristic. Theologians and canon lawyers alike had to handle such concepts in the legalistic dispute over mendicant poverty. For example, the Dominican theologian Hervaeus Natalis, who exercised

⁹⁶ *Ibid.*, p. 301: 'De usu vero iuris dicunt quod usus iuris est quoddam ius positivum determinatum, institutum ex ordinatione humana, quo quis habet licitam potestatem et auctoritatem uti rebus alienis, salva rerum substantia.'

⁹⁷ *Ibid.*, p. 301: 'Sic ergo omnis actus, quem exercet aliquis circa rem extrinsecam, sicut comedendo, bibendo, vestiendo, scribendo, legendo in libro, equitando et huiusmodi, vocatur usus facti, et additur "facti" ad distinguendum talem usum ab usu iuris.'

⁹⁸ *Ibid.*, p. 302: 'Usus est ius utendi rebus alienis, salva rerum substantia.'

⁹⁹ *Ibid.*, p. 302: 'quod ius utendi est potestas licita utendi re extrinseca, qua quis sine culpa sua et absque causa rationabili privari non debet invitus.'

¹⁰⁰ *Ibid.*, p. 306: 'Dominium est potestas humana principalis vendicandi et defendendi in humano iudicio rem aliquam temporalem.'

¹⁰¹ *Ibid.*, p. 308: 'Dominium est potestas humana principalis rem temporalem in iudicio vendicandi, et omni modo, qui non est a iure naturali prohibitus, pertractandi.'

¹⁰² *OND*, c. 4, p. 343: 'potestas de re libere disponendi vendendo, donando, legando, alienando et utendo ad libitum'; *ibid.*: 'potestas vendicandi rem in iudicio'.

¹⁰³ Baluze-Mansi 3, pp. 218–19, Nicolaus Minorita, *Chronica*, p. 108.

a great influence on papal policy towards the Friars Minor, discussed the definition of some key concepts in his treatise on evangelical poverty. He wrote that property, right and *dominium* are synonymous as far as they are concerned with things, meaning equally 'to hold, over a thing, the power by which one is able to use it licitly, or concede it by donating, selling, or whatever'. Natalis added different nuances in these three terms. 'Right' is the licit circumstance in which one is able to exercise power over a thing; 'property' is the thing the right to which one has; '*dominium*' is 'the ability to do so (*posse*)'.¹⁰⁴

What is peculiar to Ockham, however, is that although he too discussed juristic concepts, he was not in dispute with the pope over semantic precision. Rather Ockham attempted to distinguish theological definitions from legal definitions of the key terms in the dispute. He stressed that the pope was unaware of the difference between the theological and the legal meaning of the terms and propositions in *Exiit* and in Michael of Cesena's *Appellationes*, thereby demonstrating that John XXII's misunderstanding of these writings testified to his ignorance of theology.¹⁰⁵ For example, Ockham wrote that the pope failed to distinguish 'use' as right from 'use' as mere act. The lawyer pope grasped the key theological concepts in a juristic sense and consequently misunderstood *Exiit qui seminat* and Michael of Cesena's series of *Appellationes*.¹⁰⁶ Also, when Ockham discusses extensively the employment of the term 'use' in the Bible,¹⁰⁷ he criticises John XXII for persistently interpreting it in a legal sense. Ockham knew that, according to lawyers, 'use' means either 'use by right' or a mere 'act' with regard to external things such as eating and drinking. In theology, on the other hand, 'use' means only the act of using. He repeatedly accused John XXII of confusing 'use' as right with 'use' as mere act, thus persistently interpreting 'use' in Scripture in a legal instead of a biblical sense.¹⁰⁸ Such

¹⁰⁴ Hervaeus Natalis, *Liber de paupertate Christi et Apostolorum*, ed. J. G. Sikes, *Archives d'Histoire Doctrinale et Littéraire du Moyen Âge* 12–13 (1937–38), pp. 209–97, at p. 236.

¹⁰⁵ Ockham commented frequently on John XXII's ignorance of theology, particularly in chapters 33 to 58. For example, *OND*, c. 37, p. 515: 'Error enim, ut dicunt, quem principaliter in hac parte intendit inducere, est quod Fratres Minores non possunt manducare, bibere et indui vestimentis, nisi habeant proprietatem et dominium earundem rerum. Si autem uteretur usitato modo loquendi in theologia et aliis scientiis philosophicis, ad errorem praedictum nullum posset invenire colorem. Et ideo utitur hoc nomine "usus" in una significatione, quae non invenitur nisi solummodo in scientiis legalibus.'

¹⁰⁶ See *ibid.*, cc. 3, 6, 9, 11, 16, 23, 31, 32, 33, 56, 58. Chapter 32 lists John XXII's misinterpretations of *Exiit qui seminat*: Ockham refutes them one after another by using the words in the bull itself.

¹⁰⁷ See the extensive and exhaustive analysis of the biblico-theological and the legal senses of *usus* in *OND*, chapters 33–58.

¹⁰⁸ This point is reiterated in *CB* c. 3, p. 179.

a viewpoint is understandably foreign to the canon lawyer Bonagratia of Bergamo. Strikingly, however, it is also absent from Michael of Cesena's writings. Michael points out that in legal studies 'use' means not only the right of use but also the act of using, and maintains that John XXII used the term only in the first sense and overlooked the second sense.¹⁰⁹ Michael does not suggest, as Ockham does, that John XXII confused the legal usage of the term 'use' with the biblical one. When Michael of Cesena is discussing Franciscan poverty, he assumes he is dealing with a problem of law. Ockham, by contrast, attempts to handle the dispute as a matter of biblical theology.

The place of Ockham's theory of ownership in his own discourse on poverty also helps us to see that he was not discussing Franciscan poverty as a question of law. Ockham expands on the idea of ownership in his reply to John XXII's biblical exegesis.¹¹⁰ The Pope maintained on the basis of Genesis 1.28 ('Be fruitful and multiply, and fill the earth and subdue it') that Adam was given ownership in the sense of property or what Ockham calls worldly lordship (*dominium mundanorum*) directly by God. Adam and Eve owned temporal goods communally until original sin resulted in private ownership. The pope's point, then, is that private ownership was divinely sanctioned.

Ockham, in response, rejects the divine origin of ownership. He distinguishes the ownership which Adam and Eve enjoyed from what he calls 'worldly lordship'. The ownership which the first man enjoyed was 'the power of ruling and governing temporal goods rationally without forceful resistance from them'.¹¹¹ Adam and Eve's power was described as the power of using every temporal thing in one way or another ('potestas utendi omnibus temporalibus uno modo vel alio'). Nothing happened to them against their will and they could freely rule and dispose of the whole of creation, including animals.¹¹² Therefore, Adam and Eve appropriated nothing individually or communally before the Fall. Everything was the possession of God, and no right, even ownership (in the sense of 'worldly lordship' or property), existed.¹¹³ If man had remained in a state of innocence, we should be able to enjoy the simple use of consumables without ownership or property.¹¹⁴ However, original sin resulted in the loss of 'the power of using every temporal thing', and God formed another mode of power suitable for

¹⁰⁹ Michael of Cesena, *Appellatio in forma maiori*, in Baluze-Mansi 3, pp. 246–303, at p. 254.

¹¹⁰ *OND*, cc. 25–28; 59–66. See Miethke, *Ockhams Weg*, pp. 467–77.

¹¹¹ *OND*, c. 14, p. 432: 'dominium omnium temporalium datum primis parentibus fuit potestas rationabiliter regendi et gubernandi temporalia absque eorum resistentia violenta'.

¹¹² *Ibid.*

¹¹³ *OND*, c. 26.

¹¹⁴ *Ibid.*, c. 27.

corrupt human nature, which is 'the power of appropriating and even acquiring common ownership'.¹¹⁵ The formation of private ownership or property resulted from the division of goods by Cain and Abel. Private ownership or property, therefore, is not of divine origin; Cain and Abel divided temporal things to appropriate them for themselves, not by divine order but by their own will. Thus Ockham rejects John XXII's view that every kind of ownership originates in divine law.¹¹⁶

After this extensive discussion on the origin of ownership, Ockham turns to the question whether Christ and the apostles had ownership of temporal goods. Curiously, however, Ockham does not refer to his ownership theory in order to answer this question. His solution is twofold. One is based exclusively on the aforementioned vision of Christ's perfect poverty: he argues that Christ and the apostles did not own anything individually or communally because Christ was perfectly poor in both interior and exterior acts, and he taught this perfect poverty, which the apostles perfectly observed. The other solution is to examine the various meanings of the terms *rex* and *dominus* to prove that Christ as a man was not a worldly king or lord.¹¹⁷

This scriptural argument forms an intriguing contrast to that of Bonagratia. Bonagratia considers that private ownership originated with the Fall of man. But Christ and the apostles renounced everything except the simple use of necessities, because they retained the state of innocence that could have been enjoyed by men on account of divine and natural law, but was lost as a result of original sin. Bonagratia then links this idea of ownership to the doctrine of redemption in order to refute John XXII's argument. Bonagratia's argument runs as follows:¹¹⁸ the son of God acquired human nature to save man from his corrupt nature; and yet, if Christ had not been in a state of innocence, perfect redemption would have been impossible for him. Hence, the son of God was in a state of innocence. In the state of innocence, men did not have ownership. Therefore, he concludes, Christ did not have ownership but merely simple use of fact. Ockham, by contrast, makes no use of his idea of ownership to counter-attack John XXII. Instead, a formidable number of biblical and patristic citations delineate Christ as a man of perfect poverty.¹¹⁹ Clearly, the poverty of Christ is, for Ockham, nothing other than a biblical fact, not a juristic theory.

Why did Ockham discuss Franciscan poverty as a matter of theology although the dispute had already become a legalistic one? We have already questioned a corollary of this: why did Ockham endeavour to

¹¹⁵ *Ibid.*, c. 14.

¹¹⁶ *Ibid.*, c. 88.

¹¹⁷ *Ibid.*, cc. 93–108.

¹¹⁸ Bonagratia, *Tractatus*, pp. 496–7.

¹¹⁹ *OND*, c. 93.

restore the traditional theological link between poverty and perfection, which the Franciscans at Perugia including Michael of Cesena had not attempted to resurrect? A possible answer lies in Ockham's attitude towards canon law. In his polemical writings criticisms of canon law are often found.¹²⁰ In the *Breviloquium de principatu tyrannico*, for example, he writes: 'Let the learned notice with how much haste and by what random hands decretal letters are often concocted, which contain such fables contrary to Holy Scripture. And no wonder, since their composers and authors are often ignorant of Scripture, yet rashly suppose that all they say must be approved.'¹²¹ This dismissive attitude towards canon law manifested itself as early as late 1334 – two years after the completion of the *Opus nonaginta dierum* – when he wrote Part I of the *Dialogus*. In it Ockham asserts the superiority of theology over canon law. For example, he writes that theology approves every Catholic truth and excludes every heresy, whilst canon law approves merely some Catholic truths and excludes merely some heretical doctrines.¹²² Canon law books are, according to Ockham, mere 'compilations of biblical authorities, the original writings of saints and theologians, some imperial laws and the constitutions, definitions, and determinations of the general councils and the popes'.¹²³ Canon law books are not exclusive to canon law studies; they are compilations of writings of which theologians have a better memory and understanding than do canon lawyers.¹²⁴ Therefore, he argued that anything contained in canon law and contrary to theology or natural law ought to be rejected.¹²⁵ The validity of

¹²⁰ For example, *OND*, c. 40; *Brev*, iv, 12–13; v, 10; vi, 4; *OQ*, i, 17.

¹²¹ *Short Discourse*, p. 154. *Brev*, v, 10, *OP* 4, p. 245: 'Advertant igitur eruditi quanta maturitate et quibuslibet manibus sepe decretales epistolae decoquuntur, in quibus contra scripturam sacram tales fabule inseruntur. Nec mirum, quia dictatores earum et conditor[es] saepe sunt scripturarum ignari; qui tamen temere reputant, approbandum omne, quod dicunt.' See also Ockham's comment on Gratian in *Brev*, vi, 4. Guido Terreni shares with Ockham a critical attitude to Gratian. See P. Fournier, 'Gui Terré', *Histoire Littéraire de la France* 36 (1927), p. 466.

¹²² I *Dialogus*, i, 3, p. 402.

¹²³ I *Dialogus*, i, 8, p. 405: 'Ad evidentiam autem praedictorum dicunt isti esse notandum, quod libri canonistarum non sunt nisi quaedam collationes ex auctoritatibus Bibliae et originalibus theologorum et sanctorum, et ex quibusdam legibus imperialibus, et ex constitutionibus, diffinitionibus seu determinationibus conciliorum generalium et summorum pontificum'.

¹²⁴ I *Dialogus*, i, 8, p. 405: 'Ex his dicunt, quod de logicis in libris canonistarum inventis tam quantum ad memoriam quam quantum ad intellectum, theologi, si sint perfecti, canonistas excedunt, licet nunquam oporteat theologos illorum verborum memoriam, sub quibus sententia pure theologica in determinatione ecclesiae explicatur, habere.'

¹²⁵ I *Dialogus*, i, 9, p. 406: 'Ex his patenter habetur, ut istis apparet, quod quaecunque in iure canonico theologiae et naturali iuri, quod non solum est in theologia, sed etiam in morali philosophia, invenirentur contraria, per alteram scientiarum praedictarum essent penitus reprobanda.'

canonist scholarship should be verified in the light of theology, and not the other way round.

Likewise, Ockham draws a new line of demarcation between the function of theologians and that of canonists: the task of defining what is a Catholic (or heretical) assertion and who is a Catholic (or a heretic) appertains to the theologian. Canon lawyers are merely expected to deal with the positive laws of the Church, such as the details of legal processes and the methods of condemning and punishing heretics.¹²⁶ 'Where the prudence of canonists ends, to judge by universal reason whether or not the canon law on some methods of punishing heretics, and the method of proceeding against them, contradicts Scripture, is the task of theologians.'¹²⁷ This differentiation of functions considerably enlarges the role of theologians and excludes canon lawyers from doctrinal speculation on matters of faith, confining them to the procedural details of inquisitorial practices.

Ockham's disdain for canon law was not unique. By the fourteenth century, the rivalry between theologians and canonists had become a conspicuous reality.¹²⁸ It was illustrated eloquently by the twelfth-century canonist Stephen of Tournai's analogy of inviting two persons – a theologian and a lawyer – to dinner. Stephen wonders what should be served to the two guests, because their tastes are entirely different: one loves bitter things, the other prefers sweet. The popularity of canon law fuelled the resentment of theologians. From the fourteenth century

¹²⁶ In *Quodlibetal Questions*, one of his earlier speculative writings, Ockham had already made a relevant point, distinguishing positive moral science from non-positive moral science. Positive moral science is, according to Ockham, 'the science that contains human and divine laws that oblige one to pursue or to avoid what is neither good nor evil except because it is commanded or prohibited by a superior whose role it is to establish the law'. Non-positive moral science, on the other hand, is 'the science that directs human acts apart from any precept of a superior, in the way that principles known either *per se* or through experience directs them'. Ockham wrote that 'the science of jurists' exemplifies positive moral science, which is not a demonstrative science, 'although it is regulated by a demonstrative science in many ways', because 'the arguments of jurists are based on positive human laws, which do not include evidently known propositions'. This seems to imply that the divine and natural laws are not the canonists' concern. See William of Ockham, *Quodlibetal Questions* vol. 1, trans. Alfred J. Freddoso and Francis Kelley (New Haven and London, 1991), pp. 148–50; *Quodlibeta septem*, *OTH* 9, ed. Joseph C. Wey (St Bonaventure, N.Y., 1980), quodlibet 2, q. 14, pp. 176–8.

¹²⁷ I *Dialogus*, i, 14, p. 410: 'per rationes tamen universales ad ipsos [=theologians] pertinet iudicare, ubi deficeret Canonistarum prudentia, an leges ecclesiasticae de haereticis certis modis plectendis, et modo procedendi contra eosdem scripturis sint adversae divinis'.

¹²⁸ See Yves M.-J. Congar, 'Un témoignage des désaccords entre Canonistes et Théologiens', in *Études d'histoire du droit canonique dédiées à Gabriel Le Bras*, ed. P. Vedel (Paris: Sirey, 1965), 2 vols., 2, pp. 861–84; G. H. M. Posthumus Meyjes, 'Exponents of Sovereignty: Canonists as Seen by Theologians in the Late Middle Ages', in Diana Wood, ed., *The Church and Sovereignty, c. 590–1918: Essays in Honour of Michael Wilks*, Studies in Church History: Subsidia 9 (Oxford, 1991), pp. 299–312; James A. Brundage, *Medieval Canon Law* (London, 1995), p. 179.

onwards, as law gradually became more popular than theology in the University of Oxford, there was a general tendency for the number of canon and Roman lawyers to increase more sharply than that of theologians.¹²⁹ The reason was probably that ecclesiastical office became increasingly the monopoly of clerics with legal backgrounds. The rise of canonistic scholarship was testified to and eulogised by canonists themselves. Hostiensis asserted the exalted status of canon law. For him, theology deals exclusively with the spiritual side of humans, while civil law studies their corporeal exigencies. Canon law, by contrast, discusses both spiritual and corporeal aspects of humans, and hence it stands above the other two disciplines.¹³⁰ He re-phrases this somewhat humourously: 'Is the species of mules then greater and nobler than that of horses and asses?'¹³¹

Since the twelfth century theologians had deplored the ever-increasing influence of canonists,¹³² possibly due to simple envy but also conceivably because of their concern with the spiritual well-being of the Christian community in opposition to earthly careerism and religious legalism. In a sermon Jean de la Rochelle classified what he called 'the sources of light in the heaven of the clergy' into three: 'the light of theology, like the sun; the light of secular knowledge, like the moon; and the light of philosophy, which has many parts, like the stars'. His discussion of 'secular knowledge' reveals his hostility towards it: 'The moon of secular knowledge is to disputation about earthly things as the sun of theology is to day, that is to contemplation of divine things . . . This moon waxes extraordinarily in the consummation of the age, while we now see that there are almost as many doctors of law as there are cities.'¹³³ Bonaventure affirmed theology's superiority to canon law: theology explains *propter quid* whereas canon law gives *quia*.¹³⁴ Bonaventure, following Aristotle, asserted that there are higher and lower sciences, and what for the higher science, theology, is the

¹²⁹ R. W. Southern, 'The Changing Role of Universities in Medieval Europe', *Historical Research* 60 (1987), pp. 133–46, at p. 144. See also Catto and Evans, eds., *A History of the University of Oxford*, 2, pp. 528–32.

¹³⁰ Walter Ullmann, *Medieval Papalism: The Political Theories of the Medieval Canonists* (London, 1949), pp. 30–1; Clarence Gallagher, *Canon Law and the Christian Community: The Role of Law in the Church According to the Summa Aurea of Cardinal Hostiensis* (Rome, 1978), pp. 73–81.

¹³¹ Stephan Kuttner, *Harmony from Dissonance: An Interpretation of Medieval Canon Law* (Latrobe, Pa., 1960), p. 49.

¹³² See, for example, Stephen C. Ferruolo, *The Origins of the University. The Schools of Paris and their Critics, 1100–1215* (Stanford, Cal., 1985).

¹³³ As cited and translated in D. L. d'Avray, *The Preaching of the Friars* (Oxford, 1985), pp. 116–17.

¹³⁴ Bonaventure, *Commentarium in libros Sententiarum IV*, dist. 18, p. 2, a. 1, q. 3, in *Opera omnia*, 4, p. 488.

conclusion of its enquiry is for the lower science, canon law, its starting point. Thomas Aquinas considered that the intrusion of the decretalists into theological matters was 'ridiculous and disagreeable',¹³⁵ as did Roger Bacon.¹³⁶

However, the relationship between theology and canon law underwent a significant transformation in the early fourteenth century with the movement to incorporate canon law into theology. The commentary on Book 4 of Peter Lombard's *Sentences* by the Dominican theologian Pierre de la Palud was distinctively legalistic. Pierre de la Palud, who was well versed in contemporary canon law, applied it to the corpus of theological speculation in order to serve practicalities. The work enjoyed huge success and was copied repeatedly. It was also among the earliest theological works to be printed.¹³⁷ This popularity clearly suggests that fourteenth-century theological circles were in favour of such harmonisation of theology and canon law. In his commentary on the *Sentences* and the Gospel of Matthew, the Carmelite John Baconthorpe interpreted Scripture in the light of canon law. His exegesis of Matthew 4.20 ('Immediately they left their nets and followed him') is not so much an interpretation of the verse as an exposition of John XXII's decrees such as *Quia nonnunquam* and *Ad conditorem canonum*. The meaning of Matthew 16.19 ('I will give you the keys of the kingdom of heaven, and whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven') is determined in the light of distinction 22, c. *Sacrosancta* and c. *Omnes* in the *Decretum*. Beryl Smalley rightly describes Baconthorpe's exegetical method as 'canon-law type'.¹³⁸

Likewise, canonists attempted to incorporate theology into canon law. In England, William of Pagula, a doctor of canon law at Oxford and later vicar of Winkfield, Windsor, wrote a compilation of canon law and theology in five books with 257 chapters providing every cleric, from parish priest to prelate, with an authoritative response to any

¹³⁵ Wilks, *The Problem of Sovereignty*, p. 305. See Aquinas, *Contra doctrinam retrahentium*, c. 13.

¹³⁶ Posthumus Meyjes, 'Exponents of Sovereignty', p. 304.

¹³⁷ Jean Dunbabin, *A Hound of God. Pierre de la Palud and the Fourteenth-Century Church* (Oxford, 1991), pp. 42–3.

¹³⁸ See Beryl Smalley, 'Problems of Exegesis in the Fourteenth Century', in P. Wilpert, ed., *Antike und Orient im Mittelalter, Miscellanea Mediaevalia 1* (Berlin, 1962; 2nd edn 1971), pp. 266–74. See also Smalley, 'John Baconthorpe's Postill on St Matthew', in her *Studies in Medieval Thought and Learning*, pp. 289–343; Walter Ullmann, 'John Baconthorpe as a Canonist', in C. N. L. Brooke, D. E. Luscombe, G. H. Martin and Dorothy Owen, eds., *Church and Government in the Middle Ages: Essays Presented to C. R. Cheney on His Seventieth Birthday* (Cambridge, 1976), pp. 223–46, especially pp. 224–5.

question that might arise in the course of their ministrations.¹³⁹ Along with his *Summa summarum*, Pagula's other work, *Oculus sacerdotis*, served as a guide to all aspects of the *cura animarum*, inspiring the contemporary chancellor of the University of Cambridge, John de Burgh, to write the *Pupilla oculi*.¹⁴⁰ In both works, the perceived need to combine theology and canon law is evident.

While some theologians and canonists promoted this fusion of the two academic disciplines, the thirteenth-century antagonism towards canon law persisted into the next century. When Dante wrote the *De monarchia*, he was aware of 'three classes of people' who fiercely opposed the truth he was investigating: popes; princes and kings hostile to the emperor; and decretalists. Dante argued that the decretalists, who were 'ignorant and lacking in any philosophical and theological training', damaged the empire.¹⁴¹ In the ninth canto of *Paradiso* he wrote:

For this deserted are the fathers, nay
The Gospels too, and Canon Law alone
Is studied, as its margins well display.¹⁴²

Marsilius of Padua also perceived that most of the major offices of the Church were occupied by 'shyster lawyers', while the pope rejected theologians as being 'useless'.¹⁴³ The anti-canonist outlook was subscribed to by thinkers and polemicists beyond the so-called 'anti-papalist' camp to which both Dante and Marsilius belonged. The staunch papalist Augustinus Triumphus of Ancona, for instance, regarded theology as 'the end and the queen of all knowledge' and asserted the superiority of theology over canon law. Similarly, Giles of Rome advised all kings to respect theologians over all others. Indeed, he was employed as a theological consultant by the papal curia, which had been dominated

¹³⁹ Leonard Boyle, 'The "Summa Summarum" and Some Other English Works of Canon Law', *Monumenta Iuris Canonici*, Ser. C, 1 (1965), pp. 415–56.

¹⁴⁰ Leonard Boyle, 'The *Oculus Sacerdotis* and Some Other Works of William of Pagula,' *Transactions of the Royal Historical Society*, 5th Ser. 5 (1955), pp. 81–110; W. A. Pantin, *The English Church in the Fourteenth Century* (Notre Dame, 1963), pp. 195–202, 213–14.

¹⁴¹ Dante, *De monarchia*, in *Opere minori* (Milan, 1960), pp. 611–743. See iii, 3, p. 701: 'Sunt etiam tertii, quos Decretalistas vocant, qui theologie ac philosophie cuiuslibet inscii et expertes, suis Decretalibus, quas profecto venerandas existimo, tota intentione innixi, de illarum prevalentia credo sperantes, Imperio derogant.' The quotation is taken from the English translation, *Monarchy*, ed. and trans. Prue Shaw (Cambridge, 1996), p. 67.

¹⁴² Dante, *The Divine Comedy of Dante Alighieri*, trans. G. L. Bickersteth (Aberdeen, 1955), p. 297. See also A. P. d'Entrèves, *Dante as a Political Thinker* (Oxford, 1952), pp. 54–5.

¹⁴³ DP, II, xxiv, 7, p. 371: 'Sed quibus (rursum dicam de plenitudine potestatis) plerumque conceduntur maiores ecclesiae dignitates, et qui ad has gubernandas sufficientes putantur, caudidici sunt. Hos enim tamquam utiles temporalibus conservandis vel amplius usurpandis contendere norunt, sacrae vero theologiae doctoribus tamquam inutilibus reiectis ab eo.'

by lawyers.¹⁴⁴ Here we can readily see that the early fourteenth century experienced a polarisation of views on the relationship between theology and canon law. One central issue was the respective roles that theology and canon law should play in tackling ecclesiastical problems.

This historical context appears to contain the clue to explaining why Ockham opened the first book of *I Dialogus* with the following question: who is to define what is a Catholic assertion and what is a heretical assertion – the theologian or the canon lawyer? That he should have posed such a question is striking, since other treatises on heresy begin with a definition or categorisation of heresy itself. The first book of *I Dialogus* signals that he regarded himself as a theologian in opposition to the canon lawyers. In *I Dialogus*, Ockham states that contemporary theologians scorn canon lawyers, since it is impossible to reach the profound truth of the sacred canons without the knowledge of natural and moral science and theology which, Ockham said, canon lawyers lack.¹⁴⁵ Although he also records that canon lawyers disdain theologians,¹⁴⁶ it is evident that Ockham abhors canonists. For example, he writes that Gratian, the father of medieval canon law, ‘included many things among the decrees which the Church does not approve, because they are false’. Gratian also made ‘erroneous references to divine Scripture, saying that something is found in Scripture when it is not’.¹⁴⁷ After all, the writings of the Church Fathers alone are the true canons, and some decretals of later generations may even be heretical.¹⁴⁸

Ockham’s abhorrence of canon lawyers and contempt for canon law studies help to explain why he employed a theological approach to the

¹⁴⁴ Walter Ullmann, ‘Boniface VIII and His Contemporary Scholarship’, *Journal of Theological Studies* 27 (1976), 58–87.

¹⁴⁵ *I Dialogus*, i, 3, p. 401: ‘In primis autem volo te scire, quod auctores theologi moderni temporis canonistas, tanquam non intelligentes, praesumptuosos, temerarios, fallaces, deceptores, cavillatores, et ignaros in cordibus suis valde despiciunt, reputantes quod sacrorum canonum intellectum ignorent. Pro quo tali ratione moventur. Sacrorum canonum dictatores viri acutissimi in scientia naturali, morali, et theologica fuerunt: neque per nullam absque praedictis scientiis canones tam certae tamque profundae veritatis aliquantulum conscripsissent. Cum ergo canonistae moderni scientias ante dictas ignorent, quamvis valeant canonum sacrorum retinere memoriam, ad intellectum tamen eorum nequeunt pervenire.’ Cf. *ibid.*, i, 9, p. 405.

¹⁴⁶ *Ibid.*, i, 6, p. 403.

¹⁴⁷ *Short Discourse*, p. 167; *Brev.*, vi, 4, p. 258: ‘Sed propter primum non possunt dici ab ecclesia approbata; quia Gratianus plura inseruit inter decreta, quae ecclesia non approbata, cum sint falsa; immo nonnumquam male allegat scripturam divinam, dicens haberi in scriptura ubi non habetur’.

¹⁴⁸ *OQ* i, 17, p. 65: ‘Ad omnes autem canones qui contrarium possunt adduci, dicunt quod canones veri (quales sunt canones antiquorum patrum, licet nonnullas decretales quorundam posteriorum haereticales existiment) intelligi debent quod regulariter in hiis, quae spectant regulariter ad summum pontificem, de eius iudicio iudicare non licet, nec regulariter licet appellare ab ipso, sed casualiter tantummodo.’

poverty controversy. Ockham considered that the whole conflict should be viewed as theological; hence, he attempted to restore a theological discourse on Franciscan poverty in the face of the canonist John XXII's heretical misunderstandings.¹⁴⁹ Ockham's reaction to the poverty controversy was an attempt to rescue the realm of theology from its legalistic straitjacket.

Ockham's distinctive perspective in the poverty dispute is exemplified by his response to John XXII's opinion that no act could be just (*iustus*) without the right of use.¹⁵⁰ The pope criticised the Franciscan separation of use and ownership of consumables by maintaining that a simple act without right is not just. Ockham observes a lack of conceptual precision in his opponent's terminology. His conclusion is not innovative; he attempts to demonstrate that the Franciscans' use is based on natural right, which no one can renounce. Although the issue is a legal problem, Ockham's way of dealing with it is not legalistic. First he points out that the pope's use of the term 'just' (*iustus*) is ambivalent. According to Ockham, the word 'justice' (*iustitia*), which is the source of the word 'just', has a threefold meaning. First, 'justice' means a certain particular virtue, which is one of the cardinal virtues. The second meaning of 'justice' is juristic: a certain general virtue, which orders all virtuous acts to the common good. Thirdly and finally, 'justice' has what Thomas Aquinas called a 'metaphorically considered' meaning: 'the due ordering of acts according to reason or some other operation'.¹⁵¹

From the three meanings of 'justice', Ockham deduces three meanings of 'just'. According to the first mode of 'just', a 'just act' (*actus iustus*)

¹⁴⁹ Jacques Duèse (Pope John XXII) studied law and theology at Paris and Orleans, possibly also at Toulouse and Montpellier, and taught canon and civil law at Cahors and Toulouse. His knowledge of law enabled him to become Chancellor of Charles II of Naples (1308) and Bishop of Avignon (1310). See D. Douie, 'John XXII', *New Catholic Encyclopaedia*, 7, p. 1014; G. Mollat, 'Jean XXII', *Dictionnaire de théologie catholique*, 8, cols. 633–41. Patrick Nold, however, argues that very little is really known about John XXII's education. Nold is sceptical of labelling the pope 'an amateur theologian' or 'a temperamental lawyer' and highlights his reliance on the theologian Hervaeus Natalis and his idea of poverty. See Nold, *Pope John XXII and His Franciscan Cardinal*, pp. 141, 161. Ockham, however, was certainly critical of the pope.

¹⁵⁰ This idea was first presented by the pope in the decree *Cum inter nonnullos* (November 1323). See *Extravag. Ioann. XXII*, 14, 4 (*De verborum significatione*), cols. 1229–30.

¹⁵¹ OND, c. 60, pp. 556–7: 'Quarto isti impugnatores ostendunt differentiam inter usum iustum et usum licitum. Ad cuius evidentiam est sciendum quod nomen "iustitiae" tripliciter accipi potest. Uno modo accipitur pro quadam virtute particulari distincta ab aliis virtutibus cardinalibus, habente materiam specialem distinctam a materia cuiuslibet alterius virtutis cardinalis, secundum quam homo iuste operatur ad alterum. Secundo accipitur iustitia pro quadam virtute generali, quae vocatur iustitia legalis, quae omnes actus virtutum ordinat ad bonum commune. Tertio accipitur iustitia pro debita ordinatione actus ad rationem vel aliam operationem, et ita secundum quosdam vocatur iustitia metaphorice sumpta. Et istius opinionis fuit Thomas'. Following this, Ockham cited two passages from Thomas Aquinas' *Summa Theologica*: IIa IIae, aa.1 and 2.

is ‘an act brought about by particular “justice”, that is, justice as one of the cardinal virtues’. ‘In this sense,’ Ockham continues, ‘many human acts are “licit” (*liciti*) and meritorious, but not just (*iusti*), such as acts of chastity, fortitude, mercy, liberality and many others.’¹⁵² The second meaning of ‘just’ is essentially juristic. Ockham writes:

Another act is called ‘just’, which is brought about, or ordered, by legal ‘justice’, by which one wishes to obey the law; and in this sense, according to the moral philosophy of Aristotle, there are many acts of the other virtues, even exterior acts in comparison to others, which, though they can be ‘just’ in that they can be ordered by legal ‘justice’, can also be not ‘just’, though they are virtuous, for it is possible that there is no human law made for them.¹⁵³

And the last meaning of ‘just’ is derived from the third mode of ‘justice’: ‘Another is called a “just act” by the “justice” of the aforementioned third mode; that “justice” should be so called metaphorically or even properly; and in that sense, every licit act is “just”, because it is good and in accordance with true reason.’¹⁵⁴ The distinction between the second and the third meanings of ‘just’ is of greater importance here. The second meaning of ‘just’ means conformity to human law, whilst the third meaning of ‘just’, that is, the concept of ‘licit’, means conformity to reason. The heart of John XXII’s argument is that ‘it is impossible . . . for an external human act to be “just” if those who exercise such an act have no right to exercise it’.¹⁵⁵ Ockham replies that some acts are sanctioned by human law and others by reason:¹⁵⁶

not every act exercised without a right over which one can litigate in court is an unjust act . . . If we understand an unjust act is opposition to a just act in the third mode . . . such an act is not unjust but just, without a right over which one can litigate in court, but not without right reason.¹⁵⁷

¹⁵² *OND*, c. 60, p. 557: ‘Ex hiis patet quod actus potest dici iustus tripliciter: Vel quia est actus elicited a iustitia particulari; et sic sunt multi actus humani liciti et meritorii, qui non sunt iusti, sicut actus castitatis, fortitudinis, misericordiae, liberalitatis et multi alii.’

¹⁵³ *Ibid.*: ‘Aliter dicitur actus iustus, qui elicitor vel imperatur a iustitia legali, qua vult aliquis legi obedire; et sic secundum philosophiam moralem Aristotelis multi sunt actus aliarum virtutum, etiam exteriores in comparatione ad alterum, qui, licet possint esse iusti, quia possunt imperari a iustitia legali, possunt tamen non esse iusti, ipsis existentibus virtuosis; quia possibile est quod de illis nulla sit lex humana penitus instituta.’ Cf. Aristotle, *Nicomachean Ethics*, v, 1–2, 1129b12ff.

¹⁵⁴ *OND*, c. 60, p. 557: ‘Aliter dicitur actus iustus a iustitia tertio modo dicta, sive illa iustitia debeat metaphorice vocari iustitia sive etiam proprie; et isto modo omnis actus licitus est iustus, quia est bonus et verae consonus rationi.’

¹⁵⁵ *Ibid.*, c. 62, p. 566: ‘Impossibile est enim actum humanum extrinsecum esse iustum, si exercens actum ipsum nullum ius habeat exercendi.’ Ockham is quoting from the constitution *Quia vir reprobis*.

¹⁵⁶ *Ibid.*

¹⁵⁷ *Ibid.*, p. 567: ‘non omnis actus exercitus sine iure, quo valet quis in iudicio litigare, est actus iniustus. Accipiendo enim actum iniustum prout opponitur actui iusto elicito a iustitia

The poverty controversy

This semantic analysis shows that an act may contradict human law and yet abide by the dictate of right reason. Thus Ockham differentiates 'just' in the second – juristic – sense from 'just' in the third – ethical – sense, the latter being the notion of 'licit' (*licitus*). In all of his polemical writings, Ockham scarcely ever confuses 'licit' (that is 'just' in the third sense) with 'just' in the second sense meaning 'lawful'.¹⁵⁸ What this semantic differentiation shows, then, is that the 'just act' is indifferent to human law. Ockham distinguishes the realm of judgement by right reason (*licitus/illicitus*) from that of judgement by human law (*iustus/inustus*), thus highlighting the realm of human action independent of judgement by human law.¹⁵⁹

Recently Brian Tierney has discussed Ockham's idea of natural rights with special attention to the *Opus nonaginta dierum*, and stressed that Ockham appealed persistently to the distinction between *ius naturale* and *ius positivum*. 'Nobody before Ockham,' wrote Tierney, 'had discriminated so carefully between *ius positivum* and *ius naturale* when the word *ius* was taken in a subjective sense to mean a right.'¹⁶⁰ With this view I concur. Indeed, Tierney maintained rightly that '[Ockham's] concept of a natural right – not novel in itself – came to be drawn out of the realm of juristic discourse into the centre of a major theological discourse.'¹⁶¹ Viewed from the perspective of the ideological conflict between theologians and canonists, what Tierney's observation implies is that Ockham drew the discourse on Franciscan poverty out of the morass of juristic discourse and re-positioned it on theological terrain. He returned the Franciscan doctrine of poverty to the realm of moral theology, thereby rescuing the moral domain that was impervious to juristic judgement.

BEYOND THE POVERTY CONTROVERSY

Within half a year of writing his apologetic letter to the general chapter of Assisi,¹⁶² Ockham embarked on the first part of the *Dialogus*. Anyone

particulari, multi sunt actus, qui nec sunt iusti nec iniusti. Actus enim temperantiae, fortitudinis, prudentiae, misericordiae, liberalitatis et aliarum virtutum illo modo nec sunt iusti nec iniusti. Accipiendo autem actum iniustum, ut opponitur actui iusto tertio modo dicto, sic actus talis non est iniustus, sed iustus; et tamen sine iure, quo valet quis in iudicio litigare; sed non sine ratione recta.'

¹⁵⁸ Ockham's use of the word *licitus* is entirely different from that of Marsilius. For Marsilius, *licitus* means in conformity with positive – human or divine – law, whereas for Ockham, it means in conformity with right reason. Throughout his polemical works, Ockham maintains this distinction between *iustus* – in conformity with positive law, human or divine – and *licitus*. See *DP*, II, xii, 5, p. 216.

¹⁵⁹ See also *CB* c. 6, p. 186.

¹⁶⁰ Tierney, *The Idea of Natural Rights*, p. 123.

¹⁶¹ *Ibid.*

¹⁶² Cited above p. 1.

who reads this massive work will wonder why the issues of the poverty controversy that Ockham had tirelessly discussed so recently are no longer at the top of his agenda. Indeed, the entire I *Dialogus* is devoted to discussion of heresy, with special reference to papal heresy; there is little reference to poverty.

This puzzle is readily solved when we see Ockham's own ideological stance in his involvement in polemical activity. Our investigation has shown that Ockham's involvement in the poverty controversy did not primarily result from his ideological affinity to the Friars Minor. Rather, Ockham was deeply concerned with papal heresy as clearly shown (to him) in Pope John XXII's series of constitutions: the official condemnation of Franciscan poverty clearly signalled this terrifying reality. When Ockham discovered that the heresy of Pope John XXII was rooted in the pope's ignorance of theology and legalistic understanding of Scripture and papal decrees, his polemical stance was firmly determined. In tackling various issues in the poverty dispute, Ockham as a theologian opposed the canonists, including the contemporary pope and his curial advisers. Ockham's shift of interest from Franciscan poverty to papal heresy is not inconsistent. He remained a defender of theological truths (one of which was Franciscan poverty) in opposition to the papal promulgation of heretical errors (one of which was the pope's rejection of Franciscan poverty).

It is striking how few Franciscans – perhaps only his contemporary Walter Chatton – were as aware of the juridicisation of the poverty dispute as Ockham. In his *Tractatus de paupertate evangelica* (1322/3–1330),¹⁶³ Chatton avoided the terminology of canon and civil law. In its stead, he adopted the biblical language that was used and understood commonly by people in the Church who were not necessarily familiar with legal terminology.¹⁶⁴

Chatton was different from Ockham in that he attempted to rehabilitate popular, biblical language, whereas Ockham used academic, theological language. Chatton's discourse on Franciscan poverty was dilettante. He simply attempted to clarify the idea of poverty for those who did not have legal training but were concerned with salvation when

¹⁶³ Walter Chatton, *Tractatus de paupertate evangelica*, ed. Decima Douie, *Archivum Franciscanum Historicum* 25 (1952), pp. 36–58, 210–40.

¹⁶⁴ Chatton, *Tractatus*, c. 2, pp. 41–2: 'Praemitto tamen, quod non intendo hic uti terminis iuris canonici vel iuris civilis, nec descriptionibus vel modo loquendi eorum, sed intendo uti terminis et modo loquendi ad intellectum illum, quem communiter homines habent in Ecclesia, qui non sunt exercitati in terminis iuris istius vel illius, sive sint simplices, sive instructi in Scriptura Sacra magis vel minus.'

they took a vow of poverty.¹⁶⁵ In doing so he did not oppose the legalistic understanding of Franciscan poverty. It is hardly possible to say, therefore, that Chatton shared with Ockham the view that the poverty of Christ and the apostles should not be discussed as a matter of law.

The contrast between Chatton and Ockham becomes clearer when we see Chatton's response to the question of whether or not Christ lacked ownership individually or communally. Chatton avoided asserting that what he regarded as the common understanding of Christ's poverty was the true and only understanding. He maintained that one ought to understand Christian doctrine in the same manner as does the universal Church, guided by the Holy Spirit. He in turn asks: how can one perceive that the understanding expressed by the universal Church is actually guided by the Holy Spirit? Chatton considered that there were three signs that would suggest the intervention of the Holy Spirit: (1) the long stability of the doctrinal understanding maintained by the pope and general councils, (2) miracles, and (3) harmony with Scripture.¹⁶⁶ The first sign seems to endorse the Holy Spirit's intervention in the official approval of the Franciscan way of life in *Exiit qui seminat*.

But what if the Church decides to adopt the contrary of the doctrine which has long been maintained? This was precisely the question the contemporary Franciscans addressed. Chatton's response is far removed from that of the Franciscans' encyclicals at Perugia. Even if he was responding to *Ad conditorem canonum*, which was in turn a response to the Franciscans' Perugia encyclicals, Chatton did not appeal to the irreformability of the papal decision. He repeated that Christian doctrine must be understood in the same manner as the universal Church, under the guidance of the Holy Spirit, understands it. A doctrinal decision contrary to a previous one ought to be accepted with respect, although it may be possible to confirm whether the new definition was aided by the Holy Spirit by considering, in the light of the signs that would suggest the intervention of the spirit, whether it will be upheld for a long period of time in the future.¹⁶⁷ In this argument, there is hardly any seed of resistance to papal sovereign power over doctrinal issues. Chatton

¹⁶⁵ *Ibid.*, p. 42.

¹⁶⁶ *Ibid.*, pp. 46–7.

¹⁶⁷ *Ibid.*, p. 47: 'Si autem quaeras: quid si Ecclesia Romana modo noviter determinat oppositum, etiam loquendo de dominio ad illum intellectum secundum illas tres condiciones domini? Respondeo et dico ad hoc sicut prius, quod sentiendum est sicut sentiret Sancta Romana Ecclesia, recta regimine Spiritus Sancti. Et ideo talis nova ordinatio, si fieret, recipienda esset cum reverentia, et ad eam teneretur homo se habere in observando, sicut decet. Posset autem ad maiorem eius confirmationem diligenter advertere, utrum illa tria signa regiminis Spiritus Sancti inde provenirent in futurum.'

merely suggests a suspension of judgement on the validity of a papal decision until the sign of the intervention of the Holy Spirit is confirmed. What if a doctrinal decision is quickly overturned? Chatton was silent on this. His argument was, after all, in support of the status quo.

Chatton's discourse on evangelical poverty epitomises the attitude to the papal sanctions that the majority of Franciscans eventually adopted. Although they attempted to preserve, to a certain extent, their own understanding of poverty, they finally obeyed the pope. Some of them enjoyed successful ecclesiastical careers during the pontificates of John XXII and Benedict XII. Walter Chatton was one of them. At the end of his life, he was elected bishop of St Asaph.¹⁶⁸

After their submission to the pope, some Franciscans made a futile attempt to reconcile the manifest contradictions between Nicholas III's *Exiit* and John XXII's constitutions. Alvarus Pelagius, the possible author of Part II of the *De planctu ecclesie*,¹⁶⁹ argued that John XXII himself did not think that he was abandoning or limiting Nicholas III's *Exiit*. Nicholas III clarified that Christ and the apostles had the simple 'use of fact' only. Therefore, Alvarus continued, John XXII was right in denying that Christ and the apostles had nothing, because Christ and the apostles had the simple use of fact.¹⁷⁰ Of course, this is a distortion of John XXII's view. One of his main arguments was that simple use of fact, especially in the case of consumables, was impossible.¹⁷¹

Clearly Ockham stands out against his contemporary Franciscans, since he alone attempted to combat the heretical pope on theological grounds. His Franciscan colleagues in Munich merely clung to their last straw, that is the doctrine of the irreformability of papal decrees, since they considered that the fundamental issue of the dispute was the nature of papal authority. The rest of the Friars Minor, who submitted to the pope's authority, were desperate to reconcile the manifest contradictions between John XXII's constitutions and Nicholas III's *Exiit qui seminat*. No one but Ockham examined his constitutions rigorously from a theological perspective.

¹⁶⁸ Decima Douie, *The Nature and the Effect of the Heresy of the Fraticelli* (Manchester, 1932), p. 206.

¹⁶⁹ Tierney, *Origins*, p. 199, n. 2.

¹⁷⁰ Alvarus Pelagius, *De planctu ecclesie*, ed. J. T. de Roberti (Rome, 1698), ii, 59, fol. 144v.

¹⁷¹ Tierney, *Origins*, p. 199.

Chapter 2

A GENERAL THEORY OF HERESY

against the errors of this pseudo-pope 'I have set my face like the hard rock', so that neither lies nor slurs nor persecution of whatever sort (that does not physically touch my person), nor the multitude, however great, of those who believe or favour or even defend him will ever at any time be able to prevent me from attacking and refuting his errors as long as I have hand, pen, parchment, and ink.¹

In demonstrating that the bull *Quia vir reprobus* was full of heretical errors, Ockham identified himself as a theologian who was determined to combat papal heresy. The problem of papal heresy, which had perplexed canonists and theologians alike, inevitably raised for Ockham a number of ecclesiological questions. Is it possible for a pope – the vicar of Christ and successor of St Peter – to fall into heresy? If it is, who can judge a pope and how? What sanction should be applied to a heretical pope? Ockham did not fail to discern these – to mention only three – crucial, if not novel, issues. During the course of writing the *Opus nonaginta dierum*, he was probably aware of the need to embark on an investigation of these questions. By late 1334,² Part I of the *Dialogus*, which was still more voluminous than the *Opus nonaginta dierum*, had been written for this purpose.

I *Dialogus*, as the title suggests, takes the form of a dialogue between a master and a disciple. The disciple, who represents a papal zealot, proposes various questions, and the master responds with numerous possible answers and their supporting arguments. At the very beginning

¹ *Epistola*, p. 15: 'Nam contra errores pseudo-papae praefati posui faciem meam ut petram durissimam: ita quod nec mendacia nec falsae infamiae nec persecutio qualiscumque, quae personam meam corporaliter non attingit, nec multitudo quantacumque credentium sibi aut faventium vel etiam defendentium me ab impugnatione et reprobatione errorum ipsius, quamdiu manum, cartam, calamum et atramentum habuero, numquam in perpetuum poterunt cohibere.'

² See the table of the principal dates in Ockham's life in *A Letter*, p. xxxvi. See also Baudry, *Guillaume d'Occam*, pp. 159–69; Miethke, *Ockhams Weg*, pp. 84–7.

of the work, the disciple pressingly requests his master to abstain from expressing his personal opinion. The reason for this is that the disciple desires to be convinced not by the master's authority but by his reasoning and the authorities that the master draws upon.³ Consequently, the entire work appears as if it were an encyclopaedic account of heresy. Despite this impersonal exposition, however, it is not impossible to identify Ockham's own opinions, in view of the context of the whole discourse and the logical consistency with which he expressed his views in this and other polemical works.⁴

I *Dialogus* consists of seven books. The last two books only are devoted specifically to the question of a heretical pope and his followers and defenders, whilst the other five discuss heresy in general. But the length of the books varies disproportionately: books 6 and 7 are as long as the first five books together. Evidently the problem of *papal* heresy, which will be discussed in [Chapter Three](#), carries much weight in this gigantic work.

In view of the whole spectrum of Ockham's polemical interests, however, the issues discussed in the first five books of I *Dialogus* are no less important. His discussion of papal heresy was built upon the solid foundation of a general discourse on heresy. We shall see in this chapter that Ockham's general account of heresy explores how a heretical doctrine or person should be detected: it is an epistemology of doctrinal error. His discussion of papal heresy, by contrast, justifies and recommends an inferior's dissent from an erring pope: it is a moral and political theory of resistance in an ecclesiastical context. Ockham's programme of ecclesiastical dissent, however, would have been shaky without a theory for the accurate detection of papal heresy. This explains the *raison d'être* of the five books on heresy in general that precede the last two books on papal heresy. But the general account of heresy is not a mere introduction to the extensive discourse on papal heresy. Once Ockham had theorised the legitimacy and moral obligation of ecclesiastical dissent

³ I *Dialogus*, Prolog., p. 398.

⁴ I agree with John Kilcullen regarding the criteria for identifying Ockham's own views in the *Dialogus*. Kilcullen wrote: 'Opinions found in the *Dialogus*, especially those which the Master explains carefully, can safely be attributed to Ockham if they are not refuted or strongly objected to in other passages, if they are consistent with opinions expressed in his "assertive" works, and if they support the purposes Ockham pursues in those works. Further, since on each of the questions discussed in the *Dialogus* Ockham's own opinion is one of those presented, where only one is presented (as is the case in much of *Dialogus* 1. iv, important on the subject of heresy) it must be Ockham's' (Kilcullen, 'Ockham and Infallibility', p. 390). More recently, George Knysh noted that the Master's personal view (hence, Ockham's) would always be among the opinions presented. 'It will be *there* but the Master is not to reveal *which one* it is': George Knysh, *Fragments of Ockham Hermeneutics* (Winnipeg, 1997), p. 72.

A general theory of heresy

in I *Dialogus*, his personal dissent from papal authority no longer needed any excuse. Thus, the shorter works such as *Contra Ioannem* (probably written in 1335) and *Contra Benedictum* (probably written in 1337–38) demonstrated to a Christian readership that Pope John XXII and Pope Benedict XII were heretics. This was indeed an application of the general theory of heresy in order to identify the pope's heresy. Clearly, Ockham's general account of heresy was, along with his theory of dissent from papal heresy, at the heart of his polemical activities.

The present chapter is intended as an examination of the key aspects of Ockham's general theory of heresy. We shall see that I *Dialogus* is not a mere encyclopaedic presentation of various contemporary opinions on heresy. On the contrary, it is an idiosyncratic contribution to the conceptualisation of heresy. Ockham not only offered a uniquely full-scale account of heretical doctrine and heretical persons, but also achieved a revolution in the medieval language of heresy: I *Dialogus* radically dismantled the institutional warrant of doctrinal orthodoxy, and thereby re-defined the concepts of heresy and heretics. It was a de-juridicisation of the scholastic discourse on heresy, with serious implications for Ockham's ecclesiology and political thought.

THE CONCEPT OF HERESY

As the poverty controversy in the early fourteenth century revolved around the question of whether or not the essence of the Franciscan doctrine of poverty was heretical, the censure of heresy became an indispensable feature of the history of academic and ecclesiastical debates in the late thirteenth and early fourteenth centuries. Nonetheless, it is striking that very few works were ever written on the idea of heresy exclusively or extensively. Instead theologians treated the subject in various parts of scholarly treatises such as commentaries on Peter Lombard's *Sentences*. Yet most accounts of heresy in the commentaries on Peter Lombard's *Sentences* are relatively brief.⁵ Heresy does not appear to be one of the major issues discussed in quodlibetic disputations.⁶ Given their serious involvement in the poverty controversy, the accounts by Franciscan theologians like Peter Aureole and Duns Scotus are surprisingly meagre. Bonaventure's discussions of heresy are

⁵ See Bonaventure, *Commentaria in quatuor libros Sententiarum Magistri Petri Lombardi*, in *Opera omnia*, 1–4; Peter Aureole (Petrus Aureolus), *Commentariorum in primum (– quartum) librum Sententiarum pars prima (– quarta)*, 2 vols. (Rome, 1596–1605); Pierre de la Palud (Petrus de Palude), *Quartus Sententiarum liber* (Paris, 1514); Durand de St Pourçain (Durandus de Sancto Porciano), *In Petri Lombardi Sententias theologicas Commentarium Libri IV* (Venice, 1621).

⁶ See 'heresy' in the index of P. Glorieux, *La Littérature quodlibétique*, 2 vols. (Paris, 1925–35).

unsystematically scattered throughout his commentary, none of them being extensive. No surviving manuscripts seem to suggest that Michael of Cesena ever reflected upon heresy, although he repeatedly accused Pope John XXII of heresy. Publicistic works on heresy can also be counted on the fingers of one hand; indeed, it is difficult to think of any such works, with the exceptions of the Carmelite Guido Terreni's *Summa de haeresibus et eorum confutationibus*⁷ and Ockham's *I Dialogus*.

Ockham testifies to this dearth of serious interest in heresy among contemporary theologians. The Master notes in *I Dialogus* that 'a sufficiently long special title on heretics has been inserted in the book of *Decretals*. There is also treatment, often copious, of heretics in the *Decretum*. However, mention is rarely made of heretics in theology.'⁸ This statement on canonist scholarship is not groundless. Every gloss and commentary on Gratian's *Decretum* and on the *Decretals* of Pope Gregory IX devotes a considerable number of pages to heretics. Indeed, Gratian compiled numerous texts on heretics, mainly in *Causae* 23 and 24 of the *Secunda pars Decreti*, and the *Decretals* also contain some chapters on the topic (e.g. *Extra, de haereticis*). It was decretists and decretalists who commented extensively on heretics.

But attention needs to be called to the fact that Ockham's Master says that canonists often discussed 'heretics'. He does not say 'heresy'. The choice of the term is deliberate and not insignificant: discussing heresy was one thing; writing of heretics was quite another. Defining heresy, or heretical doctrines or assertions, did not interest canonists so much as theologians, whilst defining heretics, or identifying heretical persons, was the focus of canonists rather than theologians. Glossing the word 'heresy' in the *Decretum*, Joannes Teutonicus did not offer a definition of heresy itself, but instead explained in what way one could understand the term 'heretic'.⁹ Decretalists such as Goffredus Tranensis and Hostiensis did not dwell on the definition of heresy: they commented on texts with the heading *De haereticis* (On Heretics). The starting-point for theologians was usually patristic writings on heresy by, for example, St Jerome and St Augustine, according to whom heresy was belief in, and support of, false and newly created doctrine, and interpretation of

⁷ Guido Terreni, *Summa de haeresibus et eorum confutationibus* (Paris, 1528). The Franciscan canonist Alvarus Pelagius produced a treatise on heresy entitled *Tractatus qui nominatur collirium Alvari adversus hereses novas*, ed. Richard Scholz, *Unbekannte kirchenpolitische Streitschriften an der Zeit Ludwigs des Bayern, 1327-1354* (Rome, 1911-14), pp. 491-514.

⁸ *I Dialogus*, i, 11, p. 407.

⁹ Joannes Teutonicus (Joannes Semecca), *Glossa ordinaria in Decretum Gratiani* (Lyon, 1584), cols. 1427-8.

the Bible in a way other than that which the Holy Spirit demands.¹⁰ Theologians drew on the patristic definition of heresy to give their own definitions. For instance, Alexander of Hales held that perfect heresy was a combination of false credulity, perverse will and pertinacious defence or offence.¹¹ Thomas Aquinas wrote that heresy was 'a species of disbelief, attaching to those who profess faith in Christ yet corrupt his dogma'.¹² Later, Guido Terreni stated that 'heresy is obviously a false and erroneous opinion because it is a species of disbelief'.¹³ As I stated earlier, few theologians discussed the idea of heresy extensively; but many did not fail, at least, to give their own definition. Clearly, identifying heretical persons interested canonists, while defining heretical beliefs attracted theologians.

Ockham's perception that theologians rarely discussed heretics, however, does not really hit the mark as far as his contemporaries are concerned. The distinction between the theological interest in heresy and the canonist focus on heretics was not so obviously dichotomous, for some of the leading theologians in the early fourteenth century expressed interest in heretics in their theological treatises. The interest in heresy among theologians in Ockham's time was actually polarised. On the one hand, some theologians like Guido Terreni were conventionally concerned with what doctrines are heretical rather than with who is a heretic. A substantial part of Terreni's *Summa de haeresibus* is devoted to the analysis of heretical errors made by the Jews and the Greeks, the popular movements such as those of Cathars and Waldensians, and Joachim of Fiore and Peter Olivi. On the other hand, probably because of their frequent involvement in inquisitorial practice, Dominican theologians such as Pierre de la Palud and Durand de St Pourçain were more inclined to handle the question of who is to be judged heretical. Indeed, the Dominicans' interest in heretics echoes canonist language. For instance, Durand de St Pourçain characterised heresy as a crime of *lèse-majesté*. This notion was invented by

¹⁰ See Othmar Hageneder, 'Der Häresiebegriff bei den Juristen des 12. und 13. Jahrhundert', in W. Lourdaux and D. Verhelst, eds., *The Concept of Heresy in the Middle Ages* (Louvain, 1976), pp. 42–103, especially pp. 51–3.

¹¹ Alexander of Hales, *Summa theologica*, 4 vols. in 5 (*secunda pars secundi libri*) (Quaracchi, 1930), 3, p. 739: 'Tria enim concurrunt ad perfectam haeresim: ipsa falsa credulitas, quae est ex parte rationis, et perversa voluntas, quae est ex parte concupiscibilis, et pertinax defensio sive impugnatio, ex parte irascibilis.'

¹² Thomas Aquinas, *Summa theologiae*, 32: *Consequences of Faith*, ed. and trans. Thomas Gilby (London, 1974), 222ae, q. 11, 3, pp. 82–3: 'Et ideo haeresis est infidelitatis species pertinens ad eos qui fidem Christi profitentur, sed ejus dogmata corrumpunt.'

¹³ Terreni, *Summa de haeresibus*, c. 3, fol. 3: 'Quod autem haeresis sit falsa et erronea opinio patet: quia haeresis est quaedam species infidelitatis.'

Innocent III as part of the Church's reception of Roman law, and it exercised great influence among his successors and canonists. Pierre de la Palud modelled his *Sentences* commentary on Durand's, with a notable concern for the fusion of theology with canonist scholarship, which made his commentary distinctly 'practical'.¹⁴ The Dominican juristic focus on heretical persons rather than heretical doctrine may be grasped as an aspect of the fusion of the two disciplines, which we saw in [Chapter One](#).

In this intellectual landscape, *I Dialogus* in particular occupies a unique place in a number of ways. Firstly, it is a rare work of the genre. Secondly, the sheer volume of the work is enormous: the fifteenth-century Lyon edition prints the whole text in 164 folio pages, a little less than the size of Ockham's commentary on the first book of Peter Lombard's *Sentences*, which is available in a modern critical edition of four volumes in some 2300 pages. It is literally a full-scale treatment of the subject of heresy: Terreni's *Summa de haeresibus* can hardly match this. Thirdly and more significant, it is arguably the only synthetic account of both heretical doctrine and heretical persons. Theologians were aware of the distinction between heretical doctrine and heretical persons, and yet they did not conceptualise it fully. In *I Dialogus*, by contrast, Ockham makes the distinction explicit, and expounds on it extensively: book 2 is devoted to the concept of heresy and book 3 to the concept of the heretic, both being substantial discussions.

But this is not to say that Ockham's substantial account of heresy demonstrates encyclopaedic erudition in chronicling contemporary notions of heresy and heretics. Perhaps one of the most important features of the work is that it highlights and undermines the common hierarchical premises of contemporary discourse on heresy and heretics and reduces the concept of heresy and heretics to purely interpretative categories in theological enquiry. To understand this requires some analysis of Ockham's discussion of heresy and heretics in the context of contemporary conceptions.

Ockham begins his discussion of heresy with the commonplace definition in theology. He defines heresy as 'false dogma which is contrary to orthodox faith'.¹⁵ Ockham's authority was Jerome as cited in

¹⁴ Durand de St Pourçain, *In Petri Lombardi Sententias*, dist. 14, q. 5, fol. 327. On heresy as a crime of lèse-majesté, see Henri Maisonneuve, 'Le droit romain et la doctrine inquisitoriale', in Vedel, ed., *Etudes d'histoire du droit canonique dédiées à Gabriel Le Bras*, 2, pp. 931–42, and Walter Ullmann, 'The Significance of Innocent III's Decretal "Vergentis"', in Vedel, ed., *Etudes d'histoire du droit canonique*, 1, pp. 729–42. Jean Dunbabin notes the practical character of Pierre de la Palud's account of heresy: see her *A Hound of God*, pp. 43, 51.

¹⁵ *I Dialogus* ii, 6, p. 416: 'Quidam diffiniunt seu describunt haeresim dicentes, quod *haeresis est dogma falsum fidei contrarium orthodoxae*.'

Gratian's *Decretum*¹⁶ and yet his lengthy comments on this text do not follow the traditional canonist interpretation.¹⁷ Joannes Teutonicus, Bartholomaeus of Brescia and Guido de Baysio highlighted the differences between heretics and schismatics,¹⁸ an issue in which Ockham shows little interest. Instead, Ockham concludes from Jerome's authority that every assertion that contradicts Scripture should be considered heresy.¹⁹ This understanding differs from the traditional canonist view.

Ockham defines heresy in a twofold manner: in a strict sense and in a broad sense. Heresy in the strict sense is an assertion that is not consonant with Scripture. More specifically, the strict sense of heresy may take a threefold mode: an assertion may be judged heretical if (1) it not only opposes but also verbally contradicts the truth as found in a proper form in the Bible, (2) it denies the content of Scripture as it is obvious to both the learned and the illiterate, or (3) it is shown through lengthy and skilful deliberation by learned and wise scholars that the assertion conflicts with Scripture, although in a fashion that is not necessarily evident to all other people.²⁰

Ockham defines heresy primarily in relation to Scriptural truths, and yet Scripture should not be deemed the only source of Christian doctrine. Heresy in the broad sense – what Ockham calls 'mortal' error (*error mortiferus*) – is not only that which contradicts the Bible but may also be dissent from chronicles, histories or oral traditions that are deemed worthy of belief by the Church. According to Ockham, there are five modes of 'mortal' error: (1) to contradict Scripture, (2) to oppose the unwritten doctrine of the apostles, (3) to deny what has been revealed to the Church since the time of the apostles, (4) to contradict approved chronicles, histories or oral traditions, and (5) to contradict the sources

¹⁶ 24, q. 3, c. 26: 'Inter heresim et scisma hoc esse arbitror, quod heresis perversum dogma habeat, scisma post episcopalem discessionem ab ecclesia pariter separat. Quod quidem in principio aliqua ex parte intelligi potest diversum; ceterum nullum scisma nisi heresim aliquam sibi confingit, ut recte ab ecclesia videatur recessisse.'

¹⁷ I *Dialogus* ii, 6–10, pp. 416–18.

¹⁸ Joannes Teutonicus, *Gl. ord., gl. ad* 24, q. 3, c. 26, col. 1428; Bartholomaeus of Brescia (Bartholomaeus Brixiensis), *Casus decretorum* (Lyon, 1497), 24, q. 3, c. 26; Guido de Baysio, *Rosarium decretorum* (Venice, 1481), ad 24, q. 3, cc. 26–9.

¹⁹ I *Dialogus* ii, 11, p. 418; 27, p. 430.

²⁰ *Ibid.*, 15, p. 422: 'Quidam enim tradunt, quod haeresis solummodo habet tres species sive tres modos haeresum diversarum: propter quas debet solummodo quis puniri. Prima species vel primus modus haeresum est, earum videlicet, quae veritatibus sub forma propria in scriptura divina repertis non solum quomodolibet adversantur, sed etiam in eisdem terminis contradicunt . . . Aliae sunt haereses, quae patenter omni intelligenti et etiam illiterato, etiam his quae in scripturis divinis habentur, adversantur et repugnant . . . Aliae sunt haereses, quae non patent omnibus sed solummodo literatis et sapientibus eruditis in scripturis divinis per magnam et subtilem considerationem possunt sacris literis adversari.' Guido Terreni proposes the same distinction: *Summa de haeresibus*, c. 4, fols. 4v–5.

of Catholic truth, in ways which are not immediately obvious but are demonstrable.²¹

The reverse side of the idea of heresy was the concept of Catholic truth, on which Ockham presents two opposing views in the *Dialogus*. One is the so-called 'single-source' theory: what is asserted explicitly or implicitly in the Bible alone is Catholic truth and must be believed for salvation.²² The other is the 'two-sources' theory: there are many other Catholic truths which are necessary to salvation even if they are indicated neither explicitly nor implicitly in Scripture, and are not able to be deduced from its content.²³ The debate over the question of which theory is to be attributed to Ockham was settled by Heiko Oberman,²⁴ and thereafter the scholarly consensus has been that the second was undoubtedly Ockham's view.

In the light of Oberman's argument, one may safely say that the duality of catholic truth – the 'two-sources' theory – is a mirror image of the duality of heresy in the broad sense – as objection to Scripture or to extra-scriptural sources. Just as he writes that there are five kinds of 'mortal' error, or heresy in the broad sense, so Ockham enumerates five types of Catholic truth, whence it is readily discernible that, to

²¹ I *Dialogus* ii, 16, pp. 422–3: 'Tales modi generales (quorum aliqui sub se plures modos continent speciales) sunt quinque. Quorum primus est error, qui solis contentis in Scriptura divina repugnat, et ille plures modos continet speciales . . . Secundus est error eorum, qui doctrinae Apostolicae extra scripta eorum quoquo modo repugnant, et ille etiam continet plures modos. Tertius est eorum, qui revelatis vel inspiratis ecclesiae post Apostolos quomodolibet obviat. Quartus est eorum, qui cronicis et historiis et gestis ab ecclesia approbatis contrariantur. Quintus est eorum, qui scripturae divinae vel doctrinae Apostolicae extra scripturam eorum, vel inspiratis, vel revelatis ecclesiae et aliis veris, quae negari non possunt, impossibiles demonstrantur, licet ex forma propositionum solis contentis in scriptura divina et doctrina Apostolica, et revelatis seu inspiratis ecclesiae impossibiles nequaquam appareant, et isti errores possunt proprie dici, sapere haeresim manifestam: licet stricte sumendo nomen haeresis, non sunt haereses nuncupandae.'

²² *Ibid.*, I, p. 410: 'Circa quaesitum sunt diversae et adversae sententiae. Quarum una est: quod illae solae veritates sunt catholicae reputandae et de necessitate salutis credendae, quae in canone Bibliae explicite vel implicate asseruntur: ita quod si aliquae veritates in Biblia sub forma propria minime continentur, ex solis tamen contentis in ea consequentia necessaria et formali possunt inferri, sunt inter catholicas connumerandae.'

²³ *Ibid.*, 2, pp. 411–12: 'Sed alii isti sententiae nequaquam consentiunt, dicentes: quod multae sunt veritates catholicae et fidem sapientes catholicam, quae nec in divinis scripturis habentur explicite, nec ex solis contentis in eis possunt inferri: quibus tamen fidem indubiam explicitam vel implicitam adhibere est necessarium ad salutem.'

²⁴ See Heiko Oberman, *The Harvest of Medieval Theology. Gabriel Bid and Late Medieval Nominalism*, 3rd edn (Durham, N.C., 1983), pp. 378–82. A. van Leeuwen, however, was the first to point out that what Oberman would later call the 'two-sources' theory was Ockham's own view. Brian Tierney has given a brief survey of the debate, and reinforced the Van Leeuwen–Oberman thesis by arguing that Ockham's 'two-sources' theory was already shaped in his Commentary on the *Sentences* and Quodlibetic Questions. See A. van Leeuwen, 'L'église, règle de foi, dans les écrits de Guillaume d'Occam', *Ephemerides Theologicae Lovanienses* 11 (1934), pp. 249–88; Tierney, *Origins*, pp. 218–26.

Ockham, the sources of Christian doctrine are: (1) what is expressed in Scripture or is inferred from it by necessary reasoning, (2) what is handed down to us from the apostles through oral tradition or the writings of the faithful, but is neither found in Scripture nor deduced from it, (3) what is discovered in chronicles or histories worthy of trust, (4) what can be concluded from the truth of the first and second kind alone or from one or the other of them combined with truths of the third kind, and (5) apart from the truth that he has already revealed to the apostles, what God has revealed to or inspired in others, or will reveal or inspire.²⁵ In short, the sources of Catholic truths are Scripture, certain extra-scriptural traditions and revelation; and to reject – evidently or demonstrably – any one of these would be regarded as heresy.

For Ockham, heresy can only be identified either evidently or demonstrably when it contradicts the sources of Catholic truths. The obverse of this is the exclusion of any arbitrary – neither evident nor demonstrable – determination of heresy. What if the authority of the Church declares without sufficient evidence or demonstration that an assertion is heretical? Would it be possible for mere declaration by ecclesiastical authority to make a certain assertion a new Catholic truth without evidence or demonstration? Ockham's Disciple draws readers' attention to this problem by raising the following question: why is the definition of the Church not included in the list of Catholic truths? The Master's reply is highly significant: the Church cannot determine or define the truth except in one of the above five modes; likewise, every truth that the Church determines or defines has been defined in one of these five modes.²⁶ Mere declaration by the Church does not create the truth-value of the assertion. 'The Church consolidates itself by approving

²⁵ I *Dialogus* ii, 5 pp. 415–16: 'Tenent isti, quod quinque sunt genera veritatum, quibus non licet Christianis aliter dissentire. Primum est earum, quae in Scriptura sacra dicuntur, vel ex eis argumento necessario possunt inferri. Secundum est earum, quae ab Apostolis ad nos per succedentium relationem vel Scripturas fidelium pervenerunt, licet Scripturis sacris non inveniantur insertae, nec ex solis eis possunt necessario argumento concludi. Tertium est earum, quas in fide dignis cronicis et historiis, relationibus fidelium invenimus. Quartum est earum, quae ex veritatibus primi generis et secundi tantummodo, vel quae ex eis vel alterius earum una cum veritatibus tertii generis possunt manifeste concludi. Quintum est earum, quas Deus praeter veritates revelatas Apostolis aliis revelavit, vel etiam inspiravit, ac noviter revelaret, vel etiam inspiraret: quae revelatio vel inspiratio ad universalem ecclesiam absque dubitatione pervenit, vel etiam perveniret.'

²⁶ *Ibid.*, p. 416: 'De illis veritatibus mentionem non faciunt specialem, quia putant quod ecclesia rite procedens nullam veritatem determinat aut diffinit, nisi in Scriptura sacra aut traditionibus Apostolorum aut cronicis historiis vel revelationibus indubitabilibus fidelium, vel his quae sequuntur ex praedictis aut aliquo praedictorum, vel in revelatione seu inspiratione divina modo debito manifesta valeant se fundare, et ideo omnes veritates, quas determinat vel diffinit ecclesia, sub aliquo quinque generum praefatorum comprehendi noscuntur.'

things *rightly* as one of the five genera of truth' (my emphasis).²⁷ Conversely the Church could approve something wrongly. Catholic truths, and hence heresy too, cannot merely be 'declared' as such by anyone, even the ecclesiastical authorities. Ecclesiastical authority cannot guarantee the truthfulness of a declaration.

This scepticism towards a definition of heresy characterised by authoritative condemnation is clear from the outset of I *Dialogus*. At the very beginning of book 1, in order to answer the question who is to determine Catholic truths and heresies, Ockham explains that the term 'to define' has a twofold meaning. One is to define by authority, as do popes and general councils. The other is to define questions as the masters do in the schools; in this way, there can be various 'definitions' from different *literati*.²⁸ Ockham decides to use the term in the latter sense only. By doing so, he places a huge question mark over the hierarchical interpretation prevalent in discourses on the definition of Catholic truths and heresies. This outlook is in sharp contrast with discussions of heresy by Ockham's predecessors and contemporaries. For instance, Thomas Aquinas argues that those who pertinaciously object to an ordinance, once it is defined *by the authority* of the universal Church, are considered to be heretics. Using the term 'to define' in Ockham's first sense, Aquinas goes on to say that 'this authority dwells principally in the Sovereign Pontiff.'²⁹ Likewise, Augustinus Triumphus rejects the view that those who are versed in Christian doctrine can judge doctrinal problems better than the pope, maintaining that what is required for settlement of doctrinal dispute is not only knowledge but also power. Thorough knowledge of Scripture is one thing; pronouncement of final judgement, however, is quite another.³⁰ Furthermore, Augustinus asserts that it is not permissible to inquire into heresy without a papal mandate, because heresy can be recognised by the pope alone,

²⁷ *Ibid.*, 'sed ecclesia rite approbando quaecunque in aliquo praedictorum generum quinque veritatum se fundavit.'

²⁸ I *Dialogus* i, 1, p. 399: 'Ad interrogationem tuam propositam respondetur, quod hoc verbum *diffinire* plures habet significationes, de quibus ad propositum duae videntur pertinere. Contingit enim aliquid diffinire auctoritate officii. Et sic diffinire, quae est assertio haeretica, quae catholica est censenda, ad summum pontificem spectat et concilium generale. Aliquando contingit diffinire per modum doctrinae, quo modo Magistri in scholis quaestiones diffiniunt et determinant. Et sic accepto secundo modo diffiniendi circa propositam quaestionem diversimode sentiunt literati.'

²⁹ Aquinas, *Summa theologiae* 2a2ae, q. 111, a. 2, pp. 86–7: 'Sic ergo aliqui Doctores dissensisse videntur vel circa ea quorum nihil interest ad fidem utrum sic vel aliter teneatur; vel etiam in quibusdam ad fidem pertinentibus quae nondum erant per Ecclesiam determinata. Postquam autem essent auctoritate universalis Ecclesiae determinata, si quis tali ordinationi pertinaciter repugnaret, haeticus censeretur. Quae quidem auctoritas principaliter residet in Summo Pontifice.'

³⁰ Augustinus Triumphus, *Summa de ecclesiastica potestate* (Rome, 1698), q.10, a.1, p. 77.

who is the judge of the universal Church.³¹ Even the 'anti-papalist' John of Paris reiterates the decretalist assertion that 'cognizance of heretics belongs to the ecclesiastical judge'.³² Indeed, the idea that *potestas* is required to settle doctrinal disputes had been commonplace since Gratian.³³ The definition of the Church, and of papal authority in particular, is an indispensable parameter for defining heresy. R. I. Moore wrote in his discussion of the 'formation of a persecuting society' in medieval Europe that 'heresy exists only in so far as authority chooses to declare its existence . . . Heresy . . . can only arise in the context of the assertion of authority'.³⁴ This hierarchical premise underpinned the discourse on heresy by leading theologians of the late thirteenth and early fourteenth centuries.

It is clear that Ockham removed this hierarchical idea from his conceptualisation of heresy: he replaced the doctrinal definition reached by institutional authority with the definition reached by means of academic enquiry. Accordingly, Ockham's discourse on heresy does not enquire who ought to have the authority to settle matters of faith but focuses on how they should be settled. A. S. McGrade wrote rightly that this was not a shift in emphasis from one authority to another within an institutional framework, but a substitution of authoritative definition with 'cognitive' definition.³⁵ This transformation of the idea of doctrinal definition in turn re-defines the idea of heresy itself. Heresy is no longer of the Church's (arbitrary) making; heresy exists only in so far as it is defined correctly. The sources of orthodox faith are purely textual, and so is heresy: it is nothing other than what is perceived evidently or demonstrably as a contradiction of the texts that manifest Christian faith. Ockham prefers that the discovery of heresy should be entrusted to theological experts because they are more likely to be well versed in the sources of Catholic truths than are the holders of ecclesiastical office. But he resists the temptation to institutionalise the 'cognitive' authority of theological experts, while maintaining that ecclesiastical authority can only authenticate the correct definition of heretical error.

This paradigmatic metamorphosis, however, inevitably presents practical problems in the detection and condemnation of heresy. To Ockham, every truth should be approved and therefore every heresy should be condemned, for he argues that to assert that a statement is true

³¹ *Ibid.*, q.10, a.4.

³² John of Paris, *On Royal and Papal Power*, trans. J. A. Watt (Toronto, 1971), xvii, p. 181.

³³ Lagarde, *La Naissance*, v, p.144. See also McGrade, *The Political Thought*, p. 56.

³⁴ R. I. Moore, *The Formation of a Persecuting Society* (Oxford, 1987), p. 68.

³⁵ McGrade, *The Political Thought*, p. 53.

is nothing other than to approve the truthfulness of that statement, and the assertion of Catholic truth is conversely the exclusion of heresy.³⁶ In reality, however, some heresies are already identified and condemned, and some others have yet to be identified and so are not yet condemned. Some heresies may readily be identifiable and others may not. Ockham's response is that those who hold a heretical assertion *in rei veritate*, but only secretly, ought not to be judged heretical unless it is explicitly known with certainty that they are heretical.³⁷ Secret heresy is not yet identified and so cannot be condemned. The issue here is the detection of heretical assertions. Ockham is unwilling to entrust the detection of heresy to ecclesiastical authority; hence he steers the argument towards an analysis of the epistemological status of heretical assertions. In the process Ockham introduces a distinction between heresy that is explicitly condemned and heresy that is implicitly condemned. The former has four modes: first, what is specifically condemned, such as Arianism or Nestorianism; secondly, what is contrary to that which is approved, such as objections to the assertions approved as Catholic by the general councils, in the *Decretum*, the *Decretals* and so on; thirdly, what is contrary to books and articles which are especially approved as Catholic; and finally, what is understood by all laymen who have the use of reason to be included in one of the above three modes. Heresy is implicitly condemned, on the other hand, when it is apparent to learned experts in Scripture that an assertion is in some way contrary to Scripture or the manifest doctrine of the universal Church.³⁸ Ockham argues that this distinction would clarify the circumstances in which bishops and inquisitors may take legal proceedings: they can legitimately proceed only against those who pertinaciously uphold an explicitly condemned heresy.³⁹ On the other hand, many heresies such as those discussed in

³⁶ I *Dialogus* i, 3, p. 401.

³⁷ *Ibid.*, ii, 13, p. 421.

³⁸ *Ibid.*, 17, p. 424: 'Haeresum damnatarum explicite ponunt quatuor modos. Primus est earum, quae damnantur in speciali, in qua damnatione de ipsis haeresibus sub forma propria sit mentio specialis, isto modo haereses Arrii, Nestorii, Euticii, et Macedonii, et Dioscori damnatae fuerunt . . . Secundus modus haeresum damnatarum explicite est earum, quarum contrariae sub forma propria asseruntur seu approbantur: quia ex una contradictoriarum approbata explicite altera explicite intelligitur reprobata, tales sunt omnes haereses, quae contradicunt veritatibus catholicis, quae in conciliis generalibus, symbolis ac decretis et decretalibus opusculis summorum etiam Pontificum tanquam catholicae approbantur . . . Tertius est earum, quarum contradictoriae in aliquo volumine vel libro aut tractatu specialiter approbato tanquam catholico sub forma propria continentur . . . Quartus est earum, ex quibus patenter etiam omnibus laicis usum habentibus rationis sequitur aliqua haeresis sub aliquo trium modorum priorum comprehensa . . . Haereses implicate damnatae dicuntur illae, de quibus viris literatis solummodo in literis sacris eruditus per subtilem considerationem patet, quomodo veritati catholicae, contentae in sacris Scripturis, vel doctrinae expressae universalis ecclesiae adversantur.' Cf. *OND*, c. 124, p. 849.

³⁹ I *Dialogus* ii, 18, p. 424. See also *OND*, c. 124, pp. 847–8.

the *Decretum* are implicitly condemned, and it is not until the learned, who have thorough knowledge of Scripture,⁴⁰ have carried out investigations that these heresies are to be condemned explicitly. The legitimacy of legal proceedings rests on explicitness in the cognition of heresy. Any assertion that is of doubtful orthodoxy and yet equivocal should be subjected to scrutiny by experts in theology before it is condemned.

But what if the opinions of the doctors of Scripture are divided concerning some heresy implicitly condemned? The Master considers that in such a case it pertains to the pope, or the general council, or the universal Church to explicitly condemn heresy which has been implicitly condemned.⁴¹ At first glance, this comment suggests that Ockham relies ultimately on institutional authority for the settlement of intricate doctrinal dispute; however, Ockham explains otherwise. When the pope, the general council or the universal Church identifies heretical assertions in the strict sense of the term, and condemns them rightly, the condemnation rests on one or more of the following three foundations: the Bible, apostolic doctrine which was not written by the apostles themselves but handed down orally or found in reliable sources, or new divine revelation or inspiration.⁴² Once again, Ockham's 'cognitive' perspective is evident: condemnation by institutional authority must be endorsed by the certainty of the judgement on which the condemnation is based, not the institutional authority of the judge alone.

To sum up, Ockham radically reduces the contemporary notion of heresy to a failure or refusal to assent to the textual – written or oral – sources of Christian faith. The reverse side of this is the exclusion of any arbitrary decision-making on Christian faith by a juridical power without evidence or demonstration. Ockham transforms the juridical process

⁴⁰ It is important to note, as McGrade does so well (*The Political Thought*, p. 61) that Ockham's concepts of 'the learned' (*literati*), 'experts' (*eruditi*) and 'doctors of Scripture' (*doctores scripturae*) do not have institutional implications.

⁴¹ I *Dialogus* ii, 18, p. 424.

⁴² *Ibid.*, 25, p. 429: 'Alii asserunt manifeste, quod papa et concilium generale ac etiam universalis ecclesia, si recte damnat aliquam assertionem tanquam haeticam, stricte loquendo de assertionem haeretica, uni vel pluribus de tribus fundamentis debet inniti et se patenter fundare. Primum est super sacram scripturam, et isti fundamento innitebantur concilia generalia principalia, haereses Arii, Macedonii, Nestorii, Euticis et Diostori condemnando, sicut enim aliqua istorum conciliorum condendo symbola in auctoritate sacrae scripturae se fundabant . . . Secundum fundamentum est, doctrina Apostolica in scripturis Apostolicis non redacta, sed relatione succedentium fidelium vel scripturis fide dignis ad nos pervenit . . . Tertium fundamentum est, revelatio vel inspiratio nova divina. Si enim aliqua veritas aeterna, quae pertinet ad salutem, de novo revelaretur ecclesiae: ista esset tanquam catholica approbanda et omnem falsitatem ei contrariam posset ecclesia et etiam papa tanquam haeticam condemnare. Et quamvis isti exemplum nesciant invenire (quod unquam ecclesia aliquam haeresim condemnando se in tali revelatione vel inspiratione fundaverit) tamen dicunt, quod hoc non est impossibile: quia posset Deus, si sibi placeret, multas veritates catholicas noviter revelare vel inspirare.'

of the detection of heresy into an interpretative process of theological enquiry. He does not merely chronicle the existing conceptions of heresy; far from it. He de-juridicises the idea of heresy.

THE CONCEPT OF THE HERETIC

During the pontificates of Innocent IV, Alexander IV and Clement IV, inquisitorial literature flourished. It was largely practical; it took the form of manuals of procedure or collections of rules.⁴³ If one accepts Ockham's distinction between the role of theologians and that of canonists, detailed expositions of inquisitorial procedure ought to be the business of canonists, not of theologians. Indeed, Hostiensis' account of heresy mirrors contemporary inquisitorial practices. Hostiensis divides the identification of heretics into three stages: canonical visitation, a time of grace, and proceedings. When inquisitors visit a town or a village, they first search for heretical suspects. Those whose orthodoxy is doubtful are subsequently requested to make a confession before the beginning of the inquisition, that is, during the 'time of grace'. If they refuse this canonical purgation, they are excommunicated and, if they remain content with being excommunicated for a year, they are judged as heretics.⁴⁴

Hostiensis's account, however, is not the only type of canonistic discourse on heretics. Instead of mentioning the inquisitorial process, more often than not canonists enumerated the possible modes of becoming a heretic. Goffredus Tranensis, for instance, lists six kinds of heretics: (1) those who state or create false opinions concerning faith, or those who follow them; (2) those who understand Scripture in a way other than the Holy Spirit demands; (3) those who are separated from the Church and the communion of the faithful; (4) those who pervert the sacraments, such as simoniacs; (5) those who question the faith; and (6) those who deny the primacy of the Roman Church.⁴⁵

⁴³ Henri Maisonneuve, *Etudes sur les origines de l'inquisition*, 2nd edn (Paris, 1960), p. 328.

⁴⁴ Hostiensis, *Summa aurea* (Lyon, 1548), fols. 238v–239. Cf. Maisonneuve, *Etudes*, p. 343.

⁴⁵ Goffredus Tranensis, *Summa in Titulos Decretalium* (Venice, 1564), *De Haereticis*, p. 414: 'Haereticus dicitur sex modis. Haereticus dicitur [qui] falsam de fide opinionem vel gignit ut haeresiarcha sicut Arrius Sabellius, et Macedonianus vel sequitur vel qui haeresiarcham imitatur sicut et Arriani Sabelliani, et Macedoniani . . . Secundo modo potest haereticus appellari quicumque aliter scripturam intelligit quam sensus spiritus sancti flagitat a quo scripta est. licet ab ecclesia non recesserit . . . Tertio modo dicitur haereticus qui a sacramentis ecclesiae et communione fidelium est divisus . . . Quarto modo dicitur haereticus sacramentorum perversor, ut simoniacus qui emit et vendit sacramenta ecclesiastica . . . Quinto modo dicitur haereticus dubius in fide . . . Nam firmiter debemus credere ut supra . . . de summa Trinitate et fide catholica . . . Unde levi argumento a fide devians haereticus censitur . . . Sexto modo dicitur haereticus qui Romanae ecclesiae privilegium ab ipso summo ecclesiarum capite traditum auferre conatur.'

Ockham, too, enumerates various definitions of what it is to be a heretic.⁴⁶ He seems to have been familiar with existing views; some of his descriptions correspond to the canonist models. For instance, among various classes of 'heretics', Ockham includes all those who are excommunicated, those who pervert the sacraments, such as simoniacs, and those who think the Christian faith may be false or fictitious.⁴⁷ These three are also mentioned in the lists compiled by the Decretist Joannes Teutonicus⁴⁸ and the Decretalist Goffredus Tranensis.⁴⁹

There were not many theologians who wrote substantially on heretics in their commentaries on Book IV of Peter Lombard's *Sentences*, but some commented on them in passing when they discussed baptism. Ockham too is aware of this: in I *Dialogus*, he says that the most widely accepted meaning of 'heretic' occurs in the context of baptism.⁵⁰ A heretic is one who is excommunicated and legitimately convicted, who does not correct himself according to the rules of the Church, and is handed over to the secular arm because he suspects, or errs against, Catholic truth pertinaciously although he has been baptised or behaves as if he has been baptised.⁵¹

None of these meanings of the word 'heretic' is Ockham's major concern, however. At the very end of his list of meanings, he adds that the term 'heretic' also covers 'all those who pertinaciously adhere to errors which smack of heretical depravity';⁵² next, he explains why the word 'pertinaciously' must be included in the proposition that defines the heretic.⁵³ In the canonist tradition, pertinacity had been considered the essence of heresy since Gratian, and the idea can be traced back to

⁴⁶ I *Dialogus*, iii, 2, p. 437: 'Huius nominis haereticus plures significationes assignantur. Uno modo enim omnis excommunicatus, haereticus vocatur . . . Secundo modo dicitur *haereticus*, perversor sacramentorum. Et sic simoniacus dicitur haereticus . . . Tertio modo dicitur haereticus, quicumque dubitat vel putat fidem Christianam esse falsam vel fictam. Et sic Iudaei, Sarraceni et Pagani sunt censendi haeretici . . . Quarto modo dicitur haereticus omnis Christianus, vel qui putat, aut qui putaverit se Christianum, errans pertinaciter contra veritatem . . . Quinto modo dicitur haereticus, omnis pertinaciter adhaerens errori, qui sapit haereticam pravitatem.'

⁴⁷ *Ibid.*

⁴⁸ Joannes Teutonicus, *Gl. ord., gl. ad* 24, q. 3, IV Pars (Gratian) Quia vero: 'vario modo dicitur haereticus. Uno modo quicumque est dubius in fide. Infidelis est, ut Extra, de Haereticis, Dubius. Secundo, dicitur haereticus omnis simoniacus, ut 1, q. 1, quisquis. Tertio, omnis praecisus ab ecclesia, secundum quod excommunicatus, dicitur haereticus, ut 4, q. 1, c. 2.'

⁴⁹ Goffredus Tranensis, *Summa*, p. 414.

⁵⁰ I *Dialogus* iii, 3, p. 437. For instance, Durand de St Pourçain defined 'heretics' in this manner. See his *In Petri Lombardi Sententias*, IV, dist. 14, q. 5, fol. 327: 'haereticus dicitur ille qui in unitate fidei fuit saltem in susceptione baptismi, qui dicitur sacramentum fidei, et ab hac unitate recedit inhaerens contrario errori.' To be sure, the problem of heresy and heretics did not attract Ockham's attention a great deal when he lectured on the *Sentences*; he made sporadic comments only, and certainly said nothing significant about baptism.

⁵¹ I *Dialogus* iii, 3, p. 437.

⁵² *Ibid.*, 2, p. 437.

⁵³ *Ibid.*, 5-11, pp. 438-45.

Augustine.⁵⁴ In this sense, Ockham's interest in pertinacity is a commonplace. But pertinacity was not considered to be the paramount characteristic of a heretic. Ockham's focus on pertinacity shows that he is interested in a restricted sense of the term 'heretic'. Alexander of Hales, for example, argues that the meaning of the term is threefold. First of all, the general meaning embraces all those who interpret Scripture in a sense other than that which the Holy Spirit demands. Secondly, the proper sense is 'one who creates false or new opinions, or follows them, for the sake of temporal benefit'. Thirdly and finally, the most proper sense refers to those who are pertinacious in defending falsehoods and attacking the truth.⁵⁵ The Carmelite friar John Baconthorpe also classifies heresy into three grades, which correspond exactly to Alexander of Hales's three definitions, and ranks the equivalent of Alexander's third – most proper – definition as the highest stage of heresy.⁵⁶ By contrast, the canonists tend to give a wider meaning to the term. Joannes Teutonicus considers that the strict sense of the word 'heretics' refers to all those who are apart from the Church because of their error in faith and, in this sense, all heretics are excommunicates. The pertinacious *errans* is regarded only as one of its particular cases.⁵⁷

That is not to say that Ockham was alone in defining the heretic as narrowly as he does. Franciscan theologians were inclined to stress pertinacity as the essential characteristic of the heretic, and Ockham

⁵⁴ See Hageneder, 'Der Häresiebegriff', and Helmut G. Walther, 'Häresie und päpstliche Politik: Ketzerbegriff und Ketzergesetzgebung in der Übergangsphase von der Dekretistik zur Dekretalistik', in Lourdaux and Verhelst, eds., *The Concept of Heresy in the Middle Ages*, pp. 104–43. Before Gratian, theologians such as Peter Abelard and Bernard of Clairvaux wrote that a heretic would be characterised by pride. See Heinrich Fichtenau, *Heretics and Scholars in the High Middle Ages, 1000–1200*, trans. Denise A. Kaiser (University Park, Pa., 1998), pp. 7–8.

⁵⁵ Alexander of Hales, *Summa theologica*, 3, p. 739: 'Ad quod dicendum nomen "haeretici" aliquando sumitur communiter, aliquando proprie, aliquando proprissime. Communiter, cum dicitur quod haereticus potest dici "quicumque Scripturam aliter intelligit quam sensus Spiritus Sancti efflagitat"; proprie, secundum quod haereticus dicitur quicumque "alicuius temporalis commodi" etc.; proprissime, cum superadditur ipsa pertinacia in defendendo falsitatem vel impugnando veritatem.'

⁵⁶ John Baconthorpe, *Quaestiones in quatuor libros Sententiarum et quodlibetales* (Cremona, 1618), IV Sent., Prolog., q. 8, a. 4, p. 256: 'An sophisticis uti in Theologia sit causa haeresum? Ubi probatur quod sic: Nam sophismata in Theologia suo facto non solum arguendo, sed respondendo sophisticis sunt introductiva primi gradus haeresis, et iam de facto. Nam cum qui resistit veritati intelligentiae sacrae Scripturae est in primo gradu haeresis. Quia Hieronymus 24, q. 3, c. Haeresis dicit . . . Item. Sophismata sunt dispositio, ut ipso suo facto introducunt secundum gradum haeresis. Nam secundus gradus est cum quis gignit falsas opiniones: Unde Augustinus 24, q. 3, c. Haereticus dicit . . . Item. Sunt etiam ipso facto in extremo gradu haeresis. Nam extremus gradus haeresis est, cum quis opinionem suam falsam, et perversam pertinaci animositate defendit: quod maxime sit in responsione secundum Augustinum 24, q. 3, c. Dicit [actually Dixit] Apostolus.'

⁵⁷ Joannes Teutonicus, *Gl. ord.*, col. 1428.

may be located in this tradition. Clearly Alexander of Hales discusses heretics primarily in the narrowest sense in his *Summa theologica*. Bonaventure adopts Alexander of Hales's strictest sense: the heretic is 'one who, ignorant or contemptuous of divine law, a pertinacious inventor of his own errors, or a follower of another's, prefers to oppose, rather than be subject to, catholic truth'.⁵⁸ Ockham's definition is in the same orbit as that of Bonaventure.

The focus on pertinacity enables Ockham to distinguish a heretic clearly from a simple *errans*. Heretical as an assertion may be, the holder of the assertion will not be judged a heretic as long as he is not pertinacious. For instance, the saints, who were fallible human beings, occasionally erred from Catholic truth, and yet their errors do not negate their sanctity because they were not committed with pertinacity.⁵⁹ Similarly, the Master states that though Joachim of Fiore and Peter Olivi may have written some statements which were condemned as heretical, they were not pertinacious, and therefore not heretics.⁶⁰ To demonstrate this distinction between a heretic and a simple *errans*, Ockham refutes the idea that any Christian who simply errs against Catholic truth – whether pertinaciously or not – ought to be regarded as a heretic.⁶¹ His solution is to appeal to Augustine's authority⁶² as seen in the *Decretum* (24, q. 3, c. 29).⁶³ This text was widely regarded as the foundation of the idea that pertinacity was an essential feature of the heretic. Commenting on this text, Joannes Teutonicus wrote that those who stand against the faith, but are willing to be corrected, should not be considered heretics; in other words, those who err against Catholic truth without pertinacity are not heretics.⁶⁴ Ockham presents this standard

⁵⁸ Bonaventure, *Commentaria in quartum librum Sententiarum*, dist. 13, dubia 4, pp. 313–14: 'haereticus est qui divinae legis ignorantia vel contemptu, pertinax inventor proprii erroris, aut alieni sectator, catholicae veritati mavult adversari quam subiici'.

⁵⁹ I *Dialogus* ii, 4, p. 414. Cf. *ibid.*, iv, 17, p. 457 (on Augustine and Jerome); iv, 20, p. 460 (on Cyprian).

⁶⁰ *Ibid.*, iv, 20, p. 460. Cf. *ibid.*, ii, 27, p. 431.

⁶¹ *Ibid.*, iii, 5, pp. 438–9.

⁶² *Ibid.*, 6, p. 439. Cf. *OND*, c. 124, p. 846.

⁶³ 24, q. 3, c. 29: 'Dixit Apostolus: "Hereticum hominem post primam et secundam correctionem devita, quia subversus est huiusmodi, et peccat, in semetipso dampnatus." Sed qui sententiam suam, quamvis falsam atque perversam, nulla pertinaci animositate defendunt, presertim quam non audacia suae presumptionis pepererunt, sed a seducis atque in errorem lapsis parentibus acceperunt, querunt autem cauta sollicitudine veritatem, corrigi parati, cum invenerint, nequaquam sunt inter hereticos deputandi.'

⁶⁴ Joannes Teutonicus, *Gl. ord., gl. ad* 24, q. 3, c. 29, 'pertinaci': 'licet ergo teneat aliquis ea que sunt contra fidem: dummodo paratus sit corrigi: non est habendus haereticus.' Canonists were inclined to re-state this interpretation. See, for instance, Guido de Baysio, *Tractatus super haeresi et aliis*, in *Sanctorum Conciliorum nova et amplissima collectio*, ed. J. D. Mansi, 55 vols. (Venice, 1759 etc.), 25, cols. 417–26, especially, col. 419.

understanding within the framework of his logical individualism, according to which general propositions are to be understood as a set of individual propositions. Thus he writes that *every* heretic suspects, or errs against, Catholic truth pertinaciously.⁶⁵ Pertinacity is the essential characteristic shared by each individual heretic.

So what is pertinacity? Ockham does not define it explicitly,⁶⁶ but introduces a distinction between internal and external pertinacity. Internal or mental pertinacity is to adhere to heretical depravity and to doubt Catholic truth in the mind, whereas external pertinacity is to do so in acts or in speech.⁶⁷ There is no doubt that external pertinacity is his main concern. As the Master says, people should be judged heretical by reference to external acts, for secret heretics can be known only to God. An individual is to be regarded as a heretic on the strength of what is apparent externally to us, although he may not be a heretic in the eyes of God. The converse can also be true: an individual may be regarded as a good man although he may be terribly evil in the sight of God.⁶⁸ The detection of heretics is primarily a matter of human cognition.⁶⁹

So who is to be regarded as externally pertinacious? Ockham enumerates as many as twenty modes of external pertinacity: when it is shown in acts or in speech that one does not believe firmly that the Christian faith is true and sane;⁷⁰ when an individual denies parts of the Old or New Testament;⁷¹ when an individual asserts that the universal church has erred or errs;⁷² when an *errans*, once corrected, does not correct himself,⁷³ and so on. He also regards apostates and infidels as pertinacious and heretical. Hitherto in theological tradition, apostasy had been clearly distinguished from heresy. Infidelity or disbelief was considered to include heresy and not the other way round. Even those who contradicted themselves were considered to be pertinacious.⁷⁴ Pertinacity is thus an immensely broad concept.

⁶⁵ I *Dialogus* iii, 6, pp. 439–40.

⁶⁶ But it may be noted that Ockham uses this term carefully by distinguishing it from perseverance, while other theologians and canonists tend to use the terms interchangeably. To Ockham, pertinacity was adhering to what one should not, whilst perseverance meant adhering to what one should. See I *Dialogus* iv, 1, p. 445.

⁶⁷ *Ibid.*, 2, p. 446: 'Circa illa quae fidei sunt, duplex potest pertinacitas inveniri. Una mentalis, quando quis scilicet pertinaciter corde adhaeret pravitati haereticae vel pertinaciter dubitat de catholica veritate. Alia est pertinacitas exterior, quae in facto vel in voce exteriori consistit.'

⁶⁸ I *Dialogus* iii, 11, p. 445.

⁶⁹ Guido Terreni also argued that heresy should be judged on the basis of external acts. See his *Summa de haeresibus*, c. 3, fol. 3. Cf. Pierre de la Palud, *Quartus Sententiarum liber*, dist. 13, q. 3, fol. 57.

⁷⁰ I *Dialogus* iv, 5, p. 448.

⁷¹ *Ibid.*, 6, p. 449.

⁷² *Ibid.*, 8, p. 449.

⁷³ *Ibid.*, 13, p. 454.

⁷⁴ *Ibid.*, 12, p. 453. Ockham is alluding to John XXII, who first approved Nicholas III's doctrine as seen in *Exiit qui seminat* and later rejected it.

A general theory of heresy

Another distinctive feature of Ockham's discourse on pertinacity is the fact that he is interested in the immediate condemnation, rather than the possible conversion, of a heretical *errans*. For example, he writes that if there exists a powerful presumption that an individual has denied an assertion that he knows is included in the Bible or in the determination of the Church, he is to be judged pertinacious and heretical immediately.⁷⁵ Maisonneuve emphasised that the medieval inquisition primarily aimed to convert heretics by using every possible means of persuasion rather than imposing sanctions on them immediately.⁷⁶ This tendency can be seen in discourses, both theological and canonistic, on heretics: they normally conclude with a discussion about whether those who return from heresy should be received back by the Church and how those who lapse again (*relapsi*) ought to be treated. The theologians argue that a man should be excommunicated if he remains pertinacious 'after a first and second admonition', and only then is he to be handed over to the secular arm to be executed.⁷⁷ Anyone who reads Erasmus' mockery in his *Praise of Folly* can readily imagine how influential this view of admonition and excommunication remained in and beyond the later Middle Ages:

And I was recently present myself (as I often am) at a theological debate where someone asked what authority there was in the scriptures for ordering heretics to be burnt instead of being refuted in argument. A grim old man, whose arrogance made it clear he was a theologian, answered in some irritation that the apostle Paul had laid down this rule in saying "A man who is a heretic, after the first and second admonition, reject (*devita*)", and he went on thundering out this quotation again and again while most of those present wondered what happened to that man. At last he explained that the heretic was to be removed from life (*de vita*). Some laughed, though there were plenty of others who found this fabrication sound theology.⁷⁸

Ockham in I *Dialogus* is silent on converts and *relapsi*;⁷⁹ these topics totally escape his scope because he is concerned with *immediate* condemnation of heretics. Leaving aside Erasmus' derision, the prevalent view

⁷⁵ *Ibid.*, p. 452: 'Dicunt nonnulli, quod ille est statim pertinax et haereticus iudicandus, de quo est violenta praesumptio, quod negat aliquam assertionem, quam scit in scriptura divina vel determinatione ecclesiae contineri.'

⁷⁶ Maisonneuve, *Etudes*, p. 299.

⁷⁷ See e.g. Alexander of Hales, *Summa theologica*, 3, p. 753; Thomas Aquinas, *Summa theologiae*, 2a2ae, q. 11, a. 4, pp. 92–3; Pierre de la Palud, *Quartus Sententiarum liber*, dist. 13, q. 3, a. 1, fol. 57; Durand de St Pourçain, *In Petri Lombardi Sententias*, IV, dist. 14, q. 5, fol. 327.

⁷⁸ Erasmus, *Praise of Folly*, trans. Betty Radice (London, 1971), pp. 194–5.

⁷⁹ Ockham, however, discussed the convert and the *relapsi* in his *Contra Ioannem* in order to show that John XXII's confession of errors relating to the Beatific Vision was not valid. See especially *CI cc.* 17–21, 34.

raised three important issues: limited tolerance of heretics, the method of identifying the pertinacious, and the execution of *relapsi*. Ockham's pursuit of immediacy prevents him from discussing the problems of *relapsi* and the possible tolerance of heretics in any detail. His attitude towards the heretical *errans* is quite harsh by early-fourteenth-century standards.

In the context of thirteenth-century Franciscan discourses on heretics, too, Ockham's view may well be regarded as austere. The role of theologians is, according to Ockham, twofold: first, to discern what assertions are to be considered to be heretical, and secondly, to recognise which authors of heretical assertions are to be judged to be heretics.⁸⁰ Attention must be called to the fact that Ockham deliberately uses the term 'assertion' (*assertio*). Among Franciscan theologians, there was a tradition of distinguishing between 'stating an opinion' (*opinari*) and 'asserting something' (*asserere*). Alexander of Hales wrote: 'a master who states an opinion regarding the divinity should not be considered to be heretical since he is stating an opinion, not asserting with pertinacity contrary to the determination of the Church'.⁸¹ Bonaventure also argued that to simply state an opinion contrary to the faith is a sin of error, whilst to assert or defend such an opinion is not an error but heresy.⁸² This distinction was not exclusive to the Franciscans. By the middle of the fourteenth century, it was already customary for a newly appointed bachelor to deliver a sermon (*collatio*) on the eve of his opening lecture on Peter Lombard's *Sentences*, in which he was obliged to state that his lecture would contain no assertive, definitive pronouncements but probable arguments only.⁸³ Ockham, too, is aware of the distinction between assertion and opinion; however, his view on the relevance of that distinction to the identification of heretics reveals that his attitude towards heretics is more severe than that of Alexander

⁸⁰ I *Dialogus* i, 11, p. 407: 'ad theologos non solum, quae assertio inter haereses est numeranda, sed etiam qui auctor eius debet pertinax aestimari, principaliter spectat discernere'.

⁸¹ Alexander of Hales, *Summa theologica*, 3, p. 746: 'si aliquis assereret quod huiusmodi notiones non essent Deus, alter autem quod essent Deus, illa, quae diceret notiones esse Deum, ad veritatem reduceretur, altera autem ad falsitatem, quoniam non contingit circa ea, quae ad summam veritatem pertinent, contrarias asserere opiniones quin semper altera sit tenenda, altera reprobanda. Magistri autem, qui circa hoc opinabantur, opinando dicebant, non cum pertinacia asserendo contra determinationem Ecclesiae; unde non sunt censendi haeretici.'

⁸² Bonaventure, *Commentarium in primum librum Sententiarum*, dist. 27, pars 1, a. 1, q. 4, p. 478: 'Circa ea quae sunt de necessitate fidei, opinari contraria simpliciter est peccatum in altero, scilicet qui falsum opinatur. Et si sit simplex opinio, est peccatum erroris; si autem assertio et defensio, non tantum error, sed haeresis dicenda est.' See also Bonaventure, *Commentarium in quartum librum Sententiarum*, dist. 6, pars 1, dubia 4, p. 148.

⁸³ William J. Courtenay, *Adam Wodeham. An Introduction to his Life and Writings* (Leiden, 1978), pp. 173-4.

of Hales and Bonaventure. Ockham considers that those who assert, affirm or even state an opinion contrary to Catholic truth should be immediately judged heretics.⁸⁴

Ockham's notion of pertinacity is broad, intransigent and, most importantly, unique. Although theologians and canonists alike acknowledged that pertinacity was one of the significant features of heretics, they hardly scrutinised the concept. The reason for this prevalent indifference to the concept may be that the idea of pertinacity did not appear to theologians to deserve thorough investigation, since methods of identifying the pertinacious had already been established by inquisitorial practice. Aquinas, for example, alluded to Titus 3.10 ('After a first and second admonition, have nothing more to do with anyone who causes divisions') to argue that a man should be excommunicated by the Church if he is regarded as pertinacious 'after a first and second admonition'.⁸⁵ The basic assumption, then, was that repeated refusal to accept doctrinal correction was 'pertinacious'. This process of admonition is not necessarily a way for the corrected to discover the truth. The repeated demand that the person recant the error was essentially a means for the corrector to decipher whether the corrected was obedient or disobedient. Aquinas' account of admonition presumes an ecclesiastical monopoly of truth; hence, the corrector is assumed to be correctly informed. An assertion becomes an error once it is declared to be such by an ecclesiastical authority, and must be recanted when the authority admonishes patiently. The prevalent notion of pertinacity, then, was that it was synonymous with disobedience to ecclesiastical admonition.

Ockham places a question mark over this equation of pertinacity with disobedience. We have seen that he reduces the idea of heresy strictly to a contradiction of the textual sources of the Christian faith. This 'cognitive' perspective is also introduced into the discussion of pertinacity. Pertinacity is defined not in relation to authority but in relation to texts. Ockham anchors his idea of pertinacity in the distinction between Catholic truths that must be believed explicitly and those that do not have to be believed explicitly. In *Contra Ioannem*, Ockham explains that Catholic truth that must be believed explicitly is twofold. Firstly, it is what is prevalently and commonly taught as Catholic among Catholics,

⁸⁴ See especially *CI*, c. 8, pp. 50–1.

⁸⁵ Aquinas, *Summa theologiae*, 2a2ae, q. 11, a. 3, pp. 88–9: 'Ex parte autem Ecclesiae est misericordia, ad errantium conversionem. Et idem non statim condemnat, sed *post primam et secundam correctionem*, ut Apostolus docet. Postmodum vero, si adhuc pertinax inveniatur, Ecclesia, de ejus conversione non sperans, aliorum saluti providet, eum ab Ecclesia separando per excommunicationis sententiam; et ulterius relinquit eum iudicio saeculari a mundo exterminandum per mortem.'

prelates and laymen, literate and illiterate, educated and uneducated.⁸⁶ The best example of such a Catholic truth is perhaps the articles of faith. Secondly, Ockham wrote, some Catholic truths which an individual is bound to believe explicitly are not necessarily known prevalently or commonly among Christians; in which case, whether or not a certain Catholic truth is to be believed explicitly depends upon the rank one occupies within the ecclesiastical hierarchy.⁸⁷ For instance, bishops are obliged to know more Christian truths than their inferiors (although a bishop, who may be able to memorise everything written in Scripture, does not commit a mortal sin by merely forgetting some biblical facts). In short, what is known to every Catholic determines the minimal level of the knowledge of Catholic truth an individual is bound to believe explicitly; the higher the office a person occupies in the ecclesiastical order, the greater the amount of knowledge of such Catholic truth he is expected to have.⁸⁸

This theological version of *noblesse oblige* obviously implies forbearance towards the uneducated and illiterate as well as intolerance of errors committed by the learned and the holders of teaching offices in the Church, who are presumed and expected to have a good knowledge of the Christian faith. Drawing on this formula, Ockham argues in I *Dialogus* that those who deny some part of the Old and/or New Testament are heretics, and he adds that if laymen or the illiterate deny Scripture, they ought not to be judged as heretics before they have been diligently examined and taught, whereas the learned would be immediately considered to be heretics.⁸⁹ The degree of knowledge and

⁸⁶ *CI*, c. 6, p. 47: 'Prima veritates catholicae sunt illae, quae communiter apud catholicos, praelatos et subditos, clericos et laicos, literatos et illiteratos, prudentes et simplices (tamen usum rationis habentes) sunt tamquam catholicae divulgatae, et communiter a catholicis tamquam catholicae sunt receptae.'

⁸⁷ *Ibid.*, c. 7, p. 49: 'Nunc videndum est quae sunt illae veritates, quas non est necesse omnes Christianos de communi lege credere explicite, et tamen aliqui eas credere tenentur explicite. Videtur autem quod dupliciter potest intelligi aliquem Christianum obligari ad credendum explicite aliquas catholicas veritates, quae non sunt communiter apud omnes Christianos et laicos et simplices tamquam catholicae divulgatae. Quia hoc potest contingere propter officium speciale vel gradum aut statum vel dignitatem, quam habet unus et non alius: quemadmodum episcopi plura scire tenentur explicite quam subditi . . . Officium etiam praedicationis habentes, et docentes, legentes et exponentes sacram scripturam multa tenentur credere explicite, quae credere explicite non omnes Christiani alii obligantur . . .'

⁸⁸ In I *Dialogus* vii, 18, Ockham reiterates this idea, and adds that inferior prelates must know whatever the pope pronounces publicly and solemnly.

⁸⁹ *Ibid.*, iv, 6, p. 449: '*Discipulus*: Nunquid si aliquis laicus, qui de libro Iosue forte nunquam audivit fieri mentionem, diceret eundem librum Iosue ad Testamentum Vetus minime pertinere, esset censendus haereticus? *Magister*: Differentia est inter dicentem aliquam scripturam ad Vetus vel ad Novum Testamentum minime pertinere: et dicere aliquam partem Veteris Testamenti vel Novi non esse tenendam. Primus sit esset laicus vel illiteratus, non esset statim censendus haereticus, sed

understanding of Scripture is the fulcrum of the conviction of pertinacity. Nevertheless, even the uneducated are not allowed to commit every doctrinal error. According to the third mode of pertinacity, those who deny that the universal Church has never erred and does never err are to be regarded as pertinacious without further investigation.⁹⁰ Referring to the Bonaventuran doctrine that the Christian faith is the faith of the universal Church,⁹¹ Ockham argues that the proposition that the universal Church has never erred and does never err is prevalently known to all Christians. Therefore, every Christian must believe explicitly that it is prevalently known that the faith of the universal Church is the true faith.⁹² Similarly, if a man who has the use of reason and understanding and has always lived among Christians denies a publicly known Catholic assertion such as 'Christ was crucified', he has to be judged pertinacious at once. The reason is that 'the longer a man stayed among Christians, the more churches he entered, the more expositions of the word of God he listened to, and the more he familiarised himself with the Bible and canon law, the more important it is that he should be judged immediately to be pertinacious, and thereby a heretic'.⁹³ Accordingly, for example, such an individual cannot assert without pertinacity that Christ was not crucified, even if he states explicitly that he is ready to be corrected if the contrary is demonstrated. Contradiction of prevalent knowledge would be unconditionally pertinacious.⁹⁴ Clearly the amount of knowledge of Catholic truth that can be judged commensurate with a person's ecclesiastical status is for Ockham the fundamental criterion for identifying the pertinacious.

All these arguments revolve around Ockham's idea of the propositions that constitute explicit faith (its 'object'); however, this is not his own

esset diligenter examinandus et etiam informandus. Et si post informationem convenientem non se corrigeret, esset pertinax reputandus. Si vero est literatus, sciens quos libros Ecclesia reputat esse de integritate Novi et Veteris Testamenti, et tamen hoc non obstante diceret librum Iosue vel alium ad Vetus Testamentum minime pertinere, esset statim haereticus iudicandus et pertinax, nec esset expectandus, ut se corrigeret, sed statim pro incorrigibili esset habendus. Secundus autem, qui scilicet dicit aliquam partem Veteris vel Novi Testamenti non esse recipiendam, vel aliquid falsum asserere, sive literatus sive illiteratus existeret, esset statim iudicandus pertinax, nisi forte fuerit adeo simplex, quod nesciat quid per Novum et Vetus Testamentum importetur, et seductus ab aliis dicat Novum et Vetus Testamentum aut aliam partem recipi non debere . . .'

⁹⁰ I *Dialogus* iv, 8, p. 449.

⁹¹ See Brian Tierney, '“Sola Scriptura” and the Canonists', in *Collectanea Stephan Kuttner I*, Studia Gratiana XI (Rome, 1967), pp. 345–66, especially pp. 363–6 (reprinted in Brian Tierney, *Church Law and Constitutional Thought in the Middle Ages* (London, 1979)).

⁹² I *Dialogus* iv, 9, p. 450.

⁹³ *Ibid.*, 10, p. 451: 'Et quanto magis esset inter Christianos conversatus, et plures intrasset ecclesias, et verbum Dei a pluribus audisset, et maiorem literaturam in sacra pagina et iure canonico haberet, tanto fortius esset statim pertinax et haereticus iudicandus.'

⁹⁴ *Ibid.*, 11, p. 452. Cf. *CI*, cc. 13–15, pp. 60–74.

invention. He clearly indicates that his distinction between explicit and implicit Catholic truths is taken from Thomas Aquinas,⁹⁵ who mentions it in his *Summa theologiae*.⁹⁶ But Ockham seems to have modified Aquinas' definition of explicit Catholic truth. According to Aquinas, what must be believed explicitly is no more than the articles of faith and, 'with regard to other points, no one is bound to an explicit but only an implicit belief or a readiness to believe . . . whatever is contained in Scripture'.⁹⁷ For Ockham, the articles of faith are just one example of faith which has to be explicit. His concept of explicit Catholic truth is evidently wider than that of Aquinas.

However, Ockham's view of the proportionate relationship between probable knowledge of Catholic truth and ecclesiastical status corresponds exactly to Aquinas' answer to the question 'whether all are equally bound to have an explicit faith'. Based on the Dionysian conception of the angelic hierarchy – 'the higher angels who illumine the lesser have a fuller knowledge of the divine' – Aquinas argues that the occupants of higher offices 'must have a fuller awareness of the contents of faith'; therefore, he continues, 'explicitness in belief is not a matter of salvation uniformly for all; those who have the office of teaching others are held to an explicit belief in more things than others are'.⁹⁸ Ockham neither quotes this passage nor bases his argument on the Dionysian concept of angelic hierarchy, as Aquinas did. But as he clearly notes his indebtedness to Aquinas in his notion of explicit and implicit Catholic truths, it is quite likely that Ockham drew on Aquinas' view.

Ockham's re-definition of Aquinas' idea of the object of explicit faith highlights cognitive commonality in the believers' knowledge of explicit faith. If the object of explicit faith is identified, as it was by Aquinas, with the articles of faith, contradiction of them may be only a consequence of

⁹⁵ *CI*, c. 5, pp. 46–7.

⁹⁶ Aquinas, *Summa theologiae*, 31: Faith, ed. and trans. T. C. O'Brien (London, 1974), 222ae, q. 2, a. 5.

⁹⁷ *Ibid.*, a. 6, pp. 82–3: 'Quantum ergo prima credibilia, quae sunt articuli fidei, tenetur homo explicitè credere, sicut et tenetur habere fidem. Quantum autem ad alia credibilia, non tenetur homo explicitè credere, sed solum implicitè vel in praeparatione animi, in quantum paratus est credere quicquid divina scriptura continet.'

⁹⁸ *Ibid.*, pp. 84–5: 'Dicendum quod explicatio credendorum fit per revelationem divinam, credibilia enim naturalem rationem excedunt. Revelatio autem divina ordine quodam ad inferiores pervenit per superiores; sicut ad homines per angelos, et ad inferiores angelos per superiores, ut patet per Dionysium. Et ideo pari ratione explicatio fidei oportet quod perveniat ad inferiores homines per majores. Et ideo sicut superiores angeli, qui inferiores illuminant, habent pleniorum notitiam de rebus divinis quam inferiores, ut dicit Dionysius, ita etiam superiores homines, ad quos pertinent alios erudire, tenentur habere pleniorum notitiam de credendis et magis explicitè credere. Ad primum ergo dicendum quod explicatio credendorum non aequaliter quantum ad omnes est de necessitate salutis, quia plura tenentur explicitè credere majores, qui habent officium alios instruendi, quam alii.'

attempting to understand and interpret them. The articles of faith are a set of clearly stated propositions, and yet they may allow for interpretation. Therefore some kind of investigation will be required to determine whether an opinion concerning them is actually contrary to Catholic truth. By contrast, Ockham's definition of the object of explicit faith lays emphasis on cognitive commonality: he defines explicit faith as what is *prevalently known* as Catholic among Catholics. His concept of the object of explicit faith allows for no misunderstanding or interpretation: every single Catholic is assumed to know the precise meaning of the propositions that must be believed explicitly. Such commonality of understanding should make it impossible for a Catholic to make any assertion (*asserere*) contrary to, to state any opinion (*opinari*) contrary to, or to cast the slightest doubt upon, the object of explicit faith. Conversely, any contradiction of such Catholic truths is manifestly evident to every one who believes or denies such errors.

If everyone is supposed to know a certain proposition in its precise meaning, to contradict it cannot be anything but a deliberate choice. A proposition such as 'Christ was crucified' is a Catholic truth which every individual is bound to believe explicitly because, in Ockham's view, such a proposition is prevalently known to be Catholic by every single Christian. Accordingly, Ockham regards an individual who contradicts such a Catholic truth and is thereby pertinacious as 'knowingly' (*scienter*) heretical. For instance, those who know that they are opposing the Christian faith, or those (such as the Manichaeans) who do not believe that a certain part of the Christian faith belongs to Catholic truth, or those who reject the Old Testament, are 'knowingly' heretical.⁹⁹ Ockham intriguingly remarks that these *errantes* cannot know that they are heretics because this is psychologically impossible. If one knows that one is a heretic, this means that one knows that one is believing falsehood, which is impossible.¹⁰⁰ But they do know that they are objecting to the truthfulness of Christian faith – whether as a whole or in part – and, at the same time, believe that they are right in doing so. Deliberate rejection of Christian faith and readiness to be corrected in

⁹⁹ *CI*, c. 30, p. 122: 'Errantium qui sunt haeretici, sunt in multiplici differentia. Quia quidam illorum scienter fidem Christianam tamquam falsam et malam deserunt et impugnant; et illi stricte loquendo sunt apostate a fide et scienter haeretici: non quod sciant aut reputent se haereticos, sed quia sciunt se Christianae fidei adversari.'

¹⁰⁰ *Ibid.*, c. 34, p. 130: 'Ex quibus verbis colligitur evidenter quod aliqui sunt ignoranter et aliqui scienter haeretici. Quod non est intelligendum, quasi aliquis sciat se esse haereticum, et aliquis ignoret se esse haereticum. Nam impossibile est quod aliquis sciat se esse haereticum. Quia si sciret se esse haereticum, sciret se credere falsum; hoc autem est impossibile.' See also *ibid.*, c. 15, p. 74; *OND*, c. 124; I *Dialogus* iv, 3–4.

order to return to Christian faith are mutually exclusive. It is no use investigating such an *errans* to determine whether or not he is willing to revoke and correct his error; hence, he ought to be immediately judged as a heretic. Ockham's emphasis on immediacy is thus anchored in common knowledge of explicit faith.

It is now evident that Ockham does not see pertinacity as merely a repeated refusal to be corrected; far from it. His definition of pertinacity is, to be precise, unreadiness to correct errors that are contrary to the Catholic truths one is not bound to believe explicitly, as well as failure to assent to the Catholic truths one is bound to believe explicitly. Simply put, pertinacity is a perceived deliberate failure to assent to the truthfulness of Christian faith. One does not need to reject or doubt Catholic truths repeatedly to be perceived as pertinacious; a single denial is sufficient to be deemed deliberate. But immediate condemnation depends on the nature of the error and on the knowledge of Christian faith that is expected of the person concerned, because the level of his doctrinal knowledge determines whether his rejection or doubt of the truthfulness of Christian faith is deliberate (*scienter*). Thus the entire discourse on heretics revolves around the flexible concept of what Catholic truth one is bound to believe explicitly. Its content may be reduced to a small number of simple propositions, such as 'the Christian faith is true' or 'Christ was crucified', if the suspect is uneducated, simple or illiterate. If the suspect occupies a high ecclesiastical office, on the other hand, the content of explicit faith may swell to a number of minute, biblical facts, the details of papal decrees, or the decisions of general councils. We may be able to trace back the paradigmatic scheme of this argument to Aquinas' account of the object of explicit faith, which Ockham re-shapes to combat effectively the heresy found among occupants of higher ecclesiastical offices.

Furthermore, to employ Aquinas' argument is a clever polemical tactic. Aquinas was *the* authority for the papal camp. Just as in the *Opus nonaginta dierum* on Franciscan poverty,¹⁰¹ here again Ockham turns their favourite, and indeed saintly, authority against them. In fact, he does not have to refer to Aquinas when he discusses the distinction between explicit and implicit faith, because it was commonplace in theology in the thirteenth and fourteenth centuries. Like Aquinas, Bonaventure mentions not only this distinction but also the idea that the holders of teaching offices ought to have a fuller knowledge of explicit faith.¹⁰² Alexander of Hales, Albertus Magnus, Durand de

¹⁰¹ See above chapter 1.

¹⁰² Bonaventure, *Commentarium in tertium librum Sententiarum*, dist. 25, a. 1, q. 3, pp. 543–6.

A general theory of heresy

Saint Pourçain and Pierre de la Palud express a similar view.¹⁰³ Clearly Ockham's use of Aquinas' argument is intended to be polemically effective.

To conclude, then, it may be possible to discern a shift in Ockham's discourse on heresy and heretics from an authoritative (or hierarchical) conceptualisation to a cognitive one. Heresy is not something that exists because it has been defined by ecclesiastical authority. Heresy is, for Ockham, a deliberate choice to reject the truth-value of the sources of the Christian faith. Heresy is thus reduced to a matter of incorrect reading; more precisely, to a reader's failure to comply with the rational interpretative possibilities of the doctrinal texts. So heresy does not require any institutional authority to be identified. Any rational reader of the Bible can decipher it. Ockham transforms the juridical process of the detection of heresy into an interpretative process of academic enquiry. Similarly, a heretic is not an individual who repeatedly chooses to reject the authority of the Church. For Ockham, a heretic is a person who deliberately fails to assent to the Catholic truths to which he is communally obliged to subscribe. The cognitive commonality of what is explicitly and prevalently believed among believers makes every assent to, or dissent from, explicit faith epistemologically manifest to all the members of the Christian community, including the *errans* himself. Hence, no institutional authority is required to detect the pertinacious; any individual who embraces explicit faith can identify them. The heretic is thus reduced to a person whose words or deeds publicly manifest incorrect doctrinal knowledge. In the light of contemporary conceptions of heretics, Ockham transforms what was commonly perceived as the juridical process for the detection of obstinate heretics into a 'cognitive' process of theological enquiry. Just as he de-juridicised the discourse on heresy, so now he de-juridicises the discourse on heretics.

QUESTIONING ECCLESIASTICAL AUTHORITY

When Ockham was summoned to Avignon in 1324, he was not yet an anti-papal campaigner. Like most contemporary theologians, he appeared to be obedient to the authority of the pope. To defend his orthodoxy, Ockham wrote:

In the light of these authorities, one might possibly think that to settle a question of faith pertains to bishops; however, this is not true . . . It is evident, therefore, that when there is controversy among theologians regarding whether

¹⁰³ See below chapter 3.

some article is consonant or dissonant with Christian faith, we should turn to the pope. For, although the office of inquisition of heretical depravity is occasionally entrusted to simple persons or not-so-great doctors, it would seem absurd if it were to pertain to such an inquisitor to determine, on his own authority, some difficult and profound question about certain articles appertaining to theology, and to condemn as heretical some great person, famous in theology and worthy by reason both of his way of life and of his office as a learned man solemnly approved by all, if such a man just happened to contradict his [the inquisitor's] opinion. Therefore, one should turn to the pope when a question of something that is not manifest in Scripture and is not determined by the Roman Church is discussed. And today we see this in practice.¹⁰⁴

This statement shows that Ockham trusted the pope as the final judge of questions about Christian faith. The Ockham of 1324 appears very different from the Ockham of 1334 who wrote I *Dialogus*.

During his sojourn in Avignon, however, Ockham had expressed distrust of contemporary inquisitors and confidence in able theologians, as he would do more openly and radically in I *Dialogus*. This seems to suggest that, even at this stage, he may possibly have viewed the pope with suspicion. In the above passage, Ockham does not indicate any positive and substantial reason for appealing to the pope. In fact, Ockham wrote in his *Letter to the Friars Minor* that during his four-year stay in Avignon he 'did not care either to read or to possess his heretical constitutions' because he did not 'wish to believe too readily that a person placed in so great an office would define that heresies should be held'.¹⁰⁵ Although he did not wish to believe it, however, his observations on papal constitutions indicated that Pope John XXII was a heretic. 'Papalist' theologians such as Augustinus Triumphus had regarded papal heresy merely as a hypothetical situation.¹⁰⁶ But this ecclesiological

¹⁰⁴ *De corpore Christi*, in *OTh* 10, pp. 208–9: 'Ex ista auctoritate posset aliquis credere quod ad episcopos pertineret questionem fidei terminare; quod non est verum . . . Patet igitur quod cum controversia est inter theologos de aliquo articulo an sit consonus vel dissonus fidei christianae, ad Summum Pontificem est recurrendum. Cum enim officium inquisitionis de haeretica pravitae aliquando simplicibus vel non magnis doctoribus committatur, absurdum videretur quod ad talem inquisitorem pertineret quamcumque questionem difficilem et profundam de articulis quibuscumque pertinentibus ad theologiam auctoritate propria terminare, et quemcumque magnum, in theologia famosum, et dignum tam ratione vitae quam scientiae doctoris officio, per universitatem sollemnem approbatum, si suae opinioni contradiceret tamquam haeticum condemnare. Videtur igitur ad Romanum Pontificem recurrendum quando questio ventilatur de aliquo quod non expressum in Scripturis canonicis nec est per Romanam Ecclesiam determinatum. Quod etiam vidimus fieri modernis temporibus.'

¹⁰⁵ *A Letter*, p. 3; *Epistola*, p. 6: 'Quia nolens leviter credere quod persona in tanto officio constituta haereses definiret esse tenendas, constitutiones haereticas ipsius nec legere nec habere curavi.'

¹⁰⁶ Jean Rivière, 'Une première "somme" du pouvoir pontifical: le pape chez Augustin d'Ancone', *Revue des Sciences Religieuses* 18 (1938), pp. 149–83, especially, pp. 160–5.

nightmare was Ockham's reality. Thus, in his thought, the ultimate institutional authority came tumbling down. Ockham's 'Master' in the *Dialogus* deplores the fact that since Innocent III there has been no pope who was versed in Scripture.¹⁰⁷

According to this lamentation, it is impossible to hope that the papacy is divinely inspired or guided by the Holy Spirit. The Carmelite Guido Terreni, by contrast, argued that Peter and his successors were unable to err in faith since their official decisions were directed and sanctioned by the Holy Spirit.¹⁰⁸ This idea is entirely foreign to Ockham. The pope is, for Ockham, only a human being, though he would admit that papal power is of divine origin. The papal office in operation is a human work, not necessarily divinely aided, and therefore Ockham can and does question the theological knowledge of contemporary popes. For Guido Terreni, Ockham's criticism of the pope's inadequate theological knowledge must have seemed totally irrelevant and nonsensical, because papal decisions are, according to Terreni, always divinely sanctioned, no matter how much theological knowledge the pope actually has. On the other hand, the canonist distinction which Guido Terreni often drew on between a pope's pronouncements as an academic in theology ('ut magister') and as pope ('ut papa') must have seemed meaningless to Ockham. According to this distinction, the pope's theological teaching as a master of theology ought to be regarded merely as a probable argument (which may be erroneous); whereas his definitive pronouncement made as pope concerning a matter of faith is binding (and therefore cannot be questioned).¹⁰⁹ Similarly, Guido Terreni argues that the pope as a private person may be in error, whereas as pope he is infallible.¹¹⁰ In this canonist distinction, an official papal pronouncement is immune to theological examination. Ockham deprives papal decisions of this immunity; any theological assertion, including a papal pronouncement, ought to be brought into the court of theological enquiry if it concerns Catholic truth. Hence, papal decisions on doctrinal issues are binding not because they are papal but because they are theologically true *and* papal.

¹⁰⁷ I *Dialogus* ii, 28 (30 in the British Academy edition).

¹⁰⁸ Guido Terreni, *Quaestio de magisterio infallibili Romani Pontificis*, ed. P. B. M. Xiberta (Münster i.W., 1926), pp. 16–18, especially p. 18: 'sic credendum est quod non erret summus pontifex in determinacione fidei, apud quem residet auctoritas ecclesie catholice sed in hiis regitur Spiritu Sancto.'

¹⁰⁹ Tierney, *Origins*, p. 41.

¹¹⁰ Terreni, *Quaestio de magisterio*, p. 28: 'dicendum quod summus pontifex, etsi ut est persona singularis possit in se errare, tamen propter communitatem fidelium et universalitatem ecclesie, pro cuius fide rogavit Dominus, non permittit eum determinare aliquid contra fidem in ecclesia Spiritus Sanctus, a quo ecclesia in fide regitur.'

It is only a step from here to total rejection of the hierarchical monopoly of magisterial authority. Ockham's general account of heresy radically replaces the visible, authority-based order of the Church with an invisible, knowledge-based order. Consequently, orthodox knowledge of Christian faith can no longer be presumed to be the monopoly of the hierarchy. According to Ockham, popes can be heretics;¹¹¹ so can the college of cardinals,¹¹² the Roman Church,¹¹³ general councils,¹¹⁴ and all clergymen.¹¹⁵ After all, all Christians – men, women, and children – can be heretics.¹¹⁶ Nevertheless, Christ promised that true faith should last until the end of the world. At least one person – a woman or even a child – will retain true faith at any time in history until the end of the world, just as at the moment of Christ's death Mary alone remained firm in her faith. Thus Ockham asks: who knows, unless it is revealed by God, whether only a very few Catholics will be left, like the congregation of Noah in the days of the Old Law? The majority may be converted to heretical sects, and Christendom may be filled with non-believers.¹¹⁷ Ockham's 'Master' says that he did not know of any Christian who has expressed such a view;¹¹⁸ but this is probably Ockham's own observation on the deplorable state of contemporary Christendom.

¹¹¹ I *Dialogus* v, 1–3, pp. 467–73.

¹¹² *Ibid.*, 7, pp. 476–8.

¹¹³ *Ibid.*, 11, p. 481.

¹¹⁴ *Ibid.*, 25, pp. 494–5.

¹¹⁵ *Ibid.*, 32, p. 503.

¹¹⁶ *Ibid.*, 34, pp. 504–5.

¹¹⁷ *Ibid.*, p. 505.

¹¹⁸ I *Dialogus* v, 35, p. 505.

Chapter 3

THE PROBLEM OF PAPAL HERESY

What if the pope falls into heresy? This was a question that had long perplexed medieval theologians and canonists. The consensus that emerged was that this ecclesiological nightmare could happen. Scholars considered that popes such as Marcellinus and Anastasius II, and even St Peter himself, had fallen into heresy.¹ The difficulty with papal heresy was the idea that the pope had no superior but God. The papal office was divine; hence no individual or institution was considered to have the capacity to judge a pope. According to a traditional argument, a pope who had fallen into heresy *ipso facto* ceased to be pope and consequently became subject to human judgement. But who should decide that the pope has fallen into heresy, and how?

William of Ockham confronted this problem. In the bull *Quia nonnunquam* (March 1321), Pope John XXII rejected the Franciscan doctrine of poverty by withdrawing his predecessor Nicholas III's *Exiit qui seminat*. This attack on the Franciscan doctrine of poverty signified to Ockham that the pope had fallen into heresy.² Ockham's anti-papal campaign stands out among contemporary Franciscan responses to the papal sanction. He was the most persistent and thorough in demonstrating that the pope was a heretic. But how was it possible for a theologian and philosopher to justify dissent from a decision made by the successor of St Peter?

The canonists' solutions to the problem of papal heresy are well known.³ It is less well known that theologians in the early fourteenth century tackled the same problem. They did so by appealing to the

¹ Brian Tierney, *Foundations of the Conciliar Theory* (Cambridge, 1955; 2nd edn, Leiden, 1998), p. 34.

² See above chapter 1.

³ For Huguccio's and Joannes Teutonicus' views, for example, see Tierney, *Foundations of the Conciliar Theory*, pp. 58–9.

theological tradition of the discourse on fraternal correction. This was developed by theologians in the thirteenth century, culminating in Thomas Aquinas, and was applied to the problem of papal heresy in the early fourteenth century. William of Ockham's use of this tradition was revolutionary. He was certainly aware of the need to justify his campaign against Pope John XXII, and obviously the theological tradition of applying fraternal correction to the problem of papal heresy was available to him. But he highlighted hidden premises in the traditional view of fraternal correction, destroyed its central ideas, and transformed the entire discourse into a radical theory of legitimate disobedience to papal authority.⁴

This critical metamorphosis of theological tradition may vindicate an individual's dissent from ecclesiastical authority; however, such an attempt by an inferior, in the world of *Realpolitik*, would scarcely exert influence upon an allegedly heretical papacy, and Ockham was well aware of this. In order to make resistance 'from below' significant enough to bring down a heretical pope, dissent needed to be not merely justified but also made a communal obligation. He thus embarked upon a re-definition of the duties of the Christian community in a threefold manner. First, he vindicated the dissent of an ill-informed inferior, lest his poorer knowledge should deter him from contesting any doctrinal decision, thus reinforcing the inferior's moral obligation to dissent. Secondly, Ockham called for action on the part of all believers to protect a dissenting inferior on the grounds that those who are negligent in objecting to a sin virtually commit the same sin, thereby drawing attention to the communal duties of 'other' Christians. Thirdly, he rejected the applicability of the presumption of innocence to a pope suspected of heresy, thus underlining the ecclesiastical responsibility to preserve orthodox faith.

I shall begin this chapter with an analysis of Ockham's vindication of the inferior's fraternal correction of an erring superior, followed by a discussion of the triangular relationship between dissenters, popes and other believers. We shall then readily see that Ockham presents neither a destructive anarchism nor a mere personal programme of dissent. Rather he offers a radically new vision of the Christian community where individual freedom and social solidarity are attained simultaneously.

⁴ A. S. McGrade first highlighted the importance of Ockham's idea of the correction of errors, comparing this with Thomas Aquinas' 'classic formulation' of fraternal correction. McGrade, *The Political Thought*, pp. 47-77.

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THE DISCOURSE ON FRATERNAL CORRECTION, c. 1200–c. 1350

The basic pattern of the discourse on fraternal correction was formulated by Alexander of Hales in the early thirteenth century.⁵ Alexander's argument revolved around the obligation to correct someone else,⁶ and the set of questions that he posed remained unchanged in theological scholarship from the late thirteenth to the early fourteenth century. The answers to the standard questions, however, changed over time. The most typical questions included the following: (1) Does the precept of correction bind every Christian or prelates alone? (2) What is the procedural order of correction? (3) Is every Christian bound by the precept of correction with respect to anyone? To put it more specifically, is an inferior bound to correct a superior? Obviously the third question has direct relevance to the problem of dissent from papal authority; however, the solution to it was offered by theologians in connection with the first and second.

To answer the first question of whether the precept of correction binds every Christian or prelates alone, Alexander of Hales introduced an important distinction. Correction is twofold: one aspect is fraternal correction, which stems from charity and love of brethren; the other stems from ecclesiastical office. The former binds every Christian; the latter binds prelates alone.⁷ Prelates are bound to fraternal correction not only *ex caritate* but also *ex officio*, whereas laymen are bound only *ex caritate*.⁸ Fraternal correction by laymen is non-coercive admonition, whereas fraternal correction by ecclesiastics includes coercive and punitive measures.⁹ This distinction cannot be found in Alexander's

⁵ Alexander of Hales, *Quaestiones disputatae* (3 vols.: Quaracchi, 1960), 3, q. 28, pp. 497–515; *Glossa in librum IV Sententiarum Petri Lombardi*, Bibliotheca Franciscana Scholastica Medii Aevi 15 (Quaracchi, 1957), pp. 342–7.

⁶ As we shall see, the obligation to correct someone else is one thing; the obligation to accept correction is quite another. Ockham tackles both issues.

⁷ Alexander of Hales, *Quaestiones disputatae*, q. 28, membrum 1, pp. 499–500: 'Nota quod duplex est correctio. Una est fraterna, et haec est ex caritate et amore fraternitatis; ad hanc omnes obligantur pro loco et tempore. Alia est ad quam soli prelati ex sponsione quam fecerunt et ratione officii tenentur; 6 Prov., 1: *Fili, spondidisti pro amico tuo* etc. Illa ergo correctio, ubi dicitur: *Si peccaverit in te frater* etc., pertinet ad omnes: illa enim consistit in verbo discreto; alia, quae est in inflictione poenae, est praelatorum. Et sic semper distinguendae sunt obiectiones.' See also Alexander of Hales, *Glossa in librum IV Sententiarum*, pp. 342–5.

⁸ This point was underlined later by Nicholas Gorran. See Nicholas Gorran, *Commentaria in quatuor Evangelia* (Cologne, 1537), fol. 94v.

⁹ Henry of Ghent, Nicholas Gorran and Thomas Aquinas considered that fraternal correction by prelates was punitive. See Henry of Ghent, *Aurea quodlibeta* (Venice, 1613), quodlibet v, q. 24, fol. 311v; Gorran, *Commentaria*, fol. 94v. For Aquinas, see below. However, Albert the Great distinguishes fraternal correction from what he called judicial correction, 'correctio iudicis', thus attributing punitive correction to the latter alone. For Albert, therefore, fraternal correction by

contemporary William of Auvergne. William wrote simply that the precept of fraternal correction binds everyone.¹⁰ Contemporary canonists did not observe this distinction. Rufinus and Huguccio maintained that correction pertains to everyone, whereas Bernard of Parma, in his commentary on the *Decretales* (c. 4, X, II, 20), argued that it pertains only to those who hold administrative office. Bartholomaeus of Brescia took a *via media*; fraternal correction is a precept for office-holders, ecclesiastical or secular, whereas it is a counsel for others.¹¹

Alexander's distinction was refined by Thomas Aquinas. Aquinas linked the distinction to the nature of the error that is to be corrected. When the error in question is merely the fault of an individual and there is no impact on the public interest, fraternal correction as an act of charity (*actus caritatis*) should be undertaken by anyone who is charitable. But when the error is detrimental to the common good, the error is public in nature and therefore fraternal correction as an act of justice (*actus iustitiae*) ought to be performed by the holder of an ecclesiastical office. Private error should be corrected through private warning by any charitable Christian, whilst public error is subject to punishment by the holder of an ecclesiastical office.¹² In other words, it is whether or not the error has any impact on the common good that determines the appropriate type of correction. Aquinas' view was widely accepted

prelates is not coercive or punitive. Albertus Magnus, *In quattuor libros Sententiarum* (Basel, 1506), IV Sent., dist. 19, a. 22. In the early fourteenth century, Durand de Saint Pourçain argued in similar vein: he maintained that punitive coercion that accompanied verbal admonition was not fraternal correction but 'paternal correction'. Durand de Saint Pourçain, *In Petri Lombardi Sententias theologicis commentariorum libri IV*, Lib. IV, dist. 19, q. 3, fol. 350v.

¹⁰ William of Auvergne, *Summa aurea in quattuor libros Sententiarum* (Paris, 1500; reprinted Frankfurt, 1964), fols. 238v–239.

¹¹ Ludwig Buisson, *Potestas und Caritas: Die päpstliche Gewalt im Spätmittelalter* (Cologne, 1958), pp. 168–9. It should be noted, however, that canonists had a pair of notions of accusatorial procedure: evangelical denunciation (*denunciatio evangelica*) and judicial denunciation (*denunciatio judicialis*). These concepts were derived, like the idea of fraternal correction, from Matthew 18.15–17. On the idea of evangelical denunciation, see Charles Lefebvre, 'Contribution à l'étude des origines et du développement de la "denunciatio evangelica" en droit canonique', *Ephemerides Iuris Canonici* 6 (1950), pp. 60–93; Helmut Coing, 'English Equity and the *Denunciatio evangelica* of the Canon Law', *Law Quarterly Review* 71 (1955), pp. 223–41; Kuttner, *Harmony from Dissonance*, p. 45; Gallagher, *Canon Law and the Christian Community*, p. 181.

¹² Thomas Aquinas, *Summa theologiae*, 222ae, q. 33, a. 3, vol. 34: *Charity* (London, 1975), p. 284: 'Dicendum quod, sicut dictum est, duplex est correctio. Una quidem quae est actus caritatis, qui specialiter tendit ad emendationem fratris delinquentis per simplicem admonitionem. Et talis correctio pertinet ad quemlibet caritatem habentem, sive sit subditus sive praelatus. Est autem alia correctio quae est actus iustitiae, per quam intenditur bonum commune, quod non solum procuratur per admonitionem fratris, sed interdum etiam per punitionem, ut alii a peccato timentes desistant. Et talis correctio pertinet ad solos praelatos, qui non solum habent admonere, sed etiam corrigere puniendo.' Cf. Aquinas, *Super Evangelium S. Matthaei Lectura*, ed. P. R. Cai (Rome, 1951), p. 232.

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by theologians as well as canonists. Moreover, the Thomist distinction between an act of charity and justice was reiterated not only by the theologian François de Meyronnes but also by the canonist Guido de Baysio. The Thomist reference to the idea of the common good can be found in Guido de Baysio, François de Meyronnes, Pierre de la Palud and Durand de Saint Pourçain.¹³

Alexander of Hales wrote that the universal duty of fraternal correction was shown in Matthew 18.15–17. Indeed, the discourse on fraternal correction had always revolved around this text and the commentary on it by Augustine as found in the *Decretum*, Causa 2, question 1, chapter 19. The biblical verse reads:

If another member of the church sins against you, go and point out the fault when the two of you are alone. If the member listens to you, you have regained one. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. If the member refuses to listen to them, tell it to the church; and if the offender refuses to listen even to the church, let such a one be to you a Gentile and a tax collector.¹⁴

This verse gives the answer to our second question: what is the due process of correction? Alexander of Hales classified the due process into three steps. First, driven by fraternal love, a believer must correct his erring neighbour in private. Secondly, if the erring believer does not listen, the corrector must invoke other believers in order to attempt correction in the presence of witnesses. Finally, if the erring one is still recalcitrant, the Church should be told so that he can be corrected by fear.¹⁵ It is important to note that this due process, starting with secret admonition and leading to public condemnation, is not a process for the corrected to discover the truth, but rather a process for the corrector to decipher whether the corrected is obedient or disobedient. The corrector tolerates the alleged errors of the corrected only for a certain length of time, during the due process of correction.

¹³ François de Meyronnes, *Sermo de tempore* (Brussels, cent. xv), sermo 60; Guido de Baysio, *Rosarium decretorum*, ad 2, q. 1, c. 19 (*Si peccaverit*); Pierre de la Palud, *Quartus Sententiarum liber*, dist. 19, q. 3, a. 1, fol. 107v; Durand de Saint Pourçain, *In Petri Lombardi Sententias*, Lib. IV, dist. 19, q. 4, fols. 351–351v. Durand's idea of the common good will be discussed below.

¹⁴ Matthew 18.15–17: 'Si autem peccaverit in te frater tuus vade et corripe eum inter te et ipsum solum si te audierit lucratus es fratrem tuum. Si autem non te audierit adhibe tecum adhuc unum vel duos ut in ore duorum testium vel trium stet omne verbum. Quod si non audierit eos dic ecclesiae. Si autem et ecclesiam non audierit sit tibi sicut ethnicus et publicanus.'

¹⁵ Alexander of Hales, *Quaestiones disputatae*, vol. 19, q. 28, membrum 2, pp. 500–3. Cf. Alexander of Hales, *Glossa in librum IV Sententiarum*, IV Sent., dist. 19, p. 346.

Aquinas added another dimension to the idea of due process, again by drawing on the idea of the common good. He enquired whether the precept of fraternal correction obliges a Christian to admonish a person privately before proceeding to denounce him. Aquinas argued that if the error was detrimental to the common good, it should not be corrected merely in order to reform the sinner, but also 'to prevent those who know about the matter from being scandalised'. If the error was committed in secret, on the other hand, the normal process of correction would apply. Aquinas noted, however, that even errors committed in secret may be potentially detrimental to others, and so those who commit errors in secret, with the intention of (for instance) betraying the State or turning others away from the faith, should be condemned at once, in order to prevent harm to the common good.¹⁶ This concern with the common good reflects the thirteenth-century canonist language of criminal law. From the early thirteenth century onwards, deviant behaviour was regarded as a danger to society, and punishing crime was increasingly viewed as a matter of public utility.¹⁷ Above all, heresy, both 'manifest' and 'secret', needed to be discovered and punished as quickly and efficiently as possible, because heresy was considered to be a contagious disease, and might 'infect' others if it was left undetected.¹⁸ Consequently, deterrence of crimes, above all heresy, was advocated by canonists for fear that failure to punish malefactors would create 'an audacity of impunity, through which those who were bad become

¹⁶ Aquinas, *Summa theologiae*, 222ae, q. 33, a. 7, pp. 294–301, especially pp. 296–9: 'Responsio: Dicendum quod circa publicam denuntiationem peccatorum distinguendum est. Aut enim peccata sunt publica, aut sunt occulta. Si quidem sint publica, non est tantum adhibendum remedium ei qui peccavit, ut melior fiat, sed etiam aliis, in quorum notitiam devenit, ut non scandalizentur. Et ideo talia peccata sunt publice arguenda . . . Si vero sint peccata occulta, sic videtur habere locum quod Dominus dicit, *Si peccaverit in te frater tuus*. Quando enim te offendit publice coram aliis, jam non solum in te peccat, sed etiam in alios, quos turbat. Sed quia etiam in occultis peccatis potest parari proximorum offensa, ideo adhuc distinguendum videtur. Quaedam enim peccata occulta sunt quae sunt in nocumentum proximorum, vel corporale vel spirituale: puta si aliquis occulte tractet quomodo civitas tradatur hostibus, vel si haereticus privatim homines a fide avertat. Et quia hic ille qui occulte peccat non solum in te peccat, sed etiam in alios, oportet statim ad denuntiationem procedere, ut huiusmodi nocumentum impediatur; nisi forte aliquis firmiter aestimaret quod statim per secretam admonitionem posset huiusmodi mala impedire.' Cf. Aquinas, *Quaestiones de quolibet*, quodlibet 11, q. 9, a. 1, in *Opera omnia* 25 (Rome and Paris, 1996), pp. 168–9. In his commentary on Matthew 18:15–17, however, Aquinas did not allude to the idea of the common good. See Aquinas, *Super Evangelium S. Matthaei Lectura*, pp. 231–3.

¹⁷ Richard M. Fraher, 'Preventing Crime in the High Middle Ages: The Medieval Lawyers' Search for Deterrence', in *Popes, Teachers, and Canon Law in the Middle Ages*, ed. James Ross Sweeney and Stanley Chodorow (Ithaca and London, 1989), pp. 212–33. But this idea of public utility was hardly an innovation of the early thirteenth century. See Walter Ullmann, *The Growth of Papal Government in the Middle Ages* (London, 1955), p. 425, n. 2.

¹⁸ R. I. Moore, 'Heresy as Disease', in *The Concept of Heresy in the Middle Ages*, ed. Lourdaux and Verhelst, pp. 1–11.

worse'.¹⁹ This inquisitorial language about deterrence of crimes permeates Aquinas' discourse; detection and punishment of errors, public and secret, were encouraged so that others should be deterred by such examples.²⁰ This aspect of Aquinas' discourse was inherited and amplified by Durand de Saint Pourçain in the early fourteenth century. Durand underlined the desirability of the detection and deterrence of sins by arguing that charity prefers the common good to the private good. For Durand, care for the common good was thus not only an act of justice, as Aquinas argued, but also an act of charity.²¹ This idea was augmented by the use of a medical analogy. Durand compared correction with medical treatment. The doctor, if possible, cures a man as a whole; however, when he cannot do this, he amputates the infected part lest the whole body should be infected. Correction should be done in a similar manner: in the case of public and notorious sin, Durand concluded, admonition does not need to precede condemnation. Aquinas' use of the analogy of amputation was, unlike Durand's, applied to the case of secret sin which was not detrimental to the public, where a sinner's conscience should be reformed at the expense of his reputation.²² For Aquinas, the 'body' was analogous to the individual,²³ whereas for Durand it was analogous to the community.

So far, the language of fraternal correction, when the common good is at risk, appears hierarchical. Fraternal correction, as a non-coercive act of charity, is available to all lay believers, but judicial correction is

¹⁹ X.5.39.35: 'Et per impunitatis audaciam fiant qui nequam fuerant nequiores', as cited and translated in Fraher, 'Preventing Crime in the High Middle Ages', p. 220.

²⁰ On punishment as deterrence for crimes, Aquinas wrote: 'Tum etiam quia, si incorrigibilis sit, per hoc providetur bono communi, dum servatur ordo iustitiae, et unius exemplo alii deterrentur' (*Summa theologiae*, 2a2ae, q. 33, a. 6, p. 292). For an extensive discussion of Aquinas' idea of punishment, see George Quentin Friel, *Punishment in the Philosophy of Saint Thomas Aquinas and Among Some Primitive Peoples* (Washington, D.C., 1939). The most recent treatment of the topic can be found in John Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford, 1998), especially pp. 210–15.

²¹ Durand de Saint Pourçain, *In Petri Lombardi Sententias*, Lib. IV, dist. 19, q. 4, fols. 351–351v: 'Si autem peccatum sit omnino occultum modo quo dictum est prius, aut illud non solum est nocuum peccanti, sed in detrimentum aliorum temporale uel spirituale, utpote cum aliquis tractat de prodenda ciuitate hostibus, uel quando latet haereticus innitens ad corruptionem fidei et morum in aliis, aut est solum nocuum peccanti. In primo casu si firmiter credatur quod peccator propter admonitionem secretam sibi factam desistat a malitia, omnino prius est admonendus antequam alii reueletur propter rationem prius dictam, scilicet ut parcatur famae cum emendatione consciencie. Si autem probabiliter timeatur de emendatione eius, denunciandum est illi qui potest periculo occurrere, salua tamen fama eius quantum est possibile. Cuius ratio est, quia charitas plus diligit bonum commune quam boni [sic] singularis personae. Si ergo in hoc casu bonum commune non posset seruari nisi cum dispendio famae singularis personae, illud ex charitate est negligendum, ut bonum commune ex charitate possit seruari.'

²² *Ibid.*, fol. 351.

²³ Aquinas, *Summa theologiae*, 2a2ae, q. 33, a. 7, pp. 298–9.

the monopoly of ecclesiastics. The due process of correction, whereby the corrector detects obstinate heretics, entails an aspect of inquisitorial deterrence. As for the third question – whether inferiors are obliged to correct their superiors – Alexander of Hales maintained that no inferior is allowed to correct prelates. Indeed the corrector should occupy a higher status than the corrected. However, Alexander added that, in cases of danger to the faith or of heresy, an inferior might correct his superior with discretion.²⁴ Similarly, Thomas Aquinas argued that, although fraternal correction, as an act of charity, binds equally everyone who possesses charity, ‘a virtuous act must be tempered by the right circumstances’. Hence, when an inferior corrects his superior, he must do so in an appropriate manner – ‘meekly and with reverence’.²⁵ Nonetheless, Aquinas also stressed that prelates *ought* to be rebuked by their inferiors publicly if there is a real danger to the faith. Referring to Galatians 2.14, Aquinas wrote that Paul, who was subject to Peter, rebuked him publicly because of the imminent danger of scandal concerning the faith.²⁶ For Aquinas, correction of a superior’s error in faith by an inferior was not merely permissible but desirable.²⁷ This line of argument was applied to the case of papal heresy by Pierre de la Palud in the early fourteenth century. Pierre discussed explicitly and specifically the correction of papal errors, modelled on Paul’s public correction of Peter. If the pope preaches errors in public, one ought to

²⁴ Alexander of Hales, *Glossa in librum IV Sententiarum*, IV Sent., dist. 19, pp. 345–6: ‘Hoc autem praeceptum, ad quod tenentur, non est respectu omnium in quocumque casu. Licet enim fratris sit corripere fratrem, non tamen subditi praelatum. Corripiens enim, ut huiusmodi, superiorem gradum tenet respectu correpti. In periculo tamen fidei, vel in crimine haereseos, unusquisque tenetur respectu uniuscuiusque, sed cum discretione.’ Cf. Alexander of Hales, *Quaestiones disputatae*, q. 28, disputatio 1, membrum 6, pp. 506–7; q. 28, disputatio 2, membrum 3, pp. 513–15.

²⁵ Aquinas, *Summa theologiae*, 2a2ae, q. 33, a. 4, p. 286: ‘Dicendum quod correctio quae est actus iustitiae coercionem poenae non competit subditis respectu praelati. Sed correctio fraterna, quae est actus caritatis, pertinet ad unumquemque respectu cuiuslibet personae ad quam caritatem debet habere, si in eo aliquid corrigibile inveniatur. Actus enim ex aliquo habitu vel potentia procedens se extendit ad omnia quae continentur sub objecto illius potentiae vel habitus; sicut visio ad omnia quae continentur sub objecto visus. Sed quia actus virtuosus debet esse moderatus debitis circumstantiis, ideo in correctione qua subditi corrigunt praelatos debet modus congruus adhereri: ut scilicet non cum protervia et duritia, sed cum mansuetudine et reverentia corrigantur.’

²⁶ *Ibid.*, p. 288: ‘Sciendum tamen est quod si ubi immineret periculum fidei, etiam publice essent praelati a subditis arguendi. Unde et Paulus, qui erat subditus Petro, propter imminens periculum scandalii circa fidem, Petrum publice arguit.’ This is consistent with Aquinas’ view of ecclesiastical hierarchy. In the celestial hierarchy no inferior angels can enlighten their superiors, whereas in the ecclesiastical hierarchy inferior creatures can enlighten their superiors. See Luscombe, ‘Thomas Aquinas and Conceptions of Hierarchy in the Thirteenth Century’, p. 272.

²⁷ Henry of Ghent is more emphatic than Aquinas on the egalitarian aspect of fraternal correction; for him, correction can be made among believers ‘indifferently’. However, Henry does not discuss the correction of the pope explicitly: *Aurea quodlibeta*, quodlibet 5, q. 24, fol. 311v.

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contradict him publicly.²⁸ Aquinas commented more generally on the correction of prelates, not specifically the pope. In early-fourteenth-century theological scholarship, Pierre was perhaps alone in suggesting that an inferior can correct the pope in special circumstances. Guido Terreni, for example, was reluctant to admit that fraternal correction binds equally both lay believers and the occupants of ecclesiastical office; for him, it is preferable that judicial and fraternal correction should pertain primarily to prelates.²⁹ Other contemporary theologians such as Peter Aureole, Hervaeus Natalis and Robert Holcot did not discuss fraternal correction at all in their commentaries on Peter Lombard's *Sentences*.³⁰

FRATERNAL CORRECTION IN POLEMICAL WRITING:

JOHN OF PARIS AND AUGUSTINUS TRIUMPHUS

The discourse on fraternal correction in polemical writing does not necessarily follow the academic style of theological works, and the conclusions were modified in order to meet polemical ends. In *De potestate regia et papali*,³¹ John of Paris appeals to the idea of fraternal correction in the context of his discussion on the deposition of the pope. John's interest in fraternal correction revolves specifically around the correction of the pope.³²

It is evident that John is fully aware of the theological tradition. He is unequivocal in stating that the pope can be reprimanded by anyone when he manifestly errs. In so arguing, John reasserts the tradition of

²⁸ Pierre de la Palud, *Quartus Sententiarum liber*, dist. 19, q. 3, a. 3, fol. 107v: 'Subditus autem debet et potest prelatum corrigere: sed cum debito moderamine: quia si in his qui fidei sunt erret publice peccare faciens populum: publice est arguendus sicut Paulus Petrum. Unde si papa predicaret errorem coram populo: surgendum esset: et ei coram populo contradicendum. Sic enim dicit Paulus de Petro, In faciem ei restiti etc.'

²⁹ Guido Terreni, *Quatuor unum* (Cologne, 1631), p. 627: 'Unde tenendum quod licet fraterna correctio non solum pertineat ad Praelatos, sed etiam ad subditos, qui Praelatum possunt cum debita reverentia corrumpere admonendo et obsecrando, ut docet Augustinus in *Regula sua*, tamen magis et principalius pertinet ad Praelatos, quorum maior cura et sollicitudo debet esse de vita et salute subditorum, quam e contra.'

³⁰ I have consulted the following works: Peter Aureole, *Commentaria in primum, secundum, tertium, et quartum Sententiarum libros*; Hervaeus Natalis, *In quatuor libros Sententiarum commentaria* (Paris, 1647; reprinted Farnborough, 1966); Robert Holcot, *In quatuor libros Sententiarum questiones* (Lyon, 1518).

³¹ John of Paris, *De potestate regia et papali*. Two translations are available in English: *On Royal and Papal Power*, trans. J. A. Watt (Toronto, 1971) and *John of Paris on Royal and Papal Power*, trans. Arthur P. Monahan (New York and London, 1974). I cite from the translation by Watt.

³² According to Jean Leclercq, 'Jean de Paris applique ici à la "correction" envers le Souverain Pontife les arguments proposés par saint Thomas au sujet de la "correction envers les prélats".' Jean Leclercq, *Jean de Paris et l'ecclésiologie du xiii^e siècle* (Paris, 1942), p. 129.

the possible correction of superiors by virtue of a non-coercive act of charity. He writes: 'when a pope palpably does wrong, for example, by depriving the Lord's flock, by scandalising the Church through some acts of his, he can be judged, prevailed upon and censured by anyone at all, not by virtue of their office but in ardour of charity, and not with imposition of punishment but with reverent exhortation'.³³ This idea is conventional; however, John's use of the traditional idea of fraternal correction is rhetorically skilful. He reasserts the duty of fraternal correction as an act of charity specifically in the context of the correction of the pope, whereas the expression of respect to the pope was conventionally preferred to a charitable act of correction. John writes: 'Everyone is bound under the obligation of charity to fraternal correction of one who does wrong; the obligation to show the compassion of charity is not the less for its recipient being the pope, though it must be shown with humility and reverence.'³⁴ Hence, inferiors should not be deterred by the sinner's superior status from correcting his error. Further, they should not fear that their correction of an error committed by the pope would scandalise him, because general scandal does not damage grown men but only children. To fear scandal in correcting the pope would be to consider him childish, which is irreverent.³⁵ Respect for papal dignity should rather encourage those who possess charity to correct papal errors. Clearly John's use of the idea of fraternal correction is rhetorically powerful, if not doctrinally original, in the context of his justification of the correction of papal errors.

All is well when papal error is manifest. But what if the pope makes a decision, without having recourse to a general council, on an issue on which the learned are undecided? John argues for toleration of such papal decisions. One ought to interpret the pope's words reasonably, even when they are pronounced without deep deliberation. Even if the pope discloses his intention of pronouncing them with a 'novel and injurious meaning', one must tolerate them in the hope that God may change the pope's mind.³⁶ Having said this, toleration is not unlimited:

³³ John of Paris, *De potestate regia et papali*, c. 22, p. 194: 'Ideo dico quod ubi papa manifeste errat, privando ecclesias iure suo, dispergendo gregem Domini, scandalizando ecclesiam ex quocumque facto suo, potest de facto suo iudicari, persuaderi et reprehendi a quolibet, et si non ex officio, tamen ex caritatis zelo, non poenam imponendo, sed cum reverentia exhortando'; *On Royal and Papal Power*, p. 232.

³⁴ John of Paris, *De potestate regia et papali*, c. 22, p. 194: 'cum alicui delinquenti teneatur quilibet ad correctionem fraternam ex caritatis zelo et debito ipsi facto, papae non minus tenetur quilibet impendere caritatis affectum, licet cum humilitate et reverentia'; *On Royal and Papal Power*, p. 232.

³⁵ John of Paris, *De potestate regia et papali*, c. 22, pp. 194–5.

³⁶ *Ibid.*, c. 22, pp. 195–6; *On Royal and Papal Power*, pp. 233–4.

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If, however, there lies danger to society in delay, because the people are being led into evil opinion and there is a danger of rebellion, and if the pope should disturb the people unduly by abuse of the spiritual sword, if there is no hope that he will otherwise desist, then I consider that the Church ought to move into action against him.³⁷

In so arguing, John departs from the prevalent theological tradition. Firstly, his idea of manifest error differs from the theological one: theologians conventionally discussed manifest error in opposition to secret error. John, by contrast, sets manifest error against a pronouncement on an elusive issue which has not been identified as an error. Secondly, John thinks the Church should be allowed to take action against papal error not only in matters of heresy but also with regard to any other crimes. The consensus among theologians was that an extraordinary course of corrective action against ecclesiastical superiors should take place only in matters of heresy or danger to the faith. On this point, perhaps John of Paris followed the canonist tradition. Huguccio, whom John cites in *De potestate regia et papali*, argued that the pope can be accused not only of heresy but also of any other crime such as simony, fornication or theft.³⁸ The canonists held that action could be taken against the pope on a wider front than theologians did. Thirdly, and perhaps most obviously, John steps outside the theological tradition by linking correction of the pope to his deposition. For John, the pope rules for the sake of the common good or the benefit of the people; therefore the consent of the people is sufficient grounds for deposing the pope if he is incapable of serving the common good. Thus popes may be deposed for mere incompetence, not only for heresy or notorious crime. When considering temporal offences, John assigns the corrective role to the secular ruler; when dealing with spiritual offences, he assigns this role to the Cardinals.³⁹ However, he suggests that the people can act directly against the pope, as the people, driven by the zeal of faith, had deposed Pope Constantine.⁴⁰ John of Paris's thoughts on the inferior's capacity

³⁷ John of Paris, *De potestate regia et papali*, c. 22, p. 196: 'Si tamen periculum rei publicae sit in mora, ut scilicet quod trahitur populus ad malam opinionem et est periculum de rebellione et papa commoveat populum indebite per abusum gladii spiritualis, ubi etiam non speratur quod desistat aliter, puto quod in hoc casu ecclesia contra papam deberet moveri et agere contra ipsum'; *On Royal and Papal Power*, p. 234.

³⁸ Huguccio, 'Gloss on the words *Nisi deprehendatur a fide devius*' as edited in Tierney, *Foundations of the Conciliar Theory*, pp. 227–8.

³⁹ John of Paris, *De potestate regia et papali*, c. 13, pp. 134–42; *On Royal and Papal Power*, pp. 151–61.

⁴⁰ John of Paris, *De potestate regia et papali*, c. 22, p. 196; *On Royal and Papal Power*, pp. 234–5. 'Pope Constantine' is not Pope Constantine I (708–15) but an antipope, Constantine II, who was elected in June 767 and replaced by Stephen III in August 768.

to correct a pope clearly illustrate his departure from the theological tradition.

The theological application of the discourse on fraternal correction to papal heresy culminated somewhat paradoxically in the staunch papalist Augustinus Triumphus. In his *Summa de ecclesiastica potestate* the Austin friar is, like John of Paris, evidently aware of the theological tradition. Augustinus maintains the scholarly – dialectical – style of writing throughout his *Summa*; however, the book does not contain a general account of fraternal correction but is rather focused on the possibility and permissible extent of correction of the pope.⁴¹ Augustinus maintains that fraternal reprehension does not extend to the pope, except in cases of danger to the faith or heretical crimes. Alexander of Hales referred to the example of Lanfranc of Bec's criticism of Berengar of Tours on the latter's eucharistic teaching in order to show that, in cases of danger to the faith or heretical crimes, any Christian is bound to correct any other Christian, though with discretion.⁴² Augustinus refers to this example in order to justify the correction of papal errors, although he does not exemplify the correction of the pope in particular.⁴³ Augustinus distinguishes three modes of fraternal correction: simple admonition; command and commination; condemnation and reproach.⁴⁴ In maintaining that correction in the mode of simple admonition alone can extend to the pope, Augustinus remains within the theological tradition.⁴⁵

⁴¹ Augustinus Triumphus, *Summa de ecclesiastica potestate*, q. 7, pp. 63–7. A. S. McGrade compared Ockham's programme of dissent with Augustinus Triumphus' discourse on the reprehension of the pope: see A. S. McGrade, 'William of Ockham and Augustinus de Ancona on the Righteousness of Dissent', *Franciscan Studies* 54 (1994–97), pp. 143–63. On Augustinus' political thought, the standard work remains Wilks, *The Problem of Sovereignty in the Later Middle Ages*.

⁴² Alexander of Hales, *Glossa in librum IV Sententiarum*, p. 346.

⁴³ Augustinus Triumphus, *Summa de ecclesiastica potestate*, q. 7, a. 1, p. 64: 'Respondeo, dicendum, quod aliqui dicunt reprehensionem fraternam se non extendere ad Papam, nisi in periculo fidei, vel in crimine haeresis: tunc enim inferior sit superior, cum agatur causa Dei. Sicut accidit de Lanfredo monacho, qui de licentia sui Abbatis iuit ad conuincendum Berengarium, qui impugnabat quendam articulum fidei. Sed in omnibus aliis, cum corripiens respectu correpti teneat superiorem locum, eo ipso quod Papa superiorem locum tenet in tota Ecclesia: in praesenti vita nullus mortalium culpas eius reprehendere habet. Ut dicitur 40 Dist. cap. Si Papa. Et quando dicitur ex precepto domini: Si peccaverit in te frater tuus, corripe ipsum: ergo si peccat in te talis frater, puta Papa fallacia est consequentis. Non enim intelligitur talis correctio de omni fratre, sed solum de inferiori, vel aequali.'

⁴⁴ Like Albert the Great and Durand de Saint Pourçain, Augustinus distinguishes fraternal correction from what he calls judicial inquisition. See Augustinus Triumphus, *Summa de ecclesiastica potestate*, q. 10, a. 4, p. 80: 'ergo est dicendum, quod Apostolus ibi loquitur de conuersione ab errore per modum fraternae correctionis, non per modum iudiciariae inquisitionis. Nam prima conuersio pertinet ad omnes, sed secunda pertinet solum ad Praelatos inquisitione ordinaria, vel ad inquisitionem ex commissione Sedis Apostolicae.'

⁴⁵ *Ibid.*, q. 7, a. 1, p. 64.

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Augustinus' original contribution is to refine the discourse on the correction of the pope by exploring the implications of papal heresy for the common good. He asks: if the pope will not listen to his corrector, should the Church be informed of this? Augustinus acknowledges the traditional view that reprehension by inferiors can extend to the pope only in the meek manner of simple admonition, especially if the pope's sin is committed secretly. However, if the sin is excessively damaging to the whole *respublica* and threatens the entire Christian faith, the 'due order of correction' should not be observed, and secret admonition need not precede condemnation. Augustinus clearly fears the influence of a heretical pope on the faith of his inferiors: when a sin is public and notorious, one must condemn it in front of everyone 'because the sin is not committed in oneself alone but also against everyone that sees it'. Hence, 'help against the danger must be given at once because the common good should be preferred to any private good'.⁴⁶ The appeal to the common good, for Thomas Aquinas and Durand de Saint Pourçain, justified the inquisitorial detection and punishment of sinners. Augustinus uses the idea of the common good to legitimate the immediate condemnation of heretical popes. Clearly he worked out the implications of the premises of the traditional discourse in the context of the correction of popes.

Yet Augustinus' attitude towards papal authority is ambivalent and even perplexing: in other parts of the *Summa de ecclesiastica potestate*, he rejects accusations against the pope. For example, when he discusses the deposition of the pope, he argues that it is the pope, as judge of the universal Church, who discerns heresy, and therefore it is not permissible to enquire into heresy without a papal mandate. If the pope is to be proved heretical, it must be demonstrated that he is incorrigible and contumacious. 'But who discerns such contumacy, and in front of what judge must the condemnation and accusation of the pope be

⁴⁶ *Ibid.*, a. 3, p. 66: 'Respondeo, dicendum, quod . . . reprehensio, quae se extendit ad Papam per modum simplicis monitionis, est fienda cum spe emendationis, seruatis illis conditionibus, quod fiat cum debita discretione, et diligentia, cum dilectione, et beneuolentia, et cum subiectione et reuerentia. Distinguendum est tamen de his, quae reprehenduntur in Papa. Quia quaedam sunt occulta peccata, quae solum sunt in malum ipsius peccantis, et illius, in quem peccatur et in talibus ordo. Praedictus seruandus est, ut scilicet prius, quam dicatur Ecclesiae, praecedat secreta monitio. Quaedam vero sunt, quae redundant in malum totius Reipublicae: sicut peccatum haeresis et subuersio totius fidei christianae, et in talibus non est talis ordo seruandus: sed statim succurrendum est periculo, eo quod bonum commune praefendum est cuilibet bono privato, nisi firmiter crederetur, quod a tali subuersione per monitionem secretam vellet desistere.' See McGrade, 'William of Ockham and Augustinus de Ancona', pp. 157–8. Cf. Augustinus Triumphus, *Lectura super euangelium Matthei*, British Library MS Burney 43, fol. 108v.

done? It is plain that he has none above him, but God.⁴⁷ Placed in the wider context of his argument, this is enigmatic. One thing is nonetheless clear: Augustinus Triumphus does not establish any overt link between his idea of correcting the pope and the idea of deposing him. Augustinus pushes the traditional idea of fraternal correction to its limit, whereas John of Paris goes beyond the limit. John's discourse was an exaggeration of the tradition, whilst that of Augustinus is a more sophisticated application of it.

OCKHAM ON FRATERNAL CORRECTION

William of Ockham does not discuss fraternal correction in his earlier speculative writings but only in the *Dialogus*. Book IV, Part I of the *Dialogus* discusses twenty modes of heretical pertinacity. According to the seventh mode, a person who, in spite of being corrected legitimately, refuses to correct himself by withdrawing his heretical error can be convicted of pertinacity. Ockham notes that this way of convicting an individual of pertinacity is novel, and so expands on it extensively.

Ockham begins with the question: to whom does the correction of error pertain? His answer clearly shows his awareness of the traditional idea of fraternal correction. There are two types of person who perform correction. One is the person who rebukes and punishes errors; the other advises with charity and refutes errors. The former type includes the prelates and those who have jurisdiction, whilst the latter includes every Christian.⁴⁸

However, Ockham's perspective on this conventional distinction differs from the traditional one which showed how and by whom the act of correction *ought* to be performed. The distinction defines the conditions of righteous correction. For example, every Christian is obliged to correct other Christians with charitable intent; the reverse of this idea is that a Christian who did so without charity but (for example) with malice would be sinful.⁴⁹ Evidently charity underpins the legitimacy of fraternal correction. By contrast, Ockham's distinction has no obligatory aspect to it. For him, the distinction between a person who condemns and punishes errors and one who advises with charity is

⁴⁷ Augustinus Triumphus, *Summa de ecclesiastica potestate*, q. 5, a. 4, pp. 52–3.

⁴⁸ I *Dialogus*, iv, 13 (15 in the British Academy edition), p. 454: 'videndum est de corripiente de quo sic distinguatur. Quidam corripunt increpando et poena debita puniendo quidam charitative monendo et errorem tantummodo reprobando. Primus modus pertinet ad praelatos et iurisdictionem habentes errantes corripere. Secundus modus hoc spectat ad quemlibet Christianum.'

⁴⁹ This point was made explicit by Nicholas Gorran: *Commentaria*, fol. 94v.

merely factual and observational. Whether correction *must* be performed with charitable intent is outside Ockham's scope.

Accordingly, he discusses the legitimacy of correction quite separately from the conventional distinction between the two kinds of fraternal correction. Legitimate correction only occurs when it is manifestly shown to the person who commits error that his assertion contradicts Catholic truth.⁵⁰ The legitimacy of the correction lies in actually demonstrating the error. In so arguing, Ockham illuminates an implicit premise. Before Ockham, fraternal correction was quite simply presumed to be correct; no theologian had ever considered the possibility that the act of fraternal correction might be incorrectly informed – wittingly or unwittingly. The starting-point of Ockham's argument is the assumption that the act of correction is not always informed with correct knowledge. Hence the legitimacy of correction consists in correct knowledge, which is transmitted by the act of correction. The corrector's charitable motivation is irrelevant, or at least not of primary importance.

This new idea of legitimate correction transforms the perspective on the relationship between the corrector and the corrected. The traditional discourse revolved exclusively around questions of the duties and capacities of the corrector. Ockham, by contrast, does not ignore the corrected: he enquires into the alleged sinner's obligation to subject himself to correction. Now that the act of correction is seen to be not necessarily informed with correct knowledge, a question of primary importance emerges: how does a believer, who is subjected to correction, distinguish 'correct' correction, to which he must submit, from 'wrong' correction, to which he is not obliged to submit? Thus Ockham introduces the viewpoint of the corrected into the discourse on correction. The conventional account of fraternal correction never touched explicitly upon the obligations of the corrected. As the correction was presumed to be correct, it was obvious that the corrected should submit to correction. The due process, starting with secret admonition and leading to public coercion, was not a means for the corrected to discover the truth, but rather a way for the corrector to decipher whether the corrected was obedient or disobedient. Obedience was an implicit, unconditional duty of the corrected. But this is precisely the point that Ockham questions. No matter who corrects the error, the

⁵⁰ I *Dialogus*, iv, 13 (15 in the British Academy edition), p. 454: 'Quantum ad correctionem dicitur quod illa sola correctio est sufficiens censenda et legitima qua aperte erranti ostenditur quod assertio sua catholicae obviat veritati ita quod iudicio intelligentium nulla possit tergiversatione negare quin sibi sufficienter et aperte ostensum quod error suus catholicae veritati repugnat.'

corrected is not bound to withdraw it unless it is manifestly shown to him that his assertion is contrary to Catholic truth.⁵¹ Correction by the pope is no exception. The pope and prelates, according to Ockham, are often ignorant, simple-minded and fallible in matters of faith. No one is bound to believe the pope unless he demonstrates in the light of the rule of faith that his assertion is true.⁵² The converse of this idea is also true: no matter who corrects error, the corrected must withdraw the error once it is manifestly shown to him that his assertion is contrary to the Catholic faith. If one is corrected 'legitimately' by an equal or a superior or even by an inferior, one must withdraw the error at once.⁵³ Clearly Ockham dissolves the traditional distinction between two kinds of fraternal correction.⁵⁴ The concentration of corrective power in ecclesiastics is replaced with the universal duty to withdraw errors. According to Aquinas, an inferior may correct his superior by admonition only 'meekly and with reverence'. Ockham's view is diametrically opposed to this. 'Legitimate' correction demands immediate obedience by anyone who is subjected to it. Hence, whoever refuses to be corrected after 'legitimate' correction will be immediately convicted of pertinacity.

Ockham's idea of legitimate correction also transforms the obligation that binds the corrector. The obligation to perform correction either *ex caritate* or *ex officio* is entirely irrelevant. Rather, whether the corrector

⁵¹ *Ibid.*, 14 (16 in the British Academy edition), p. 454: '*Discipulus*: Ex quo intelligo quae est correctio sufficiens et legitima reputanda secundum multos et distinctionem de corripiente errantem considero. Cupio scire an omnes sentiant literati quod errans correctus a praelato suo vel habente iurisdictionem super ipsum teneatur suum errorem revocare licet non fuerit sibi patenter ostensum per eundem quod error suus catholicae obviat veritati utrum scilicet ad solam admonitionem vel increpationem praelati sui errorem suum debeat revocare. *Magister*: De hoc diversi diversimode opinantur. Dicunt enim nonnulli quod nullus correctus a praelato vel iurisdictionem habente tenetur errorem revocare antequam fuerit sibi patenter ostensum modo praedicto quod error suus est contrarius veritati.' Evidently this view is Ockham's since the arguments against it are all refuted.

⁵² *Ibid.*, 20 (23 in the British Academy edition), p. 459: '*Discipulus*: Sed adhuc ignoro quid putant de papa, an scilicet ad simplicem correctionem Papae absque tali correctione quam vocant legitimam teneantur nescientes errantes suas haereses revocare. *Magister*: Dicunt quod non. Tum quia papa sepe est illiteratus et simplex tum quia papa de fide potest errare. Tum quia Papa de fide tenetur reddere rationem quia sicut notat Gloss, extra de rescriptis c. si quando "de omnibus ratio reddi debet si potest." Tum quia in causa fidei Papa licet appellare. Tum quia fides nostra non consistit in sapientia Papae. Nullus enim in his quae fidei sunt tenetur credere papae nisi per regulam fidei dicti sui rationem ostendat.'

⁵³ *Ibid.*, 21 (24 in the British Academy edition), p. 460: '*Magister*: Dicunt praedicti quod correctus legitime de haeresi a socio vel a subdito vel a quocunque alio tenetur statim absque mora haeresim suam dimittere ita quod si convincatur post talem correctionem eandem haeresim verbo vel scripto tenere aut veram quomodolibet reputare est pertinax reputandus.'

⁵⁴ A. S. McGrade argued apropos of 'quantum ad hoc quod error dimittatur non est differentia': 'In this all-important respect, the traditional distinction between authoritative and fraternal correction has been collapsed' (*The Political Thought*, p. 57).

is a prelate or a layman, his duty is to show manifestly to the corrected that he is in error. To use a modern-day legal analogy, Ockham imposes the 'burden of proof' on the corrector. Consequently one who is only suspected of error cannot be legitimately corrected, let alone punished, by the corrector, as long as the error is not manifestly shown to be such to the suspect. Clearly this is the antithesis of the Thomist idea of crimes and the common good. We have seen that Aquinas argued that even secret sin should be publicly condemned without private admonition if it is likely to be detrimental to the common good.⁵⁵ Ockham's emphasis on the corrector's duty of demonstrating error effectively rejects such justification for the inquisitorial detection and punishment of sins. He is indeed critical and even scornful of inquisitors: 'inquisitors and some prelates often proceed wickedly and unjustly. Many . . . are illiterate and simple-minded, blinded by cupidity and avarice, who strive to condemn those who are alleged to be heretics in order to acquire their goods.'⁵⁶ If the corrector's obligation is to show manifestly to the corrected that he is in error, the traditional idea of the due process of determining whether the corrected is obedient or disobedient becomes virtually meaningless. For Ockham, disobedience to correction is not synonymous with disobedience to Catholic truth unless such correction is proved 'legitimate'.

Ockham's programme, then, is a *reversal* of the traditional discourse on fraternal correction. He brings to light and questions the hidden assumptions of the cognitive correctness of the act of correction and the unconditional subjection of the corrected to the corrector. The traditional distinction between forms of fraternal correction and the idea of the due process of correction are both dissolved. However, he is not merely critical; he radically transforms the discourse on fraternal correction into a new theory of an obligation which rests on a believer to disobey correction which is not legitimate. In this respect, Ockham stands apart from contemporary publicists who elaborated the theory of the correction of a pope. Although Augustinus Triumphus and John of Paris discuss correction of the pope explicitly, neither of them questions the premises that Ockham attacks. In Ockham's discourse, by contrast, true knowledge alone, not charitable intent, underpins the legitimacy of correction. For Ockham, therefore, correction of the pope is, at least in theory, not an extraordinary course of action because

⁵⁵ Above pp. 110–11.

⁵⁶ I *Dialogus*, iv, 18 (21 in the British Academy edition), p. 458: 'Ad consuetudinem inquisitorum quam allegas dicunt quidam quod inquisitores et nonnulli praelati saepe inique procedunt et iniuste. Nam multi ut dicunt sunt illiterati et simplices cupiditate et avaritia excaecati qui ideo de haeresi satagunt accusatos condemnare ut bona eorum acquirant.'

legitimate correction is applicable equally to every Christian. The idea of legitimate disobedience to the corrector was as foreign to Alexander of Hales and Thomas Aquinas as it was to Augustinus Triumphus and John of Paris; Ockham, on the other hand, vigorously defends and asserts the possibility of dissent.

Ockham's cognitive rather than institutional underpinning of legitimate correction, however, is as idiosyncratic as it is problematic. It poses a number of questions, even difficulties, of both an epistemological and an ethical kind.⁵⁷ They are epistemological because if certitude of knowledge concerning Christian doctrine is the fulcrum of obedience to, or dissent from, ecclesiastical authority, one may ask: how does a Christian know with certitude the true Christian faith? How does a believer identify himself as a Catholic?

Ockham's difficulties are also ethical: if cognitive certitude of doctrinal knowledge alone matters in doctrinal correction, would it be permissible for an ill-informed inferior to resist correctly informed (hence legitimate) correction by a superior? Ockham insists that the holders of high ecclesiastical office should be well versed in doctrinal matters, and yet the hierarchy's actual possession of correct knowledge poses another problem: an inferior, who does not know he is in error and believes firmly that he is not, may, due to ignorance, reject correction by a superior. Such an inferior would be subjectively certain of his orthodoxy and would refuse the superior's correction on the sole grounds of its authority, although the correction is *in rei veritate* correctly informed. This is an ethical question about an individual who follows the dictate of an erroneous conscience. An unknowingly erroneous dissenter is confronted by a dilemma: he cannot submit simultaneously to ecclesiastical authority and (what he believes to be) orthodox faith. At one point, Ockham argues that until it is demonstrated by legitimate proof, an individual should not be judged a heretic even by the pope, even if he defends his heresy a thousand times, not knowing it to be a heresy, provided that he declares explicitly that he is ready to recant when it is shown that his opinion contradicts Catholic truth.⁵⁸

⁵⁷ Certitude in the knowledge of Christian faith is the problem that dogs Ockham's anti-papal polemic (Brian Tierney opened up this aspect of Ockham's ecclesiology in his controversial *Origins of Papal Infallibility*, chapter 6). Ockham argued in later years that any ecclesiastical institution, including the papacy and the general council, might err. Consequently he turned to the question of what propositions of Christian faith are infallibly true. He endeavoured to establish a criterion whereby one could perceive whether a particular proposition concerning Christian doctrine, no matter by what institutional authority it might be determined, ought to be believed. On this, see below chapter 5.

⁵⁸ I *Dialogus* iv, 20, p. 459.

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It may well be suspected that Ockham has fallen into a morass of total subjectivity. But is this the case? Does Ockham's vindication of resistance to doctrinal correction open the way to an extreme position of radical dissent?⁵⁹ Tackling this problem will require some analysis of Ockham's idea of conscience. Before that, we must survey other theologians' discourses on conscience in order to contextualise Ockham's view.

THE OBLIGATION OF CONSCIENCE BEFORE OCKHAM

The brothers who are subject shall remember that for God's sake they have renounced their own wills. And so I firmly command them to obey their ministers in every way in which they have promised the Lord their observance, and which is not contrary to their soul's health and our Rule.⁶⁰

Since St Francis of Assisi wrote this, tension had developed in Franciscan ecclesiology. On the one hand, every friar was commanded to renounce his will; on the other, no Friars Minor were obliged to submit themselves to a superior whose command contradicted their soul's health and their Rule. The problem arising from this conflict was to determine what circumstances should be understood to be contrary to a friar's soul or his Rule. This problem was acutely presented to Peter John Olivi when he was subjected to doctrinal censure. Bonagratia of San Giovanni, the Minister General of the Franciscan Order, and his advisers conducted the censure of Olivi's views, particularly on *usus pauper*. Olivi questioned whether the committee, formed by the Minister General of his Order and others, possessed the authority to do what it did.⁶¹ He approved, in a traditional manner, the authorities of the saints, the masters and the pope, whilst he explicitly rejected the committee's right to impose obedience on himself unless it demonstrated clearly that its opinion was that of the Catholic faith and Holy Scripture. Olivi envisaged a situation in which he was unable to obey both Catholic truth and ecclesiastical authority; he opted for the former.

In so arguing, according to David Burr, Olivi reduced ecclesiastical obedience to a matter of conscience. Olivi was prepared to obey provided that 'purity of conscience' was preserved.⁶²

⁵⁹ Tierney, *Origins*, pp. 235–6.

⁶⁰ 'The Rule of the Friars Minor' as translated by Rosalind B. Brooke, *The Coming of the Friars* (London, 1975), p. 124.

⁶¹ David Burr, *Olivi and Franciscan Poverty: The Origins of the Usus Pauper Controversy* (Philadelphia, 1989), p. 189.

⁶² David Burr, 'Olivi and the Limits of Intellectual Freedom', in *Contemporary Reflections on the Medieval Christian Tradition*, ed. G. H. Shriver (Durham, N.C., 1979), pp. 185–99.

I would knowingly obey no man against those things that are of the faith. In other things I would always obey insofar as I could as long as purity of conscience was preserved; but never against purity of conscience, for even though these matters might not affect the faith I would lie for no man, especially in doctrine.⁶³

In the Franciscan Rule, cited earlier, there is no reference to an individual's conscience as the limit of obedience. Nor did Olivi expound his notion of conscience in connection with ecclesiastical obedience in his polemical or speculative writings. In the thirteenth and early fourteenth centuries, however, some theologians, in their discussions of conscience, also questioned the ecclesiological implications of an act dictated by conscience. When an ecclesiastical superior commands a believer to assent to a proposition, and the latter's conscience rejects the truth of that proposition, which should bind the inferior, the command of his superior or the dictate of his own conscience?

Franciscan theologians in the thirteenth century were largely unfavourable to the supremacy of conscience. Alexander of Hales, for example, explicitly rejects the argument that conscience bound absolutely. According to him, the divine law overrides the dictates of conscience when they contradict each other, and accordingly conscience can claim authority only in relation to acts that are indifferent to the commands of the divine law. Alexander begins his enquiry into the obligations of erroneous conscience by classifying five species of acts in relation to the divine law: (1) a good act that cannot be done with a bad purpose, such as loving God for Himself and above all else, (2) a bad act that can be done with no good purpose, such as fornication and lying, (3) acts that are good in generic terms and yet can be done with a bad purpose, such as giving offerings but for the sake of vainglory, (4) acts that are bad in generic terms and yet can be done with a good purpose, such as getting angry at a brothel in order to correct prostitutes, and (5) acts that are indifferent to anything.⁶⁴ Alexander maintains that, as far as the first two types are concerned, erroneous conscience is not binding and should be 'set aside'. When the dictates of conscience are contrary to the divine law, it must be 'set aside' absolutely. In the other cases, Alexander continued, erroneous conscience is binding not because it is erroneous but because it is conscience until it is 'set aside'.⁶⁵

⁶³ Peter Olivi, *Littera septem sigillarum*, in *Archivum Franciscanum Historicum* 47 (1954), pp. 45–53, as translated in Burr, 'Olivi and the Limits of Intellectual Freedom', p. 194.

⁶⁴ Alexander of Hales, *Summa theologica* iii, p. 388.

⁶⁵ *Ibid*: 'Conscientia vero erronea non ligat quoad duo prima membra, sed error conscientiae est deponendus. Si enim conscientia dicat aliquid faciendum contra legem Dei, deponenda est, et absolvitur homo ab huiusmodi vinculo. In aliis autem, etsi conscientia erronea, in quantum

Clearly Alexander limits the obligations of conscience. The unconditional obligation of the divine law curtails the authority of conscience. Conversely, it is an unconditional imperative to recant errors in the light of the law of God.

Alexander of Hales classifies the obligations of conscience according to the moral status of the intended goal and in relation to the command of the divine law. Bonaventure offers a more straightforward distinction. He classifies the dictates of conscience in a threefold manner: first, when the dictate is in accordance with divine law; secondly, when it is indifferent to divine law; and thirdly, when it contradicts divine law. In the first case, conscience obliges 'simpliciter et universaliter' an individual to do what it dictates. In the second case, conscience is binding as long as it endures. Either one must set aside such a conscience or one is bound to fulfil its dictates, even if it dictates that one should lift a beam from the ground as an act necessary for salvation. In the third case, however, conscience does not bind in any way and needs to be 'set aside'. 'As long as it [an erroneous conscience] persists, it necessarily places man outside the state of salvation, since such a conscience is erroneous due to an error repugnant to divine law.'⁶⁶ Hence, Bonaventure remarks explicitly that if an individual follows a dictate of an erroneous conscience which is repugnant to the divine law, he sins mortally.⁶⁷ Bonaventure circumscribes the obligations of conscience in the light of the unconditional obligation to abide by the divine law.

Alexander and Bonaventure both secure objective morality and highlight each individual's obligation to set aside his own erroneous conscience.⁶⁸ But what are the ecclesiological repercussions of their emphasis on moral objectivity? Alexander of Hales's emphasis on moral objectivity precludes consideration of conscience in relation to the divine law, and rather focuses on the case of indifferent acts: as far as indifferent acts are concerned, conscience is binding in the same way that we should obey prelates in indifferent matters.⁶⁹ Within the limited scope of indifferent acts, Alexander recognises the authority of

erronea, non ligat, ligat tamen sub ratione conscientiae, dum non deponentur; ad hoc autem principaliter ligatur homo ut error deponatur.'

⁶⁶ Bonaventure, *Commentarius in secundum librum sententiarum*, in *Opera omnia*, ii (Quaracchi, 1885), p. 906: 'In tertium vero conscientia non ligat ad faciendum, vel ad non faciendum, sed ligat ad se deponendum, pro eo quod, cum talis conscientia sit erronea errore repugnante legi divinae, necessario, quamdiu manet, ponit hominem extra statum salutis.'

⁶⁷ *Ibid.*

⁶⁸ O. Lottin, 'La valeur normative de la conscience morale', *Ephemerides Theologicae Lovaniensis* 9 (1932), pp. 418–19; Michael G. Baylor, *Action and Person: Conscience in Late Scholasticism and the Young Luther* (Leiden, 1977) p. 29.

⁶⁹ Alexander of Hales, *Summa theologiae* iii, p. 389.

conscience. Accordingly, the hierarchical demand of obedience cannot override the dictates of conscience in respect of indifferent acts. Alexander warns prelates not to command indiscreetly lest an inferior's conscience be jeopardised.⁷⁰

Bonaventure's emphasis on moral objectivity, by contrast, results in a far more hierarchical position. He touches upon the relationship between erroneous conscience and obedience when he handles the issue of perplexed conscience: which is to be followed if conscience and the divine law dictate contraries? Bonaventure replies:

No one is perplexed in his conscience, except *for a time*, that is, as long as conscience persists. But he is not *simply* perplexed, for one must set aside such a conscience. If he does not know how to judge it by himself, he must consult someone wiser, or to turn to God in prayer, if human consultation is not available. Otherwise, if he is negligent, what the Apostle says is verified in him: 'If anyone ignores this, he will be ignored' (I Cor. 14.38). It is also clear that the command of a prelate is to be preferred to conscience, especially when the prelate commands what he can and ought to command.⁷¹

Thus Bonaventure curtails the authority of an inferior's conscience by recommending consultation with the 'wise' when conscience is uncertain. Also, an inferior must follow the precept of his superior rather than his own conscience when the latter is uncertain due to an (alleged) lack of thorough knowledge of the divine law. Clearly the cognitive superiority of superiors is presupposed. The case of an inferior with true and certain conscience, then, is a non-issue for Bonaventure.

Whereas the Franciscan emphasis on the unconditional obligations of the divine law circumscribed the authority of conscience, the Dominicans Albert the Great and Thomas Aquinas were more sympathetic to an inferior dissenting from his superior due to the dictate of his erroneous conscience. Albert the Great rejected Alexander of Hales's view of the limited obligation of conscience. In the history of scholastic discourses on conscience, Albert the Great made a radical departure: in measuring the obligation of conscience, he shifted the issue from objective correctness to subjective firmness, thereby distancing himself from the Franciscan objectivist position. He differentiated the obligations of conscience not in

⁷⁰ *Ibid.*

⁷¹ Bonaventure, *Commentarius in secundum librum sententiarum*, dist. 39, a.1, q. 3, p.907: 'Patet etiam, quod nemo ex conscientia perplexus est nisi *ad tempus*, videlicet quamdiu conscientia manet; non tamen est perplexus *simpliciter*, pro eo quod debet illam conscientiam deponere; et si nescit per se de illa iudicare, pro eo quod nescit legem Dei, debet sapientiores consulere, vel per orationem se ad Deum convertere, si humanum consilium deest. Alioquin, si negligens est, verificatur in eo quod dicit Apostolus: *Qui ignorat, ignorabitur*. – Patet etiam, quod plus standum est praecepto praelati quam conscientiae, maxime quando praelatus praecipit quod potest et debet praecipere.'

the light of the divine law but according to the degree of psychological assurance. The subjective convictions that the dictate of conscience exerted can be on five levels: doubt, ambivalence, opinion, belief and certainty. When the dictates of conscience remain in doubt or ambivalent, Albert maintained that such conscience produces no obligation. However, if the dictates of conscience form an opinion, a belief or a certainty, it becomes binding.⁷²

Albert declared, rather than demonstrated, the subjective aspect of the obligation of conscience, and Thomas Aquinas inherited and expanded on his master's view. Aquinas was unequivocal in maintaining that every conscience, right or erroneous, was binding in the sense that to act against conscience is always wrong. This proposition, which virtually equates with what Albert upheld, was warranted by the volte-face in Aquinas' concept of the object of acts.⁷³ Franciscan theologians rejected the obligation of erroneous conscience on the grounds that the object of the act must conform to the good commanded by divine law. Aquinas rejected the view that the object of a human act must be good in itself. The object willed by an agent is rather something that is apprehended by the practical intellect. But the practical intellect may err: it may see things that are objectively good as evil, things that are objectively bad as good, or things that are indifferent as good or as evil. The will can only accept or reject the object of the act as apprehended by the practical intellect, rightly or erroneously, and the will is obliged to conform to the dictates of the intellect. Therefore, 'quite simply, every will that contradicts reason, whether rightly or wrongly, is always bad'.⁷⁴ It is clear from this that Aquinas affirmed the negative authority of conscience. Aquinas did not assert the positive authority of conscience: he maintained neither that to act in accordance with the dictate of conscience was necessarily right, nor that it is obligatory to follow the dictate of erroneous conscience. However, Aquinas did assert that to act against it was always wrong. Accordingly, he argued that erroneous conscience obliged even in things intrinsically evil, for conscience would not dictate anything unless it judged it to be in accordance with divine law.

An erroneous conscience may be binding upon the human will, but would an individual who wills the dictate of an erroneous conscience commit a sin nonetheless? Aquinas responded with the distinction

⁷² Eric D'Arcy, *Conscience and its Right to Freedom* (New York, 1971), pp. 84–6.

⁷³ *Ibid.*, p. 106; Baylor, *Action and Person*, pp. 53–4.

⁷⁴ Aquinas, *Summa theologiae*, IaIIae, q. 19, a. 5, vol. 18: *Principles of Morality*, p. 63: 'Unde dicendum quod simpliciter omnis voluntas discordans a ratione, sive recta sive errante, semper est mala.'

between vincible and invincible ignorance. Moral good and evil lie in a voluntary act, and ignorance can be voluntary or involuntary. Ignorance may be deliberately chosen in order to serve as an excuse or it may result from negligence, in which case ignorance is voluntary or vincible and, being within the individual's power, it can be overcome. But ignorance also renders an action involuntary insofar as it deprives the action of the prerequisite knowledge; in this case, such ignorance excuses.⁷⁵ If a man's erroneous conscience dictated that he should have intercourse with another man's wife, his will consenting to that dictate would be bad, because he ought to know that fornication is against the divine law. But should he not know for some reason that the woman is another man's wife but believes that she is his own wife, his will is exempt from sin, because such ignorance is involuntary or invincible and, not being within the individual's power, it cannot be recognised or removed.⁷⁶ The distinction between vincible and invincible ignorance implies that to follow the dictate of an erroneous conscience that results from invincible ignorance is excusable. To act contrary to conscience – right or erroneous – is always bad, yet the action derived from erroneous conscience is only excusable insofar as it stems from invincible ignorance.

In the *Summa theologiae*, Aquinas did not clarify any of the implications of the negative authority of conscience. His response to the dilemma surrounding the obligation of conscience can be found in his earlier *Quaestiones disputatae de veritate*. He questioned whether conscience that errs in indifferent matters is more binding than the precept of prelates. Attention must be drawn to the fact that Aquinas focused on indifferent acts, not human acts in general. In the mature statement of his views in the *Summa theologiae*, he explicitly rejected the Franciscan classification of human acts in relation to the divine precept. He considered that the object willed by an agent is not good in itself, but that its goodness is apprehended by reason, which is fallible. The status of human acts in relation to the divine law cannot be objectively established and thus the classification of human acts is deduced to be irrelevant. In *Quaestiones disputatae de veritate*, by contrast, he deliberately limited his scope to indifferent acts, suggesting that he took the Franciscan classification of human acts as axiomatic.⁷⁷ This clearly shows that Aquinas' earlier view assimilated the Franciscan-style objectivist outlook.

⁷⁵ *Ibid.*, a. 6, pp. 64–7.

⁷⁶ *Ibid.*, pp. 66–7.

⁷⁷ Thomas Aquinas, *Quaestiones disputatae de veritate* (*Opera omnia* 22) (Rome, 1970), q. 17, a. 5, p. 527: 'Quinto quaeritur utrum conscientia erronea in indifferentibus plus liget quam praeceptum praelati vel minus.'

Consequently, his ecclesiological conclusions were also reminiscent of the Franciscan ones. As far as indifferent acts are concerned, right conscience is binding simply and perfectly: simply, because right conscience cannot be set aside without committing a sin, and perfectly, because those who follow the dictates of right conscience are immune from sin. Erroneous conscience, on the other hand, is more binding than the precepts of a prelate, conditionally (*secundum quid*) and imperfectly: conditionally, because it does not bind in all cases, but only for its duration; imperfectly because it binds in so far as the person who does not follow it would fall into sin, but not where the person who does – follow it will avoid sin if the precept of a prelate is in conflict with conscience. If the precept of a prelate obliges an individual to perform indifferent acts, he would commit a sin either by acting against erroneous conscience or by disobeying the prelate. Aquinas noted that one would sin more gravely by acting against one's conscience during its duration because the dictates of conscience are more binding than the precept of a prelate. Yet, this authority of erroneous conscience over ecclesiastical precept concerns only indifferent acts.⁷⁸ This view is, in effect, identical with the Franciscan one.

Aquinas did not reject the objectivist perspective until the final years of his life when he wrote the *Summa theologiae*. But he never wrote on the subject of ecclesiastical disobedience by an inferior with an invincibly erroneous conscience. It is also unknown whether Aquinas considered the possibility that a correctly informed conscience could ever be in conflict with ecclesiastical authority. It can be concluded, therefore, that his innovative assertion of the negative authority of conscience did not lead to any justification of an inferior's dissent from ecclesiastical authority.

The Thomist metamorphosis of the discourse on conscience in the *Summa theologiae* did not make any significant impact on Franciscan theologians at the turn of thirteenth and fourteenth centuries. Indeed, they were loyal heirs of the objectivist theory, and refused to recognise the negative authority of conscience. John Duns Scotus, for example, is unequivocal in his view that an individual who acts in accordance with erroneous conscience commits a greater sin than an individual who acts against it, because no inferior can be absolved of sin in the light of a higher law, above all, the law of God. An act dictated by erroneous conscience cannot be done without committing a sin, for it is obligatory not to act according to erroneous conscience but to set it aside. The

⁷⁸ *Ibid.*, pp. 527–8.

obligation to follow the commands of divine law is so imperative that no one can be in a dilemma (*perplexus*) in matters of divine law; therefore, erroneous conscience is not binding.⁷⁹ Scotus rejects the moral authority of the dictates of erroneous conscience, and asserts the overriding authority of the divine law. Similarly, Peter Aureole maintains that following the dictates of a conscience that has erred concerning a prohibited action is a mortal sin because it is a violation of the precept that prohibits the action. In such a case, therefore, no one is bound to take action in accordance with the dictate of conscience. Aureole's view is markedly Bonaventuran in that, should it be doubtful whether it is sinful to follow the dictate of conscience, an individual must consult the wise and set conscience aside.⁸⁰ These two leading Franciscans disagree with Aquinas' innovation.

Biblical exegetes in the early fourteenth century, by contrast, embraced the negative authority of conscience. The key biblical text for the notion of conscience was Romans 14.23 ('all that does not proceed from faith is sinful'). According to the *Glossa ordinaria*, the verse signifies that 'that which is against conscience is believed to be bad'. This interpretation found support. The Franciscan Nicholas of Lyra, for example, asserted that all that is done against conscience is sinful.⁸¹ Similarly, the Dominican Nicholas Gorran commented that erroneous conscience is as binding as right conscience.⁸² The idea of the negative

⁷⁹ John Duns Scotus, *Lectura in librum secundum Sententiarum*, dist. 39, q. 3, in *Opera omnia* 19 (Vatican, 1993), pp. 386–7.

⁸⁰ Peter Aureole, *Commentaria in secundum Sententiarum librum* (Rome, 1605), dist. 39, q. 1, a. 1, p. 309. For a similar view, see Giles of Rome (Aegidius Columna), *In secundum librum Sententiarum* (Rome, 1596–1605), dist. 39, q. 3, a. 3, pp. 598–600.

⁸¹ Nicholas of Lyra, *Biblia sacra cum glossa ordinaria*, vol. 6 (Antwerp, 1634), col. 178: 'Si manducaverit damnatus est, quia non ex fide, id est ex conscientia facit hoc, sed contra conscientiam: et omne tale est peccatum: sicut levare festucam credenti, quod hoc peccatum mortale.' Interlinear gloss for Romans 14.23 reads: 'Quod sit contra fidem: contra conscientiam, ut credatur malum esse.'

⁸² Nicholas Gorran, *In omnes D. Pauli epistolas enarratio* (Lyons, 1692), p. 140: '[Illi commune est] Glossa per conscientiam. Quia hos existimas. Ergo conscientia erronea ligat. Contra. Fortior est veritas falsitate, ergo non ligat, cum sit contra veritatem. Responsio. Non simpliciter, sed quando manet: sed ut nunc, nec ligat ut falsitas, sed in quantum creditur veritas . . . [Omne, quod non est ex fide] Gloss. Omne quod ad conscientiam pertinet, si aliter fiat, dicit esse peccatum: ergo conscientia etiam erronea sequenda est. Contra. Nullus tenetur sequi errantem. Responsio. Conscientia erronea ligat ut conscientia, non ut erronea. Unde eam tenetur quis sequi. Non simpliciter, sed quandiu manet: quam vero scit errare, nullus tenetur sequi: Sin vero nescit, tenetur aliquando eam sequi.' Nicholas Gorran transgresses the boundary that other contemporary theologians had never crossed. While the followers of the Thomist view embraced the negative authority of conscience, they also preferred to secure some objective endorsement of the certitude of conscience by arguing that ignorance or uncertainty that generates an erroneous conscience should be rectified by consulting the 'wise'. Invincible ignorance merely excuses. Nicholas Gorran, by contrast, singles out the obligation of an invincibly erroneous conscience: 'If one truly does not know [that one errs], one is obliged to follow it [conscience] for the moment.' When an individual takes an

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authority of conscience survived in the early fourteenth century. But the task of exploring its ecclesiological implications was never identified or undertaken by anyone before Ockham.

OCKHAM ON THE OBLIGATION OF CONSCIENCE

Ockham's extensive discussion of heretical pertinacity in I *Dialogus* explores the possible ways for a Christian to censure a heretical pope. To this end, he re-works the ecclesiological implications of the theological notion of fraternal correction, seeking justification for an inferior's correction of papal errors. He also appeals to the traditional scholastic argument that the higher the office an individual occupies in the ecclesiastical order the more knowledge of orthodox faith he is expected to have. In so arguing, he criticises erroneous papal definitions of doctrine that arise from ignorance or temerity.

What, then, if the inferior is in error and dissents from his superior by insisting on believing in an error without knowing that it is an error? For instance, if an individual commits an error that is condemned explicitly as heresy, is he bound to withdraw the error immediately, whether or not he is corrected 'legitimately'?⁸³ The core of this question is whether ignorance of the error that is condemned explicitly makes it excusable. Ockham's answer was clear: even heretical errors which are condemned explicitly should not necessarily be withdrawn immediately until it is manifestly shown to the holder of the error that they are explicitly condemned.⁸⁴ According to canon law, however, Ockham notes that ignorance of law is always inexcusable.⁸⁵ In rejecting this view, he draws on the distinction between ignorance of the law

action following the dictates of his invincibly erroneous conscience, he is not only able to excuse his error but also obliged to follow the dictates of such a conscience. Nicholas Gorran does not examine any implications for the moral foundation of ecclesiastical dissent. Nonetheless, his brief assertion of the positive (not merely negative) obligation of erroneous conscience is clearly a huge leap away from the Thomist position.

⁸³ I *Dialogus*, iv, 15 (18 in the British Academy edition), p. 456: '*Discipulus*: Una obiectio quae totum processum praedictum videtur infligere mihi occurrit. Nam cum dicunt isti quod correctus legitime a praelato tenetur errorem revocare, et aliter non, quaeritur ab eis aut errans tenet haeresim damnatam explicite aut tenet errorem damnatum duntaxat implicite. Si tenet haeresim damnatam explicite eam statim revocare tenetur, alioquin poterit eum suus praelatus debitae subdere ultioni. Si autem tenet haeresim damnatam duntaxat implicite, non tenetur eam pro quacunque correctione praelati inferioris summo pontifice revocare.'

⁸⁴ *Ibid.*: '*Magister*: Ad hoc respondent quod non tenetur quis statim revocare haeresim damnatam explicite quando ignorat eam esse damnatam explicite. Sed si sibi ostenditur quod est damnata explicite statim eam revocare tenetur.'

⁸⁵ I *Dialogus*, iv, 16 (19 in the British Academy edition), p. 456: 'Hoc etiam ratione probatur. Nam si tenens haeresim damnatam explicite non tenetur statim suam haeresim revocare, hoc non est nisi quia valet se per ignorantiam excusare, dicendo quod ignorat talem assertionem esse explicite

that one is supposed to know and ignorance of the law that one is not obliged to know. The former is inexcusable, whilst the latter is excusable. Hence, if an individual contradicts a law he does not and does not have to know, his error is excusable and does not have to be withdrawn unless the error is manifestly shown to him.⁸⁶ The believer Ockham discusses here is committing an invincible error because he does not know that he is committing an error. In *Contra Ioannem* Ockham reiterates this argument: such a believer is not obliged to revoke his error; otherwise he will be telling a lie because he is revoking something that he does not know to be an error. Just as no one is obliged to commit a sin, so no one can be obliged to lie. As long as a person does not know that he is committing an error, he does not need to revoke the error. Consequently, even a heretic, as long as he remains in error, does not have to withdraw his error lest he should tell a lie contrary to his conscience.⁸⁷ Ockham therefore reduced the whole question of ecclesiastical disobedience to a problem of conscience.

Ockham does not expand any further on conscience in the *Dialogus* or any other of his polemical writings.⁸⁸ The *locus classicus* for the scholastic discourse on conscience was distinction 39 of Book II of Peter Lombard's *Sentences*; however, Ockham does not discuss conscience extensively in his commentary on the *Sentences*. His only substantial account of conscience is found in *Quaestiones variae*, one of his earlier

condemnatam. Sed talis ignorantia non excusat, tum quia ignorantia iuris non excusat, ut habetur I. q. 4. para. *Notandum*, tum quia constitutio apostolicae sedis omnes astringit postquam publicata est nec aliquis post duos menses valet per ignorantiam excusari, ut habetur Extra, *De constitutionibus* c. ultimo et notat glossa eodem titulo super c. *Cognoscentes*. Ergo consimiliter damnatio explicita omnes, saltem post duos menses, astringit, tum quia in his quae publice fiunt non potest quis ignorantiam allegare, ut ex sacris canonibus colligitur evidenter. Cum ergo explicita damnatio haeresis cuiuscunque publice facta sit, non potest quis tenens haeresim damnatam explicite se per ignorantiam excusare. Et per consequens eam statim revocare tenetur et nullo modo poterit excusari quin haereticus sit censendus.'

⁸⁶ *Ibid.*, 18 (21 in the British Academy edition), p. 458: '*Discipulus*: Quomodo respondetur ad illa per quae probavi quod ignorantia non excusat? *Magister*: Ad primum dicitur quod ignorantia iuris est duplex. Quaedam enim est ignorantia iuris quod oportet scire, et illa non excusat; alia est ignorantia iuris quod non oportet scire, et illa excusat a peccato, licet forte in quibusdam aliis non excuset.'

⁸⁷ *CI*, c. 33, p. 128: 'Huic respondetur, quod verum est quod haereticus quicumque, quamdiu stat in errore, non debet absolute revocare eundem errorem, ne contra conscientiam mentiretur; tenetur tamen absolute revocare errorem, quia tenetur eundem errorem dimittere et assentire explicite contrariae veritati. Qui autem errat contra veritatem catholicam, quam non tenetur explicite credere, non tenetur de necessitate salutis, nisi secundum praeparationem cordis, errorem suum absolute absque omni conditione simpliciter revocare. Quod autem secundum praeparationem cordis teneatur absolute revocare errorem, patet; quia debet cauta sollicitudine quaerere veritatem, paratus corrigi si eam invenerit.'

⁸⁸ However, the term *conscientia* is found in the text of the *Dialogus*, for instance, in I *Dialogus* iv, 23 and 24.

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theological works. His argument can be summarised as follows: conscience is the rule of action, and acting contrary to conscience, whether the dictate of conscience is right or wrong, is not virtuous. This is because a right act of will and an erroneous act of the intellect can be elicited simultaneously in respect of one and the same object. For example, the proposition that 'those who lack everything should be assisted in an extreme necessity lest they should die' is evident 'by the apprehension of the terms'. Ockham illustrates this by an example of an individual who appears to be poor and in extreme necessity. If, on the basis of some concealed fact unknown to the will, the intellect assents to the idea that this person is indeed poor, although in truth he is not, evidently the intellect will dictate that the person who appears to be poor should be succoured. In this case, the intellect errs because it commands that a person who in fact should not be succoured, should be succoured; but the will that succours him elicits a right, virtuous and meritorious act. Such error excuses sin. Thus, the will that elicits such an act in conformity with erroneous reason would be virtuous and meritorious. Furthermore, if an individual does not wish to help the poor person, his act of not succouring is not virtuous or meritorious because it is elicited against conscience and inculpable reason, and therefore should be condemned as mortal sin.⁸⁹ Here, Ockham focuses specifically on invincibly erroneous conscience. It is striking that, unlike other scholastic theologians, Ockham does not offer any systematic,

⁸⁹ *Quaestiones variae*, in *OTH* 8 (St. Bonaventure, NY, 1984), q. 8, pp. 409–50, especially pp. 423–4: 'Tertio dico quod actus rectus in voluntate stat cum errore invincibili in intellectu respectu eiusdem obiecti. Hoc patet per exemplum: ponatur aliquis habens istam rationem universalem rectam "omni indigenti extrema necessitate est benefaciendum ne pereat" quae est evidens ex notitia terminorum. Occurrente igitur aliquo paupere qui apparet indigere extrema necessitate, si voluntas imperet intellectui ut inquirat si talis sic indigeat sicut apparet indigere, – facta investigatione per omnem viam possibilem poni –, si ex aliquo latente quod non est in potestate sua scire intellectus assentiat quod talis sic indiget sicut apparet indigere, licet non sic indigeat secundum veritatem, evidenter dictabit intellectus quod tali qui sic apparet indigere est subveniendum tamquam existenti in extrema necessitate. Hic igitur, secundum istam conclusionem, errat intellectus quia iudicat illum indigere extrema necessitate qui non sic indiget, et iudicat quod sibi est subveniendum cui secundum veritatem non est sic subveniendum, et tunc voluntas volens sibi efficaciter sic subvenire habet actum rectum et virtuosum et meritorium, si hoc velit pro amore Dei. Et per consequens actus rectus voluntatis et error intellectus stant simul respectu eiusdem obiecti. Et tota ratio est quia ille error non est in potestate errantis ex quo posuit diligentiam quam debuit ad sciendum veritatem, et per consequens ille error omne peccatum excusat. Et ideo voluntas eliciens actum conformiter tali rationi erroneae, virtuose et meritorie agit. Immo stante tali errore, si nollet sibi benefacere, haberet actum vitiosum et demeritorium quia talis actus eliceretur contra conscientiam et rationem non culpabilem et hoc scienter, quia posito casu praedicto nescit se errare sed credit se habere rationem rectam, et per consequens contemnendo eam peccat mortaliter.' See Leff, *William of Ockham*, p. 504.

comprehensive account of conscience, and devotes himself to the issue of invincibly erroneous conscience.

This exclusive interest in invincibly erroneous conscience helps to explain Ockham's justification of an erroneously informed inferior's dissent. He argues that no virtuous act is possible contrary to conscience; therefore, the decision to obey the command of a superior must not bypass conscience. Whether reason is right or erroneous, the act of the will must be in conformity to reason in order to be meritorious. Hence, obedience contrary to conscience is never virtuous. This is nothing but the Thomist negative authority of conscience. But it must be emphasised that when Ockham thus appeals to the obligations of conscience, he is always discussing the case of invincibly erroneous conscience. He writes that until it is manifestly demonstrated by legitimate proof, an individual should not be judged a heretic even by the pope, even if he unknowingly defends his case as many as one thousand times, provided that he declares explicitly that he is ready to be corrected once it is shown that his opinion contradicts Catholic truth.⁹⁰ This may appear to substantiate the view that Ockham has fallen into a morass of total subjectivity.⁹¹ However, the issue here is Catholic faith which does *not* have to be believed explicitly since the individual concerned defends his case *unknowingly*. As far as the inclination of the mind is concerned, one is bound to relinquish error because one is obliged to approve truth and to reject (or be prepared to reject) falsehood. As far as the necessity of salvation is concerned, however, one is not bound to abandon errors that contradict Catholic truth if they do not have to be believed explicitly.⁹² The moral duty to recant error binds individuals universally, but the religious duty to recant doctrinal error depends upon whether the error contradicts the Catholic truths which the individual concerned is obliged to know explicitly. Invincible error excuses any action following an erroneous conscience. Thus an erroneously informed inferior's dissent is vindicated on the basis of the morality of the action dictated by an invincibly erroneous conscience. This ecclesiological consequence of the Thomist negative authority of erroneous conscience, which was never spelled out explicitly or even suggested implicitly by Aquinas himself, is thus substantially elaborated by Ockham.⁹³ Ockham brings to light and questions hitherto

⁹⁰ *I Dialogus* iv, 20, p. 459.

⁹¹ Tierney, *Origins*, pp. 235–6.

⁹² *CI*, c. 33, p. 128.

⁹³ However, Ockham was also aware that, faced by persistent correction by ecclesiastical authority or theological experts, invincibly erroneous conscience could not be asserted *ad infinitum*. Ockham's Disciple raises this point: he wonders whether an earnest defendant might insist that even after it was proved that his opinion was heretical this was not manifest *to him*. In reply, the Master states that he must subject himself to the judgement of experts and withdraw his opinion

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unexamined assumptions in the Dominican discourses on erroneous conscience and ecclesiastical disobedience in the previous century, thereby departing significantly from the Franciscan position.⁹⁴

THE AMBROSIAN DEFENCE OF CHRISTIAN FELLOWSHIP

Ockham's moral defence of an erring inferior based on the unconditional obligation of an invincibly erroneous conscience raises a further question: how does one distinguish what one is obliged to know from what one is not obliged to know? How can one know whether a certain doctrinal proposition belongs to what one is obliged to know? Medieval intellectuals were indeed aware of the need to clarify what a believer ought to know, commensurate with his office or status. Archbishop John Pecham's Council of Lambeth (1281), for instance, drew up a manual of instruction for lay clerks, which is commonly known as *Ignorantia sacerdotum*. Pecham feared that the ignorance of priests might 'lead the people into the pit of error'. *Ignorantia sacerdotum* defined what priests should know and expound to parishioners.⁹⁵ This document proved a most useful guide for parish clergy, and writings of a similar nature were produced by later generations: in fourteenth-century England, for instance, William of Pagula's *Oculus sacerdotis* and John Mirk's *Instructions for Parish Priests* were designed to enlighten unlearned priests about their duties.⁹⁶ William Durand the Younger proposed explicitly that 'the level of knowledge expected from every ecclesiastical

if it is sufficiently shown to them (not to him!) to contradict Catholic truth. Ockham's solution is obviously steered by practical viability. But, the Disciple asks, what if all experts and masters of theology err as well as the pope? The Master answers: 'If *de facto* they condemn an innocent, he could, according to law, support his case by the remedy of appeal. But if his legitimate appeal is disallowed, he has no alternative but to trust the grace of God, and should not be afraid of being removed (by unjust judgement) from the communion of men.' (I *Dialogus* iv, 20, p. 459: 'Si de facto damnaverint innocentem, poterit scilicet secundum iurem suam causam per appellationis remedium sublevare. Si autem appellationi suae legitima non defertur, non restat nisi ut gratiae divinae se committat, et non timeat de hominum societate (iudicio iniquo) deleri'.) On the one hand, Ockham secures probable objectivity for judgement on heresy by entrusting it to the experts on Scripture. On the other hand, he takes a cautious view of the certainty of their judgement; *in rei veritate*, the experts may be in error, no matter how unlikely this may be in practice. Heresy is, as we saw in the [previous chapter](#), merely a matter of human cognition.

⁹⁴ This conclusion also supports my view in Chapter 1 that Ockham was not a Franciscan ideologue.

⁹⁵ Robert Anthony Antczak, 'John Pecham and the *Postilla super Johannem*' (PhD dissertation, The Catholic University of America, 1975), pp. 241–50. See also P. Hodgson, 'Ignorantia Sacerdotum: A Fifteenth-Century Discourse on the Lambeth Constitutions', *Review of English Studies* 24 (1948), pp. 1–11; Pantin, *The English Church in the Fourteenth Century*, pp. 189–95, 211–12.

⁹⁶ Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England, 1400–1580* (New Haven, 1992), pp. 53–63. See also Pantin, *The English Church*, pp. 195–219.

rank should be defined precisely and the possession of such knowledge should be supervised by examinations'.⁹⁷

Likewise, Ockham maintains that the holders of ecclesiastical office should know more about these matters than lay believers, and the higher the position an individual occupies, the fuller the knowledge he is obliged to have. This idea was commonplace: Alexander of Hales, Albert the Great, Thomas Aquinas and Bonaventure maintained that the holders of ecclesiastical office are bound to have full knowledge of explicit faith, whereas all other Christians are bound only to have implicit faith.⁹⁸ Durand de Saint Pourçain argued that the requisite degree of knowledge of explicit faith depends on status, and probably Pierre de la Palud copied his view. Accordingly, superiors, such as the pope and bishops, are obliged not only to know everything but also to defend everything from heretics. Individuals of middle status such as parish priests and doctors must know what appertains to their office, and entrust judgement on intricate matters and rejection of heretics to their superiors. Finally, people of low standing are not obliged to know anything explicitly.⁹⁹

Ockham's idea clearly stems from this medieval theological tradition; however, he also makes a subtle yet significant modification. Ockham's predecessors and contemporaries in the thirteenth and early fourteenth centuries maintained that the holders of ecclesiastical offices are bound to have full knowledge of explicit faith, whereas lay believers are bound to have implicit faith only. This view appears similar to Ockham's, except on one point: his predecessors and contemporaries argued that lay believers are bound only to implicit faith, whereas Ockham imposes on them the duty of possessing some knowledge of explicit faith. The

⁹⁷ Constantin Fasolt, *Council and Hierarchy: The Political Thought of William Durand the Younger* (Cambridge, 1991), p. 195.

⁹⁸ Alexander of Hales, *Summa theologica*, vol. 3 (*Secunda pars secundi libri*) (Quaracchi, 1930), p. 331: 'Quaeritur iterum utrum quilibet catholicus teneatur scire de quolibet mortali quod sit mortale. Quod videtur. Non enim potest vitari malum nisi cognitum; quilibet autem tenetur vitare mortale peccatum; ergo quilibet tenetur scire de quolibet mortali quod sit mortale. Contra. Doctores dubitant in casibus subtilibus simoniae et huiusmodi peccatorum; ergo non possunt sciri a laicis; ergo non tenentur. Respondendum est ad hoc quod quilibet tenetur scire implicate vel explicite, particulariter vel ad minus generaliter, sub illa scilicet ratione generali qua dictat natura; sed laici non tenentur scire de quolibet mortali explicite, licet teneantur vitare in propria ratione.' Albertus Magnus, *In quattuor libros Sententiarum*, III Sent., dist. 25, a. 4; Aquinas, *Summa theologiae*, 2a2ae, q. 2, aa. 5–6, vol. 31: *Faith* (London and New York, 1974), pp. 82–5; Aquinas, *Quaestiones disputate de veritate*, q. 14, a. 11; Bonaventure, *Commentarius in tertium librum Sententiarum*, dist. 25, a. 1, q. 3, in *Opera omnia* 3 (Quaracchi, 1887), pp. 543–6. For a similar view, see John Pecham, *Quodlibeta quatuor*, ed. Girard Etzkorn, Bibliotheca Franciscana Scholastica Medii Aevi, 25 (Quaracchi, 1989), iv, q. 45, pp. 271–2.

⁹⁹ Durand de Saint Pourçain, *In Petri Lombardi Sententias*, Lib. III, dist. 25, q. 1, fol. 258v. Cf. Pierre de la Palud, *Tertium scriptum super Tertium Sententiarum* (Paris, 1517), dist. 25, q. 1, ff. 132v–133.

difference is far from trivial. Thomas Aquinas defined 'implicit faith' as a 'readiness to believe . . . whatever is contained in Scripture'. This virtually amounts to the idea that lay Christians are obliged to believe whatsoever they are instructed to do by ecclesiastical authority. The duty they have is, in effect, obedience. By contrast, Ockham imposes on all believers the duty of knowing and believing explicit faith. The traditional view expresses a vision of the superior having a heavier duty that coincides with his magisterial authority, and the inferior having an obligation to obey. Ockham's argument generates an alternative vision: all believers are equal in that each Christian bears the duty of knowing explicit faith, commensurate with his status.

As every believer bears the duty of possessing explicit faith, Ockham writes that the defence of explicit faith becomes every believer's duty, not that of ecclesiastics alone. This was perhaps not too optimistic in the light of the contemporary proliferation of Christian knowledge among lay believers. Indeed, medieval laymen, who were often described as 'illiterate', were not necessarily 'illiterate' in the literal sense: 'illiteratus' was a synonym for 'lay'. In the medieval world where reading out loud was more celebrated than visual and mute reading, the 'illiteracy' of laymen did not necessarily signify ignorance because they could learn Christian teachings through 'hearing'.¹⁰⁰ Indeed, laymen in Ockham's time might have a good deal of knowledge of the Christian faith due to the proliferation of preaching. As W. A. Pantin noted, 'the revival of preaching was one of the things that helped to transform the everyday life of the Church in the thirteenth century and to give the laity a more active and informed participation in that life'.¹⁰¹ It is now known that from the thirteenth century onwards sermons were a far from rare event in England,¹⁰² and a congregation was not necessarily one of 'simple men' but often men with a religious (and secular) education.¹⁰³ Preaching was a medium of 'mass communication' in the high and late Middle Ages, through which the knowledge of Christian faith was diffused. The instructional materials, the standard of which was set by Pecham's *Ignorantia sacerdotum*, also facilitated the dissemination of basic knowledge of the faith. They were written primarily for the clergy,

¹⁰⁰ M. T. Clanchy, *From Memory to Written Record: England 1066-1307*, second edn (Oxford, 1993), chs. 7 and 8.

¹⁰¹ Pantin, *The English Church*, p. 236.

¹⁰² D. W. Robertson Jr., 'Frequency of Preaching in Thirteenth-Century England', *Speculum* 24 (1949), pp. 376-388. For recent literature on the preaching in late medieval England, see, for instance, H. Leith Spencer, *English Preaching in the Late Middle Ages* (Oxford, 1993).

¹⁰³ D'Avray, *The Preaching of the Friars*, pp. 29-43.

but also met the demands of the laity. Evidence shows that the manuals were often translated from Latin into vernaculars so that they could be read out by the clergy to their parishioners. Thus the laity had access to various aspects of faith in a concise and comprehensible form.¹⁰⁴ Moreover, there is widespread evidence of lay men and lay women being able to read and write.¹⁰⁵

Arguably the wider dissemination of Christian knowledge through preaching constitutes the background against which Ockham invokes the layman's duty to know some explicit faith. Without the lay individual's commitment to explicit faith, Ockham's extensive discourse on the possible ways for a Christian to censure a heretical pope would have been utterly impossible. We have seen that Ockham re-works the ecclesiological implications of the traditional theological idea of fraternal correction, seeking justification for an inferior's correction of papal errors.¹⁰⁶ The traditional discourse preferred that the corrector should be the occupant of an ecclesiastical office, and the correction – whether correctly or incorrectly informed *in rei veritate* – was assumed to be correct and hence unconditionally binding. Ockham not only rejects this hierarchical view, but also asserts the possibility that a lay believer with a firm conviction – whether he is correctly or incorrectly informed *in rei veritate* – can and should dissent from the authority of what he perceives to be an erring superior.

Is this idea of dissent 'destructive' or 'anarchic'? Some modern commentators have thought so. It has been argued that Ockham's 'nominalism' resulted in an atomistic individualism in his social and political thought, which provided the metaphysical foundations for the dissolution of the medieval social order. In the Introduction I reviewed this interpretation, which was first advanced by Georges de Lagarde and later expounded by Michael Wilks.¹⁰⁷ Ockham's view that each individual should have some knowledge of explicit faith, however, does not support Lagarde's and Wilks's vision of a disintegrating society where 'every man must be his own priest and his own church'.¹⁰⁸ Indeed, Ockham's polemical intent is diametrically opposed to what Lagarde and

¹⁰⁴ R. N. Swanson, *Religion and Devotion in Europe, c.1215–c.1515* (Cambridge, 1995), pp. 59–63.

¹⁰⁵ For lay literacy in medieval Europe, see, for example, James Westfall Thompson, *The Literacy of the Laity in the Middle Ages* (Berkeley, 1939); Margaret Aston, *Lollards and Reformers: Images and Literacy in Late Medieval Religion* (London, 1984); Brian Stock, *The Implications of Literacy* (Princeton, 1986); D. H. Green, *Medieval Listening and Reading: The Primary Reception of German Literature 800–1300* (Cambridge, 1994); and Peter Biller and Anne Hudson (eds.), *Heresy and Literacy, 1000–1530* (Cambridge, 1994).

¹⁰⁶ Above pp. 118–22.

¹⁰⁷ Above pp. 10–15.

¹⁰⁸ Wilks, *The Problem of Sovereignty*, p. 109.

Wilks believed it to be. The truth is that, for Ockham, a believer's commitment to explicit faith is not merely a personal but a communal duty; any believer who knows that someone is dissenting from ecclesiastical authority in defence of faith ought to defend him for the sake of the common good. The common good in the Christian community is the preservation of orthodox faith, for which every believer, regardless of his status in the community, is responsible.

Ockham, however, is fully aware that individual dissent from papal authority will immediately present a serious practical difficulty: however legitimate a Christian's appeal against papal error may be, he is all too feeble faced with the authority of the (pseudo-)Vicar of Christ. A moral justification for such dissent would allow a dissenter to take action; however, the action could not be sufficiently influential within the Christian community to bring down a heretical pope. Therefore Ockham turns his focus to the 'others'. Do other believers have any responsibility when the pope's orthodoxy is seriously questioned by a believer with a good knowledge of the Christian faith? Should those who appeal against a heretical pope be protected by other Catholics? Ockham's response is affirmative. Every Catholic is bound to protect those who, urged by their orthodox faith, appeal against a heretical pope. Catholic faith and human fellowship (*societas*) will fall into crisis unless all members of the community protect each other. No communal fellowship is sustainable without mutual defence of its constituent members.¹⁰⁹

As Ockham writes this, he repeatedly appeals to Ambrose's *De officiis ministrorum* as it was cited in the *Decretum*, to argue that those who, when they can, do not dissent from illegitimate authority effectively agree with such authority. Those who can and yet do not defend an individual who is enduring injustice are committing the same crime of injustice.¹¹⁰ In so arguing, Ockham appeals to several canonist texts. Indeed, the equation of negligence in correcting errors with consenting to the errors

¹⁰⁹ I *Dialogus* vi, 41, p. 540: 'Illud sine quo periclitatur tam fides catholica quam humana societas magis est a catholicis impendendum pro fide catholica conservanda quam pro societate servanda, eo quod quilibet catholicus magis zelare tenetur pro fide quam pro societate humana. Absque mutua tamen defensione periclitatur tam catholica fides quam humana societas. Pro humana autem societate servanda Christiani sibi debent auxilium mutuum impendere.'

¹¹⁰ *Ibid.*, 37: 'Tertio sic. Magis sunt defendendi a catholicis impugnantes hereticam pravitatem, ne propter impugnationem huiusmodi patiantur, quam sint socii a sociis. Sed socius socium debet defendere, teste Ambrosio qui in libro "De officiis", ut legitur 23 q. 3 c. *Non inferenda*, ait: "qui enim non repellit a socio iniuriam, si potest, tam est in vitio quam ille, qui facit". Ex quibus verbis colligitur quod socius socium debet contra iniuriantem defendere. Ergo multo magis catholici debent impugnantes hereticam pravitatem defendere ne propter impugnationem huiusmodi iniuriam patiantur.' See also *ibid.*, 41, 43, 50.

was not unfamiliar to canonists.¹¹¹ Commenting on dist. 83, to which Ockham refers, Rufinus wrote: 'It must be known that one is said to consent in two ways: when one is negligent in objecting to sin when one should object or when one co-operates [with the sinner] by defending the sin or helping him in any way.'¹¹² This shows a striking similarity to Ockham's statement that 'he who does not resist someone who commits a harmful misdeed is his accomplice in crime and his supporter'.¹¹³ But Ockham's use of the canon-law texts departs from the canonists in that the latter did not accept the idea of the *universal* duty of believers to repel injustices inflicted upon their fellow believers. For Ockham, anyone, regardless of his status, who knows that injustice is being inflicted upon someone else can and should repel that injustice. Ockham's 'Disciple' raises this issue with reference to the ordinary gloss on the Ambrosian text, which suggests that the text 'if he can' means 'if he holds an authoritative office'. Hence, the task of repelling injustice appertains to prelates alone.¹¹⁴ Indeed, the *Summa parisiensis* maintains that 'an individual to whom the rejection of injustice does not appertain will commit a sin if he repels the injustice'.¹¹⁵ By contrast, Ockham does not only appeal to Ambrose and his canonist interpreters but rather interprets him more liberally, since Ockham's Master rejects the canonist interpretation found in the gloss.¹¹⁶

The Ambrosian idea that Ockham frequently draws on can be readily traced further back to Cicero, on whose *De officiis* Ambrose's work was modelled. Ockham's reading of the Ambrosian texts echoes the Ciceronian doctrine of fellowship (*societas*). Cicero touches upon negligence as an individual's personal failure to do justice in his discussion of injustice. Cicero considers that there are two types of justice and correspondingly two types of injustice: positive and negative.¹¹⁷ Cicero's positive notion of injustice is when an individual inflicts injury

¹¹¹ Stephan Kuttner, *Kanonistische Schuldlehre von Gratian bis auf die Dekretalen Gregors IX* (Vatican, 1935), p. 43, n. 2.

¹¹² Rufinus, *Summa decretorum*, ed. Heinrich Singer (Paderborn, 1902), p. 173: 'Sciendum autem est quia duobus modis dicitur quis consentire: vel cum negligeret peccato obviare, cum debeat; vel cum cooperatur peccato defendendo aut aliquo modo auxilium dando.'

¹¹³ I *Dialogus*, vi, 43, p. 543: 'Ex quibus verbis colligitur quod qui non resistit iniuriam facienti eidem communicat in crimine atque favet.'

¹¹⁴ *Ibid.*, p. 542: 'Ad hoc respondet glossa ibidem dicens: "si potest, id est si est in potestate positus." Ex quibus verbis glosse datur intelligi quod Ambrosius loquitur de prelatiis.'

¹¹⁵ *The Summa Parisiensis on the Decretum Gratiani*, ed. Terence P. McLaughlin (Toronto, 1952), pp. 211–12: 'Si igitur is ad quem pertinet iniuriam propulsare non propulset, peccat. Sicut e converso, si is ad quem non pertinet propulsare propulset, peccat.'

¹¹⁶ I *Dialogus* vi, 43, p. 542.

¹¹⁷ Cicero, *De officiis*, ed. M. Winterbottom (Oxford, 1994), p. 10: 'Sed iniustitiae genera duo sunt, unum eorum qui inferunt, alterum eorum qui ab iis quibus inferuntur, si possunt, non propulsant

upon another or others. 'Anyone who makes an unjust attack on another, whether driven by anger or by some other agitation, seems to be laying hands, so to speak, upon a fellow.'¹¹⁸ On the other hand, the negative kind of injustice arises when individuals do not protect an individual who is in need of protection. 'The man who does not defend someone, or obstruct the injustice when he can, is at fault just as if he had abandoned his parents or his friends or his country.'¹¹⁹ Thus Cicero asserts the public duty of protecting individuals who ought to be protected from the injustice inflicted upon them. In a similar vein, Ockham writes:

But he who does not defend, when he can, those who oppose the pope for his heretical wickedness, provides an opportunity for persecution or disturbance or harm, because if he offered defence, as he could, persecution or disturbance or harm done or to be done would be excluded. Therefore this person in failing to defend papal opponents appears or is known to have inflicted the damage described. But no one must inflict persecution or disturbance or harm on opponents of the pope who impute heretical wickedness to the latter before it has been established that they acted with malice. Therefore everyone who can is obliged to defend them.¹²⁰

Conversely, Catholic faith and social bonding would face devastation without mutual defence of every Catholic from injustice. In Book 7 of Part I of the *Dialogus*, for instance, Ockham argues that bishops and priests who solemnly promulgate the sentence of a heretical pope, whether or not they are aware of the error, become supporters of the pope. Those who do not resist the error are no less sinful than those who promulgate it.¹²¹ Ockham never alludes directly to Cicero; however, it

iniuriam. Nam qui iniuste impetum in quempiam facit aut ira aut aliqua perturbatione incitatus, is quasi manus adferre videtur socio; qui autem non defendit nec obsistit, si potest, iniuriae, tam est in vitio quam si parentes aut amicos aut patriam deserat.' 'Positive' and 'negative' justice and injustice are the terms used by M. T. Griffin and E. M. Atkins. See Cicero, *On Duties*, ed. M. T. Griffin and E. M. Atkins (Cambridge, 1991), p. 10, n. 4.

¹¹⁸ *Ibid.*, p. 10.

¹¹⁹ *Ibid.*

¹²⁰ I *Dialogus*, vi, 50 (49 in the British Academy edition), pp. 552–3: 'Sed non defendens impugnantes papam de heretica pravitate, cum potest, occasionem persequendi vel molestandi vel iniuriandi dat, quia si defenderet, ex quo potest, persecutionem vel molestiam vel iniuriam illatam vel inferendam excluderet. Ergo talis non defendens predictos predicta intulisse videtur vel dinoscitur. Sed nullus debet impugnantibus papam de heretica pravitate antequam constiterit eos malitiose procedere, persecutionem aut molestiam vel iniuriam irrogare. Ergo quilibet qui potest eos tenetur defendere.' A similar view is expressed in many places in I *Dialogus*: for instance, vii, cc. 30, 46, 56, 61.

¹²¹ *Ibid.*, vii, 36: 'omnes Episcopi et Praelati publicantes et divulgantes solenniter coram sibi subiectis totam tenendam doctrinam erroneam Papae haeretici, tanquam catholicam, sunt fautores haereticae pravitatis, sive sciant eam esse erroneam sive ignorent . . . Non minus

is sufficiently clear from all these arguments that through the Ambrosian text, Ockham has inherited the Ciceronian idea of negative injustice.

One can readily see the implication of this Ciceronian notion for Ockham's defence of contestability on doctrinal matters within Christendom. Fervent commitment to explicit faith is, for Ockham, the equal duty of every single believer. If such a duty were simply personal, there would be no good reason to be concerned with another believer's failure to fulfil it. On the contrary, Ockham's emphasis on the duty of mutual aid among believers puts in sharp relief his view that the preservation of the faith through every believer's commitment to explicit faith constitutes the foundation of social bonding in Christendom. Every Catholic must bear the duty of embracing, professing and preserving explicit faith precisely because the fulfilment of such a duty preserves and strengthens Christian society.¹²² When he argues thus, Ockham is expounding a dynamic concept of the common good: the explicit words and deeds of members of the community, not the 'given' laws that are entrusted to rulers to put into practice, define the common good. 'An appeal interposed for the cause of faith pertains to public law and the common utility.'¹²³ An actual commitment to explicit faith – not office or status – defines Ockham's notion of membership of the Christian community. Clearly, the idea of a social obligation to protect a dissenting believer is far from destructive or anarchic in its intent. In opposition to the 'papalist' vision of hierarchical order, Ockham envisages an alternative social union. His replacement of hierarchical order with cognitive order was not intended to lead to the subjective multiplication of Christian beliefs and the fragmentation of the ecclesiastical order. On the contrary, what Lagarde and Wilks identified as Ockham's political programme was precisely what he desperately tried to avoid.¹²⁴

In recognising the urgent need to defend fellowship, Ockham agrees with Marsilius of Padua. After acknowledging that peace and tranquillity are the source of the greatest good, Marsilius asserts that 'we ought to

peccare videtur, qui non resistit errori, quam qui errorem divulgat, et tanquam catholicum publicat.' Furthermore, Ockham maintains that bishops and priests are obliged to know whether their superior's order contradicts the divine command; following the superior's order against the divine will would be sinful and ignorance of the superior's error could not excuse. Ockham's notion of theological *noblesse oblige* is evidently applied here.

¹²² Similarly Cicero valued justice 'precisely because it preserves and strengthens society'. E. M. Atkins, ' "Domina et Regina Virtutum": Justice and *Societas* in *De Officiis*', *Phronesis* 35 (1990), p. 268.

¹²³ I *Dialogus*, vi, 45, p. 547: 'appellatio pro causa fidei interiecta spectat ad ius publicum et utilitatem communem'.

¹²⁴ George Knysh commented rightly (but briefly) that for Ockham 'elemental *trust* of one another is the cement of society'. Knysh, *Political Ockhamism*, p. 98.

wish for peace, to seek it if we do not already have it, to conserve it once it is attained, and to repel with all our strength the strife which is opposed to it'. 'To this end', he continues, 'individual brethren, and in even greater degree groups and communities, are obliged to help one another, both from the feeling of heavenly love and from the bond or law of human society.'¹²⁵ Mutual aid for the sake of peace is a duty for all members of the community. He reinforces this idea by citing Cicero: 'And so, as the Stoics were wont to say, the things that grow in the earth are all created for the use of men; but men are born for the sake of men. In this we ought to follow the lead of nature, and to bring forth common utilities for all.'¹²⁶ Accordingly, Marsilius maintains that 'whoever is willing and able to discern the common utility is obliged to give this matter his vigilant care and diligent effort'.¹²⁷ The reverse side of this is that to uproot evil that might infect the community is also a universal duty. All men who have the necessary knowledge and ability are obliged to thwart this evil, and those who neglect this knowledge on whatever grounds are unjust and commit a grave sin.¹²⁸ As Nederman wrote, 'Marsiglio . . . affirms the existence of rigorous standards of responsibility binding all persons and communities claiming inclusion within the civilized fraternity.'¹²⁹ Clearly Marsilius' discourse echoes the same Ciceronian idea of negative injustice as does Ockham's.

But Marsilius' reference to the Ciceronian idea of mutual aid has no other significance than a justification for unmasking the one and only cause of strife in the Italian city-states. *Defensor pacis* is devoted to revealing the perversity of the contemporary theory and practice of papal government. Marsilius certainly hoped to arouse resistance among those who suffered papal oppression; and yet, he did not elaborate on the justification and obligation of individuals to dissent from the unjust authority of the pope, but rather entrusted the task to Ludwig of Bavaria, the dedicatee of the *Defensor pacis*. By contrast, Ockham endeavours to vindicate popular dissent in the hope that the Christian community will

¹²⁵ *DP*, I, i, 4: 'Sunt igitur, ut diximus, pacis seu tranquillitatis fructus optimi, oppositae vero litis importabilia nocumenta, propter quod pacem optare, non habentes querere, quesitam servare, litemque oppositam omni conamine repellere debemus. Ad ea quoque singuli fratres, eoque magis collegia et communitates se invicem iuvare tenentur, tam supernae caritatis affectu, quam vinculo sive iure societatis humanae.' The translation is taken from Gewirth, p. 5.

¹²⁶ *Ibid.*

¹²⁷ *DP*, I, i, 4, p. 4: 'curam vigilem diligentemque operam huic praebere tenetur quilibet, commune volens et potens utile cernere'. The translation is by Gewirth.

¹²⁸ *Ibid.*

¹²⁹ Cary Nederman, *Community and Consent: The Secular Political Theory of Marsiglio of Padua's Defensor Pacis* (Lanham, Maryland, 1995), p. 19.

hear the voice of dissenters like himself and his fellow Michaelists. He draws on the Ciceronian and Ambrosian idea of fellowship extensively because he is building a theory of ecclesiastical dissent upon it.

THE DUTIES OF A POPE SUSPECTED OF HERESY

We have seen that justification of ecclesiastical dissent by an inferior was built upon moral justification and communal support. But this is still insufficient for an inferior's dissenting voice to be heard: the hierarchy, especially the pope, must hear the voice. Are there any obligations incumbent on a pope who is subject to a correction made by an inferior? What responsibility should the pope bear for allowing a dissenting inferior to be heard publicly? This is precisely the underlying concern of Book 6 of Part I of the *Dialogus*, which discusses the sanctions upon a pope suspected of heresy.

What if a rumour that the pope has fallen into heresy prevails in Christendom? Ockham's investigation into this problem begins with the following question: what ecclesiastical institution or office-holder is entitled to enquire into the alleged heresy of the pope? He enquires into the suitability of general councils and individual Catholics to exercise such jurisdiction. Ockham's own view is somewhat obscured – as is often the case in his recitative works – by his encyclopaedic discursive style. He seems to favour a view that jurisdiction over a pope suspected of heresy pertains primarily to the universal Church, followed by general councils, then dioceses, then clerics and finally laymen.¹³⁰ This 'descending' order of jurisdiction, however, is not his primary concern; indeed, Ockham does not elaborate on this any further and instead, turns quickly to the issue of the duty that the pope has to his accusers. Preferable as it may be for a high ecclesiastical officer to assume the investigation, Ockham makes it clear that ultimately any individual Christian can take such radical action. Should all the experts in theology, the pope and the cardinals teach that the Christian faith is false, an 'illiterate' individual who has the correct knowledge of faith could act as judge over them. Without jurisdiction one cannot be a judge in the appropriate sense of the term, and yet knowledge or experience can make one a judge.¹³¹ Ultimately the pope can be subject to *any* individual provided that he is cognitively competent to judge the pope.

¹³⁰ I *Dialogus*, vi, 57. Ockham, in effect, repeats the same view on the subject of punishing a heretical pope in I *Dialogus*, vi, 83.

¹³¹ *Ibid.*, 100, p. 633: '*Magister*: Ad hoc probandum exempla plurima allegarentur. Si omnes eruditi in sacra pagina una cum Papa et cardinalibus omnibus praedicarent, asserent et docerent fidem

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Having said that, Ockham does not embrace the extreme view that the pope should be subject to any individual's arbitrary attack. His point is rather that the pope must not evade prosecution and judgement by an informed individual who appeals against him. When a cognitively competent believer appeals against the pope, the pope should be subjected to the judgment of Catholics, thereby serving the common utility.¹³² Once the pope is subjected to such an allegation, he must temporarily suspend his jurisdictional power as natural law dictates. According to natural reason, when an individual legitimately dissents from a judge, the judge is not allowed to exercise his power until the dissenter has been convicted of the crime of malice.¹³³ Thus Ockham demanded that the pope should surrender himself to an individual Catholic's (or to Catholics') contestation and judgement. This applies not only to a pope who is *in rei veritate* heretical, but also to a pope who is really orthodox and yet wrongly comes under the suspicion of heresy. Mere suspicion is enough for a pope to suspend his jurisdictional power and be subjected to an enquiry.

This argument is strikingly asymmetrical to Ockham's own forbearing attitude towards an erring inferior. We saw earlier¹³⁴ that he enquires into the following question: if an individual commits an error that is condemned explicitly as heresy, is he bound to withdraw the error

Christianam esse falsam et malam: et legem Iudaeorum vel Sarracenorum esse servandam: laici illiterati per notitiam fidei, quam in ecclesia didicerunt, essent iudices eorum idonei, quantum est ex parte scientiae vel peritiae seu notitiae: licet aliqui non essent iudices eorum idonei propter carentiam iurisdictionis et potestatis. Item si omnes clerici mundi assererent Christum non fuisse crucifixum, vel non esse venturum iudicium, vel animas reproborum non esse in inferno, vel aliquid huiusmodi, quod omnes Christiani ecclesiastici et laici credere tenentur explicite; puri illiterati, quantum est ex parte notitiae essent iudices eorum idonei.'

¹³² *Ibid.*, 59, p. 563: '*Magister*: Non putes quod ipsi intendant dicere Papam in omni casu ad voluntatem cuiuslibet se debere submittere iudicio aliorum: sed volunt quod absque causa rationabili Papa non debet iudicium recusare quando ex submissione sua declaretur veritas et iustitia. Et talis submitio nullum speciale praeiudicium generaret, et accusantis zelus vel malitia panderetur. Ad hoc autem dicendum tali ratione moventur. Utilitas propria et communis sunt praeferendae malitiae propriae et alienae omnique utilitati Pape temporali . . . Sed Papa quem accusator idoneus vult de haeresi accusare, submitiendo se iudicio catholicorum procurat utilitatem propriam et communem: quia procurat declarationem veritatis et iustitiae, quae est utilitas propria et communis. Et haec utilitas propriam utilitatem non impedit. Ergo Papa ad hoc tenetur in casu hoc de necessitate salutis.'

¹³³ *Ibid.*, 48, p. 551: 'Et isto modo dicunt potestatem Pape aliquo modo suspensam per talem appellationem vel recusionem: quia scilicet Papa de necessitate salutis tenetur non exercere potestatem in appellentem vel recusantem in praeiudicium appellationis vel recusionis ipsius. Et ita suspensio est a iure naturae, quia ex dictamine naturali. Dictat enim ratio naturalis quod si aliquis appellat vel recusat iudicem ex causa quae si esset probata deberet legitima reputari, iudex antequam appellans vel recusans de malicia convincatur non debet potestatem exercere in ipsum in praeiudicium appellationis vel recusionis ipsius.'

¹³⁴ Above pp. 131–5.

immediately, whether or not he is corrected 'legitimately'?¹³⁵ Drawing on the distinction between ignorance of the law that one is obliged to know and ignorance of the law that one is not obliged to know, Ockham argues that if an individual contradicts a law he is not obliged to know, his error is excusable and does not have to be withdrawn unless the error is manifestly shown to him.¹³⁶ Ockham vindicates the negative authority of erroneous conscience, which allows an erring inferior to abstain from recanting his heretical errors as many as a thousand times provided that he does not know that he has committed such errors.

This is clearly not the case with the pope. Once the pope is subjected to an allegation of heresy, no matter whether it is legitimate or erroneous, he is not allowed to contradict the allegation and must submit himself to the judgement of Catholics. Also, Ockham's discourse on heresy maintains that no believer should be convicted of heresy unless the assertion in question has been sufficiently demonstrated to him to be heretical; in other words, the prosecutor has the onus of proving the error. When the suspect heretic is a pope, however, Ockham does not demand this sufficient demonstration of the allegation by the accuser. On the contrary, when the pope's alleged error is gravely damaging to Catholics, the pope should have the duty of purging himself, even if the prosecutor's demonstration is somewhat faulty.¹³⁷ To use an analogy with modern criminal law, whilst the burden of proof lies upon the prosecutor if the person suspected of heretical error is an inferior, it lies upon the accused if the suspect is the pope. To put it another way, Ockham subscribes to the presumption of innocence in the case of alleged heresy in laymen, but he rejects it in the case of heresy in a pope.

The presumption of innocence was established in Roman law. Such maxims as 'the burden of proof lies with the accuser, not the defendant' and 'in doubtful matters the defendant is favoured, not the plaintiff' were commonplaces in medieval legal scholarship.¹³⁸ Gratian steered a path through the tensions between protecting the procedural rights of clerical defendants and detecting and punishing clerical deviancy so as to elaborate the former to the extent that 'any cleric, no matter how

¹³⁵ I *Dialogus*, iv, 15 (18 in the British Academy edition), p. 456.

¹³⁶ *Ibid.*, 18 (21 in the British Academy edition), p. 458.

¹³⁷ I *Dialogus* vi, 60, p. 564: '*Discipulus*: Puto quod intelligam istorum in hac parte sententiam. Sed quaeso indica mihi, quid isti iudicant agendum, si Papa se sponte iudicio arbitrorum submiserit, et accusator in probatione defecerit: an scilicet Papa teneatur se purgare. *Magister*: Dicunt, quod si Papa apud bonos et graves est enormiter de haeresi diffamatus, ita quod grave scandalum apud catholicos est exortum, ipse de necessitate salutis se purgare tenetur, si aliter famam suam recuperare non potest.'

¹³⁸ Kenneth Pennington, *The Prince and the Law, 1200-1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley, 1993), p. 156.

notoriously concubinous, was innocent until proved guilty'.¹³⁹ The presumption of innocence was also employed to rule out irreverent accusations of papal heresy. A French canonist work entitled *Summa Et est sciendum* (1181–5) maintained that no one could presume that a suspect pope should be treated as heretical: 'quia non statim qui accusatur reus est, sed qui vincitur criminis'.¹⁴⁰

The presumption of innocence had an affinity with the contemporary theory of accusatorial procedure in canon law, which was inherited from the Roman legal tradition. According to Fraher, the accusatorial procedure at an ecclesiastical court began with a private accuser filing a charge in writing before a judge. The guilt of the defendant was determined in the light of evidence from two unimpeachable witnesses or a confession by the accused. This model, however, proved very inefficient in convicting criminals because it was the private accuser who bore the burden of proof. Should he fail to procure a conviction, he could be liable for the penalty that the defendant would have received had he been found guilty. This principle of 'subscription' to the punishment that the accuser proposed for the accused discouraged the filing of accusations. Consequently crimes were left unpunished and society could be endangered.¹⁴¹

From the late twelfth century onwards, the presumed innocence of the defendant was questioned. The history of canon law after the Fourth Lateran Council shows that that principle became increasingly marginalised, and this can be attributed to the inefficiency of the accusatorial procedure. The fear and threat of prevailing popular heresy required the ecclesiastical hierarchy to simplify the process of criminal prosecution in order to enhance efficiency in convicting criminals. In order to eradicate fornication on the part of the clergy in particular, Innocent III revised the law of proof: should the fact of fornication be publicly known and

¹³⁹ Fraher, 'Preventing Crime in the High Middle Ages: The Medieval Lawyers' Search for Deterrence', in *Popes, Teachers, and Canon Law in the Middle Ages*, ed. James Ross Sweeney and Stanley Chodorow (Ithaca and London, 1989), pp. 212–33, at p. 218.

¹⁴⁰ Richard M. Fraher, '“Ut nullus describatur reus prius quam vincatur”: Presumption of Innocence in Medieval Canon Law', *Proceedings of the Sixth International Congress of Medieval Canon Law*, Monumenta Iuris Canonici, Ser. C: Subsidia vol. 7, ed. Stephan Kuttner and Kenneth Pennington (Vatican City, 1985), pp. 493–506. See also Brian Tierney, 'Pope and Council: Some New Decretist Texts', *Mediaeval Studies* 19 (1957), pp. 197–218, reprinted in Tierney, *Church Law and Constitutional Thought in the Middle Ages* (London, 1979).

¹⁴¹ Richard M. Fraher, 'IV Lateran's Revolution in Criminal Procedure: The Birth of *Inquisitio*, the End of Ordeals, and Innocent III's Vision of Ecclesiastical Politics', *Studia in Honorem Eminen-tissimi Cardinalis Alphonsi M. Stickler*, *Studia et Textus Historiae Iuris Canonici* 6 (Rome, 1991), p. 102. Cf. Walter Ullmann, 'Some Medieval Principles of Criminal Procedure', *The Juridical Review* 59 (1947), pp. 1–28, reprinted in Ullmann, *Jurisprudence in the Middle Ages* (London, 1980).

deserve to be considered notorious, neither accuser nor eyewitness was necessary for condemnation. The new law of proof certainly enhanced efficiency in exterminating clerical deviancy; however, it was, from the viewpoint of the presumption of innocence, a 'setback'.¹⁴²

Concomitant with this, the canonist interest in criminal prosecution had shifted its focus from accusatorial procedure to inquisition. This change was epitomised in Innocent III's dictum: 'it is in the interests of the commonwealth that no crimes should remain unpunished' ('rei publicae interest, ne crimina remaneant impunita'). According to the model of inquisitorial procedure, an ecclesiastical judge did not need to wait for a private accuser to prosecute a malefactor. Once rumour spread concerning an alleged crime, ecclesiastical officials could take action. Under the inquisitorial model, public authority, not private individuals, took the initiative in investigating and prosecuting criminal cases and consequently the criminal procedure became highly centralised. The pursuit of procedural efficiency 'in the interests of the commonwealth' resulted in the systematic replacement of the accusatorial model by the inquisitorial one. Thus criminal procedure came under the control of the ecclesiastical hierarchy.¹⁴³ The leading canonists in the thirteenth century, including Hostiensis and William Durand the Elder, elaborated on the theory of inquisition. William Durand the Elder's *Speculum iudiciale*, first published in 1272, based its inquisition theory on Innocent III's notion of 'public interest'. *Speculum iudiciale*, which was widely read and glossed by the canonists in the next generation, contributed to the displacement of accusatorial procedure and the currency of inquisition at the turn of thirteenth and fourteenth centuries and beyond.¹⁴⁴ Canonists in the early fourteenth century witnessed the decline of the presumption of innocence.

This picture of canonist scholarship forms a mirror image in relation to Ockham's asymmetrical attitude towards erring inferiors and popes. Whereas canonists were concerned with efficient detection of wrongdoing among the clergy and laity, Ockham vindicates the disobedience of an erring inferior on the grounds of invincible ignorance. Whereas canonists made a theoretical contribution to the hierarchy's monopoly on enquiry into alleged crimes, Ockham does not preclude the possibility of an inferior taking the initiative in an inquisition against a

¹⁴² Fraher, "‘Ut nullus describatur reus prius quam vincatur’", p. 501.

¹⁴³ Fraher, 'IV Lateran's Revolution in Criminal Procedure', pp. 108–9.

¹⁴⁴ Richard M. Fraher, 'The Theoretical Justification for the New Criminal Law of the High Middle Ages: "Rei publicae interest, ne crimina remaneant impunita"', *University of Illinois Law Review* (1984), pp. 577–95.

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superior and rejects the presumption of innocence if the accused is a pope. He would certainly not have agreed with the assumptions of contemporary inquisitorial procedure.

This, however, is not to say that he preaches a return to the practice of accusatorial procedure. Perhaps it is nearer the truth to say that he rejects the 'descending' thesis underlying the contemporary theory of inquisition, and attempts to apply inquisitorial procedure to the case of papal heresy. As we saw earlier,¹⁴⁵ the entitlement to hold an enquiry appertains to one who has reasonable doubt regarding the orthodoxy of an individual. Knowledge, not office, makes the judge. Thus Ockham's 'cognitive' perspective undermines the hierarchical assumption of inquisition. The high ecclesiastics' precarious definition of Christian faith reverses the *locus standi* of power in the eyes of the cognitively orthodox inferior; hence, the superior can become subject to his inferior's jurisdiction. In this connection, Ockham also draws on a medical analogy with inquisitorial language: the incurable part of the infected body ought to be amputated in order to save the body.¹⁴⁶ Clearly, for Ockham, inquisition should be practised irrespective of the place in the hierarchical order of the person who initiates the enquiry.

Ockham's programme of dissent from a heretical pope, however, is not limited to an attack on the hierarchical assumptions of contemporary inquisitorial practice. Ockham does not consider that the inquisition should be practised in the same way for every suspect of heresy regardless of his status or the office he occupies. Inquisition into the alleged errors of inferiors, for Ockham, should be far more lenient than for an erring pope. Erring ecclesiastics should not be presumed to be innocent, and they should refrain from using their power once their orthodoxy has been questioned. It can readily be seen that Ockham's attitude towards heresy is commensurate with the ecclesiastical office or status that the suspect holds.

So why does office or status make a difference? Why should Ockham's judgement on an allegedly erring pope be so harsh in contrast to that on an allegedly erring inferior? This is because ecclesiastics have coercive power. If ecclesiastical authority is merely coercive power without any warrant of cognitive correctness, it can potentially compel Catholics to believe anything – orthodox or heretical. The doctrinal teaching of a heretical pope would diffuse heretical depravity most effectively because of his supreme coercive power. For this reason, Ockham writes that

¹⁴⁵ Above pp. 144–5.

¹⁴⁶ I *Dialogus* vi, 62, p. 568.

papal heresy is the worst heresy of all: 'no one can harm the Church of God more than a pope who teaches perverse and heretical doctrines'.¹⁴⁷

Ockham's vindication of the right of any Catholic to dissent from a heretical pope is intended as a protection against the contagion of papal heresy.¹⁴⁸ Doctrinal matters appertain primarily to prelates because they can coerce heretical laymen or even clerks. But, says Ockham, doctrinal matters appertain secondarily to laymen because if clerks are incapable of coercing heretical ecclesiastics, laymen can and must coerce them to reject their heresy in order to prevent the poison of their heretical depravity from diffusing among other believers.¹⁴⁹ This view is a mirror image of the medieval language used in the prevention of heretical crime. Against Manichaean pacifism, St Augustine once argued that it was the duty of Christians to punish wrongdoers for their own sake as well as for the sake of others. Christians punish evildoers in order to infuse fear into them and others and thereby deter them from further wrongdoing.¹⁵⁰ Medieval canonists and theologians argued in similar vein. We saw earlier that Thomas Aquinas and Durand de St Pourçain promoted inquisition on the grounds that even secret errors should be detected in order to prevent harm to the common good, because heresy was considered to be a contagious disease, and might 'infect' others if it was left undetected.¹⁵¹ With such a hierarchical view Ockham would certainly disagree. The poison of heretical depravity will be more contagious if a holder of ecclesiastical office teaches heresy than if a layman upholds heretical belief, because of the former's coercive power.

It is conventional to maintain that Marsilius' rejection of the attribution of coercive power to ecclesiastical office was a radical departure. It can be argued that Ockham's acceptance of the coercive nature of ecclesiastical office is no less radical than the Marsilian rejection. When Ockham admits that ecclesiastical office is coercive, he does not merely

¹⁴⁷ *Ibid.*, 66, p. 574: 'nemo amplius nocere potest ecclesiae Dei, quam Papa perverse et haeresim dogmatizans'. See also *ibid.*, vii, 43.

¹⁴⁸ *Ibid.*, vi, 99, p. 621: 'opinio secunda et tertia in hoc concordant, quod laici deficiente ecclesiastica potestate habent papam haeticum et eadem ratione alios clericos haeticos detinere: et etiam prohibere, ut non valeant in alios haeticam infundere pravitatem, de hoc solo omissis aliis quibus discrepant opiniones praedictae'.

¹⁴⁹ *Ibid.*, 100, p. 631: 'Causa igitur quae est causa Dei, alioquo modo spectat ad laicos: principalis tamen spectat ad praelatos ecclesiae, quia praelati ecclesiae non solum haeticos laicos coercent, sed etiam clericos possunt debite coercere: de quibus laici iudicare non possunt, nisi clerici noluerint vel non potuerint castigare. Secundario autem causa fidei spectat ad laicos: quia laici etiam clericos, imo Papam haeticum possunt et debent (ne virus suae perfidiae transferant in alios) prohibere, si eum clerici noluerint vel non potuerint coercere.'

¹⁵⁰ Herbert A. Deane, *The Political and Social Ideas of Saint Augustine* (New York and London, 1963), p. 164.

¹⁵¹ Above pp. 110–11.

reiterate the traditional idea, but rather establishes a consequential accountability of ecclesiastics to Christian faith. This is to say that office-holders bear a much heavier responsibility for the preservation of orthodoxy than laymen, precisely because they have coercive power. Thus Ockham anchors ecclesiastical responsibility to preserve orthodox faith in the coercive nature of ecclesiastical office. His extensive critique of papal heresy, therefore, is not merely a moral vindication of personal dissent. It entails a demand for an ethical standard applicable to those who hold coercive power.

It may be misleading, then, to characterise Ockham's idea of ecclesiastical power as a 'dejuridicization'.¹⁵² He never fails to confront the reality: ecclesiastical authority is coercive. On the contrary, Ockham underlines the juridical – hence coercive – nature of ecclesiastical power, thereby illuminating the special responsibility for the preservation of orthodox faith devolving on the holders of coercive power in doctrinal matters. Conversely, ecclesiastical coercion to doctrinal error, for Ockham, should immediately be judged pertinacious and heretical. According to his discourse on the eighth mode of pertinacity, if a man coerces others, by precept, threat, punishment and so forth, to defend his error pertinaciously, he is to be convicted of pertinacity.¹⁵³ Here, Ockham singles out coercion: 'a coercer should be regarded as a pertinacious defender of heresy even if the coerced later refuses to defend the heresy and acts against his illicit oath'. This is because one would commit mortal sin even by forcing someone to do good, or to a vow of chastity or poverty, or to any other work of supererogation.¹⁵⁴ Likewise, in the seventeenth mode of pertinacity, Ockham argues that if the pope

¹⁵² A. S. McGrade described Ockham's treatment of papal government as 'dejuridicization', and with this view Annabel Brett concurred. McGrade, *The Political Thought*, p. 151; Brett, 'Introduction' in Ockham, *On the Power of Emperors and Popes*, p. 50.

¹⁵³ I *Dialogus* iv, 22 (25 in the British Academy edition), p. 461.

¹⁵⁴ *Ibid.*, pp. 461–2: 'Ad hoc respondetur quod licet posset quis haeresim absque pertinacia defensare tamen cogens alium absolute haeresim defensare quantum in se est cogit ipsam haeresim pertinaciter defendere, sicut qui cogit alium iurare ad aliquam assertionem quae est haeretica irrevocabiter et in perpetuum defensabit quantum in eo est cogit ipsam eandem assertionem pertinaciter defensare, licet in potestate ipsius tali modo coacti sit postea eandem haeresim pertinaciter defensare, et ideo talis cogens debet reputari pertinax haeresis defensor, licet coacti iurare velint postea eandem haeresim minime defensare, sed volunt venire contra illicitum iuramentum. Cum vero dicis quod qui cogit alium et non ad peccatum mortale non committit peccatum mortale, hoc tibi negatur, quia potest quis peccare mortaliter etiam alium cogendo ad bonum. Nam qui cogit alium vovere castitatem vel paupertatem vel aliquid aliud supererogationis, potest peccare mortaliter quia talia suaderi possunt, imperari non possunt. De talibus enim loquens dicit Augustinus quod nemo cogitur legibus bene facere sed male facere prohibetur.' As far as I can determine, this is the earliest appearance in Ockham's works of the term 'supererogation' on which he would later expound. See III *Dialogus* I, i, 17, p. 787; *OQ*, i, 7, p. 35; *Brev*, ii, 17; *IPP*, cc. 3, 5.

asserts that the error that he has solemnly defined, which is contrary to faith, is to be held to be Catholic, he must be regarded as pertinacious because to force others to defend errors pertinaciously is considered to be pertinacious.¹⁵⁵ This idea is elaborated further in III *Dialogus* I:

If the pope's interpretation or exposition [of the word of God] is Catholic and does not contain any error, it is to an extent more authentic than the interpretations given by another learned man, because once the pope's interpretation is given, no one will be allowed to state or hold publicly an opinion contrary to it.¹⁵⁶

Coercive power may add some authority to an assertion when it is Catholic. However,

To some people it is apparent that discretion is required with regard to the *decretales*, constitutions, and solemn determinations of the popes, other bishops, general, provincial and episcopal councils, and any chapters and colleges which attempt to coerce and constrain others to firmly defend their own assertion, and also with regard to the other writings of these or others. For, if something contrary to Catholic truth is found in the original writings, immediately the authors of these writings must be considered to be heretical because they can be manifestly convicted of pertinacity by the very fact that they coerce others to adhere to their own error pertinaciously.¹⁵⁷

Coercion to error will be unconditionally and immediately judged heretical. This argument, in effect, may dissuade ecclesiastics from using coercive power; however, it is important to note that Ockham never

¹⁵⁵ I *Dialogus* iv, 29 (32 in the British Academy edition), p. 466: 'Decimo septimo secundum nonnullos potest specialiter papa convinci de pertinacia et haeretica pravitate si errorem contra fidem diffinit solenniter et a Christianis asserit tanquam catholicum esse tenendum. Quod enim talis papa sit haereticus reputandus probatur primo sic. Qui artat alios ad errorem pertinaciter defendendum est pertinax reputandus. Hoc ex superioribus colligitur evidenter. Sed papa solenniter aliquem errorem diffiniens esse catholicum artat christianos quantum in eo est ad errorem pertinaciter defendendum et servandum, quia, sicut constitutio sedis apostolicae legitime facta omnes astringit, ut habetur Extra, *De constitutionibus* c. ultimo, *Quoniam constitutio*, ita papa vel gerens se pro papa diffinitive pronuntians haereticam assertionem esse tenendam quantum in ipso est omnes astringit ad eandem assertionem haereticam irrevocabiliter tenendam et defendendam. Ergo pertinax et haereticus est censendus.'

¹⁵⁶ III *Dialogus* I, ii, 24 p. 811: 'Verumtamen si interpretatio seu expositio Papae fuerit catholica, nullum habens errorem, est quodammodo magis autentica quam interpretatio alterius eruditi, quia extunc nulli licebit publice contrarium opinari et tenere scienter.'

¹⁵⁷ *Ibid.*, iii, 23, p. 841: 'Nonnullis apparet tamen quod quantum ad decretales et constitutiones ac diffinitiones solennes summorum pontificum, et aliorum episcoporum ac generalium provincialium et episcopalium conciliorum et etiam capitulorum et collegiorum quorumcumque intendunt alios ad suam assertionem firmiter defendendam cogere et artare et quantum ad alias scripturas eorundem, et aliorum, est discretio facienda. Quia si in primis scripturis invenitur aliquid catholicae veritati contrarium, statim auctores eorum sunt haeretici reputandi, quia de pertinacia ex hoc ipso, quod cogunt alios suo errori pertinaciter adhaerere possunt manifeste convinci.'

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rejects the coercive function of ecclesiastical authority in defining, authenticating, and teaching Christian faith (as long as it is done correctly in theological terms). His purpose is to control arbitrary or indiscreet use of ecclesiastical power, not to reduce ecclesiastical power to non-coercive spiritual care.¹⁵⁸

A NEW VISION OF THE CHRISTIAN COMMUNITY

The re-definition of the triangular relationship between a dissenter, a pope and other believers reveals that Ockham is seriously endeavouring to theorise a remedy for what he perceives to be the malaise of contemporary Christendom by means of popular action to remove a heretical pope. This is not to say that Ockham is a preacher of rebellious anarchism. On the contrary, his programme of radical action is anchored in a renewed vision of the Christian community where the authority of an individual's conscience is ensured and the individual's commitment to the common good is enshrined. In Ockham's vision, authoritarian hierarchy collapses entirely; for the foundation of the Christian community lies not in blind obedience to ecclesiastical authority, but in the contribution of individual believers to preserving the faith without institutional mediation. The common good in the Christian community should not be wholly entrusted to, or monopolised by, the hierarchy but attained through every single individual's voluntary engagement to fulfil it, which in turn cements the Christian fellowship. In short, Ockham envisages a Christian community that strives for unity in faith through conscience rather than blind obedience, mutual aid rather than mutual suspicion, and prudent doctrinal definition rather than arbitrary coercion. The universal duty to preserve explicit faith links individual freedom with social solidarity: two political and social values often considered mutually exclusive.

¹⁵⁸ An important implication of Ockham's identification of ecclesiastical power with coerciveness may be that it opens up the scope for academic freedom. Ockham's Disciple asks whether it is possible for experts in Scripture and canon law to excuse their own ignorance. The Master answers affirmatively: even the most learned are not obliged to have knowledge of every single heresy, and are not to be judged as heretics if they are willing to be corrected. Even experts cannot know all the papal constitutions (I *Dialogus* iv, 18, p. 458). In so arguing, Ockham highlights a difference in the nature of authority between that of ecclesiastics and that of experts in theology: the former entails coercive power whereas the latter does not. Those who coerce others to assert an error are to be judged pertinacious. This seems to imply that those who do not compel others to believe a proposition should not be regarded as heretics until it is sufficiently proved by manifest evidence that they are pertinacious. It follows that theological assertions, and still more academic assertions and opinions that pertain to disciplines other than theology, should be immune from immediate condemnation. Freedom of academic enquiry is implicitly claimed on the basis of the lack of coerciveness.

Ockham was once associated with a revolution in the medieval language of rights. Nowadays historians are inclined express some reservations about any such 'semantic revolution' on his part; however, they are still appreciative of his distinct contribution to the idea of natural rights.¹⁵⁹ Yet, it is striking that his vindication of an inferior's disobedience to an erroneous doctrinal sentence entails no explicit reference to the right of resistance. His discourse on ecclesiastical dissent is in fact permeated by the language of obligation rather than of right. In the [previous chapter](#) we saw that Ockham replaces the order of authority with the order of knowledge. In the present chapter, we have seen that Ockham replaces the hierarchy of power with the hierarchy of duties. In his view, the Church should not operate as a system of offices and power, but as every individual believer's moral commitment to the preservation of Christian faith. The malfunction of the institution is not his primary concern; to keep the 'public spirit' awake and alive in the Christian context is a matter of greater urgency. Ockham's conceptualisation of ecclesiastical dissent is essentially a theory of Christian political ethics.

The ethical value that enjoys exalted status in this new vision of the Christian community is care for the common good. The common good of Christendom is for Ockham the preservation of Christian faith, and every believer shares the universal duty of preserving explicit faith. Ockham thus defines Christian fellowship as the words and deeds of believers that preserve faith, such as professing explicit faith publicly, dissenting from doctrinal error, and defending dissenters against erroneous ecclesiastical authority.

One last indispensable feature of care for the common good in Christendom is worth mentioning here: listening to others. Ockham considers that listening to what is said publicly about Christian faith constitutes an important part of the fellowship of the Christian community. Listening to others is a prerequisite for all the actions that define Christian fellowship: the pope will not reconsider his doctrinal decision or recognise the need to suspend his authority unless he listens to a

¹⁵⁹ Michel Villey used the phrase 'semantic revolution' to describe Ockham's (alleged) transformation of the language of rights. See Villey, *La formation de la pensée juridique moderne* and 'La genèse du droit subjectif chez Guillaume d'Occam'. The recent important contributions to the study of Ockham's idea of natural right are A. S. Brett, *Liberty, Right and Nature* and Tierney, *The Idea of Natural Rights*. See also W. Kölmel, 'Das Naturrecht bei Wilhem Ockham'; McGrade, *The Political Thought*, pp. 177–85; McGrade, 'Aristotle's Place in the History of Natural Rights', *Review of Metaphysics* 49 (1996), pp. 803–29; H. S. Offler, 'The Three Modes of Natural Law in Ockham: A Revision of the Text', *Franciscan Studies* 37 (1977), pp. 207–17; R. Tuck, *Natural Right Theories* (Cambridge 1979).

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dissenter. Similarly, other believers will not defend a dissenter unless they listen to him. This explains why Ockham stresses that dissenters should not be dismissed as slanderers. The Christian community must hear the voices of dissenters, especially if they are prudent and reputable individuals and their claim touches upon the common good.¹⁶⁰ Ockham deplores the fact that the dissenting voices of the Michaelists (including his own) are never heard; the failure to listen to dissenting voices is effectively equivalent to committing the same sin as the heresy of the pope. Dissent motivated by care for the common good of the Christian community will become sufficiently visible and audible only if other believers, including prelates, theological experts and laymen, listen to it. Thus Ockham's knowledge-centred notion of the Christian community emerges as space for 'dialogue' – a web of linguistic communication on doctrinal matters between individuals who speak and listen or write to and read one another. In this light, papal heresy is not the crime of a pope alone: not only public inaction but also failure to listen should be equally reprehended. Ultimately, then, what Ockham perceives as the problem of papal heresy is the breakdown of Christian fellowship.

¹⁶⁰ I *Dialogus* vii, 9: 'Ad omnes auctoritates, quibus suadetur, detractores esse minime audiendos: respondetur unico verbo, quod omnes debent intelligi, quando sciuntur esse detractores, quia illi de quibus scitur quod detractionis vitio sunt infecti, absque magna causa audiri non debent, cum volunt de aliis aliquid narrare sinistrum, illi autem de quibus ignoratur an sint detractores, sunt omnino audiendi: praecipue cum aliquid, quod in dispendium potest vergere boni communis, cupiunt enarrare, et multo magis sunt audiendi illi, qui hactenus discreti et bonae famae reputati fuerunt, si intendunt aliquid sinistrum de aliquo reserare, quare si tales laborant ostendere, quod papa est haeretica pravitate maculatus, sunt audiendi omnino.'

PAPAL PLENITUDO POTESTATIS

On 4 December 1334, Pope John XXII died. Sixteen days later, Jacques Fournier was elected pope and took the name Benedict XII. At the beginning of his pontificate, the papacy and Ludwig of Bavaria entered a period of temporary truce. Ludwig even considered a possible reconciliation with the papacy. However, his policy of appeasement was opposed first by Philip VI of France, and later by the Germans themselves. By the spring of 1337, it was clear that negotiations between the papacy and Ludwig of Bavaria were faltering. In May 1338, the first diet of Frankfurt promulgated the manifesto *Fidem Catholicam* proclaiming that imperial authority derives directly from God, not from the pope. Thus the conflict between the papacy and the empire was resuscitated.¹

The year 1337 was also a turning-point in Ockham's polemical career. After that year, according to Richard Scholz, Ockham threw off his philosophical and theological disguise, and expressed his political opinions directly and clearly.² H. S. Offler agreed with Scholz. Offler wrote that *Contra Benedictum*, which was probably written in the autumn of 1337, 'is the bridge over which Ockham passed from ecclesiology to a developed interest in political matters'.³ Indeed, the works written before *Contra Benedictum*, such as *Contra Ioannem* and the *Compendium errorum*, concentrate on particular errors committed by Pope John XXII and demonstrate that the Pope is a heretic. By contrast, *Contra Benedictum* not only maintains a similar polemical style in that its first part is devoted to attacking Benedict XII's heretical errors, but also contains the seminal ideas of Ockham's discourse on papal power, which were

¹ Baudry, *Guillaume d'Occam*, pp. 185–8, 193–9; Miethke, *Ockhams Weg*, pp. 98–112. See also Offler, 'Empire and Papacy – the Last Struggle', and H. O. Schwöbel, *Der diplomatische Kampf zwischen Ludwig des Bayern und der römischen Kurie im Rahmen des kanonischen Absolutionsprozesses* (Weimar, 1968).

² Scholz, *Wilhelm von Ockham als politischer Denker*, p. 10.

³ H. S. Offler, 'Introduction' to the *CB*, in *OP* 3, pp. 158–64, at pp. 162–3.

to be expounded later. The works written after 1337, including *An princeps*, *Breviloquium de principatu tyrannico*, *Octo quaestiones de potestate papae*, *De imperatorum et pontificum potestate* and III *Dialogus* I, discuss more general questions on the nature of papal power.

Why did Ockham shift his interest in 1337 from the current pope's heresy to the nature of papal authority? According to McGrade, I *Dialogus* – an extensive exposition of heresy, heretics and Catholic truths with special reference to papal heresy – lacks any 'new theory of secular or ecclesiastical government' because 'none was thought necessary'. However, Ockham realised somewhat belatedly that 'in order to take effective action in the present or in the future concerning particular, political problems it would be necessary to resolve underlying general disagreements', that is the contemporary conflict over two concepts of law and government in Christian society.⁴ But the question needs to be asked: what made Ockham realise the need to resolve 'underlying general disagreements'? As we have seen in previous chapters, Ockham's polemical concern before 1337 was acutely focused on the problem of papal heresy, and his conceptualisation of ecclesiastical dissent was full and thorough. In this endeavour he committed himself to addressing moral and ecclesiological questions which he considered that institutional restructuring could not resolve. Instead he advanced a new vision of the Christian community as a non-institutional network of moral duties. So why would he think that a new theory of ecclesiastical and secular government was necessary after he wrote I *Dialogus*?

To answer this question, our attention ought to be drawn to the context in which Ockham's discourse on papal power first emerged. After demonstrating that Pope Benedict XII is a heretic in the same way that he proved that John XXII was a heretic, Ockham examines Benedict XII's constitution *Redemptor noster*. In his examination, Ockham highlights the fact that the Pope has explicitly decreed that, should any doubt or question concerning a matter of faith be brought for examination before the Apostolic See, no one is to presume to approve any opinion on it until a papal decision has been given.⁵ Ockham writes that this seems the worst heresy that he has ever heard.⁶ This decree implies that the substance of the Christian faith depends not on God but on the will of the pope.⁷ In this connection, for the first time in his polemical

⁴ McGrade, *The Political Thought*, pp. 75–6, 81–2.

⁵ CB, iv, c. 1, p. 244: 'Districtius inhibemus, ne, postquam super negotio fidei quaestio seu dubitatio aliqua, super qua sint opiniones adversae vel diversae, deducta fuerit ad apostolicae sedis examen, quisquam ex tunc alterutram partem determinare, eligere vel approbare praesumat; sed super ea sedis eiusdem iudicium seu declaratio expectetur.'

⁶ Ibid., c. 2, p. 245: 'Quo peior haeresis dici non posset.'

⁷ Ibid.

career, Ockham is discussing papal power; more specifically, the papal doctrine that the pope has such 'fullness of power' (*plenitudo potestatis*) he can do everything not prohibited by divine or natural law.⁸

Why was Benedict XII's decree the 'worst heresy that he had ever heard'? Hitherto Ockham had observed that the heretical errors committed by John XXII stemmed from the fact that the pope, a canonist, was ignorant of theology and interpreted Scripture in a juristic way. In Ockham's eyes, the Pope *happened* to commit heretical errors due to *his* ignorance of theology.⁹ It was a contingency due to his theological incompetence. On the other hand, Benedict XII's *Redemptor noster* explicitly declared a papal monopoly over doctrinal decisions. As a result of the pope's re-definition of papal power, orthodoxy could be determined if and only if an authoritative papal definition was given. This suggested to Ockham that Benedict XII would not just *happen* to commit errors as John XXII had done. Benedict XII's explicit declaration of papal sovereignty over doctrinal issues would enable him and his successors to turn many errors contrary to Catholic truths into orthodoxy (and vice versa), and could lead to their systematic destruction.¹⁰ John XXII exercised and claimed a sovereign power that entitled him to revoke his predecessor's decrees, such as Nicholas III's *Exiit qui seminat*. But he had never decreed explicitly, as Benedict XII did, that once a question concerning a matter of faith was brought before the Apostolic See, no one was to take any position on it before a papal decision was made. Benedict XII, by contrast, distorted the definition of papal power over doctrinal decisions and, consequently, even the Christian faith became, potentially, subject to papal alteration.¹¹ *Redemptor noster* was issued on 28 November 1336. The publication of this papal bull seems to explain well why from 1337 onwards Ockham ceased to attack particular errors committed by individual popes and grappled with more general issues of papal power.

In the light of his general theory of heresy, Ockham's change of interest from papal heresy to papal power may also be grasped as a shift in his polemical concern from the question whether a particular pope

⁸ CB, iv, c. 13, pp. 263–4.

⁹ See above Chapter 1.

¹⁰ *Brev*, ii, 1, p. 111: 'Sane, sicut interdum ex uno principio vero sane intellecto veritates concluduntur innumerae, ita nonnumquam ex uno falso vel etiam vero male intellecto innumerabiles inferuntur errores, quodam sapiente testante quod, uno *inconvenienti dato*, multa sequuntur; et alibi dicitur quod *parvus error in principio* magnus est *in fine*. Quod circa potestatem papalem aestimo accidisse. Quia enim in quibusdam scripturis, quas multi tamquam autenticas venerantur, assertive scriptum habetur quod papa habet in terris plenitudinem potestatis, quidam summi pontifices appellati, verum intellectum verborum huiusmodi ignorantes, non solum ad errores, sed etiam ad iniurias et iniquitates patentissimas processerunt.'

¹¹ CB, iv, c. 9, pp. 259–60.

was a heretic to the question whether a particular proposition concerning the nature of papal power was heretical. Before 1337 had Ockham attempted to prove that John XXII and Benedict XII were heretics. Now the focus is to reject heretical errors and to assert truths concerning the nature of papal power. We have seen that Ockham re-defined heresy as failure to assent to the textual and oral sources of Christian faith.¹² Assent to, and dissent from, the textual sources of faith could be determined only in the light of exegetical analysis of the texts, and indeed the primary source of the Christian faith was the Bible. Hence, Ockham's discourse on papal power became essentially biblical and exegetical. The present and following chapters are intended to demonstrate this. In this chapter in particular, we shall see that his criticism of the contemporary doctrine of papal *plenitudo potestatis* ('fullness of power') is fundamentally an exegetical endeavour to demonstrate the correct reading of key scriptural texts, which were widely misinterpreted in a juristic fashion. Here we shall see that Ockham's opposition to the canonists' intrusion in doctrinal matters permeates his exegetical discourse on papal power. We shall also see that Ockham's lack of faith in institutions pervades his discussion. His re-definition of the maxim 'necessity has no law' results in radical advocacy of constitutional change in the Church, thereby replacing the timelessly static model of papal monarchy with a dynamic and flexible model of ecclesiastical polity.

BIBLICAL EXEGESIS AND PAPAL POWER

Ockham discusses papal power in a number of works. III *Dialogus* I is perhaps the most systematic and comprehensive treatment of papal government. Like I *Dialogus*, it is an encyclopaedic, impersonal discussion of papal power, in the form of a dialogue between the Master and the Disciple. Ockham's last polemical work, *De imperatorum et pontificum potestate*, in contrast, is an emphatic assertion of the nature and purpose of papal power, a direct criticism of the current pope's actions as being beyond his power, and a warning of their potential danger to Christendom. *Breviloquium de principatu tyrannico* challenges what Ockham considers to be the prevalent erroneous view of papal power in order to prove the independence of imperial power from papal power. Although he discusses papal power in various works, including some other short works,¹³ the underlying assumption is clear: the contemporary erroneous conception of papal power is rooted in a misunderstanding of

¹² Above pp. 77–88.

¹³ See for example, *AP*, cc. 1–6, pp. 229–52; *OQ*, i, 2, p. 15.

papal *plenitudo potestatis*.¹⁴ Accordingly, his account of papal power always starts with the rejection of this erroneous understanding of papal *plenitudo potestatis*.

This idea had a long history.¹⁵ It first emerges in Pope Leo I's letter to Bishop Anastasius of Thessalonica. As his own spiritual responsibility is too burdensome, the pope calls on the bishop to share in the special duties of the papal office. 'For we have granted our office to you in such a way that you are called to a share of the responsibility (*in partem . . . sollicitudinis*), not to the fullness of power (*non in plenitudinem potestatis*).'¹⁶ When he wrote this, Leo I was not distinguishing the authority of the pope from that of other bishops. He was simply confirming in his private correspondence to Bishop Anastasius that the bishop's 'own "share of the responsibility" was constantly subject to papal control and supervision', and the bishop 'should consider himself as a mere executive instrument of the pope'.¹⁷ However, when Pope Gregory IV (828–44) used the expression *plenitudo potestatis* along with its twin expression *pars sollicitudinis*, he established the principle that 'the Roman Church has conferred its "office" on the entire episcopate of Latin Christendom, rather than on a single papal vicar'.¹⁸ Unlike Leo I, who writes personally by using the first person plural and the second person singular, Gregory IV writes impersonally of the juridical relationship between the Roman Church and other churches.¹⁹ From the eleventh century onwards, the legal formulation of the two concepts was refined by

¹⁴ See above n. 10. Cf. *Brev.* ii, i, pp. 110–11; *IPP*, c. 1, pp. 282–4.

¹⁵ See, for example, R. L. Benson, *The Bishop-Elect. A Study in Medieval Ecclesiastical Office* (Princeton, N.J., 1968); Benson, 'Plenitudo Potestatis: Evolution of a Formula from Gregory IV to Gratian', *Studia Gratiana* 14 (Collectanea Stephan Kuttner 4) (1967), pp. 193–217; Buisson, *Potestas und Caritas*; A. Hof, "'Plenitudo potestatis" und "imitatio imperii" zur Zeit Innocenz III', *Zeitschrift für Kirchengeschichte* 66 (1954–5), pp. 39–71; G. Ladner, 'The Concepts of "Ecclesia" and "Christianitas" and Their Relation to the Idea of Papal "Plenitudo Potestatis" from Gregory VII to Boniface VIII', *Miscellanea Historiae Pontificiae* 18 (1953), pp. 49–77; W. D. McCready, 'Papal *Plenitudo Potestatis* and the Source of Temporal Authority in Late Medieval Papal Hierocratic Theory', *Speculum* 48 (1973), pp. 654–74; McCready, 'Papalists and Anti-papalists: Aspects of the Church–State Controversy in the Late Middle Ages', *Viator* 6 (1975), pp. 241–73; J. Rivière, 'In partem sollicitudinis . . . Evolution d'une formule pontificale', *Revue des Sciences Religieuses* 5 (1925), pp. 210–31; Tierney, *Foundations of the Conciliar Theory*; J. A. Watt, *The Theory of Papal Monarchy in the Thirteenth Century. The Contribution of the Canonists* (London, 1965); Watt, 'The Use of the Term *Plenitudo Potestatis* by Hostiensis', in Stephan Kuttner, ed., *Monumenta Iuris Canonici: Subsidia (Proceedings of the Second International Congress of Medieval Canon Law* (Vatican City, 1965), pp. 161–87; and Wilks, *The Problem of Sovereignty*.

¹⁶ As cited and translated in Benson, 'Plenitudo Potestatis', p. 198. See *Epistola* 14, c. 1 (*PL* 54, 671): 'Vices enim nostras ita tuae credidimus charitati, ut in partem sis vocatus sollicitudinis, non in plenitudinem potestatis.'

¹⁷ Benson, 'Plenitudo Potestatis', p. 199. See also Rivière, 'In partem sollicitudinis', p. 214.

¹⁸ Benson, 'Plenitudo Potestatis', p. 202.

¹⁹ *Ibid.*, pp. 200–2. See also Rivière, 'In partem sollicitudinis', pp. 215–18.

canonists, and finally *plenitudo potestatis* was defined by Gratian as ‘ubiquitous jurisdiction pertaining to the “ordinary judge of all”’, whereas *pars sollicitudinis* was defined as ‘a derivative form of jurisdiction’.²⁰ The ‘derivational’ character of the *pars sollicitudinis* illustrates the fact that the relationship between the two concepts had become hierarchical.

Pope Innocent III inherited the papal-canonist understanding of *plenitudo potestatis*. According to him, *plenitudo potestatis* could mean either the pope’s ordinary jurisdiction over the Church or the papacy’s reserve of absolute power apart from the regular exercise of its ordinary jurisdiction.²¹ It was around the middle of the thirteenth century that theologians adopted the papal-canonist idea of papal *plenitudo potestatis*. Bonaventure argues that *plenitudo potestatis* has a threefold meaning. Firstly, the pope alone embraces the fullness of authority that Christ conferred on the Church; secondly, the pope has ubiquitous power over the Church; and thirdly, all authority derives from the pope.²² According to Bonaventure, to have *plenitudo potestatis* is to have both the sacramental power and the juridical power of excommunication.²³ Bonaventure also maintains that the pope can bypass intermediary ecclesiastical offices to exercise his power.²⁴ It is this point that Giles of Rome emphasises. According to him, the pope monopolises power, ‘not in every way whatever, but he has all the power which has been communicated to the Church and which is in the Church’.²⁵ Giles reiterates the Bonaventuran thesis that the pope has *plenitudo potestatis* because whatever he can do with other ecclesiastics he can do without

²⁰ Benson, ‘Plenitudo Potestatis’, p. 215.

²¹ *Ibid.*, pp. 196–7. See also Hof, ‘“Plenitudo Potestatis”’.

²² Bonaventure, *Quare Fratres Minores praedicant et confessiones audiant?*, in *Opera omnia* 8, p. 375: ‘Triplex est autem huius potestatis plenitudo, scilicet quod ipse Summus Pontifex solus habet totam plenitudinem auctoritatis, quam Christus Ecclesiae contulit – et quod *ubique* in omnibus ecclesiis habet illam sicut in sua speciali sede Romana – et quod *ab ipso manat* in omnes inferiores per universam Ecclesiam omnis auctoritas, prout singulis competit eam participari, sicut in caelo ab ipso fonte totius boni, Christo Iesu, fluit omnis gloria Sanctorum, licet eam differenter singuli participant pro capto suo.’

²³ Bonaventure, *Commentarius in quartum librum Sententiarum*, dist. 18, p. 2, a. 1, q. 3, p. 489.

²⁴ Bonaventure, *Commentarius in secundum librum Sententiarum*, dist. 44, dubia 2, in *Opera omnia* 2, p. 1015: ‘Dicendum, quod dupliciter est loqui de potestate superiori et inferiori: aut ita, quod potestas inferior *totaliter fluit a potestate superiori*, ad quam ordinatur, sicut potestas curatoris a potestate proconsulis, et potestas proconsulis a potestate imperatoris; et tunc verum est quod dicit, quod standum est magis potestati superioris quam inferioris. Aut illae potestates ita se habent, quod *ambae fluunt a superiori*, et in casibus determinatis una praesupponit alteram, et illa tertia plenum *posse* habet super utramque, sicut potestas episcopi et archiepiscopi a potestate Papae, qui *plenam* habet potentiam super utrumque; et tunc non est generaliter verum, quod magis oporteat obedire potestati superiori quam inferiori, utpote potestati archiepiscopi quam episcopi, quia unus est praelatus immediatus, alter mediatius.’

²⁵ Giles of Rome, *On Ecclesiastical Power*, trans. R. W. Dyson (Woodbridge, 1986), p. 190.

them.²⁶ For James of Viterbo, the concept of papal *plenitudo potestatis* is wider. According to him, the proposition 'the pope has *plenitudo potestatis*' has a sixfold meaning. The pope has *plenitudo potestatis*, first, in that no one in the Church is exempt from subjection to him; secondly, in that every power, spiritual or temporal, which is given to man by God for the government of the faithful is concentrated in the power of the pope; thirdly, in that every power within the Church derives from the power of the pope; fourthly, in that no other human power exceeds the power of the pope; fifthly, the pope has *plenitudo potestatis* in that his power is not restricted by any other human power; on the contrary, the power of the pope restricts all other human powers. Finally, the pope's *plenitudo potestatis* means that the power of the pope is not restricted by the order established by itself; rather, the pope can, if appropriate, take an extraordinary course of action beyond the law and order established by him.²⁷

In the light of the above brief survey of the idea of *plenitudo potestatis*, it is clear that Ockham's definition of papal *plenitudo potestatis* is peculiarly narrow. What Ockham considers to be an erroneous understanding of papal *plenitudo potestatis* is the idea that 'the pope has *plenitudo potestatis* from Christ in such a way that in matters both temporal and spiritual he can do by right all things not against natural or divine law'.²⁸ Ockham's discourse on papal *plenitudo potestatis* is focused exclusively on this definition. This forms an intriguing contrast to the fact that Marsilius enumerates as many as eight modes of the meaning of *plenitudo*

²⁶ Giles of Rome, *De ecclesiastica potestate*, ed. Richard Scholz (Weimar, 1929), iii, 9, pp. 190–5.

²⁷ James of Viterbo, *De regimine christiano*, ii, 9, in H.-X. Arquillière, *Le plus ancien traité de l'Eglise* (Paris, 1926), p. 273: 'Ut autem de modo huius plenitudinis dicatur summarie, sciendum est quod potentia summi pontificis et Christi vicarii plena dicitur, primo quia ab hac potentia nullus ad ecclesiam militantem, qualitercumque pertinens, excipitur; sed omnis homo in presenti ecclesia existens ei subicitur. Secundo, quia omnis potestas ad gubernationem fidelium a Deo ordinata et hominibus data, sive spiritualis sive temporalis, in hac potestate comprehenditur. Tertio, quia omnis potestas in ecclesia ab hac potestate derivatur et ad eam ordinatur, sicut supra declaratum est; quia ipsa principium est et finis cuiuslibet potestatis, et ideo quilibet potestas humana ei iure subditur. Quarto, quia a nulla potestate humana exceditur vel superatur; sed ipsa omnem potestatem excedit et superat. Quinto, quia a nulla alia potestate puri hominis limitatur aut ordinatur aut iudicatur, sed ipsa alias limitat, ordinat et iudicat. Sexto quia ordini potestatum aut legibus ab ipso positus non coartatur. Potest enim agere et mediantibus aliis potestatibus et non mediantibus eis; quando viderit expedire potest etiam agere et secundum leges quas ponit et preter illas, ubi oportunitas esse iudicaverit.'

²⁸ *Brev.* ii, 1, p. 111: 'Radice ergo eorum cupiens quid producere debeat propalare, ab ista plenitudine potestatis incipiam. De qua nonnulli tenent quod papa sic habet a Christo plenitudinem potestatis, ut omnia tam in temporalibus quam in spiritualibus possit de iure, que nec iuri naturali nec legi divine repugnant, in tantum quod, quamvis quedam talia de facto precipiendo vel faciendo peccaret mortaliter, tamen facta tenerent et sibi esset obediendum de necessitate salutis.' Cf. III *Dialogus* I, i, 1, p. 772; *IPP*, c. 1, pp. 282–3; *OQ*, i, 2, p. 17.

potestatis.²⁹ Georges de Lagarde argued that Ockham's definition of papal *plenitudo potestatis* was 'thin', and therefore he concluded that Ockham obviously had not read much of the literature written by theologians in the papal camp.³⁰

Did Ockham respond to the papal camp? There is some evidence to suggest otherwise. Ockham emphasises that such an erroneous understanding of papal *plenitudo potestatis* stems from a misunderstanding of Matthew 16.19, which reads: 'I will give you the keys of the kingdom of heaven, and whatever you bind on earth will be bound also in heaven, and whatever you loose on earth will be loosed also in heaven.'³¹ Part of Book 1 of III *Dialogus* I, as well as some shorter polemical works, is devoted to criticising the view that Christ excluded nothing from the power that he conferred on Peter and his successors in Matthew 16.19; therefore, Peter and his successors have such *plenitudo potestatis* that they can do everything on earth with no exceptions.³² But such an understanding was far from commonplace among theologians. Bonaventure argues, referring to Matthew 16.19, that Christ gave *plenitudo potestatis* to Peter.³³ From this verse Bonaventure does not derive a definition of *plenitudo potestatis*; rather he simply shows that it was given to Peter. Interpreting the same verse, Thomas Aquinas understands that Christ promised to give Peter the ministerial power to remit sin.³⁴ For Aquinas, the power which Christ was referring to should be understood specifically as the power of absolution. 'Papalist' theologians did not understand this biblical verse in such a general sense as was criticised by Ockham. James of Viterbo simply reiterates Aquinas' understanding of Matthew 16.19 as Christ's promise of the Petrine commission.³⁵ Guido Terreni considers that the verse signified the superiority of

²⁹ *DP*, II, xxiii, 3, pp. 360–1.

³⁰ Lagarde, *La Naissance*, new edn, 4, p. 78.

³¹ 'Et tibi dabo claves regni caelorum et quodcumque ligaveris super terram erit ligatum in caelis et quodcumque solveris super terram erit solutum in caelis.'

³² III *Dialogus* I, i, 2, pp. 772–3; *Brev*, ii, 14, pp. 137–9; *ibid.*, iv, 1, pp. 193–8; *IPP*, c. 5, pp. 288–90; *ibid.*, c. 11, pp. 302–3.

³³ Bonaventure, *De perfectione evangelica*, q. 4, a. 3, in *Opera omnia* 5 (Quaracchi, 1891), p. 196: 'Ad illud quod obiicitur, quod illud verbum dictum fuit Apostolis, quod prius dictum fuerat Petro; dicendum, quod longe aliter dictum fuit eis et Petro. Nam Petro *divisim* et *singulariter* dictum fuit, quia in eo potestatis plenitudo erat principaliter et singulariter collocanda; aliis vero dictum fuit *simul*: *Quaecumque ligaveris* etc., quia vocati erant "in partem sollicitudinis".'

³⁴ Thomas Aquinas, *Commentum in Matthaeum et Ioannem Evangelistas*, in *Opera omnia*, 10, p. 155: 'Sed dicit, *Tibi dabo*: nondum enim erant fabricatae; res autem non potest dari antequam sit. Fabricandae autem hae erant in passione: unde in passione fuit eorum efficacia. Unde hic promisit, sed post passionem dedit, cum dixit (Joan. 21.17): "Pasce oves meas."'

³⁵ James of Viterbo, *De regimine christiano*, ii, 5, pp. 214–15: 'dixit "dabo" quia hec potestas efficaciam sortitur ex Christi passione, que adhuc futura erat quando hoc dixit.'

the pope to other bishops.³⁶ In his account of papal power in the *De iurisdictione*, Hervaeus Natalis does not even mention Matthew 16.19.³⁷ For Giles of Rome, the biblical text signifies that the Church monopolises the power of the sacrament of penance,³⁸ or that no one is exempt from ecclesiastical jurisdiction.³⁹ The generality of his interpretation of the verse concerns whom, rather than with respect to what, ecclesiastical power should bind or loose. Augustinus Triumphus understands Matthew 16.19 as signifying that Christ actually gave (not merely promised) jurisdictional power to Peter.⁴⁰ However, he does not base his understanding of the universal jurisdictional power of the pope on the general interpretation of Christ's word 'whatever'.⁴¹ As far as I can determine, there were only two theologians who upheld a similar view to that which Ockham criticised. The Carmelite theologian and canonist John Baconthorpe expounds a general interpretation of the verse. He argues in the light of the *Decretum* and the *Decretales* that Matthew 16.19 should be interpreted in a general sense.⁴² The Franciscan François de Meyronnes derives the commission of the universal *plenitudo*

³⁶ Guido Terreni, *Summa de haeresibus*, fol. 41: 'Petrus ampliorem potestatem ligandi et solvendi habuit quam ceteri apostoli, et habet hodie summus pontifex Romanus Petri successor maiorem quam successor aliorum apostolorum et discipulorum. Quod Christus designavit, secundum Origenem, cum ait Matth. xvi Petro, 'Quodcumque solveris super terram erit solutum et in celis.' In his *Quatuor unum*, Terreni reiterated Aquinas' view that Christ promised the conferment of the power of binding and loosing on Peter. See Guido Terreni, *Quatuor unum*, p. 561.

³⁷ Hervaeus Natalis, *De iurisdictione*, ed. L. Hödl (Munich, 1959).

³⁸ Giles of Rome, *De ecclesiastica potestate*, ii, 8, pp. 78–9: 'Ergo per sacramentum baptismi, quod est directum remedium contra originale, et per sacramentum penitentie, quod est remedium contra peccatum actuale, efficeris dignus dominator et dignus princeps et possessor rerum. Et quia hec sacramenta non nisi in ecclesia et per ecclesiam tribuuntur, quia nullus potest suscipere baptismum, nisi velit se subiecere ecclesie et esse filius ecclesie, cum ecclesia sit catholica, idest universalis, sine qua salus non potest, et cum nullus recipiat sacramentum penitentie, nisi sub ecclesia et per ecclesiam, dicente domino Petro: *Quodcumque ligaveris* etc.'

³⁹ *Ibid.*, 12, p. 103: 'Non enim dixit dominus Petro: *Si hunc vel illum ligaveris super terram, erit ligatus et in celis*, sed universaliter protulit: *Quodcumque ligaveris super terram*.'

⁴⁰ Augustinus Triumphus, *Summa*, q. 45, a. 2, p. 248: 'ideo dico tibi, quia tu es Petrus, et tibi dabo claves regni coelorum. Unde non vice sua: Sed vice Dei universalem iurisdictionem [Papa] habet in toto orbe.' See Tierney, *Origins*, pp. 161–2; M. J. Wilks, 'Papa est Nomen Iurisdictionis: Augustinus Triumphus and the Papal Vicariate of Christ', *Journal of Theological Studies* 8 (1957), pp. 71–91, 256–71, at p. 87. See also Wilks, *The Problem of Sovereignty*, pp. 530–7.

⁴¹ Michael Wilks seems to suggest that Augustinus Triumphus understood the word 'whatever' to mean 'everything and everybody – "nichil excipit"'. (*The Problem of Sovereignty*, p. 170). However, I could not find any text that suggests such a general interpretation of 'whatever' in *Summa de ecclesiastica potestate* or *Lectura super Evangelium Matthaei* (British Library MS Burney 43).

⁴² Baconthorpe, *Questiones*, IV Sent., dist. 17, q. 1, a. 2, p. 423: 'Idem probatur d. 22, c. [2] Sacrosancta per illud, quod Christus soli Petro, et in singulari dixit, tu es Petrus, et quodcumque lig. etc. et sibi caelestis, et terrestres imperii iura commisit. d. 22, c. [1] Omnes, et 25, q. 1, c. [6] Sunt quidam: nota c. Significasti de elect. [=Extra, De electione, c. Significasti (I, 6, 4)]. Nec audeat quisquam dicere quod haec iura verum dicunt, ubi Papa agit per clavem scientiae, quia illimitate loquitur de eius potestate illimitata.'

potestatis that excludes nothing from Matthew 16.19. De Meyronnes stresses that Christ's word 'whatever' specified no exceptions, and the resemblance to the erroneous view that Ockham cited is quite striking.⁴³ The most likely candidate for Ockham's target may well be François de Meyronnes. We know that he was one of John XXII's *entourage*, as he served the Pope as a doctrinal consultant.⁴⁴ Yet little in Ockham's writings seems to suggest that he was well versed in the ecclesiological and political views of François de Meyronnes. So, the source of what Ockham regards as an erroneous doctrine of papal *plenitudo potestatis* remains a mystery. However, it can safely be said that Ockham was not responding to a 'papalist camp', since the view that he criticises was not a widely shared view among the 'papalist' theologians.

What should we make of this? Attention should be drawn to the fact that when Ockham criticises universal interpretations of the verse, he is singling out a legal principle of interpretation, as found in the ordinary gloss on canon law, that justified the general interpretation of Matthew 16.19. Ockham writes that 'some' maintain that Christ promised Peter such *plenitudo potestatis* that he could do everything without exception because, as the gloss reads: 'general words should include everything'.⁴⁵ In this connection, Ockham refers to Innocent III's constitution *Solite*.⁴⁶ In *Solite*, the Pope maintains that 'Christ excepted nothing from the power of Peter and his successors.'⁴⁷ Ockham expands on this papal

⁴³ François de Meyronnes, *In vincula Sancti Petri Sermo (De indulgentiis)* (unknown, 1605), f. 90r: 'Ideo videtur esse dicendum quod ille indulgentie que sic dantur ab ecclesia per modum auctoritatis: procedunt ex illa potestate quam Christus dedit beato petro quando dixit ei, Quodcumque ligaveris super terram etc. Et illud potest confirmari quadruplici ratione: Quarum scilicet prima est talis. Quando aliquis princeps committit vicario suo plenitudinem potestatis universaliter nullam ponens in commissione sua exceptionem ille potest secundum formam commissionis sibi facte in omni materia relaxare et restringere. Cum habeat potestatem universaliter sibi commissam et nullatenus coartatem. Sic autem commissa fuit potestas beato Petro distributive dicens, Quodcumque ligaveris etc. nulla facta exceptione.'

⁴⁴ P. de Lapparent, 'L'œuvre politique de François de Meyronnes, ses rapports avec celle de Dante', *Archives d'Histoire Doctrinale et Littéraire du Moyen Âge*, 15–17 (1940–2), pp. 10–11.

⁴⁵ Dist. 19, c. 1 (Si Romanorum), v. 'Dicendo' (Teutonicus, *Gl. ord.*, col. 81): 'verbo generali omnia debent comprehendendi'. Cf. dist. 55, c. 13 (Si evangelica), v. 'Excepisse' (col. 290); 1, q. 1, c. 114 (Sunt nonnulli), v. 'ab omni' (col. 556); 1, q. 3, c. 8 (Salvator), v. 'indefinite' (col. 575); 2, q. 5, c. 20 (Consulisti), v. 'superstitiosa' (col. 649); 12, q. 1, c. 2 (Dilectissimus), v. 'Et coniuges' (col. 965); 14, q. 3, c. 2 (Putant), v. 'Pecunia' (col. 1050); 28, q. 1, c. 5 (Idolatria), v. 'universalem' (col. 1536); 31, q. 1, c. 13 (Quod si dormierit), v. 'nec nobis definiendum est' (col. 1586); Extra, De maiori et obedientia, c. Solite (I, 33, 6), v. 'Non distinguens' (Bernardus Parmensis, *Glossa ordinaria in Decretales de Gregorii Papae IX* (Lyon, 1584), col. 417); v. 'Quodcumque' (col. 417). Incidentally, François de Meyronnes did not appeal to this gloss in his sermon cited above.

⁴⁶ Extra, De maiori et obedientia, c. Solite (I, 33, 6), cols. 196–8.

⁴⁷ *Short Discourse*, p. 20; *Brev*, ii, 2, p. 112: 'Innocentius III . . . ait: Dixit Dominus ad Petrum, et in Petro dixit ad successores: "Quodcumque ligaveris super terram, erit ligatum et in celis", vere nichil excipiens,

view, whilst offering brief comments on other possible arguments in support of the universality of papal power.⁴⁸ The fact that the papal understanding of the scriptural text attracted Ockham's attention appears to contain the clue to explaining what he intended when he criticised such general (and therefore erroneous) interpretations. Contrary to the conventional belief, he is probably not responding to any theologian in the papal camp. Rather, he is demonstrating that interpreting Scripture in the light of a legal principle is erroneous. If we remember that, in *I Dialogus*, Ockham lamented the fact that not since Innocent III had there been a pope who was versed in Scripture,⁴⁹ it may be possible to assume that, faced by Pope Benedict XII's erroneous view of the papal power over doctrinal decision-making, Ockham examined canon-law texts relating to the nature of papal power in a theological light. In so doing, perhaps he discovered in Innocent III's *Solite* that a legal interpretation of Matthew 16.19 justifies the universal jurisdictional power of the pope. Just as he criticises John XXII's juristic misinterpretation of Scripture relating to Franciscan poverty, so Ockham opposes such a legal interpretation of Matthew 16.19, thereby once again challenging the infiltration of law into theology. Ockham's discourse on papal *plenitudo potestatis*, then, can be characterised as an attempt to rescue the theological meaning of Matthew 16.19 from its legalistic (and therefore erroneous) interpretation. Indeed, he did not write *III Dialogus* I for a theological readership alone; he took care to make the work comprehensible and accessible to lawyers. When discussing the Aristotelian categorisation of political communities, Ockham's 'Disciple' asks the Master for further explanations because lawyers and those who have not studied moral philosophy may be unfamiliar with these terms.⁵⁰ Clearly Ockham is addressing the discourse on papal government to lawyers and those who do not have formal training in moral philosophy. This outlook parallels his criticism of John XXII's legalistic interpretation of the Bible and *Exiit qui seminat*. Arguably, Ockham's

qui dixit: "quodcumque ligaveris" etc., quibus verbis datur intelligi quod secundum Innocentium Christus a potestate Petri et successorum eius nichil exceptit.' Cf. *Brev.* ii, 15, pp. 139–42; *III Dialogus* I, i, p. 772.

⁴⁸ *Ibid.*, 3–4, pp. 773–5.

⁴⁹ *I Dialogus* ii, 28, p. 432. See above Chapter 2.

⁵⁰ *III Dialogus* I, ii, 3, p. 792, '*Discipulus*: Quia superius Aristotelem allegasti in Politicis et etiam Ethicis, et es inferius forsitan allegaturus compluries, qui pluribus vocabulis utitur, quorum significationes puris Iuristis et aliis qui in Philosophia morali minime studuerunt, sunt ignota. Ideo ut tractanda melius intelligantur ab illis, significationes aliquorum huiusmodi vocabulorum studeas explicare, una cum hoc (sub brevi compendio) quis et qualiter secundum intentionem Aristotelis in Politicis et Ethicis debeat aliis principiari, prout alii qui ipsum intelligunt, exponunt.'

ideological position before 1337 – a theologian in opposition to the canonists – remained the same after 1337.

This continuity of his outlook may be verified to a certain extent by Ockham's way of interpreting Matthew 16.19: he employs the same exegetical method as in the *Opus nonaginta dierum*. Ockham denies the pope's regular power over temporal matters and, when demonstrating this, he attempts to understand the verse in a limited sense by maintaining that Christ's word 'whatever' allowed for some exceptions.⁵¹ To show this, Ockham applies his own exegetical method, which he elaborated in the *Opus nonaginta dierum*, manifesting his opposition to the pope's juristic understanding of Scripture. According to this method, the meaning of scriptural testimonies must be determined as specifically as possible by regarding the Bible as an aggregate of cross-references. An implicit or general statement in Scripture ought to be understood by reference to other testimonies found elsewhere therein.⁵² Ockham thus argues that, although the words 'whatever you bind . . .' are expressed in a general manner, exceptions to them are indicated elsewhere in the Bible.⁵³ For instance, Ockham frequently refers to II Timothy 2.4: 'No one fighting for God gets entangled in secular affairs.'⁵⁴ This is considered to mean either that the pope should not exercise the power given him by Christ in relation to temporal matters except in a case of necessity,⁵⁵ or that the pope does not have *plenitudo potestatis* in temporal matters.⁵⁶ Involvement in secular matters was incompatible with the life led by the apostles. Papal power was restricted to spiritual matters.

Another of Ockham's favourite verses is Matthew 20.25–7: (Jesus called the apostles to him and said) 'You know that the rulers of the

⁵¹ *Ibid.*, i, 2, pp. 772–3; *Brev.* ii, 14, pp. 137–9; *ibid.*, iv, 1, pp. 193–8; *IPP*, c. 5, pp. 288–90; *ibid.*, c. 11, pp. 302–3. Ockham's approach to Matthew 16.19 is somewhat reminiscent of Dante's. Dante questions whether the universal sign 'whatever' (*quodcunque*) should be taken in an absolute sense (Dante, *De monarchia*, iii, 8, pp. 715–17). Dante's solution is to appeal to referential logic. He enquires into the range of reference of the word 'whatever'. He concludes that 'the universal sign which is contained in "whatsoever" is limited in its reference to the office of the keys of the kingdom of heaven'. (Dante, *Monarchy*, p. 77; *De monarchia*, iii, 8, p. 717: 'Et sic signum universale quod includitur in "quodcunque" contrahitur in sua distributione ab officio clavium regni celorum.') From this, he argues that Peter and his successors cannot bind and loose the decrees or laws of the empire (*De monarchia*, iii, 8, p. 717).

⁵² *OND*, c. 104, p. 768: 'ex locutionibus multiplicibus seu ambiguis nude sumptis numquam potest concludi determinatus sensus; sed quando tales locutiones inveniuntur in scripturis, ex locis aliis scripturam oportet sensus trahere veritatis. Et ideo quando invenitur in scripturis divinis quod talis res est talis, vel quod talis habuit talem rem, vel aliqua huiusmodi locutio ambigua reperitur, ex aliis locis scripturae divinae oportet elicere sub quo sensu debet intelligi.'

⁵³ *Brev.* ii, 19, pp. 150–5. Ockham refers to Matt. 20.25–8, Luke 9.55 and John 8.3–5.

⁵⁴ II Tim. 2.4: 'Nemo militans Deo implicat se negotiis saecularibus.' Cf. *Brev.* ii, 7, pp. 122–4; III *Dialogus* I, i, 9, pp. 780–1; *IPP*, c. 1, p. 283; *ibid.*, c. 2, p. 285; *OQ*, i, 4, p. 23; *ibid.*, iv, 3, p. 129.

⁵⁵ Cf. II, q. 1, c. 29 (Te quidem), col. 634.

⁵⁶ III *Dialogus* I, i, 9, p. 781.

Gentiles lord it over them, and their great ones are tyrants over them. It will not be so among you; but whoever wishes to be great among you must be your servant, and whoever wishes to be first among you must be your slave.’⁵⁷ Power and dominion in temporal matters include the power and dominion of pagan kings, and Christ denied such power and dominion to Peter and the other apostles.⁵⁸ Therefore, the pope and other prelates of the Church must not exercise the power that pagan kings had over their subjects. Temporal matters are, in principle, considered to be outside the scope of papal authority.

The underlying assumption of Ockham’s cross-reference method of biblical interpretation is that the power of the apostles consists of what Christ’s own words and deeds revealed. Christ was perfect; however, the apostles, who were human, could not know the perfection of Christ in its entirety, but only through concrete examples of his words and deeds.⁵⁹ Hence, Ockham’s cross-reference method discerns the powers of the apostles as a set of Christ’s specific commands to them. Ockham relied on Aristotelian logic. According to Aristotle, act (*actus*) is prior to potency (*potentia*), because potency is defined by act, and not vice versa.⁶⁰ The application of this Aristotelian principle to ecclesiological discourse was not unprecedented. Thomas Aquinas employed it in order to define the power of the keys. He argued that because the keys are some kind of power, this power ought to be defined by its act or use. The use of spiritual power, however, does not serve to open heaven, because it is already open, but rather is concerned with opening it to the person concerned. Thus the keys are defined as the power to exclude the unworthy from, and to receive the worthy into, the kingdom of heaven.⁶¹

⁵⁷ Matt. 20.25–7: ‘Iesus autem vocabit eos ad se et ait, “Scitis, quia principes gentium dominantur eorum, et qui maiores sunt, potestatem exercent in eos. Non ita erit inter vos; sed quicumque voluerit inter vos maior fieri, sit vester minister, et qui voluerit inter vos primus esse, erit vester servus.”’ Cf. *Brev.* ii, 6, pp. 120–2; *ibid.*, 9, pp. 126–7; *ibid.*, 19, pp. 150–3; III *Dialogus* I, i, 9, p. 781; *IPP*, c. 1, p. 283; *OQ*, i, 7, p. 37; *ibid.*, iii, 4, p. 101.

⁵⁸ *Brev.* ii, 6, pp. 120–2; *IPP*, c. 1, pp. 283–4.

⁵⁹ *Brev.* iv, 1, pp. 193–8. Cf. *ibid.*, v, 8, pp. 235–9.

⁶⁰ Aristotle, *Metaphysics* 9.8. 1049b10–17, 24–26.

⁶¹ Thomas Aquinas, *Commentum in quartum librum Sententiarum*, dist. 18, q. 1, a. 1, in *Opera omnia*, 7–1~2 (Parma, 1858), p. 809: ‘dicendum, quod secundum Philosophum in 2 de Anima (lect. comm. 33), potentiae per actus definiuntur. Unde cum clavis sit potestas quaedam, ut dictum est, oportet quod per actum sive usum suum definiatur; et quod in actu objectum exprimat a quo speciem recipit actus; et modus agendi, ex quo apparet potentia ordinata. Actus autem potestatis spiritualis non est ut caelum aperiatur absolute, quia iam apertum est, ut dictum est; sed ut quantum ad hunc aperiatur; quod quidem ordinate fieri non potest, nisi idoneitate ejus cui aperiendum est caelum pensata; et ideo in praedicta definitione clavis, ponitur genus, scilicet *potestas*, et subiectum potestatis, scilicet *iudex ecclesiasticus*, et actus, scilicet *excludere* et *recipere* secundum duos

Papal plenitudo potestatis

In his philosophical and theological works, Ockham clarifies this. He evidently agrees with Aristotle:

Everything that is in potency is able to be in act, and every potency is a potency with respect to some act. . . . The act is . . . able to define the potency. However, the potency does not define the act. And from the fact that the potency is defined through the act and not vice versa, it follows that the act is prior by definition to that definable potency.⁶²

Ockham's concept of power (*potestas*) bears this metaphysical inscription. This is sufficiently clear in his definitions of various terms including *usus iuris*, *usus facti*, *ius utendi* and *dominium*. When he discusses these terms in the *Opus nonaginta dierum*, he has in mind three key concepts: *actus*, *ius* and *potestas*. *Ius* is a sub-concept of *potestas*, as *ius utendi* is defined as a type of *potestas*.⁶³ Bearing this in mind, the following statement by Ockham is illuminating: 'every *ius* is ordained to a certain *actus*'.⁶⁴ This proposition shows a striking parallel with the above proposition, 'every potency is a potency with respect to some act'. Further, *potestas* is conceptualised in close relation to *actus*; he states, for example: 'if one could not do (something) in another manner it would not be in one's *potestas* to do it in that manner',⁶⁵ or 'What is not in our *potestas*, so that we might be able to do it or might not be able to do it, is neither praiseworthy nor blameworthy'.⁶⁶ During the poverty controversy, he emphasised that the term *usus* ought to be understood in a theological sense, that is the act of using.⁶⁷ Like Aquinas, Ockham also discusses the twin concepts – act (*actus*) and power (*potestas*) – in a theological sense, the latter being interchangeable with potency (*potentia*).⁶⁸

actus materialis clavis, aperire et claudere; cuius objectum tangit in hoc quod dicit: A regno; modus autem in hoc quod dignitas et indignitas in illis in quos actus exercetur, pensatur.'

⁶² *Quodlibetal Questions*, trans. Alfred J. Freddoso and Francis E. Kelley, 2 vols. (New Haven, Conn., and London, 1991), 2, p. 569; *Quodlibeta septem*, vi, 24, in *OTH*, 9, p. 675: 'sed omne quod est in potentia potest esse in actu et omnis potentia est respectu alicuius actus potentia . . . tamen actus potest definire potentiam, sed potentia non definit actum. Et ideo ex hoc quod potentia definitur per actum et non e converso, sequitur quod actus est prior definitione ipsa potentia definibili.'

⁶³ *OND*, c. 2, p. 302. See above Chapter 1. On Ockham's definition of right as power, see Villey, *La Formation de la pensée juridique moderne* and 'La genèse du droit subjectif'; and Tierney, *The Idea of Natural Rights*.

⁶⁴ *OND*, c. 62, p. 569: 'Quia omne ius ad actum aliquem ordinatur.'

⁶⁵ *Ibid.*, c. 95, p. 723: 'si non posset aliter facere, non esset in potestate eius aliter facere.'

⁶⁶ *OND*, c. 95, p. 723: 'Sed illud, quod non est in nostra potestate, ut possimus illud facere et non facere, non est laudabile neque vituperabile.'

⁶⁷ See above Chapter 1.

⁶⁸ Wilhelm Kölmel argues that *potestas* meant to Ockham 'the primary right in the framework of positive law and legislative possibility' (Kölmel, 'Das Naturrecht bei Wilhelm Ockham', p. 44). Ockham's concept of *potestas*, however, does not seem to me to be confined to such a legal

The reduction of power to a set of acts in order to define that power may also be grasped as an application of what A. S. McGrade called Ockham's 'logical individualism'. McGrade wrote that 'the goal of much of Ockham's work on logic was the discovery of equivalences between propositions containing universals or general terms [which McGrade called general propositions] and propositions whose content is specified by singular or discrete terms [which McGrade called individual propositions]'.⁶⁹ For instance, when he examines the truth-value of a statement about the power which was entrusted to Peter by Christ, Ockham reduces that proposition into a set of propositions which specifically indicate what Christ commanded or allowed Peter or the apostles to do. Accordingly, for example, when he examines what power was entrusted to Peter by Christ's words 'Feed my sheep', Ockham maintains that 'Christ's saying "Feed my sheep" should . . . be understood of that way of feeding which Christ is known to have taught by word and example, since he gave the apostles an example that they should follow in his footsteps'.⁷⁰ Thus Ockham goes on to enumerate a number of Christ's specific commands and recommendations. For example, Christ forbade his apostles and disciples to have the means of feeding those to whom they were preaching.⁷¹ To show this, Ockham refers to some biblical texts.⁷² If the apostles and disciples had anything set aside for their own use, however, they were to feed the poor from that if necessary.⁷³ Again, to demonstrate this, Ockham refers to a few scriptural verses.⁷⁴ In this way, Peter's power of feeding is reconstructed from a series of Christ's words and deeds relating to ways of feeding. Therefore Ockham's rejection of papal universal dominion is not an exegetical attempt to find exceptions. It is rather a logical endeavour to define the meaning of a verse as specifically as possible in the light of relevant, explicit texts in Scripture.

LEX CHRISTIANA EST LEX LIBERTATIS

So far we have seen that Ockham defines papal power analytically as a set of approved and prohibited acts, thereby drawing a line between

meaning. Jürgen Miethke was right in suggesting that 'possibility (*Möglichkeit*)' was a possibly accurate meaning of the term (Miethke, *Ockhams Weg*, pp. 474–5).

⁶⁹ McGrade, 'Ockham and the Birth of Individual Rights', p. 153.

⁷⁰ *Short Discourse*, p. 107; *Brev*, iv, 1, p. 195: 'Verbum ergo illud Christi: *Pasce oves meas* intelligi debet de illo modo pascendi, quem Christus verbo et exemplo noscitur docuisse, qui exemplum dedit Apostolis, ut sequerentur vestigia eius.'

⁷¹ *Brev*, iv, 1, p. 196.

⁷² Matt. 10.9; Mark 6.8; Luke 9.3; Luke 10.4.

⁷³ *Brev*, iv, 1, p. 196.

⁷⁴ Acts 4.34ff.; Acts 5.1ff.; Acts 6.2–4.

what the pope can and cannot do. Next he appeals to a biblical maxim that shows the boundary that it cannot transgress. We have already seen that he appeals to II Timothy 2.4 when arguing that papal regular power does not extend to temporal matters.⁷⁵ But Ockham also argues that not everything is possible for the pope even in the spiritual sphere, with recourse to the following proposition: ‘the Christian law is a law of liberty (*Lex christiana est lex libertatis*)’. He contrasts the Christian law with the Old Law, which was a law of servitude. He maintains that, if the pope has such *plenitudo potestatis* that he could do everything that was not contrary to divine or natural law, then he would have the power from Christ to impose much heavier burdens on believers concerning spiritual matters than the Old Law had done – such as cultic practices, vigils, fasting and many other activities. Eventually, the Christian law would become a law of unbearable servitude.⁷⁶

Ockham appeals frequently to the proposition ‘Christian law is a law of liberty.’⁷⁷ This proposition was not Ockham’s invention. It originates in the *Glossa ordinaria* on James 1.25 (‘But those who look into the perfect law, the law of liberty, and persevere, being not hearers who forget but doers who act – they will be blessed in their doing’).⁷⁸ Therefore it was widely known to theologians. Bonaventure and Peter Aureole mention it in their comparison between the Old and the New Law,⁷⁹ as does Nicholas of Lyra in his commentary on James 1.25.⁸⁰ Durand de St. Pourçain goes further into an exploration of the

⁷⁵ Above p. 167.

⁷⁶ *Brev*, ii, 3–4, pp. 113–16; *Brev*, ii, 17–18, pp. 146–50; *IPP*, c. 1, pp. 283–4; *IPP*, c. 3, pp. 286–7; *III Dialogus* I, i, 5–8, pp. 776–86. Cf. *OQ*, i, 6, pp. 29–33; *CB*, vi, 4, pp. 275–7.

⁷⁷ See previous note.

⁷⁸ *Biblia sacra cum Glossa ordinaria*, 6 vols. (Antwerp, 1617), 6, col. 1273: ‘In lege perfecte: ★ Beda Legem perfectae libertatis, gratiam vocat Evangelii, quae perfecte liberos facit a servitute timoris.’

⁷⁹ Bonaventure, *Commentarius in secundum librum Sententiarum*, dist. 44, a. 3, in *Opera omnia* 2, p. 1011: ‘Ad illud quod obiicitur, quod lex Evangelica est lex perfectae libertatis; dicendum, quod ideo dicitur lex perfectae libertatis, quia liberat a servitute praevaricationis, sive etiam a servitute Legis, dum in ea datur spiritus caritatis, qui est spiritus libertatis secundum id quod dicit Apostolus ad Romanos octavo: *Non accepistis spiritum servitutis iterum in timore, sed spiritum adoptionis filiorum*; et ideo ex hoc non sequitur, quod homo, qui est sub lege Evangelii, sit liberatus a servitute terreni domini;’ Peter Aureole, *Commentarius in quartum librum Sententiarum*, dist. 2, a. 1, p. 36: ‘Secundo, [Lex Nova] est lex libertatis, secundum Apostolum, et ideo debet esse usui facillima, et per consequens facillima Sacramenta, quae in Lege veteri erant difficillima, unde reconciliatio fiebat cum difficultate magis, nam oportebat animalia interficere, et sanguinem aspergi in faciem, et alia multa, quae erant gravissima ad servandum.’

⁸⁰ Nicholas of Lyra, *Postilla super totam Bibliam* (Cologne, 1485), ad James 1.25: ‘(qui autem perpexerit in lege perfecte libertatis) Id est in lege evangelica quae dicitur lex libertatis. Tum quia est lex amoris. Lex autem vetus fuit lex timoris. Aug. iii, li. *Contra Adimantum*, differentia legis et evangelii, timor et amor. Timor autem respicit conditionem servilem; amor autem liberam. Tum quia lex nova liberat a servitute legis veteris et onere, ut frequenter dictum est supra.’

political implications of the verse when he answers the question whether Christians are subject to secular rulers. He argues that Christian liberty ought to be understood with reference to servitude to sin and to the Old Law. Hence, he concludes that the liberty of Christian law does not make any Christian immune from subjection to secular princes.⁸¹ Polemical use of the proposition 'Christian law is a law of liberty' was not original with Ockham either. Michael of Cesena had already appealed to it in his *Appellatio in forma maiori*.⁸² Before Ockham appealed to it, then, the principle 'Christian law is a law of liberty' had already been widely accepted among theologians. Taking this into account, arguably Ockham felt confident in its theological validity and polemical force.⁸³

Ockham's understanding of the maxim, however, is slightly different from that of contemporary theologians. As we have seen, Durand de St Pourçain discusses it with reference to Christian subjection to secular – Christian or pagan – power. Ockham would not reject this, but he is more interested in its relationship to the Old Law. Peter Aureole and Nicholas of Lyra emphasise that the New Law emancipates Christians from the various ritual regulations of the Old Law. Ockham's view is more nuanced: the Christian law is a law of liberty not in the sense that a Christian is not obliged to be obedient to anyone else, but in the sense that under this law no one is subject to any kind of servitude as great as or greater than the Old Law.⁸⁴ Ockham does not say that Christians are free from all servitude under the Old Law, but only from such as is as great as or greater than that. Nor does he say that a slave

⁸¹ Durand de St Pourçain, *In Petri Lombardi Sententias*, IV Sent., dist. 43, q. 3, fol. 207: 'dicendum quod lex evangelica vocatur lex perfectae libertatis, quia liberat a servitute peccati, quae est pessima servitus, et ab omni lege veteri, quam vix unquam aliquis portare potuit: et non quia liberet a servitute civili per quam subditus tenetur obedire domino suo, cum hoc sit consonum rationi, et meritorium.'

⁸² Baluze-Mansi 3, p. 284: 'Et super illud, *Jac. primo. Qui autem perspexerit in lege perfectae libertatis*. Glos. dicit: *lex libertatis est lex Evangelica*. Ex quibus patet, quod Apostoli filii Dei per Evangelium geniti, qui nullas res temporales possidebant, sive jure proprietatis habebant, quibus Dominis temporalibus obligarentur ad tributa solvenda; nec possidere poterant, quia hoc votum nihil possidendi, sive jure proprietatis habendi potissime voverant, ut probant auctoritates superius introductae, ex lege perfectae libertatis, quae est lex Evangelica, ad tributa solvenda nullatenus tenebantur.'

⁸³ III *Dialogus* I, i, 5, p. 776; *Brev.* ii, 3, pp. 113–15; *IPP*, c. 3, p. 286; *OQ* i, 6, p. 30.

⁸⁴ III *Dialogus* I, i, 7, p. 777: 'Si enim Christiani quacunq[ue] servitute, quoad opera exteriora, tanta vel maiori, quanta fuit servitus veteris legis, per legem evangelicam tenerentur, non posset lex evangelica magis dici lex libertatis quam lex Mosaica: quantumcunq[ue] liberati essent a servitute Mosaicae legis'; III *Dialogus* I, i, 7, p. 779: 'Et ad beat. Iacobum dicitur, quod non intendit legem Christianam esse legem perfectae libertatis, ut nullus Christianus cuicunq[ue] homini sit subiectus, Christiani enim Papae sunt subiecti: et multis principibus et aliis Christianis subduntur. Sed ideo dicit eam esse legem perfectae libertatis: quia per eam religio Christiana paucis sacramentis et sacramentalibus, seu ceremonialibus ex institutione divina subiicitur.'

would be free after conversion, but rather that a slave would not have any heavier servitude imposed on him by evangelical law. What St James calls the law of perfect liberty is not the law of the most perfect liberty, which is impossible in this world.⁸⁵

When Ockham first introduces the proposition 'the Christian law is a law of liberty', in *Contra Benedictum*, he does not produce any supporting texts.⁸⁶ When appealing to it again later, he does not seem to be content with a mere reference to James 1.25, but attempts to show further biblical evidence. Christians are not forced to bear any heavier burdens than those imposed under the Old Law, for the apostles said, 'it has seemed good to the Holy Scripture and to us to impose on you no further burden than these essentials: that you abstain from what has been sacrificed to idols and from blood and from what is strangled and from fornication' (Acts 15.28–9).⁸⁷ Indeed, 'where the Spirit of the Lord is, there is freedom' (II Corinthians 3.17).⁸⁸

Nevertheless, in so arguing, Ockham appears to have encountered exegetical difficulties. The shorter polemical works never allude to such problems, but III *Dialogus* I indicates some reflection on them.⁸⁹ Ockham's Disciple argues that the statement 'Christian law is a law of liberty' cannot be found verbatim in Scripture and that some of the biblical testimonies that are used to support it mean freedom, not from servitude under the Mosaic Law, but from servitude to sin; therefore, it is impossible to prove that the Christian law liberates a believer from servitude to the pope, which all Christians are obliged to accept in order to free themselves from servitude to sin.⁹⁰ The Master answers that every authority ought to be understood to mean freedom from servitude

⁸⁵ III *Dialogus* I, i, 7, p. 779.

⁸⁶ *CB*, vi, 4, p. 275. In *CB*, Ockham uses the proposition 'the Christian law is a law of liberty' to prove that no Christian can be a slave of the pope in the sense that the pope has the power from Christ to deprive a believer of his temporal goods without a rational cause. In this context, Ockham does not contrast the Christian law with the Mosaic Law. In *CB*, 'The Christian law is a law of liberty' is a principle to regulate papal power in temporal rather than spiritual matters. As far as I know, it is the only occasion when the proposition is used in this way.

⁸⁷ Acts 15.28–9, 'Visum est enim Spiritui Sancto et nobis nihil ultra inponere vobis oneris quam haec necessaria ut abstinereis vos ab immolatis simulacrorum et sanguine suffocato et fornicatione.' See *Brev*, ii, 3, pp. 113–15; III *Dialogus* I, i, 5, p. 776; III *Dialogus* I, i, 7, p. 778; *OQ*, i, 6, p. 30.

⁸⁸ II Cor. 3.17, 'Dominus autem Spiritus est. Ubi autem Spiritus Domini ibi libertas'. See *Brev*, ii, 3, p. 114; III *Dialogus* I, i, 5, p. 776; III *Dialogus* I, i, 7, p. 778; *OQ*, i, 6, p. 30. Apart from the biblical texts that are quoted in the main text, Ockham referred also to Gal. 2.3–5; Gal. 4.31; Gal. 5.12–13. See *Brev*, ii, 3, p. 114; *IPP*, c. 3, p. 286; III *Dialogus* I, i, 5, p. 776; *OQ*, i, 6, p. 30. Ockham also justifies the deduction of the idea of Christian liberty from Scripture by appealing to the authority of Augustine as found in the *Decretum*, Dist. 12, c. 12 (Omnia), col. 30. Cf. *Brev*, ii, 3, p. 114; *IPP*, c. 3, p. 286; III *Dialogus* I, i, 5, p. 776; *ibid.*, I, i, 7, p. 779; *OQ*, i, 6, p. 30.

⁸⁹ III *Dialogus* I, i, 6–7, pp. 777–9.

⁹⁰ *Ibid.*, 6, p. 777.

under the Mosaic Law although only some of the scriptural authorities specify the meaning in this way.⁹¹ Ockham refers to Acts 15.19–31 to show that the freedom under discussion means freedom specifically from heavier servitude than under the Old Law. With this understanding of Scripture through the cross-referencing of biblical testimonies Ockham is attempting to undercut the Augustinian justification of the universal jurisdictional power of the pope, according to which political power is the result of divine punishment and serves as a remedy for man's sinfulness.⁹²

However, when he cites Acts 15.28 as specific evidence to show that the Christian law does not impose as great or greater burdens than the Old Law, Ockham is violating his own principle of biblical exegesis, and he is aware of the fact. The Disciple doubts whether the phrase in Acts 15.28 'to impose on you no further burden (*nihil ultra inponere vobis oneris*)' should be understood in such a general manner, and he produces canonist evidence⁹³ to demonstrate that many burdens, though not servitude under the Mosaic Law, are actually imposed on Christians. Strikingly, Ockham does not defend himself against this counter-argument by appealing to any other scriptural evidence. He simply states in an apologetic tone:

Although the apostles established various canons and enjoined many things besides those enumerated in Acts 15, they recommended nothing that their subjects had not been consulted about and did not consent to unless it concerned divine law or natural right, and was required by necessity or public utility, and could not be set aside without loss. In cases of these kinds, the pope has power now.⁹⁴

Ockham reiterates this in a simpler form: 'the apostles had no power from God over believers unless it brings benefit to the subject or the community'.⁹⁵ He indicates that the source of this idea is II Corinthians 13:8 and 10.⁹⁶

⁹¹ *Ibid.*, 7, p. 777.

⁹² On Augustinianism in papal hierocratic theory, see especially Wilks, *The Problem of Sovereignty* and McCready, 'Papal Plenitudo Potestatis'.

⁹³ Dist. 16, c. 12 (Propter); C. 12, q. 12, cc. 2 (Dilectissimis), 21 (Sint manifeste), 22 (Ex his).

⁹⁴ III *Dialogus* I, i, 7, p. 778: 'Ad hoc respondetur, quod licet Apostoli plures canones condiderint, et praeceperint multa praeter illa, quae enumerantur Actuum decimo quinto, nihil tamen praeceperunt subditis minime requisitis et non consentientibus, nisi quae erant de lege divina et iure naturali: et necessitas vel utilitas publica postulabat: et quorum praeceptio absque dispendio non poterat praetermitti: in quibus et qualibus nunc summus Pontifex obtinet potestatem.'

⁹⁵ III *Dialogus* I, i, 7, p. 779, 'Ex quibus [= II Cor. 13.8 and 10] colligitur quod Apostoli nullam potestatem habuerunt a Deo super fidelibus, nisi quae ad utilitatem subiecti vel communitatis cuiuscunque inducit.'

⁹⁶ II Cor. 13.8: 'Non enim possumus aliquid adversus veritatem sed pro veritate'; II Cor. 13.10, 'Ideo haec absens scribo ut non praesens durius agam secundum potestatem quam Dominus dedit

Papal plenitudo potestatis

The idea underpins Ockham's arguments on supererogation: the pope cannot as a general rule (*regulariter*) claim such *plenitudo potestatis* that he can, without fault on the part of believers and without a reason, enjoin on them things that are 'supererogatory'.⁹⁷ For instance, the pope can neither interfere in the marriage of a layman nor force a couple to make a vow of chastity. Otherwise, Ockham argues, evangelical law would be a law of greater servitude than the Mosaic Law. Denial of papal supererogation is the obverse of the idea that the law of Christ is a law of liberty. Just as Ockham does not suggest that believers are entirely immune from the exercise of power by the apostles, so too he does not suggest that the pope can never impose any supererogation on a believer. The pope cannot impose supererogation on a Christian regularly or simply, but he can do so in a case of necessity or utility.⁹⁸

Ockham's dictum 'the Christian law is a law of liberty' is ultimately grounded in a couple of basic assumptions: that ecclesiastical government ought to serve the general welfare of the believers, and that leaders may take extraordinary action if necessary. So, what are the theoretical foundations of these two principles? Are there any biblical warrants? We must now turn to Ockham's discourse on the purpose of papal power.

ARISTOTLE, THE BIBLE AND PAPAL MONARCHY

The idea that the Christian law is a law of liberty is, as we have seen, a passive concept of freedom: freedom from a heavier servitude than that under the Old Law. Thus Ockham hastens to show the positive aim of papal power.⁹⁹ He maintains that apostolic power was established by Christ for the advantage of its subjects except in cases of necessity. Ockham bases this argument on two biblical verses: 'I write these things while I am away from you, so that when I come, I may not have to be severe in using the authority that the Lord has given me for building up and not for tearing down' (II Corinthians 13.10),¹⁰⁰ and (Christ said to Peter) 'Feed my sheep' (John 21.17).

Ockham's use of II Corinthians 13.10 is uncommon, but not unprecedented. John of Paris had used this text to argue that ecclesiastical

mihi in aedificationem et non in destructionem.' See *Brev*, ii, 5, p. 116; *IPP*, c. 7, p. 297; III *Dialogus* I, i, 7, p. 778.

⁹⁷ *Brev*, ii, 17, pp. 146–8; *IPP*, c. 3, pp. 286–7; *IPP*, c. 5, pp. 289–90; III *Dialogus* I, i, 17, p. 787; *OQ*, i, 7, p. 35.

⁹⁸ *IPP*, c. 5, p. 290.

⁹⁹ *Brev*, ii, 5–6, pp. 116–22.; *IPP*, cc. 6–8, pp. 291–9.

¹⁰⁰ *Brev*, ii, 5, p. 116; III *Dialogus* I, i, 7, p. 778; *IPP*, c. 7, p. 297. See also above n. 96. Cf. *OQ*, i, 7, p. 36; *OQ*, i, 11, p. 46; *OQ*, iii, 4, p. 104.

government ought to serve the common good.¹⁰¹ Ockham's linkage of II Corinthians 13.10 to John 21.17 is also not unprecedented. Durand de St Pourçain argues that Peter's commission was 'not for destruction but for building up', because it was given to Peter so that he would 'feed' his sheep.¹⁰² Ockham emphasises that Peter's 'feeding' must serve the common good: Christ did not say to Peter 'Take wool from my sheep and make your clothing from it', or 'Squeeze milk from my sheep and drink it', or 'Kill my sheep and eat the meat,' but 'Feed my sheep.'¹⁰³ This mockery is probably modelled on Bonaventure, who writes that Christ told Peter to 'feed', not 'kill' or 'eat', his sheep because a shepherd feeds his sheep, not himself, by his love of Christ.¹⁰⁴ From this Ockham deduces that Christ did not intend to provide honour, profit or advantage to Peter, but required Peter to care for believers most attentively.¹⁰⁵ Papal rule was established by Christ for the common good of believers, not for the private good of the pope.

So, how should the pope serve the common good? In the *Breviloquium*, Ockham is somewhat undecided.¹⁰⁶ In *De imperatorum et pontificum potestate*, he proposes that papal rulership should involve not only the benefit and utility of believers¹⁰⁷ but also everything that is necessary for the salvation of souls and the ministry to believers, except the rights and liberties which are given by God and nature.¹⁰⁸ According to Scripture, what is ascribed to the apostolic rulership of the pope, as well as of bishops, is reading, prayer, divine ceremonies, and everything necessary to help a Christian achieve eternal life. In a nutshell, Ockham says, the pope ought to have 'care for all churches' ('sollicitudo omnium ecclesiarum').¹⁰⁹ Here Ockham is employing the language of Leo I.

¹⁰¹ John of Paris, *De regia potestate et papali*, c. 6, pp. 94–5: 'Ex quo etiam sequitur quod papa non potest ad libitum detrahare bona ecclesiarum ita quod quidquid ordinet de ipsis teneat. Hoc enim verum esset si esset dominus, sed cum sit dispensator bonorum communis in quo requiritur bona fides, non habet sibi collatam potestatem super bonis ipsis nisi ad necessitatem vel utilitatem ecclesiae communis. Propter quod dicitur II ad Corinthios XIII (10) et X (8) quod potestatem dedit Deus praelatis ad aedificationem et non ad destructionem.'

¹⁰² Durand de St Pourçain, *In Petri Lombardi Sententias*, IV Sent., dist. 19, q. 2, fol. 350v: 'semper autem sedes Petri voluit quod in articulo mortis quilibet sacerdos non praecisus ab ecclesia posset quemlibet absolvere a peccatis in absentia illius ad quem cura regulariter pertinet, et si nollet in illo casu, nihilominus posset non obstante privilegio Petri quod non fuit ei datum ad destructionem, sed ad aedificationem cum fuerit ei datum ad pascendum oves.'

¹⁰³ IPP, c. 7, p. 297. Cf. OQ, iii, 4, p. 103.

¹⁰⁴ Bonaventure, *Commentarius in Evangelium Iohannis*, in *Opera omnia* 6 (Quaracchi, 1893), p. 525. For a similar view, see Nicholas Gorran, *Commentaria in quattuor Evangelia*, f. 586v.

¹⁰⁵ IPP, c. 6, p. 291.

¹⁰⁶ Brev, ii, 20, pp. 154–5.

¹⁰⁷ IPP, c. 6, p. 291.

¹⁰⁸ IPP, c. 8, pp. 298–9.

¹⁰⁹ IPP, c. 10, p. 301. Cf. Brev, ii, 12, pp. 132–5; IPP, c. 7, pp. 295–6.

I shall discuss what Ockham considered to be the correct definition of papal *plenitudo potestatis* in Chapter 6. For now I should like to focus on Ockham's polemical strategies. Ostensibly the emphasis on ministerial rulership for the common good of believers is not new but a re-assertion of an Aristotelian idea.¹¹⁰ In Book 2 of III *Dialogus* I, Ockham extensively discusses the expediency of papal monarchy in the light of Aristotle's *Politics* and of Aristotelian terminology regarding community and rulership (*principatus*).¹¹¹ There are, he says, two types of rulership: ordered and right rulership ('temperatus et rectus principatus') and corrupt and deviant rulership ('vitiatus et transgressus principatus'). The former type, whereby one ruler governs according to his will rather than law (royal government), is the optimal form of government. He distinguishes this from tyrannical or despotic rulership: the former serves the common good while the latter does not. Under royal rulership, a ruler is not allowed to use subjects or their property at will because subjects are not slaves but free men who enjoy natural liberty. However, as the common good has priority over private good, it does not contradict the natural liberty of free men when a ruler uses his subjects rationally for the common good.¹¹² Ockham's use of Aristotelian language serves to distinguish clearly between rulership for the common good and rulership for private good.

Further, in the light of Aristotelian political thought, Ockham attempts to provide a rational foundation for papal monarchy. Although their reasons varied, scholastic political thinkers shared the Aristotelian view that monarchy is the best constitution. Thomas Aquinas argues that rule by one man is more efficient, and therefore more likely to be successful, than rule by many: first because one man can make up his mind faster than many, 'who must first reach agreement,' and secondly because 'cities or provinces which are not ruled by one man are torn by dissensions, and drift without peace'.¹¹³ In terms of ecclesiastical

¹¹⁰ Ockham's indebtedness to Aristotle in political thought is emphasised by Bayley, 'Pivotal Concepts'; Morrall, 'Some Notes on a Recent Interpretation' and Mario Grignaschi, 'L'interprétation de la Politique d'Aristote dans le Dialogue de Guillaume d'Ockham', *Liber memorialis Georges de Lagarde* (Louvain and Paris, 1970), pp. 59–72.

¹¹¹ Explicit references to Aristotle's *Politics* are found in Chapters 2, 6, 7, 9, 10, 13, 17 and 19; and *Nicomachean Ethics* in Chapters 1, 2, 6, 8, 13 and 20.

¹¹² III *Dialogus* I, ii, 6, pp. 794–5.

¹¹³ Thomas Aquinas, *De regimine principum ad regem Cypri*, i, 2, in *Aquinas: Selected Political Writings* ed. A. P. d'Entrèves, trans. J. G. Dawson (Oxford, 1965), pp. 10–13: 'manifestum est, quod plures multitudinem nullo modo conservant, si omnino dissentirent. Requiritur enim in pluribus quaedam unio ad hoc, quod quoquo modo regere possint: quia nec multi navem in unam partem traherent, nisi aliquo modo coniuncti. Uniri autem dicuntur plura per appropinquationem ad unum. Melius igitur regit unus, quam plures ex eo quod appropinquant ad unum. Hoc etiam experimentis apparet. Nam provinciae vel civitates, quae non reguntur ab

government in particular, Durand de St Pourçain, for example, argues that it is rational that the pope should have *plenitudo potestatis* and primacy over all other ecclesiastics, because, according to Aristotle's *Politics*, rule by one is best.¹¹⁴ Like Aquinas, Ockham emphasises the efficiency of monarchical government. Ockham stresses that monarchical rulership is efficient in five aspects. First, it is easier to get access to one ruler than to many. Secondly, it is easier for one ruler to do justice and evade dangers than for many. Thirdly, it is easier to correct one man than many if his conduct becomes deviant. Fourthly, no large community can be ruled well without many counsellors, but still it is better if one rules the others and can arrange the time and place of councils. Finally, one man can deal with more affairs in more ways and with less labour than many.¹¹⁵ A. S. McGrade was right to argue that in Ockham's discourse on monarchy efficiency is 'the keynote'.¹¹⁶ Efficiency is the rational foundation of papal monarchy and, in this respect, Ockham appears traditional. Ockham's idea of ministerial rulership for the sake of the common good of believers is shaped ultimately within the framework of Aristotelian political philosophy.

However, Roberto Lambertini argued that Aristotle was, in Ockham's eyes, a philosopher who did not offer any comprehensive solution to political problems, but rather a tool for thinking through political issues. According to Lambertini, Ockham uses Aristotle's *Politics* not as a source for some specific political claims, but as a reservoir of political arguments.¹¹⁷ To put it another way, as he wrote III *Dialogus* I with a copy of Aristotle's *Politics* at hand, Ockham was contemplating various political solutions, rather than appealing to the authority of Aristotle, in order to establish his political opinions.

Lambertini's observation is strengthened by the clear contrast we can see in the style of Ockham's discourse between III *Dialogus* I and the shorter polemical works. III *Dialogus* I elaborates on the expediency of papal monarchy with reference to Aristotelian political science, whereas

uno dissentionibus laborant, et absque pace fluctuant.' See also Jean Dunbabin, 'Aristotle in the Schools', in Beryl Smalley, ed., *Trends in Medieval Political Thought* (Oxford, 1965), pp. 65–85.

¹¹⁴ Durand de St Pourçain, *In Petri Lombardi Sententias*, IV Sent., dist. 24, q. 5, fol. 362v: 'sed super totam provinciam in quibusdam casibus, super omnes denique Papa collocatur, penes quem residet plenitudo et primitiae huius potestatis, et hoc est rationabile, quia optimum regimen unius multitudinis est quando regitur per unum supremum a quo descendit auctoritas regendi in medios et usque ad infimos, et propter hoc regimen est optima politia secundum Phil. 2, Politic.'

¹¹⁵ III *Dialogus* I, ii, 18, pp. 803–4.

¹¹⁶ McGrade, *The Political Thought*, p. 161.

¹¹⁷ Roberto Lambertini, 'Wilhelm von Ockham als Leser der *Politica*. Zur Rezeption der politischen Theorie des Aristoteles in der Ekklesiologie Ockhams', in Jürgen Miethke, ed., *Das Publikum politischer Theorie in 14. Jahrhundert* (Munich, 1992), pp. 207–24.

the shorter polemical pamphlets rarely discuss papal government using Aristotelian language, but rather employ biblical language. For instance, Ockham states in the *Breviloquium* that the idea of papal rulership can be warranted by Aristotle's authority; however, his arguments are far more heavily reliant upon the Bible and the Fathers.¹¹⁸ In *De imperatorum et pontificum potestate* he argues that the despotic rulership that Christ prohibited to the apostles was what Aristotle called the government of slaves, and he maintains that the nobler the subjects are, the nobler the government.¹¹⁹ In spite of such apparent affinity with Aristotle, even the term 'common good (*bonum commune*)' is entirely absent from the work. In fact, Ockham's discourse is distinctively biblical. For example, he refers to Luke 22.25–7:

(Christ) said to the apostles The kings of the Gentiles lord it over them; and those in authority over them are called benefactors. But not so with you; rather the greatest among you must become like the youngest, and the leader like one who serves. For who is greater, the one who is at the table or the one who serves? Is it not the one at the table? But I am among you as one who serves.¹²⁰

Ockham's interpretation of this verse is that pagan kings rule slaves, not free men; however, the apostles were prohibited by Christ to treat their subjects as slaves. The apostles were to rule not for their own temporal utility or glory but for the utility of their subjects by truly serving and ministering.¹²¹ To strengthen his case, he overwhelms the reader with scriptural references.¹²²

Biblical language might be considered more comprehensible and accessible to Christians, educated or uneducated, whereas Aristotelian language was more academic, and thereby less accessible to a general readership. Nonetheless, it would be incorrect to argue that Ockham's frequent use of biblical language in his pamphlets merely serves his

¹¹⁸ *Brev*, ii, 5, pp. 116–20. Ockham refers to, and paraphrases, II Cor. 13.10 and John 21.17 as well as Augustine's sermon on John c. 10 and *De civitate Dei*, xix, 19, while commenting briefly on Aristotle's *Politics*, iii, 6, 1278 b38–1279 a 21.

¹¹⁹ *IPP*, c. 7, p. 294.

¹²⁰ Luke 22.25–7: '[Christus] dixit autem eis, "Reges gentium dominantur eorum et qui potestatem habent super eos benefici vocantur. Vos autem non sic, sed qui maior est in vobis fiat sicut iunior et qui praecessor est sicut ministrator. Nam quis maior est qui recumbit an qui ministrat? Nonne qui recumbit? Ego autem in medio vestrum sum sicut qui ministrat." ' Cf. *IPP*, c. 7, p. 294; III *Dialogus* I, i, 9, p. 781; *OQ*, i, 7, p. 37.

¹²¹ *IPP*, c. 7.

¹²² Matt. 20.25–8 (see above n. 57); Mark 10.42–5 (cf. III *Dialogus* I, i, 9, p. 781; *OQ*, i, 7, p. 37); I Pet. 5.3, 'neque ut dominantes in cleris sed formae facti gregi et ex animo' (cf. *IPP*, c. 7, p. 295; III *Dialogus* I, i, 9, p. 782; *OQ*, i, 7, p. 37; *OQ*, i, 18, p. 66; *OQ*, iii, 4, p. 103; *OQ*, vii, 4, p. 173; *OQ*, viii, 6, p. 202); Matt. 23.11, 'qui maior est vestrum erit minister vester' (cf. III *Dialogus* I, i, 9, p. 781; III *Dialogus* I, iv, 7, p. 855; *OQ*, i, 7, p. 37).

polemical purposes, while in the *Dialogus* he elaborates the theory of papal ministerial rulership in the light of Aristotelian political science. The truth is that Ockham in the *Dialogus* is reading Aristotle's *Politics* in the light of Scripture. Biblical language is the language through which he discusses papal government. To understand this requires an analysis of Ockham's discourse on the Petrine Commission. Before turning to this in [the next chapter](#), however, we need to examine another instance of how Ockham used the Bible in his appeal to the canonist principle: necessity has no law.

NECESSITY HAS NO LAW

The second half of Book 2 of III *Dialogus* I is highly problematic. In it, Ockham discusses whether it is expedient for the community of believers to be able to change the form of ecclesiastical government in cases of necessity. His answer to this question is 'yes'. If the common utility demands, it is possible for the Church to establish another form of rulership. III *Dialogus* I offers us a clear picture. In cases of necessity, it is possible to establish patriarchs or primates (though non-apostolic) instead of a single pope, who does not have any superior in the Church as long as it is expedient for the community of believers. 'If the pope and cardinals became heretics and the Romans supported them or would not elect a Catholic as highest pontiff . . . it would be permissible for any province, and for as many provinces and regions as agreed in wishing it, to elect for themselves one primate to preside over everyone else in spiritual cases.'¹²³ It would also be licit to do so if the apostolic see were vacant because of papal heresy or discord during a papal election.¹²⁴ To Ockham, a change in the form of ecclesiastical government is not only a possibility: he outlined clearly the sequence of events that would take place in such cases.

So, how can he justify so revolutionary a change in the form of ecclesiastical government? If the theoretical foundation of monarchy in the Church is expediency alone, and if monarchy, for whatever reason, is no longer expedient for believers, is it possible for the community of believers to change the regime to an aristocratic one? Is expediency the sole foundation of monarchical government in the Church? Ockham's Master seems to suggest this. He argues that, although papal rulership is divine because Christ ordered that it should exist in the Church, it is human in many other ways. For example, to be elected, or to elect

¹²³ *A Letter*, p. 201.

¹²⁴ III *Dialogus* I, ii, 28, pp. 816–17; *A Letter*, pp. 200–3.

someone, to an ecclesiastical office, or to correct ecclesiastics is human. The Church is divine in its origin, but has been human in its operation since the time of Christ and the apostles. What pertains to human beings must be ordered by human beings themselves. Hence, it is expedient for the community of believers to have the power to change the ecclesiastical constitution, particularly when monarchical government damages the community itself.¹²⁵

Ockham's Master reinforces this argument by appealing to canon law: what the 'greater part' commands must be observed by the Church. Therefore, if the 'greater part' decides to change the constitution of the Church, it must be changed.¹²⁶ The Disciple's objection is intriguing. Referring to the gloss on the canon law that the Master has cited,¹²⁷ he argues that the Church is not always subject to the 'greater part'. When the 'lesser part' opposes the 'greater part's' decision for constitutional change, this is reasonable if it relies on divine order, which is superior to any human order.¹²⁸

The focal point of this dialogue between the Master and the Disciple is whether the Petrine Commission irreversibly established papal monarchy. Although the Master previously stressed the human character of monarchical government in the Church, he appears to accept the Disciple's argument by admitting that Christ actually ordered all believers to be subject to one pope.¹²⁹ Nonetheless, the Master rejects the view that papal monarchy is irreversible by appealing to the traditional Roman Law maxim 'necessity has no law'.¹³⁰ The doctrine of necessity had traditionally been entangled with the idea that the common good has priority in a case of emergency. When public utility is threatened or endangered, an extraordinary course of actions is enjoined by natural law in order to overcome the emergency. The Master's appeal to the

¹²⁵ III *Dialogus* I, ii, 20, p. 806: 'Quia licet principatus Papalis sit quoad hoc divinus, quod Christus ordinavit ipsum debere esse in Ecclesia, quantum ad multa tamen videtur esse humanus. Nam ad homines pertinet ordinare, quis assumi debeat ad ipsum, et qui debent eligere, et qui debeant assumptum corrigere, si correctione indigeat, et consimilia.'

¹²⁶ III *Dialogus* I, ii, 20, p. 807.

¹²⁷ Dist. 9, c. 11 (Sana quippe), col. 18; dist. 40, c. 12 (Multi sacerdotes), cols. 147–8; 4, q. 3, c. 3 (Si testes) para. 'Item iurisiurandi', col. 540.

¹²⁸ III *Dialogus* I, ii, 20, p. 807.

¹²⁹ *Ibid.*, p. 808.

¹³⁰ Digest 9.2.4. See Gaines Post, *Studies in Medieval Legal Thought: Public Law and the State 1100–1322* (Princeton, N.J., 1964), pp. 20–2, 253–4, 258. The maxim was also adopted in canon law: 1, q. 1, ante c. 40 (Si qui), col. 374; Extra, De consuetudine, c. Quanto (I, 4, 4), col. 37; Extra, De observatione ieiuniorum, c. Consilium nostrum (III, 46, 2), col. 651; Extra, De regula iuris, c. Quod non est (V, 41, 1), col. 927; Extra, De verborum significatione, c. Exiit qui seminat (V, 12, 3), col. 1113.

legal maxim 'necessity has no law' appears in itself nothing more than a re-statement of the traditional doctrine.

However, Ockham's use of the maxim in order to justify constitutional change in the Church is unconventional, to say the least. As far as I can determine, only Henry of Ghent employs the doctrine of necessity in discussing the possible rearrangement of ecclesiastical government. He argues that necessity, reason and utility may justify a pope's modifying the details of the ecclesiastical order, but not the essentials. In a case of necessity, then, the basic constitution of the Church remains intact: papal monarchy is irreversible.¹³¹ The contrast with Ockham's use of the maxim 'necessity has no law' is more than evident.

How can Ockham make such an unusual use of the maxim? He re-interprets it in the light of biblical exegesis. The maxim 'necessity has no law' had traditionally been understood as an assertion of the superiority of public law over private right, or necessity's superiority to human law, in an emergency.¹³² The law that could be nullified by 'necessity' was limited to human law. By contrast, Ockham's interpretation is that necessity is subject neither to human law nor to divine law, unless divine law commands otherwise. Ockham refers to *De regulis iuris* in the Decretals.¹³³ There the gloss refers to the episode where David ate the bread of the Presence (or the showbread – twelve loaves of fine bread that were placed on a special table in the Holy Place of the Tabernacle) which only the priests were allowed to eat.¹³⁴ This was, in turn, based on Bede's commentary on Matthew 12.3–4 and Luke 6.3–4. According to this, David entered the house of God and ate the bread of the Presence. Nonetheless, David's act was licit because necessity required such an act. Necessity makes what is not licit, licit. Ockham argues that this episode should be understood as meaning that the maxim 'necessity has no law' relates not only to human positive law but also to divine positive law.¹³⁵

¹³¹ Henry of Ghent, *Quodlibet*, ii, q. 17, in *Opera omnia*, ed. R. Macken et al. (Louvain, 1979–), 2, pp. 111–36. See Lagarde, *La Naissance*, new edn, 2, p. 206; Post, *Studies*, pp. 268, 295.

¹³² Gierke, *Political Theories*, p. 80; William Farr, *John Wyclif as Legal Reformer* (Leiden, 1974), pp. 139–60; Louis B. Pascoe, *Jean Gerson: Principles of Church Reform* (Leiden, 1973), p. 74. See also Bayley, 'Pivotal Concepts' and Post, *Studies*.

¹³³ Extra, *De Regulis iuris*, c. Quod non est (V, 41, 4, col. 927).

¹³⁴ Bernardus Parmensis, *Glossa ordinaria in Decretales Gregorii Papae IX* V, 41, 4, v. 'Quod non', col. 1880.

¹³⁵ III *Dialogus* I, ii, 20, p. 808: 'Nonnullis apparet, esto quod Christus ordinasset unum summum pontificem debere cunctis fidelibus principari, quod pro utilitate communi posset Ecclesia alium instituere principatum, quod tali modo probatur. Necessitas et utilitas parificantur . . . Sed pro necessitate licet facere contra praeceptum divinum, etiam expressum, in his quae non sunt de se mala, sed solum sunt mala quia prohibita. Ergo etiam pro utilitate communi licet facere contra praeceptum Dei et ordinationem Christi. Ergo, esto quod Christus ordinasset unum summum

This is a remarkable departure from the conventional understanding of 'necessity'.

Ockham's manner of reinterpreting the episode in Matthew 12.3–4 and Luke 6.3–4 is parallel to his interpretation of why Judas Iscariot carried a purse and money. In reply to the critics of Franciscan poverty, Ockham argues that although Christ was perfectly poor in both interior and exterior acts and commanded his followers to practise such perfect poverty, he allowed Judas to hold a purse and money only because of necessity, since necessity has no law.¹³⁶ For Ockham, to act contrary to a divine precept in a case of necessity is a principle that was actually taught by Christ and guided Christ's own deeds in general, since necessity supersedes any positive law.¹³⁷ Clearly Ockham's understanding of 'necessity has no law' is a radical reinterpretation in the light of Scripture.

In view of this, monarchy as the optimal and rational constitution of the Church is not inconsistent with the possibility of constitutional change. McGrade questions whether Ockham 'seriously' expected a change from 'royal' ecclesiastical government to an 'aristocratic' one.¹³⁸ He comments rightly that 'Ockham's discussion of conversion to an aristocratic ecclesiastical regime was so detailed on some points, that we can hardly doubt that he regarded such change as a possibility deserving serious practical consideration.'¹³⁹ For Ockham, Christ actually taught that necessity was subject neither to human law nor to divine law. Therefore, the form of ecclesiastical government could be subject to human rearrangement, according to necessity or utility. By rejecting the irreversibility of divine law, Ockham's reinterpretation of the maxim 'necessity has no law' radically undermines the irreversibility of papal monarchy.

pontificem esse praeficiendum cunctis fidelibus, liceret fidelibus pro communi utilitate alium instituere principatum, saltem ad tempus . . . Minor multis modis ostenditur. Hoc enim Beda super Marcum, et habetur Extra, de regulis iuris, c. Quod non est, patenter videtur asserere, dicens: "Quod non est licitum in lege necessitas licitum facit. Nam et Sabbatum custodiri praeceptum est; Machabei autem sine culpa in Sabbato pugnaverunt." Ex quibus verbis aperte videtur haberi quod Machabei ex necessitate licite fecerunt contra expressum mandatum divinum. Hoc etiam Christus ipse, Matth. 12 et Luc. 6, expresse docere videtur, dicens quod David et qui cum eo erant contra praeceptum divinum panes propositionis licite comederunt, eo quod explicate praecepit Deus ne quis nisi sacerdos dictos panes comederet. Ex quibus aliisque quampluribus colligitur quod regula illa scilicet "Necessitas legem non habet" . . . et consimiles non tantum de legibus humanis positivis sed etiam de legibus divinis positivis, nisi in eisdem legibus divinis contrarium caveatur expresse, debet intelligi, ut necessitas legi divinae positivae non subiaceat.'

¹³⁶ See above Chapter 1.

¹³⁷ III *Dialogus* I, ii, 20, p. 808. See above Chapter 1, and Tierney, *The Idea of Natural Rights*, p. 123.

¹³⁸ McGrade, *The Political Thought*, p. 166. ¹³⁹ *Ibid.*

This observation may be endorsed by Ockham's distinctive emphasis on expediency in his discourse on ecclesiastical monarchy. In the second book of III *Dialogus* I, Ockham asks whether it is *expedient* for believers to submit to one man. He never asks whether it is *necessary* for them to do so. This difference is far from trivial. Monarchy was widely believed to be not only the best form of government but also the necessary one. Dante maintains in his discussion of the form of constitutions in temporal government that monarchy is *necessary* for the well-being of the world.¹⁴⁰ In the context of ecclesiastical government, Bonaventure argues explicitly for the necessity of monarchy. He enquires whether it is part of the Christian religion that all believers should submit to one man, and he answers affirmatively.¹⁴¹ So too does Peter Olivi: 'it should be known that it is necessary for the entire Church of Christ to have one head'.¹⁴² Giles of Rome goes further by asserting the necessity of *papal* monarchy. He emphasises that the pope is so great in power because he himself is that sublime power to which every soul must be subject.¹⁴³ Ockham, by contrast, does not vindicate ecclesiastical monarchy as part of the divine order; it is merely expedient for the Christian community to submit to one man. Ockham is searching for the *rational* foundation of monarchy in the Church, not its necessity. Ockham's use of Aristotelian political science provides the monarchical form of ecclesiastical government with a rational vindication. But the reverse side of this is that in the light of the biblically re-defined doctrine of necessity Ockham rejects the necessity of monarchy in ecclesiastical government.¹⁴⁴ We shall see further in [the next chapter](#) how Ockham's reading of the Bible undermines the irreversibility of papal monarchy.

¹⁴⁰ Dante, *De monarchia*, i, 12, p. 635: 'Satis igitur declarata subassumpta principalis quia conclusio certa est: scilicet quod ad optimam dispositionem mundi necesse est Monarchiam esse.'

¹⁴¹ Bonaventure, *De perfectione evangelica*, q. 4, a. 3, pp. 189–98.

¹⁴² Peter Olivi, *Quaestio de infallibilitate Romani Pontificis*, in Michele Maccarrone, ed., 'Una questione inedita dell'Olivi sull'infallibilità del Papa', *Rivista di storia della chiesa in Italia* 3 (1949), pp. 309–43, at p. 331: 'sciendum quod necessarium fuit totam Christi ecclesiam habere unum capud'.

¹⁴³ Giles of Rome, *De ecclesiastica potestate*, i, 3, p. 9: 'summus pontifex est tante potencie, quod ipse est illa potestas sublimis, cui omnis anima debet esse subiecta'.

¹⁴⁴ Otto Gierke seems to be the first to have perceived that Ockham doubted the necessity of monarchy in the Church: Otto Gierke, *Political Theories of the Middle Ages*, trans. F. W. Maitland (Cambridge, 1900; paperback edn, 1987), p. 140, n. 115. Ockham's idiosyncratic idea of necessity allows him to introduce Aristotle's dynamic analysis of structural change in the political order into his discourse on papal government. This forms an intriguing contrast with the ideologues of papal monarchy, who kept their distance from this aspect of Aristotelian political philosophy, in spite of their heavy dependence on the authority of Aristotle. (See Dunbabin, 'Aristotle in the Schools', and Lambertini, 'Wilhelm von Ockham', pp. 220–1.) By his reinterpretation of the traditional doctrine of necessity, Ockham became an heir of Aristotle in a way that was diametrically opposite to that of the 'papalist' theologians.

Chapter 5

PETRINE PRIMACY

We saw in the previous chapter that for Ockham papal monarchy is only expedient, not necessary, for the community of believers. His reinterpretation of the canonist maxim ‘necessity has no law’ reinforces the possibility of constitutional change from regal to aristocratic rulership in the Church. The monarchic rulership of one pope may be replaced by aristocratic rulership by more-than-one in cases of necessity. Despite this, Ockham does not reject the primacy of St Peter. He has recourse to Aristotelian political science in order to conceptualise constitutional change in the Church, while he defends St Peter’s supremacy from a possible Aristotelian objection. After stating that Peter was inferior to John in terms of merit and to Paul in terms of wisdom, Ockham’s Disciple raises an objection to Petrine primacy on the basis of the Aristotelian principle that government by a single ruler is not expedient if there are others equal to him in wisdom and virtue. Ockham’s Master argues that this objection cannot stand if the people wish to obey one ruler due to their humility or their love for the *res publica* or common utility.¹ When Ockham wrote this, he probably had in mind a vision of the early Church: ‘Knowing Christ’s decree, however, the apostles were very ready out of humility and obedience to obey Peter for the whole of his life.’² But how did Ockham come to hold this view? What was its biblical foundation? In Book 2 of III *Dialogus* I Ockham remains silent on this particular question. But the entirety of Book 4 is devoted to his demonstration of Petrine primacy.

Strikingly, the problem of Petrine primacy is hardly dealt with in any of his other polemical works. Indeed, it is difficult to discern in Ockham’s shorter polemical works any evidence that he was engaged in a dispute

¹ III *Dialogus* I, iv, 24, pp. 865–6.

² *Ibid.*, p. 866: ‘Apostoli autem scientes ordinationem Christi ex humilitate et obedientia promptissimi erant obedire Petro pro toto tempore vitae suae.’

over papal primacy. But we know that Marsilius of Padua – Ockham's colleague in Munich – sternly rejected papal primacy in his *Defensor pacis*.³ 'Papalist' writers such as Alvarus Pelagius and John Baconthorpe regarded the Marsilian view as a serious danger to the Church. Alvarus Pelagius lists in one of his works the heretical statements propounded by Marsilius, including his rejection of papal primacy.⁴ John Baconthorpe explicitly refers to the names of Marsilius and John of Jandun in his commentaries on Peter Lombard's *Sentences* in order to demonstrate that their ecclesiological doctrine is heretical.⁵ In fact, as we shall see below, Book 4 of III *Dialogus* I was written as a rejoinder to Marsilius.

Why did Ockham not investigate the problem of papal primacy in any work other than the *Dialogus*? This was probably due to the difference in intended readerships between the *Dialogus* and the other shorter polemical works: Ockham as a theologian wrote the *Dialogus* for a theologically literate readership, whereas he wrote his shorter pamphlets, as a Christian, for a wider audience.⁶ Ockham wrote III *Dialogus* I with lawyers especially in mind, in order to determine the 'true' nature, purpose and foundation of papal government, whereas he wrote the shorter works for all Christians, in order to call for action against heretical popes. In these short works, perhaps Ockham did not reckon that theoretical speculation on the foundations of papal primacy was one of the most urgent issues, to which he desired to draw the immediate attention of all Christians. Indeed, the crisis in the Church of his time was, for Ockham, rooted in a misunderstanding and abuse of the papal doctrine of *plenitudo potestatis*, not in the papal monarchy *per se*. So why exactly does Ockham vindicate St Peter's primacy? Did Ockham attack Marsilius' doctrine because the polemicists of the 'imperial camp' were divided for some reason? Or did Ockham personally repent of his recalcitrant attitude to papal authority, and concede the position of the papal curia?

One of the keys to answering this question lies in the very question that Ockham raises: whether Christ appointed Peter as head of all Christians. He does not enquire whether Christ appointed Peter *and his successors* as head of all Christians.⁷ The question revolves exclusively

³ DP II, xv–xviii, xxii, xxvii–xxx, pp. 263–312, 342–58, 423–91. See also Quillet, *La Philosophie politique*, pp. 227–33.

⁴ Alvarus Pelagius, *Tractatus qui nominatur collirium Alvari adversus hereses novas*, pp. 491–514.

⁵ Baconthorpe, *Quaestiones*, IV Sent., Prolog., q. 10, a. 1, p. 262. On John Baconthorpe's ecclesiology, see Ullmann, 'John Baconthorpe as a Canonist'.

⁶ McGrade, *The Political Thought*, p. 64.

⁷ III *Dialogus* I, iv, 1, p. 846: 'Postquam conferendo quaesivimus quae scripturae recipiendae sunt ad ecclesiastica dogmata confirmanda ad principale revertamur intentum, an videlicet Christus de

around the historical fact of Christ's conferment of special power on Peter in particular. Why does Ockham formulate the problem in such a way? For a possible explanation, we must turn to Book 3 of III *Dialogus* I. For, in some respects, Ockham wrote this Book as the theoretical introduction to his discourse on Petrine primacy in Book 4. At the beginning of Book 3, Ockham's Disciple draws attention to the fact that one cannot determine whether Christ actually appointed Peter head of the believers, 'except through some writings or texts'.⁸ Thus, there emerges the question of the source of Christian doctrine. Ockham had already discussed this extensively in I *Dialogus*.⁹ Nonetheless, he returned to this problem. His reconsideration of the source of Christian faith seems worthy of serious attention. In addition, Book 3 not only serves as an introduction to the following Book, it also has its own *raison d'être*. As we shall see below, Ockham designed Book 3 also as a rejoinder to Marsilius of Padua with regard to his idea of conciliar infallibility. The character of Book 3 is thus very complex, and its place in III *Dialogus* I is difficult to determine. Perhaps for this reason, Book 3 of III *Dialogus* I has scarcely been studied by modern historians.¹⁰ However, without sufficient understanding of it, a full assessment of Ockham's discourse on Petrine primacy is obviously impossible.¹¹

This chapter is intended as a reconstruction of Ockham's thoughts on Petrine primacy and a reappraisal of its place in his polemical activities.

facto constituerit beatum Petrum principem et praelatum aliorum apostolorum et universorum fidelium.' Cf. *ibid.*, iii, 1, p. 819.

⁸ *Ibid.*, i, p. 819: 'Ideo specialiter nunc scrutemur, an de facto Christus tantam beato Petro contulit dignitatem. Verum quia istius inquisiti et aliorum complurium discutiendorum inferius, nec una pars nec alia aliter quam per scripturas vel auctoritates potest ostendi.'

⁹ *Ibid.*: 'ideo, licet qualis fides scripturis aliis quam canonicis debeat adhiberi in prima parte huius dialogi, in qua quaesivimus quae assertio catholica quae haeretica est censenda, disservimus aliquantulum exquisite, sed tamen, propter dicta quorundam quae tunc non habuimus, non taedeat nos aliquid tangere de eodem.' See also Chapter 2.

¹⁰ Book 3 of III *Dialogus* I does not loom large in the 'index of passages in Ockham quoted, discussed, or cited' in McGrade, *The Political Thought*, p. 259. In *La Naissance*, Lagarde makes merely sporadic comments on Book 3, and in his *Origins*, Tierney ignores it. Systematic analysis and positive assessment of Book 3 have been offered only by Johannes Schlageter, 'Hermeneutik des Heiligen Schrift bei Wilhelm von Ockham', *Franziskanische Studien* 57 (1975), pp. 230–83, but he does not discuss how Ockham applies his exegetical method in political discourse. Recently, McGrade has commented on Book 3 in the Introduction to *A Letter*, pp. xx–xxi, describing it simply as 'a critique of the doctrine of conciliar supremacy'.

¹¹ McGrade writes that 'we can only interpret it [=Book 4] in terms of the argumentation of Book 2 . . . Seen in this light, the Petrine Commission is by no means opposed to the dictates of political reason' (*The Political Thought*, p. 162). The present chapter argues that the immediate background to the vindication of the Petrine Commission was Ockham's reconsideration of the sources of Christian doctrine in Book 3. Taken together with the preceding Books, we should interpret Book 4 as a defence of the historical fact of Petrine primacy on the grounds of the 'sound' true meaning of the relevant Scriptural texts.

Ockham and Political Discourse in the Late Middle Ages

We shall see here again that his discussion of Petrine primacy is distinctly biblical. A close analysis of Ockham's reading of the primatial texts will reveal the paradox that his demonstration of the historicity of *Petrine* primacy implies a nuanced rejection of *papal* primacy: from St Peter's primacy, the primacy of his successors cannot be inferred. Together with our observations in [the previous chapter](#), this will reveal Ockham as a theologian engaged in a logical search for historical truths in Scripture.

THE REJECTION OF CONCILIAR INFALLIBILITY

Although in the first part of this *Dialogue* (where we sought to learn which assertions should be considered catholic and which heretical) we examined fairly carefully what kind of trust should be placed in other writings than those that are canonical, yet, on account of the remarks of some people that were not available to us at the time, let it not weary us to touch in some way on the same issue here.¹²

So Ockham returns to the question of the sources of Christian faith. In Book 3 of III *Dialogus* I, Ockham's Disciple asks his Master – as he always does – to display a variety of views and their supporting arguments concerning the written sources of Christian faith. The Master proposes four different views. The second and third opinions receive cursory treatment.¹³ Book 3 was evidently written in order to reject the first opinion and to reinforce the fourth. Ockham devotes seventeen out of twenty-six chapters to criticising, directly or indirectly, the first view in the light of the fourth.¹⁴ Clearly, the fourth view represents Ockham's own, which he states as follows:

There is an opinion which chooses a middle way and opposes all the above (opinions) in some way. It holds that the divine scriptures contained in the Bible, the writers of that Holy Scripture, the universal Church and the apostles should be believed in everything without any hesitation. To no others, however distinguished they are in learning or sanctity, should trust be necessarily given in everything without any exception. So it is that belief without any exception in every saying and case should not necessarily be offered to a general council (unless the whole Church has been gathered together), or to the decrees, decretals or assertions of the supreme pontiffs or to the sayings of doctors, whether they have been approved by the Church or have not been approved, though in many matters they should not be denied and Christians are bound to believe them in respect of many matters.¹⁵

¹² Above n. 9.

¹³ III *Dialogus* I, iii, 2–3, 25–6, pp. 820–1, 842–5.

¹⁴ *Ibid.*, 8–24, pp. 824–42.

¹⁵ *Ibid.*, 4, p. 821: 'Est quaedam opinio quae, viam eligens mediam, praedictis omnibus in aliquo adversatur, tenens quod scripturae divinae contentae in biblia et eiusdem sacrae scripturae

The first view, in contrast, is summarised as follows:

One is the opinion which holds that we are bound from necessity for eternal salvation to believe or confess as irrevocably true no writing except those that are called canonical or that necessarily follow from these, or those interpretations or judgements on Holy Scriptures of uncertain meaning that have been made by a general council of the faithful or of Catholics, particularly in connection with those [issues] where a mistake would lead to eternal damnation, such as are the articles of the Christian faith. For it is clear that such belief should be offered to the interpretations of a general council, since it ought to be held as a matter of piety that such interpretations have been revealed to us by the same Spirit.¹⁶

A textual comparison shows that this was the view of Marsilius of Padua as found in his *Defensor pacis*.¹⁷ Ockham's Disciple endeavours to defend this view, while he seems perplexed by the idiosyncrasy of the fourth view: 'I have not heard or read that opinion anywhere else.' Perhaps Ockham considered that his own view was entirely novel, and that the Disciple's comment represented the reaction that Ockham expected from his readers.

The main feature of the first view, held by Marsilius of Padua, is the idea of conciliar infallibility. Marsilius explicitly asserts that the doctrinal decisions made by a general council are 'immutably and infallibly true'.¹⁸ This idea was primarily based on the following scriptural texts: 'And remember, I am with you always, to the end of the world' (Matthew 28.20);¹⁹ and 'For it has seemed good to the Holy Spirit and to us to impose on you no further burden than these essentials' (Acts 15.28).²⁰

scriptoribus et universali ecclesiae atque apostolis absque ulla dubitatione in omnibus est credendum. Nullis aliis, quantacunque doctrina vel sanctitate praepolleant, est in omnibus absque omni exceptione fides necessario adhibenda. Ita quod nec concilio generali, nisi esset congregata universalis ecclesia, nec decretis aut decretalibus vel assertionibus summorum pontificum nec doctorum dictis, sive fuerint ab ecclesia approbati sive non fuerint approbati, est necessario credulitas in omni dicto et casu absque omni exceptione praestanda, licet in multis negari non debeant et quo ad multa Christiani ipsis credere teneantur.'

¹⁶ *Ibid.*, I, p. 819: 'Una opinio tenens quod nullam scripturam irrevocabiliter veram credere vel fateri tenemur de necessitate salutis aeternae nisi eas quae canonicae appellantur vel eas quae ad has de necessitate sequuntur aut scripturarum sanctarum sensum dubium habentium eas interpretationes seu determinationes quae per generale fidelium seu catholicorum concilium essent factae, in his praesertim in quibus error damnationem aeternam induceret. Quales sunt articuli fidei Christianae. Quod enim interpretationibus concilii generalis sit talis praestanda credulitas patet, quia pie tenendum est quod tales interpretationes sunt nobis ab eodem spiritu revelatae.'

¹⁷ See *Appendix*.

¹⁸ Gewirth, p. 283; *DP*, II, xx, 8, p. 323: 'Cum igitur semel determinata circa Scripturam per concilium generale rite vocatum, congregatum, et secundum formam debitam celebratum et consummatum, praesertim quae ad salutem aeternam vera credere necessarium sit, immutabilis et infallibilis veritatis existant.'

¹⁹ 'et ecce ego vobiscum sum omnibus diebus usque ad consummationem saeculi'.

²⁰ 'visum est enim Spiritui Sancto et nobis nihil ultra inponere vobis oneris quam haec necessaria.'

Referring to Rabanus' interpretation of Matthew 28.20, Marsilius argues that until the end of the world, there will always be some men "who are worthy of divine immanence and indwelling", that is, men, in whom . . . the Holy Spirit is always present for the preservation of the faith'.²¹ Marsilius considers, in light of Acts 15.28, that these men 'in whom the Holy Spirit is always present' were the congregation of the apostles and believers.²² Hence, the successors of this congregation, that is, the general councils, are infallible and must be believed in doctrinal decision-making. This belief in institutional infallibility is couched in Marsilius' corporation theory. He believes that the human legislator, the corporate gathering of the people, more than any individual wise man or men, can come to know and will the laws which are most conducive to the sufficient life of the community. The people in their religious capacity as the *congregatio fidelis* possess sovereignty that could represent the truth.²³

Marsilius' view also emphasises the role of the Holy Spirit, and on this point it shows a striking similarity to that of Guido Terreni. In the interpretation of Scripture, Guido Terreni considers that the Church is infallible. And no one is allowed to oppose the decision of the Church, which is guided by the Holy Spirit. Therefore, Guido Terreni argues that the pope, in whom the authority of the Church is epitomised, cannot err in doctrinal decisions, and he is ruled by the Holy Spirit.²⁴ The conventional emphasis on papal authority over doctrinal issues does not necessarily exclude the possibility that the pope might err and, in the worst case, fall into heresy. Even so staunch a defender of papal power as Augustinus Triumphus is open to the possibility of papal heresy.²⁵ Guido Terreni, by contrast, rejects any possibility that the pope might err. He does not believe that the pope would be allowed by God to determine

²¹ Gewirth, p. 274; *DP* II, xix, 2, p. 313: 'Ubi Rabanus: *Ex hoc intelligitur quod usque in finem saeculi non sunt defuturi in mundo qui divina mansionem et inhabitationem sunt digni*; quibus scilicet ad fidei conservationem Spiritum Sanctum pie tenendum est semper adesse.'

²² Gewirth, p. 275; *DP* II, xix, 2, p. 313: '*Visum est enim Spiritui Sancto et nobis*. Asseruerunt enim et asserit Scriptura ipsorum determinationem, in dubietate illa circa fidem, factam esse a Spiritu Sancto. Cum igitur fidelium congregatio seu concilium generale per successionem vere repraesentet congregationem apostolorum et seniorum ac reliquorum tunc fidelium, in determinationis induceret error, verisimile, quinimo certum est, deliberationi universalis concilii Spiritus Sancti dirigentis et relevantis adesse virtutem.'

²³ Coleman, *A History of Political Thought*, pp. 137–8.

²⁴ Terreni, *Quaestio de magisterio*, pp. 17–18: 'Igitur si ecclesia in electione scripture canonice, ut non erraret, creditur fuisse directa Spiritu Sancto, sic quod non liceret summo pontifici aliquid detrudere de libris canonicis aut contra eorum veritatem expressam determinare: sic credendum est quod non erret summus pontifex in determinatione fidei, apud quem residet auctoritas ecclesie catholice, sed in hiis regitur Spiritu Sancto.'

²⁵ Rivière, 'Une première "somme"', pp. 160–5.

a thing contrary to the faith. Terreni's emphasis on the Holy Spirit's intervention in the pope's doctrinal decision-making is striking. Through human beings, the Holy Spirit determines infallible faith as infallible truth. Terreni, of course, considers that all human beings are fallible. However, just as the prophets and the authors of the gospel, who were inspired by the Holy Spirit and through whom the Holy Spirit was speaking, were unerring, so the pope is not allowed by the Holy Spirit, by whom the Church is ruled, to commit a doctrinal error.²⁶ Thus Terreni maintains that papal doctrinal decisions are infallible because they are sanctioned by the Holy Spirit. Marsilius of Padua rejects the supremacy of papal power, and would certainly reject Terreni's view.²⁷ Despite their diametrically opposed conclusions, however, Marsilius and Terreni share the assumption that the faith remains incorrigible in the Church because of the protection of the Holy Spirit.

These Marsilian claims are all questioned and criticised by Ockham; Ockham's 'logical individualism' would reject any kind of corporation theory. No such entity as a 'corporation', set apart from individuals, can exist. Ockham writes: 'So it is that belief in every saying and case without any exception is not necessarily owed to a general council, *unless the whole church has been gathered together.*'²⁸ No general council or any other collective could represent the truth that has to be believed, unless all individual believers gather and come to a unanimous decision. Ockham's reduction of a proposition about a community to a set of propositions about the individuals constituting that community does not prevent him from writing about the community. An important consequence of this is that Ockham differs from both Marsilius and Guido Terreni in rejecting the view that Christ will always be with any specific part of the Church.

Similarly, Ockham questions the Holy Spirit's sanction on the institutional doctrinal decision-making process. The Master argues that the first view – the Marsilian view – is based on the assumption that it is necessary to believe that the interpretation of uncertain passages in Scripture offered by the general councils is revealed by the Spirit who

²⁶ Terreni, *Quaestio de magisterio*, p. 27: 'nullo modo est credendum quod Deus permittat ecclesiam errare in fide aut statuere seu determinare aliquid contra fidem et veritatem scripture divine. Et cum dicitur quod homo purus viator potest errare et potest statuere et determinare contra fidem . . . Sic etiam prophete et ceteri scriptores sacre scripture, quamvis ut homines possent errare, tamen quia inspirati et in eis Spiritus Sanctus loquebatur, non potuerunt errare, ut veritas scripture firma esset et ne scripturarum sanctorum actoritas vacillaret nec fides titubaret . . . Igitur per hominem Spiritus Sanctus statuit et determinat fidei infallibilem et indefectibilem veritatem.' Cf. Terreni, *Quatuor unum*, p. 897.

²⁷ For Marsilius' rejection of papal infallibility, see *DP*, II, xxx, 8, p. 323.

²⁸ See above n. 15.

has also revealed Holy Scripture. He argues that Christians are not necessarily obliged to believe it, because general councils always depend, or can depend, on human wisdom, which may deviate from the truth.²⁹ He insists that when one wishes that something should be shown by revelation, it should be revealed not through human diligence or speculation, but through prayer. In addition, he maintains that:

when it should be held as certain that something is to be obtained through revelation, recourse must reasonably be made, in order to obtain it, not to those who are wiser, but to those who are better – whether they are learned or unlearned, clergy or laity, men or women – or to prophets, because commonly God reveals his secrets not to the wiser but to the better.³⁰

Thus, the truth will not necessarily be revealed to the ‘wiser’, who constitutes the general council. In turn, Ockham rejects the view that Matthew 28.20 (‘I am always with you, to the end of the age’) should be understood with regard to the general council. Christ is always in the world, not in the general council, which does not always exist in the world.³¹ Likewise, Acts 15.28 (‘For it has seemed good to the Holy Spirit and to us to impose on you no further burden than these essentials’) should not be understood with reference to the general council.³² Ockham is thus sceptical about the possible intervention of the Holy Spirit in doctrinal decisions made by general councils. For him, matters of faith do not have to be settled by the general council because councils are more likely to depend on human ingenuity than on prayer.³³

²⁹ III *Dialogus* I, iii, 8, p. 824: ‘Ad primam, cum innuit quod pie tenendum est interpretationes concilii generalis esse nobis revelatas ab eodem spiritu a quo revelatae sunt divinae scripturae, respondetur quod non est necesse nec semper oportet omnes Christianos hoc credere, quia concilium generale saepe innititur vel inniti potest sapientiae humanae quae deviare potest a vero.’

³⁰ *Ibid.*, pp. 824–5: ‘quando certitudinaliter tenendum est aliquid per revelationem habendum, pro eodem adipiscendo non ad sapientiores sed ad meliores (sive sint literati sive illiterati, sive clerici sive laici, sive sint viri sive foeminae) vel ad prophetas est rationabiliter recurrendum, quia non sapientioribus sed melioribus Deus communiter sua secreta revelat’. Ockham’s famous reduction of the True Church to one man, woman or baptised infant does not seem to rely on the assumption that any Christian can have intuitive cognition of the terms which constitute a proposition in Scripture. Rather, Ockham considers that the True Church may be reduced to one believer because to any Christian who prays to God, no matter what his or her status is in the ecclesiastical order, God may possibly reveal the Truth. Cf. Janet Coleman, ‘The Relation between Ockham’s Intuitive Knowledge and His Political Science’, in *Théologie et droit dans la science politique de l’état moderne* (Rome: Table Ronde du CNRS, L’Ecole française de Rome, 1991), pp. 71–88; Coleman, *Ancient and Medieval Memories* (Cambridge, 1992), pp. 500–37, and *A History of Political Thought*, ch. 5.

³¹ III *Dialogus* I, iii, 9, pp. 825–6.

³² *Ibid.*, p. 826.

³³ In his *Defensor minor*, which was written in reply to critics including Ockham, Marsilius refers once again to Matt. 28.20 and Acts 15.28, and reinforces his view by adding that ‘by each one listening to the others, their minds are reciprocally stimulated to the consideration of that truth at

What follows from this is the rejection of any doctrine of institutional infallibility. Ockham ceases henceforth to enquire whether a particular institution in the Church could represent the truth and remain infallible in its doctrinal decision-making. Rather, he searches for the cognitive conditions that make a particular assertion concerning Christian doctrine infallibly true. When earlier he shaped a 'general theory of heresy', he attempted to replace the hierarchical conception of heresy with a cognitive one. In the *Opus nonaginta dierum*, Ockham had already achieved this by drawing on Michael of Cesena's distinction between the key of knowledge and the key of power. He maintained that papal decisions over doctrinal issues were made by the 'key of knowledge' when they were theologically true, while the 'key of power' coerced Christians to believe them.³⁴ But how can Christians know that a particular doctrinal definition is made by the key of knowledge? This is why, in I *Dialogus*, Ockham stresses the role in defining doctrine of the 'experts' in Scripture over and against the occupants of high ecclesiastical office. Ockham considers that 'experts' can judge in the light of their full knowledge of Scripture whether a certain doctrinal assertion is theologically true, that is, made by the key of knowledge.³⁵ In so arguing, Ockham is confronted by another dilemma: what if the experts in Scripture are divided? In *Contra Benedictum*, Ockham maintains that it is acceptable for experts to be divided only when they are discussing Catholic truths which one is not required to believe explicitly.³⁶ Indeed, conspicuous in Ockham's concept of the object of explicit faith is the distinctive feature of cognitive commonality: every Christian is supposed to know the precise meaning of the propositions that are the object of explicit faith. However, how can an individual believer know whether a proposition, which belongs to another individual's object of explicit faith, actually belongs to his or her own object of explicit faith? We have seen that

which not one of them would arrive if he existed apart or separately from the others': Marsilius of Padua, *Writings on the Empire: Defensor minor and De translatione imperii*, ed. and trans. Cary J. Nederman (Cambridge, 1993), p. 42. Ockham would certainly reject this view, because he insists that what must be held only through a divine revelation cannot be maintained by human ingenuity.

³⁴ *OND*, c. 123, pp. 832–46; *CI*, c. 28, p. 119. See Tierney, *Origins*, pp. 210–18.

³⁵ McGlade, *The Political Thought*, pp. 61–2.

³⁶ *CB*, iv, 7, p. 256: 'quia, quamvis super aliquo spectante ad fidem sint opiniones adversae et diversae inter theologos vel alios catholicos, quia illi, qui tenent partem falsam, non tenentur explicite credere catholicam veritatem, eo quod non vident clare quo modo ex scripturis divinis vel determinationibus catholicis ecclesiae vel ex illis, quae apud omnes catholicos tamquam catholica divulgantur, argumento irrefragabili infertur: tamen alii, qui hoc vident, tenentur explicite credere catholicam veritatem, nec per aliquod statutum possent prohiberi, quin eligant et approbent catholicam veritatem, ex quo certi sunt quod necessario sequitur ex his, quae in scripturis divinis habentur.'

Ockham's idea of the object of explicit faith is markedly flexible: for an uneducated layman, the object of explicit faith is a small set of simple propositions, whereas for the occupants of high ecclesiastical office, it is a number of biblical details as well as the decisions of general councils and papal constitutions. How can one determine that a certain proposition should be an object of explicit faith for a particular individual? All these questions may be incorporated into a single question: how can a Christian know with certitude the truths of faith?³⁷ This problem dogged Ockham's replacement of the hierarchical conceptualisation of heresy and heretics with his 'cognitive' one. In Book 3 of III *Dialogus* I, he proposes a solution.

THE LOGICAL NECESSITY OF A HISTORICAL FACT

Ockham was perfectly aware of the implication of his rejection of conciliar infallibility. His Disciple argues that if a general council was not infallible, then any powerful man, any pope, any part of the congregation of believers, any doctor and any writer, except the authors of Holy Scripture, is fallible.³⁸ Ultimately, then, 'it is the one church only, that is the church militant, universal and whole, of which a general council is only a part, which cannot err against the faith'.³⁹ This is not to say, however, that no institutions in the Church should be respected for their doctrinal decisions. On the contrary, in many cases, general councils and popes ought to be believed. However, Ockham stresses that they should not *always* be believed.⁴⁰ The question that Ockham raises is: *with regard to what* should a doctrinal definition by an institution be believed?⁴¹ He shifts the issue from the question of whose assertion should be believed to the question of what assertions should be believed. Enquiring into this question, to be sure, he neither reduces the Church to something non-institutional nor upholds the extreme view that any Christian can define the truths of faith. He presupposes that doctrinal definitions should normally be made by some institutional authority.⁴² Rather, what Ockham attempts is to identify the criteria that enable

³⁷ Tierney, *Origins*, p. 210.

³⁸ III *Dialogus* I, iii, 5, p. 822.

³⁹ *Ibid.*: 'una est sola ecclesia, scilicet militans universalis et tota, cuius concilium generale est solummodo pars, quae non potest errare contra fidem'.

⁴⁰ III *Dialogus* I, iii, 4, p. 821; *ibid.*, 6, p. 823.

⁴¹ *Ibid.*

⁴² Tierney shows that this position is maintained by Ockham in the *OND*, c. 123, p. 834: 'ad solum concilium generale et Romanorum pontificem pertineat diffinire dubia, quae circa fidem emergunt . . . Non autem potest quilibet diffinire sicut modo accipimus "diffinire"; quia licet habeat notitiam, quae potest vocari clavis scientiae . . . deficit ei tamen auctoritas et potestas iurisdictionis, quae ad talem diffinitionem requiritur.' See Tierney, *Origins*, pp. 213–14.

a Christian to perceive whether a certain proposition concerning Christian doctrine, no matter by whom it may be asserted, ought to be believed.

Ockham's solution to the problem of conciliar infallibility is striking:

it should be known that some of the matters that are asserted by a general council are factual, because, that is, a general council tells of and asserts matters of fact, just as the story of divine scripture narrates what has happened. Some matters, however, do not consist in fact but in the very nature of the thing of which it speaks, as when it tells of and asserts things which pertain to the nature of God and of his creatures, whether simple or composite, or also of those things which are known to have unity only of aggregation or order.⁴³

In short, this is a distinction between a proposition about a 'fact', or 'what has been done' ('*ea quae facta sunt*'), and a proposition about the 'nature of a thing' ('*natura rei*'), or 'knowledge' ('*scientia*').⁴⁴ In the light of this distinction, if a general council has erred over a fact, those who are aware that it has erred must not believe it, and as far as the issue of fact is concerned, they may contradict and deny the general council.⁴⁵ On the other hand, those who do not know that the general council has erred must believe what it has asserted.⁴⁶ To illustrate this point, Ockham refers to the analogy of a judge and a witness. The judge must believe the testimony of a witness if he cannot disprove it, even if *in rei veritate* it is false.⁴⁷ Similarly, if a general council errs with regard to the nature of things or knowledge, those who do not know that it has erred must neither deny the decision of the general council nor debate it publicly. Even if a man has previously held a view contrary to the decision of a general council, but is uncertain about it, he must regard the decision of the general council as appropriate, and adhere to it 'conditionally'.

⁴³ III *Dialogus* I, iii, 6, p. 823: 'Ad evidentiam istorum dicitur esse sciendum quod eorum quae asseruntur per concilium generale quaedam consistunt in facto, quia videlicet concilium generale narrat et asserit illa quae facta sunt, quemadmodum historia scripturae divinae narrat rem gestam. Quaedam autem non consistunt in facto sed in ipsa natura rei de qua loquitur, sicut cum narrat et asserit ea quae spectant ad naturam Dei et creaturarum, sive simplicium sive compositarum vel etiam illarum quae unitatem solummodo aggregationis vel ordinis habere noscuntur.'

⁴⁴ In this context, Ockham uses the term 'knowledge' interchangeably with 'nature of things'. See, for instance, III *Dialogus* I, iii, 7, p. 823: 'sed, omissis ad praesens aliis, solummodo dicas quare dicit aut innuit quod aliter se possunt et debent habere Christiani in adhaerendo concilio generali cum asserit aliquid circa ea quae facti sunt et cum aliquid asserit circa alia, illa scilicet quae scientiae sunt et non facti'.

⁴⁵ *Ibid.*, 6, p. 823: 'si concilium generale erraret, sive circa illa quae consistunt in facto sive circa alia, ille cui hoc constaret ei credere non deberet, et eidem liceret in hoc contradicere et negare concilium generale'.

⁴⁶ *Ibid.*: 'Ille autem cui hoc non constaret quantum ad illa quae facti sunt deberet credere assertioni et testimonio concilii generalis, praesumendo quod concilium generale quantum ad illa quae facti sunt nihil assereret nisi quae essent sibi certa.'

⁴⁷ *Ibid.*

In other words, he is not allowed publicly to state a contrary opinion, although (he may think) it contradicts Catholic truth; however, in his mind he is allowed to contradict the general council, and to search for the truth by scrutinising Scripture.⁴⁸

In the light of this distinction between propositions concerning facts and propositions concerning the nature of things, Ockham re-formulates his 'two sources' theory of Christian doctrine: not only Scripture but also extra-scriptural sources, such as extra-scriptural traditions and post-scriptural revelations, can be sources of Christian doctrine. Ockham re-defines this theory from a 'cognitive' perspective. If extra-scriptural works should be believed it is *not* because they were written by specific authors. These works should be believed when it is possible to show, in the light of Scripture or by natural reason, that they do not contain any error.⁴⁹ In this connection, Ockham introduces two ways of believing an assertion: one is to believe 'with conviction', and the other is to believe 'firmly'. In the former mode, one would not wish to approve or hear any contrary argument. In the latter, one ought to listen to contrary argument.⁵⁰ Ockham maintains that no *authors* of extra-scriptural

⁴⁸ *Ibid.*: 'Si autem concilium generale erraret circa alia quam circa ea quae facti sunt, puta illa quae de Deo vel creaturis in sacris literis asseruntur, nulli Christiano cui hoc non constaret liceret assertionem concilii generalis negare nec de ea publice disputare, nisi aliqui periti et opinionis laudabilis impugnarent eandem, et hoc propter scandalum evitandum et ut concilio generali a quolibet qui nescit ipsum errare circa huiusmodi honor et reverentia debita deferatur; debentque singuli, etiam qui assertionem contrariam antea tenuissent (non tamen fuissent certi), explicite pro assertione concilii generalis praesumere et quasi conditionaliter adhaerere – si scilicet non est contraria catholicae veritati – ita ut publice non teneant opinionem contrariam, etiam opinando in mente; tamen possunt opinari contrarium et sollicite scrutando scripturas quaerere veritatem.' Ockham does not mention the case of a believer who knows that a general council has erred concerning 'knowledge'.

⁴⁹ III *Dialogus* I, iii, 23, p. 840: 'Sed si intelligatur de scriptore, ut videlicet, quamvis alicui scripturae alicuius scilicet non scriptoris scripturae canonicae adhibenda sit fides, non quia a tali scriptore est scripta sed quia per scripturas canonicas aut per rationem naturalem potest ostendi quia nullam contineat falsitatem.'

⁵⁰ *Ibid.*, pp. 840–1: 'Ita potest aliquis alii homini vel assertioni credere et ipsam confiteri tanquam veram dupliciter, quia vel credulitate tam certa ut nullam velit in contrarium probationem admittere vel audire aut credulitate firma non tamen tam certa quin reputet quod sit probatio in contrarium audienda si quis fide dignus offerat se contrarium probaturum. Primo modo nulli scriptori cuiuscumque scripturae non canonicae in omnibus dictis aut scripturis eius est credendum. Alicui tamen assertioni eius taliter credere licet et oportet in quatuor casibus. Puta si assertio eius patenter et aperte per scripturas canonicas per assertionem universalis ecclesiae per rationem naturalem evidentem praesertim consonam catholicae fidei vel bonis moribus aut per apertum miraculum possit ostendi. Secundo modo pluribus aliis quam scriptoribus scripturae canonicae in multis aliis quam in praedictis quatuor casibus est credendum. Quia summis pontificibus, conciliis generalibus et aliis sanctis episcopis et doctoribus atque fide dignis viris et ab ecclesia probatis quantum ad ea quae facti sunt quae videlicet per se ipsos vel per alios fide dignos quibus credere tenebantur potuerunt cognoscere.' Note that Ockham classifies 'belief' according to readiness to 'listen' to objections. The importance of 'listening' to communication among believers is yet again highlighted. See above Chapter 3.

writings should be believed all the time in the first mode. However, any *assertion* by them may be believed in the first mode if it is proved to be true in the light of either Scripture, or the assertions of the universal Church, or natural reason, or manifest miracles. But, in fact, many of the extra-scriptural writings are to be believed only in the second mode. It is not necessary to agree unconditionally that such assertions made in the extra-scriptural writings are true.⁵¹

Clearly, Ockham's discourse on the source of Christian doctrine is two-dimensional. When the author of an assertion is considered to be reasonably trustworthy, two questions must be answered: whether the assertion is scriptural or extra-scriptural, and whether the assertion concerns 'fact' or 'knowledge'. If the assertion is scriptural, it must be believed with conviction whether it concerns 'fact' or 'knowledge'. If the assertion is extra-scriptural, and if it concerns 'knowledge', it is not necessary to believe unconditionally but only 'firmly' unless it is clearly in accordance with Scripture, natural reason, the decisions of the universal Church or miracles. But if the assertion is extra-scriptural, and if it concerns a 'fact' that is perceived by the author himself or by the legitimate report of someone worthy of faith, it must be believed as worthy of belief, unless it is proved otherwise by someone more credible than the author of the assertion.⁵² Thus, Ockham's re-defined 'two-source' theory does not revolve around the question of whose writing should constitute the source of Christian faith. It concerns the question of what type of assertion should be the source of Christian faith.

What deserves our attention here is Ockham's idea of 'fact', or 'what has been done', because he stresses the credibility of propositions concerning fact. Ockham elucidates the idea of a 'fact' by introducing a further distinction between (1) a 'fact' which is mentioned explicitly in the Bible; (2) a 'fact' which is not found in the Bible, but is accepted as certain and is shown explicitly as a historical fact in writings other than the Bible; (3) a 'fact' which is shown only implicitly, or which cannot be shown without subtle deduction; and (4) a 'fact' which is not found in any writing, but in oral tradition.⁵³ In addition, Ockham stresses that there is less possibility of confusion in the perception of facts than of knowledge. He writes:

because fewer men are deceived – and that more rarely – or can be deceived about facts and deeds they know directly than about things they only draw out from other [persons or facts] by a subtle process of thought unknown to many, men are, therefore, more believed for the things they say they have seen or

⁵¹ *Ibid.*, p. 841.

⁵² III *Dialogus* I, iii, 24, pp. 840–2.

⁵³ *Ibid.*, 7, p. 823.

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heard, or have perceived by some other sense, than for the things they infer from the words of others or from things known to them.⁵⁴

In a nutshell, the perception of facts is more likely to be certain than the perception of knowledge. From this, Ockham infers that when a general council asserts something with regard to a fact – either perceived by the general council, or discovered explicitly in Scripture, or asserted by one who perceived it himself – it must be believed by everyone who is not certain, or cannot be certain, about the certitude of the assertion. The reverse side of this argument is the rejection of certitude of knowledge derived from an expert's sophisticated argument. Ockham's Master notes that although many members of a general council may be educated, with regard to many matters they do not know how to distinguish true arguments from false ones.⁵⁵ The emphasis on certitude in the perception of facts appears to lead Ockham finally to reject his earlier view that experts in Scripture are more trustworthy than high ecclesiastics in the scrutiny of doctrinal matters.

It is curious that Ockham stresses the certitude of experience or perception of facts in defining Christian doctrine, because he maintains elsewhere that evident knowledge, which must be based on either experience or self-evidence, is impossible in theology. Assent to theological truth inevitably presupposes faith, which is independent of what can be known naturally by experience or as self-evident; therefore, truth in theology is exclusive to Christian believers, and is simply a matter of belief. Ockham thus precludes any possibility that knowledge as the result of experience may exist in theology.⁵⁶ How, then, can Ockham argue for the possible 'experience' of facts in doctrinal definition? A possible explanation for this may lie in the fact that Ockham explored what we call today 'speculative theology' in his theological works, while he reflected on what we call 'historical theology', or more specifically 'biblical theology', in his polemical activities. Since he became involved in the poverty controversy, Ockham had treated as questions of biblical

⁵⁴ *Ibid.*, p. 824: 'quia pauciores homines rarius decipiuntur vel decipi possunt in factis et gestis quae per se ipsos cognoscunt quam in his quae solummodo ex aliis subtili et multis incognita ratiocinatione eliciunt, ideo magis creditur hominibus in his quae asserunt se vidisse vel audivisse aut aliquo sensu alio percepisse quam in his quae ex dictis aliorum vel etiam ex sibi notis arguendo concludunt.'

⁵⁵ *Ibid.*

⁵⁶ *Scriptum in librum primum Sententiarum (Ordinatio)*, i, Prolog., q. 7, in *OTh*, 1, pp. 183–206. See Leff, *William of Ockham*, pp. 335–46, 358–9; Guelluy, *Philosophie et théologie chez Guillaume d'Ockham*, pp. 259–311. However, there is an exception: Ockham suggests the possibility of evident cognition of theological truth through a new divine revelation (III *Dialogus* 1, iii, 16–18, pp. 832–6). This will be discussed again below (pp. 200–2) in relation to Ockham's biblical hermeneutics.

theology a series of issues on which he probably never wrote before being summoned to Avignon. Speculative theology seeks an understanding of faith in the light of the best contemporary knowledge, and is not limited to historical enquiry into any given source such as the Bible or patristic writings.⁵⁷ Ockham's theological enquiries in Oxford were essentially speculative. Historical theology, on the other hand, seeks to understand and interpret the faith as it has already been articulated in some principal historical source such as the Bible or patristic writings.⁵⁸ Prior to his involvement in polemical disputes, Ockham showed little interest in historical theology, as the scarcity of references to Scripture in his theological works clearly testifies. By contrast, in his polemical works, Ockham persistently enquired into fundamental questions of historical – especially biblical – theology as he attempted to identify the source of Christian faith and to show the true meaning of debated scriptural texts.

Ockham's interest in historical (as opposed to speculative) theology helps to explain why he can argue for evident knowledge in theology. As far as speculative theology is concerned, its truth is exclusive to believers in that it is a matter of belief, independent of what can be known naturally by experience or as self-evident. Also when historical theology derives, by 'subtle arguments', some dogma from equivocal scriptural texts, the truth of the doctrine is a matter of faith. In either case, evident knowledge based on experience or self-evidence is impossible. But the historico-theological attempt to establish the truth of a historical event written in Scripture is quite different. Ockham does not regard a scriptural text as a manifestation of doctrine that is to be held by faith, but rather as a record of an event which was actually experienced by human beings. And with regard to fact, or what has happened, evident knowledge is possible by experience. Ockham's biblico-theological enquiry thus seeks to establish historical facts as found in Scripture, in terms of what actually happened to the individual concerned, for whom the event was evident knowledge in the light of his experience.

If the perception of 'facts' is more certain than that of 'knowledge', how can we know today with certitude that the fact actually occurred at a certain moment in the past? Biblical events happened at a certain moment in the distant past, which readers of the Bible can no longer experience or witness. According to Ockham's epistemology, we are unable to have evident knowledge of events in the past, because intuitive cognition of these events, which are not present to us, is naturally

⁵⁷ Richard McBrien, *Catholicism*, 3rd edn (London, 1994), p. 52.

⁵⁸ *Ibid.*

impossible. In his speculative work Ockham draws a distinction between intuitive and abstractive cognition with reference to the possibility of having evident knowledge of a contingent proposition about the present. Intuitive cognition is 'that by virtue of which one can have evident knowledge of whether or not a thing exists, or more broadly, of whether or not a contingent proposition about the present is true'.⁵⁹ Abstractive cognition, on the other hand, is 'a non-complex apprehension of terms by virtue of which it is not possible to have evident knowledge of whether or not a thing exists, or whether or not a contingent proposition about the present is true'.⁶⁰ Intuitive, not abstractive, cognition sufficiently guarantees the certitude of knowledge of a contingent truth, because intuitive cognition entails the judgement of whether a thing exists here and now, and existence of the thing is necessary to produce evident knowledge of a contingent truth. But it is naturally (*naturaliter*) impossible for us to have intuitive knowledge of a proposition about the past, because the situation represented by the terms in the proposition is not present to us. Accordingly, as we can no longer witness the event, we cannot have evident knowledge of it.

However, Ockham also argues that an intuitive cognition of non-existence can be produced by an act of divine absolute power.⁶¹ By divine intervention, intuitive cognition (and therefore, evident knowledge) of an event in the past is possible. Ockham applies this principle to his biblical hermeneutics. He suggests that the primary true meaning of a scriptural text might possibly be known to someone by a new divine revelation. Ockham emphasises the role of divine revelation in the true understanding of biblical texts when he responds to the opinion that, if true understanding of Scripture is not necessary for the salvation of believers at any time, because there has been no new divine revelation, the texts whose true meaning has yet to be revealed would have been superfluously written.⁶² But Ockham argues that nothing is written superfluously in Scripture because the true understanding of a scriptural text may be necessary for the salvation of believers at a given moment, though not all the time.⁶³ For instance, when Christ was twelve years

⁵⁹ Marilyn McCord Adams, *William Ockham*, 2 vols. (Notre Dame, Ind., 1987), I, p. 502. See *Ordinatio*, I, Prolog., q. 1, a. 1, pp. 31–2; *Quaestiones in librum secundum Sententiarum* (*Reportatio*) II, q. 12–13, in *OTH*, 5, pp. 256–7; *Quodlibeta septem* V, q. 5, p. 496.

⁶⁰ Adams, *William Ockham*, I, pp. 502–3. See *Ordinatio*, I, Prolog., q. 1, a. 1, p. 32; *Quodlibeta septem* V, q. 5, p. 496.

⁶¹ *Ordinatio*, I, Prolog., q. 1, a. 1, pp. 38–9.

⁶² III *Dialogus* I, III, 14, p. 831.

⁶³ *Ibid.*: 'aliquid non frustra ponatur in scriptura divina, sufficit quod aliquando, licet non omni tempore, eius verus intellectus et primus sit necessarius ad salutem, quemadmodum veritas ipsa multa dixit et protulit nequaquam frustra quorum tamen verus intellectus non erat tunc necessarius ad salutem.'

old, he visited Jerusalem with his parents for the festival of the Passover, and when they were on their way home, Christ stayed behind in Jerusalem alone. Three days later he was found in the temple, and Mary rebuked him. Christ said in reply, 'Why were you searching for me? Did you not know that I must be in my Father's house?' Mary and the others did not understand what Christ meant, but later they would understand it. Likewise, according to the Old Testament, Daniel was troubled by incomprehensible visions that came to him, but their meanings were only later revealed to him.⁶⁴ Furthermore, the apostles also frequently misunderstood Christ's words at the moment he spoke them.⁶⁵ Thus, Ockham maintained that only when true understanding of the Christian faith is necessary for a particular believer, is it then revealed to him.⁶⁶

What Ockham considers to be true understanding is twofold: the first aspect is 'primary' true meaning and the other is 'sound' true meaning. 'Primary' true meaning is Ockham's main concern here: it is what the speaker intends when he utters a proposition in a given context, or 'the understanding for which the given proposition was inspired or uttered'.⁶⁷ For Ockham, 'primary' true understanding of an utterance is determined only by the unique intention of the utterance and the specific context in which the speech act is performed.⁶⁸ For instance, he writes that the understanding of the utterance such as 'The king ordered a thief to be hanged' might vary according to which particular king ordered it. The meaning of the king's command may differ when it is stated by a French king or by an English king.⁶⁹ But for any given context, there can only be one 'primary' true meaning.

In his polemical writings, Ockham frequently stresses the importance of the literal sense, and downgrades the mystical sense; however, his idea of 'primary' true meaning is not identical to what he calls the literal sense. For Thomas Aquinas, the primary sense that God – the author of Scripture – intended was the historical or literal sense.⁷⁰ Ockham does not define the literal sense or the mystical sense, but it is clear that his concept of 'primary' true meaning transcends the distinction between the literal and the mystical sense. He suggests that the mystical sense

⁶⁴ III *Dialogus* I, iii, 17, p. 835.

⁶⁵ *Ibid.*, 14, p. 831.

⁶⁶ *Ibid.*, 14, p. 831; 16, p. 833.

⁶⁷ *Ibid.*, 18, p. 836: 'primus intellectus verborum scripturae divinae, quantum ad illa quae a solo Deo revelata fuerunt, est ille propter quem fuerunt principaliter revelata . . . primus sensus est ille propter quem inspirata vel prolata fuerunt'.

⁶⁸ Schlageter, 'Hermeneutik des Heiligen Schrift', pp. 256–7.

⁶⁹ III *Dialogus* I, iii 18, p. 836.

⁷⁰ Aquinas, *Summa theologiae*, 1: *Christian Theology*, ed. and trans. Thomas Gilby (London and New York, 1963), Ia, q. 1, a. 10, pp. 36–41.

cannot sufficiently demonstrate the certain meaning of a scriptural text, unless the mystical sense is the 'primary' understanding of the one who writes, reveals or teaches the text.⁷¹ In other words, the mystical sense *could* be the 'primary' understanding of the text.

Ockham's idea of 'primary' true meaning is also unusual in the light of the contemporary views of biblical exegetes, who were interested in the intentions of the human authors of Scripture. Nicholas Trevet, for instance, was concerned with what he calls 'primary intention' in his biblical exegesis. He maintains that the literal sense of Scripture is the expression of such 'primary intention' as was provided by the inspired human author.⁷² In interpreting the Psalms, Nicholas of Lyra is deeply concerned with the mind of David, the alleged author. He attempts to recover the mind of the author, whom God had used as his instrument.⁷³ Similarly, Ockham, too, shows interest in the human authors of Scripture, when he writes that any assertion contained in the Bible must be believed unconditionally because it was written just at the moment when the author was inspired by the Holy Spirit.⁷⁴ Nonetheless, the intention of the human authors of Scripture is, according to Ockham, not identical to what he called 'primary' true meaning. Ockham is concerned with the intention of the performer of the speech act at the time of uttering a statement as recorded in Scripture, not the intention of the human author at the time of being inspired and writing the scriptural texts.

How, then, can the 'primary' true meaning be known? Ockham writes that without a new revelation, 'primary' true understanding is impossible. But he is also aware that there are no new divine revelations to be had.⁷⁵ Neither the literal nor the mystical sense can be regarded as Catholic because it is not grounded in special revelation, but is derived by human ingenuity. The 'primary' true meaning is totally dependent upon the will of God, not upon what human readers do to the scriptural texts. In short, 'primary' true meaning is *not* an interpretative category.

This, however, is not to say that the biblical texts were written 'superfluously' or that it is impossible for any human readers to interpret them in order to acquire a meaning that is 'in some way' true. We still

⁷¹ III *Dialogus* I, iii, 19, p. 838: 'Sic generaliter aliqui arbitrantur quod per nullum sensum mysticum cuiuscunque auctoritatis scripturae divinae potest aliquid sufficienter ostendi nisi constet quod idem sensus mysticus est primus intellectus scribentis aut revelantis vel docentis, vel nisi alibi in scriptura sacra tanquam sensus primus sententialiter habeatur, aut per viam aliam manifestam irrefragabiliter possit ostendi.'

⁷² Cf. A. J. Minnis, *Medieval Theory of Authorship. Scholarly Literary Attitudes in the Later Middle Ages*, 2nd edn (Philadelphia, 1988), p. 85.

⁷³ Cf. Minnis, *Medieval Theory of Authorship*, p. 91.

⁷⁴ III *Dialogus* I, iii, 4, p. 822.

⁷⁵ I *Dialogus*, ii, 25, p. 429.

can interpret the text by the same Spirit as that by which it was written.⁷⁶ We cannot know the intention of a speaker who appears in an event recorded in Scripture, but we can know the intention of its human author, who recorded scriptural events. Ockham calls the meaning that is available to a human reader ‘sound’, true meaning. He does not define ‘sound’ true meaning explicitly. But we can gather what he means: the rational interpretative possibilities of a given text. Ockham wrote that this meaning could be obtained by what we have called the cross-reference method of interpreting Scripture: any sense drawn out of Scripture can be supposed to establish Catholic truth if and only if the same sense is also taken from elsewhere in the Bible.⁷⁷ In Book 3 of III *Dialogus* I, Ockham simply asserted this hermeneutic principle. However, he had already elaborated it in *Opus nonaginta dierum*. In the last chapter, we saw the underlying assumptions of this hermeneutic principle.⁷⁸ Ockham attempts to establish the meaning of an ambiguous scriptural text as specifically as possible in the light of other explicit texts in Scripture.

Thus, Ockham’s biblical hermeneutics is an endeavour to establish the ‘sound’ meaning of a text that is presented in the Bible as the report of a past fact. The certitude of the perception of the fact is endorsed by his theory of intuitive cognition. A certain perception of a past fact is achieved ideally by a possible new revelation, but more realistically by the cross-reference method of the interpretation of relevant texts. But a question remains. Ockham stresses that knowledge of a true proposition concerning a fact allows rejection of an erroneous authoritative definition of it. This, however, is not the case with a proposition concerning the nature of things. Why does a proposition concerning a fact in particular entail such a degree of certitude as to refute an authoritative definition? Ockham’s logic of tensed propositions may offer a possible explanation: a past fact, or something that has happened, is, logically speaking, necessary. In his philosophical works, Ockham maintains that a proposition concerning the past is necessarily true. This logic is grounded in an Aristotelian idea: ‘in this alone is God deprived: to make

⁷⁶ III *Dialogus* I, iii, 18, p. 836: ‘si plures, puta 10 vel 20, magistri lectores vel praedicatores verbi dei aut alii his temporibus sacras literas exponentes, eandem auctoritatem aenigmaticam et obscuram in Apocalipsi vel prophetia alia scriptam secundum diversum exponerent intellectum non erroneum sed verum et sanum, posset aliquo modo concedi quod quilibet istorum, eodem spiritu, eandem auctoritatem exponerent. Quia omnis enim sensus verus et sanus est a spiritu sancto a quo inspirati locuti sunt scriptores literarum sanctarum . . . Et tamen non omnis, imo forte nullus talium sensuum esset primus intellectus et verus illius textus, quem tales exponentes exponerent.’

⁷⁷ III *Dialogus* I, iii, 16, p. 834. See above Chapter 4.

⁷⁸ Above pp. 167–70.

undone things that have been done'.⁷⁹ This Ockham explains: 'if some assertoric proposition merely about the present that is not equivalent to one about the future is true now, so that it is true of the present, then it will always be true of the past'.⁸⁰ For example, 'if "Socrates is seated" is true, "Socrates was seated" will be necessary forever after'.⁸¹ For Ockham, some past events, such as Peter's denial of Christ, are logically necessary not in the sense 'that their opposites – e.g. Peter's never having denied Christ – are logically impossible', but in the sense 'that there is no longer any potency in things for their being otherwise'.⁸² In Ockham's own words, 'if the proposition "this thing is" – some thing or other having been indicated – is true now, then "this thing was" will be true forever after, nor can God in His absolute power (*potentia absoluta*) bring it about that this proposition be false'.⁸³ For Ockham, *potentia Dei absoluta* is the realm of total, logical possibility, while *potentia Dei ordinata* is the realm of God's revealed will.⁸⁴ *Potentia absoluta* is indifferent to God's will, and simply a matter of absolute possibility. In terms of absolute power, or absolute possibility, for example, God could have had Socrates unseated. But once Socrates is seated, the proposition 'Socrates was seated' can no longer be false. Logical necessity is absolutely irreversible: even divine absolute power cannot reverse it. Thus, Ockham's emphasis on the certitude of a proposition concerning the past may be grasped as the assertion of the logical necessity (irreversibility) of a proposition concerning events in the past.

⁷⁹ *Predestination, God's Foreknowledge, and Future Contingents*, trans. Marilyn McCord Adams and Norman Kretzmann (Indianapolis, Ind., 1983), p. 36; *Tractatus de praedestinatione et de praescientia Dei respectu futurum contingentium*, q. 1, in *Oph* 2, p. 507: 'secundum Philosophum VI Ethicorum: "Hoc solo privatur Deus, ingenita facere quae facta sunt."'

⁸⁰ *Predestination, God's Foreknowledge, and Future Contingents*, p. 36; *Tractatus de praedestinatione*, p. 507: 'si aliqua propositio mere de inesse et de praesenti et non aequivalens uni de futuro sit vera modo, ita quod sit vera de praesenti, semper erit vera de praeterito'.

⁸¹ *Predestination, God's Foreknowledge, and Future Contingents*, p. 38; *Tractatus de praedestinatione*, p. 509: 'omnis propositio de praesenti semel vera habet aliquam de praeterito necessariam, sicut haec "Sortes sedet", si est vera, haec semper postea erit necessaria "Sortes sedet"'

⁸² 'Introduction' in *Predestination, God's Foreknowledge, and Future Contingents*, p. 5.

⁸³ *Ibid.*, p. 36; *Tractatus de praedestinatione*, pp. 507–8: 'Si haec propositio sit modo vera "haec res est", quacumque re demonstrata, semper postea erit haec vera "haec res fuit"; nec potest Deus de potentia sua absoluta facere quod haec propositio sit falsa.'

⁸⁴ W. J. Courtenay, 'The Dialectic of Omnipotence in the High and Later Middle Ages', in T. Rudavsky, ed., *Divine Omniscience and Omnipotence in Medieval Philosophy* (Dordrecht, Boston and Lancaster, 1985), pp. 243–69, at pp. 254–5. See *Quodlibeta septem*, vii, q. 1, pp. 585–6. For Ockham's idea of *potentia Dei absoluta*, see especially, Oberman, *Harvest of Medieval Theology*, pp. 30–56; Mary Anne Pernoud, 'Innovation in William of Ockham's References to the "Potentia Dei"', *Antonianum* 45 (1970), pp. 65–97; Pernoud, 'The Theory of the *Potentia Dei* According to Aquinas, Scotus and Ockham', *Antonianum* 47 (1972), pp. 69–95; Eugenio Randi, 'Ockham, John XXII and the Absolute Power of God', *Franciscan Studies* 46 (1986), pp. 205–16.

This brings to an end Ockham's quest for a solution to the question: how can a Christian know with certitude the truths of faith? When he discusses the certitude of doctrinal definition, Ockham is concerned with the definition of facts – events or actions in the past – found in Scripture. Although the authors of non-scriptural texts, including the Church Fathers, the popes, general councils and doctors, are not always to be believed, Ockham admits that Christians should normally be subject to their authority as far as 'the nature of things' is concerned. By contrast, a proposition concerning a fact in the past is logically necessary, and therefore precludes any objection. Even God, let alone the pope, cannot make false a true proposition concerning a fact in the past. When Ockham proposes this solution and replaces a hierarchical conception of heresy with a cognitive one, he is asserting that, institutional authority notwithstanding, historical facts alone remain irreversibly true. In maintaining this, to be sure, he is not saying that ecclesiastical authorities must know every single biblical fact accurately. Ockham admits that a bishop, even one capable of memorising everything written in Scripture, would not commit a mortal sin by forgetting some biblical facts.⁸⁵ But facts in the past are irreversible, independent of the definitions given by ecclesiastical authority. Thus, accurate knowledge of fact should and could perfectly eradicate any error of fact which is committed by any ecclesiastical authority whatsoever.

What Brian Tierney calls Ockham's 'anti-papal infallibility' should probably be understood in the light of this logical perspective. The reason why Ockham asserted the irreformability of the Franciscan doctrine of poverty as formulated in Pope Nicholas III's *Exiit qui seminat* was, arguably, not simply that the decree met no objection at the time of its promulgation.⁸⁶ For Ockham, *Exiit qui seminat* was binding not because the assertions contained in it were papal but because they were historically true *and* papal. Once the historical fact of the poverty of Christ and the apostles is defined accurately and correctly by papal authority (as in the case of *Exiit qui seminat*), the proposition that signifies the fact not only stands irrevocably in itself – since it is necessarily true – but also obliges every Christian to believe it, since papal authority compels them to do so.⁸⁷ Conversely, John XXII's rejection of Franciscan poverty and withdrawal of *Exiit qui seminat* was, in Ockham's eyes,

⁸⁵ *CI*, c. 7, p. 50.

⁸⁶ Tierney, *Origins*, p. 232. Cf. Kilcullen, 'Ockham and Infallibility', pp. 401–2.

⁸⁷ *CI*, c. 28, p. 119: 'Quando enim Romanus pontifex quaestionem fidei aut bonorum morum immutabilium terminat et definit, ad hoc, ut definitio sua sit vera, recta et catholica, oportet quod in fide aut scientia bonorum morum sit fundata; et ideo tunc definit per clavem scientiae, hoc est, per fidem rectam aut scientiam fidei Christianae et bonorum morum. Ad hoc autem, ut eadem

nothing other than an assertion that papal authority overrides the necessary truth of historical facts, which cannot be contradicted even by God. This is not to say, however, that Ockham was much aware of this when he was involved in the dispute; we have little evidence to demonstrate it, and it would be anachronistic to interpret his earlier contentions in the light of the theory he developed later. Indeed, one of the debated issues at the time was whether John XXII's rejection of Franciscan poverty was a matter of doctrine or discipline. Curial theologians such as Pierre de la Palud and Guido Terreni maintained that it was a matter of discipline.⁸⁸ The Michaelists maintained otherwise, as did Ockham insofar as he asserted that a doctrinal definition would possess certitude.⁸⁹ His distinction between 'fact' and the 'nature of things' in the subject-matter of doctrinal assertions pertains to the later stage of his polemical activities. Perhaps it took some ten years before he could base his responses to contemporary ecclesiological issues on a consistent theory.

In criticising the heretical errors of ecclesiastical authorities, then, Ockham as a logician defends the necessary truth of propositions concerning past facts. His exegetical search for the true principles of ecclesiastical government is, essentially, logical. Once we have grasped this, we can readily see why he raises the historical question of whether Christ appointed Peter – not 'Peter and his successors' – as head of the believers. Ockham is defending the necessary truth of Petrine primacy against Marsilius of Padua's rejection of it, because the Petrine Commission was a historical fact. But how did he recover the historical fact of the Petrine Commission? We shall now see how Ockham applies his biblical hermeneutics to his discourse on Petrine primacy. We shall then examine some important implications of Ockham's 'historical' demonstration of the Petrine Commission.

THE CONTEXT OF OCKHAM'S DISCOURSE ON PETRINE PRIMACY

Prior to its comprehensive treatment in III *Dialogus* I, the headship of St Peter is discussed briefly in I *Dialogus*.⁹⁰ Here Ockham enquires into

definitio sit obligatoria, ne alicui sit licitum contrarium opinari vel in dubium revocare, requiritur clavis potentiae, hoc est, papalis auctoritas.' Cf. III *Dialogus* I, iii, 23, p. 841.

⁸⁸ Terreni, *Quatuor unum*, p. 898. For Pierre de la Palud's view, see Dunbabin, *A Hound of God*, pp. 161–2.

⁸⁹ Ockham was well aware of the distinction between doctrine and discipline. See *CB*, i, c. 7, p. 187: '... In qua assertionem imperator ... intendebat assignare differentiam inter credenda, quae spectant ad fidem et bonos mores, et agenda et non agenda, quae cadunt vel cadere possunt sub lege humana positiva.'

⁹⁰ I *Dialogus*, v, 14–21, pp. 483–9.

the problem of Petrine primacy in connection with the institutional warrant of doctrinal infallibility. As he questions the infallibility of the pope, the college of cardinals, the general councils, and so on, Ockham questions whether the Roman Church is infallible.⁹¹ Through the Disciple, Ockham asks whether the Roman Church has leadership over other churches. The Disciple states that the Roman Church's leadership, if it is of divine origin, cannot be removed by anyone but God and is therefore infallible. But if its leadership is derived from human beings, the Disciple asked, how can the Roman Church be infallible?⁹² Ockham's Master illustrates two opposing views: according to the first, 'neither St Peter nor his successor nor the Roman Church received leadership from God or from Christ'.⁹³ The second view is that 'Peter received from Christ power and primacy over the other apostles'.⁹⁴

The first view is intriguing in the light of Ockham's relation to Marsilius. It is based on the assumption that all the apostles received the same power from Christ. Drawing on the legal maxim 'No one can have leadership over his equals',⁹⁵ Ockham's Master concluded that Peter was not given leadership by Christ. The equality of power among the apostles is illustrated by some scriptural verses, including 'I will give you the keys of the kingdom of heaven' (Matthew 16.19),⁹⁶ 'Truly I tell you, whatever you bind on earth will also be bound in heaven, . . .' (Matthew 18.18),⁹⁷ and 'Jesus said to them again, "Peace be with you. As the Father has sent me, so I send you." When he had said this, he breathed on them and said to them, "Receive the Holy Spirit. If you forgive the sins of any, they are forgiven"' (John 20.21-3).⁹⁸ The keys of the kingdom of heaven which Christ passes to Peter in Matthew 16.19 are, in the tradition of medieval biblical exegesis, understood, in

⁹¹ *Ibid.*, 11, p. 481.

⁹² I *Dialogus*, v, 14, p. 483: 'Si non fallor, ad sciendum an ecclesia Romana possit contra fidem errare confert non modicum indagare a quo Romana ecclesia super omnes alias ecclesias obtinuit principatum, quia si habuit principatum a Deo non videtur quod possit illo principatu privari nisi a solo Deo. Et ita usque in finem seculi est habitura principatum, et per consequens numquam contra fidem errabit. Si autem habuit principatum ab homine non video quare ipsa non possit errare contra fidem sicut alie particulares ecclesie.'

⁹³ *Ibid.*: 'quibusdam dicentibus quod nec beatus Petrus nec aliquis successor eius nec Romana ecclesia super alias ecclesias habuit a Deo seu a Christo primum'.

⁹⁴ I *Dialogus*, v, 16, p. 486: 'Quod beatus Petrus super alios apostolos habuit potestatem et primum a Christo multis modis ostenditur.'

⁹⁵ *Ibid.*, 15, p. 483: 'par super parem nullum noscitur habere principatum'.

⁹⁶ 'tibi dabo claves regni caelorum'.

⁹⁷ 'Amen dico vobis, quaecumque alligaveritis super terram erunt ligata et in caelo . . .' In the Goldast edition, this verse is quoted as: 'Amen dico vobis, quaecumque ligaveritis super terram, erunt ligata et in caelis.'

⁹⁸ 'dixit ergo eis iterum, "Pax vobis. Sicut misit me Pater et ego mitto vos." Hoc cum dixisset, insufflavit et dicit eis, "Accipite Spiritum Sanctum. Quorum remiseritis peccata remittuntur eis . . ."'

connection with Matthew 18.18 and John 20.23, to signify penitential authority; hence the power of the keys bestowed on Peter was also given to all the other apostles.⁹⁹ Peter Abelard serves as a case in point. Discussing the power to bind and loose the sins of men, he quotes Matthew 16.18–19, Matthew 18.18 and John 20.23 with reference to Jerome, Origen and Gregory the Great, and extends the Petrine Commission to all the other apostles, except the unworthy apostles such as Judas and Thomas.¹⁰⁰ This is not to say that Abelard denies papal primacy. But the linkage of the three scriptural testimonies does not necessarily invite a primatial reading. Ockham was probably aware of this exegetical tradition, and applied it to a possible biblical argument against papal primacy.

Georges de Lagarde argued that the first view that Ockham outlines was not a mere duplication of Marsilius' opinion,¹⁰¹ and Lagarde was right. Marsilius knew that some exegetes had suggested the equality of penitential power among the apostles by referring to Matthew 16.19, Matthew 18.18 and John 20.23, but he was undecided as to whether such an interpretation was appropriate.¹⁰² To be sure, various scriptural verses are scattered throughout the Marsilian discourse in order to deny papal primacy. Despite its ostensibly biblical style, however, the Marsilian argument is ultimately based on St Jerome's authority.¹⁰³ According to Marsilius *presbyter* and *episcopus* were synonymous in the early Church, distinguished only by the traits that these terms signified: the former was used for an elder person, the latter for a supervisor of Christians. Marsilius argues that as the number of *presbyteri* increased, supervisors were elected who monopolised the title of *episcopus*. He emphasises that such a human election did not confer any sacerdotal power but only what he called 'household power' ('potestas iconomica')

⁹⁹ Karlfried Froehlich, 'Saint Peter, Papal Primacy, and the Exegetical Tradition, 1150–1300', in Christopher Ryan, ed., *The Religious Role of the Papacy: Ideals and Realities, 1150–1300* (Toronto, 1989), pp. 3–44.

¹⁰⁰ Peter Abelard's *Ethics*, ed. and trans. D. E. Luscombe (Oxford, 1971), pp. 112–27, especially at pp. 124–7. See also Luscombe, *The School of Peter Abelard* (Cambridge, 1969), pp. 140–1; Luscombe, 'The Ethics of Abelard: Some Further Considerations', in E. M. Buytaert, ed., *Peter Abelard. Proceedings of the International Congress* (Louvain, 1974), pp. 65–84.

¹⁰¹ Lagarde, *La Naissance*, new edn, 5, p. 94. See also Lagarde, 'Marsile de Padoue et Guillaume d'Ockham' (1937) and 'Marsile de Padoue et Guillaume d'Ockham' (1965), pp. 593–605.

¹⁰² DP II, xv, 3, p. 265. However, Marsilius was quite in favour of John 20.23 as evidence of the equality of the apostles. See, for example, DP II, xviii, 3, p. 305.

¹⁰³ St Jerome, Epist. 146, *Ad Evangelum* (PL 22, 1192–5). Like Marsilius, John Wyclif draws on patristic exegesis in his criticism of papal primacy. In his sermon on John 21.15, Wyclif clearly echoes Augustine's view that Christ's command to feed his sheep was a call to martyrdom. See John Wyclif, *Sermo XVI*, in *Iohannis Wyclif Sermones*, ed. Johann Loserth (London, 1888), 2, pp. 113–23.

to control other ecclesiastics without coercion although every priest received the same authority directly and justly from Christ. Marsilius therefore concludes that priests and bishops are equal in terms of sacramental and penitential power, what he calls the 'essential authority' ('auctoritas essentialis') bestowed by Christ.¹⁰⁴ Marsilius repeatedly returns to this conclusion in order to repel any primatial reading of Scripture. In I *Dialogus*, by contrast, Ockham does not place Jerome's authority at the centre of his arguments against papal primacy. Indeed, Ockham does not show any serious interest in the core of the Marsilian discourse.¹⁰⁵ Moreover, Ockham refers to canon law frequently in both pro- and anti-primatial arguments, whereas Marsilius ignores canon law. It is hardly possible, then, to establish that Ockham's argument against papal primacy in I *Dialogus* is essentially modelled on that of Marsilius. Rather Ockham considers that exegesis of Matthew 16.19, Matthew 18.18, and John 20.23 may lead to the rejection of papal primacy.

It has been noted that the discussion of papal primacy in I *Dialogus* is quite puzzling, for it is unclear which position Ockham favoured. Lagarde argued that, in view of Ockham's negative attitude towards papal infallibility, he must have supported the first view: the rejection of papal primacy.¹⁰⁶ Ockham's Disciple argues that if the leadership of the Roman Church is of divine origin, the Roman Church must be infallible. In view of the whole of Book 4, however, Ockham's position seems to have been to reject the infallibility of the Roman Church, except when it signifies the universal Church. In this sense, Lagarde's view seems plausible. By contrast, Léon Baudry considered that Ockham was essentially equivocal and vacillated between the two positions.¹⁰⁷ In fact, Ockham's presentation of the two opposing views is quite superficial; neither position is thoroughly refuted or forcefully defended. Also, Ockham's manner of formulating the problem is not coherent. The problem of papal primacy is often muddled with the problem of the primacy of the Roman Church. Seen in this light, Baudry's view seems credible. Hence we can hardly make a definitive statement about Ockham's position on papal primacy in I *Dialogus*. But by the time he wrote the fourth book of III *Dialogus* I, he had already crystallised his idea of papal primacy. The presentation of the problem in III *Dialogus* I is more lucid than in I *Dialogus*: Ockham focuses more sharply on the

¹⁰⁴ DP II, xv, 5–8, pp. 267–70.

¹⁰⁵ Durand de St Pourçain was aware of the Marsilius-like rejection of papal primacy on the basis of Jerome's authority, and criticised it. See Durand de St Pourçain, *In Petri Lombardi Sententias*, IV Sent., d. 24, q. 5, fol. 362v. I have not been able to determine whether Durand was responding to Marsilius' doctrine in particular or found the argument elsewhere than in DP.

¹⁰⁶ Lagarde, *La Naissance*, new edn, 5, p. 93.

¹⁰⁷ Baudry, *Guillaume d'Occam*, p. 166.

problem of papal primacy and does not deal with any other topic such as the leadership and infallibility of the Roman Church.

The context of the whole discourse is a rejoinder to Marsilius of Padua's rejection of papal primacy in his *Defensor pacis*.¹⁰⁸ Ockham quotes from the *Defensor pacis* selectively: he does not attempt to examine and refute the kernel of the Marsilian argument, still less the argument in its entirety. The narrow scope of Ockham's attack on the Marsilian position forms an intriguing contrast with his refutation of papal decrees in the *Opus nonaginta dierum* and the *Contra Ioannem*, which is characterised by minute scrutiny and thorough refutation of every single proposition of his opponent. Ockham does not employ such an exhaustive style of argument against the author of the *Defensor pacis*. He quotes a few passages from it, and examines them meticulously.¹⁰⁹ But they are, in the context of Marsilius' discourse, merely peripheral.¹¹⁰ Ockham presents Marsilius' position as if it were based exclusively on the following New Testament texts: 'And I tell you, you are Peter, and on this rock I will build my church' (Matthew 16.18);¹¹¹ 'but I have prayed for you that your own faith may not fail; and you, when once you have turned back, strengthen your brothers' (Luke 22.32);¹¹² and 'Jesus said to him, "Feed my sheep"' (John 21.17).¹¹³ Ockham devotes the whole of Book 4 of III *Dialogus* I to rejecting Marsilius' understanding of these biblical testimonies and showing their correct interpretation. This focus on specific scriptural texts resembles Ockham's handling of the definition of papal *plenitudo potestatis*, which, as we saw in the last chapter, is reduced to exegesis of Matthew 16.19.

Why does Ockham employ such an argumentative strategy? The three verses, Matthew 16.18, Luke 22.32 and John 21.17, had long been established as the scriptural foundations of papal primacy in the papal tradition of biblical exegesis, represented by Pope Innocent III's celebrated exposition.¹¹⁴ This can readily be traced back to Popes Damasus and Leo I.¹¹⁵ In the twelfth century, the Decretists adopted

¹⁰⁸ See [Appendix](#).

¹⁰⁹ III *Dialogus* I, iv, 3, p. 849.

¹¹⁰ DP II, xxviii, 8–9, 25–6, pp. 439–41, 464–5.

¹¹¹ 'et ego dico tibi quia tu es Petrus et super hanc petram aedificabo ecclesiam meam'.

¹¹² 'ego autem rogavi pro te ut non deficiat fides tua. Et tu aliquando conversus confirma fratres tuos.'

¹¹³ 'Dicit ei, "Pasce oves meas."' In DP this verse is quoted as 'Si amas me, pasce oves meas.'

¹¹⁴ Innocent III, *De sacro altaris mysterio* (PL 217, 778–9). See also Froehlich, 'Saint Peter', pp. 3–7. This is not to say, of course, that the idea of Petrine/papal primacy appeared as late as the pontificate of Innocent III (1198–1216). The identification of the pope with St Peter can be seen, for example, in the letters of Pope Gregory VII and in the works of canonists such as Anselm of Lucca. See I. S. Robinson, *Authority and Resistance in the Investiture Contest* (Manchester, 1979), pp. 17–24.

¹¹⁵ Henry Chadwick, *The Early Church*, revised edn (London, 1993), pp. 239–40; Walter Ullmann, 'Leo I and the Theme of Papal Primacy', *Journal of Theological Studies* 11 (1960), pp. 25–51.

this tradition.¹¹⁶ From the late thirteenth century onwards, the papal interpretation was incorporated into theological and biblical scholarship. We shall see below that Ockham deliberately scrutinises the Marsilian rejection of papal supremacy in this light. Accordingly, Ockham's discourse on the Petrine Commission needs to be examined not merely as a response to Marsilius but also in this context.

Lagarde once maintained that Ockham's position on the supremacy of St Peter was quite different from that of the so-called papalist theologians, such as James of Viterbo and Pierre de la Palud. According to Lagarde, these theologians argued that the whole New Testament demonstrates Peter's primacy, whereas Ockham claimed that particular references such as 'Feed my sheep' and 'You are Peter' are the key evidence for St Peter's primacy.¹¹⁷ This is not quite right, however. Ockham was not exceptional in basing his discourse concerning Petrine primacy on those scriptural references. The Carmelite friars Guido Terreni and John Baconthorpe adopted the Innocentian language faithfully by basing their arguments on particular verses such as Matthew 16.18, Luke 22.32 and John 21.17,¹¹⁸ and Dominican theologians such as John of Paris, Durand de St Pourçain and Pierre de la Palud appealed mainly to John 21.17.¹¹⁹ None of these theologians (including Ockham) pays any attention to the context of the scriptural testimonies in their exposition. Contrary to Lagarde's contention, James of Viterbo is somewhat exceptional in that he explicitly indicates the context of various key sentences, including the three scriptural verses we are concerned with here.¹²⁰

Ockham's reference to Luke 22.32 is too brief to comment on;¹²¹ therefore we shall examine his discourses on John 21.17 and Matthew 16.18 in turn.

Pasce oves meas

Ockham begins his attack on Marsilius with an extensive treatment of John 21.17: 'Feed my sheep' ('Pasce oves meas'). The single important issue is: when Christ said 'Feed my sheep', to whom did he speak, to all

¹¹⁶ Tierney, *Foundations*, pp. 25–36.

¹¹⁷ Lagarde, *La Naissance*, new edn, 5, pp. 106–7.

¹¹⁸ Terreni, *Summa de haeresibus*, fols. 21, 34v, 41, 74, 83; Baconthorpe, *Quaestiones*, IV Sent., Prolog., q. 10, a. 1, p. 262. On Terreni's exposition of the three scriptural verses as found in his *Quatuor unum*, see Tierney, *Origins*, p. 263.

¹¹⁹ John of Paris, *De regia potestate et papali*, c. 12, p. 130; Durand de St Pourçain, *In Petri Lombardi Sententias*, IV Sent., d. 19, q. 2, fol. 349v; d. 24, q. 5, fol. 362v; Pierre de la Palud, *Quartus Sententiarum liber*, d. 19, q. 2, fol. 106.

¹²⁰ James of Viterbo, *De regimine Christiano*, ii, 5, pp. 201–22.

¹²¹ III *Dialogus* I, xxi, p. 863.

the apostles or to Peter alone? The gist of the Marsilian view is that when Christ said 'Feed my sheep', he was speaking to Peter in the person of all the apostles.¹²² Marsilius assumes, on St Jerome's authority, that all the apostles were equal in terms of the power that Christ conferred on them. To Marsilius, therefore, Christ's command to Peter to feed the sheep did not entail the commission of any power whatsoever. Consequently, there is no reason why the pastoral care of believers should be monopolised by Peter (and his successors); rather it is extended equally to all other apostles (and their successors). In response to this view, Ockham argues that Christ spoke to Peter in the person of Peter alone. For Ockham, the word 'feed' conferred on Peter not only the activity of 'feeding' or pastoral care, but also the power and authority to 'feed'.¹²³ 'The utterances by which a person is promoted to an office are addressed to that particular person, not to any other person.'¹²⁴ Accordingly, Christ's command which entrusted Peter with the power or office of feeding the sheep must be understood as being addressed to Peter alone.

Ockham's reading of the biblical verse is by no means traditional. Augustine, for example, argued in a *sermo* that the command to feed the sheep was given to all those who minister to believers with word and sacrament.¹²⁵ To Augustine, the care of sheep was not entrusted exclusively to Peter, or even to the twelve apostles alone, but to all priests. In the eyes of Augustine, moreover, 'Feed my sheep' did not mean anything like the conferring of power: rather it was Christ's challenge to Peter, inviting him to martyrdom in order to make him prove his love. Christ asked Peter three times if he loved Him, and Peter answered affirmatively three times. Christ ordered that Peter should die for the sake of believers just as He would die on the cross for them.¹²⁶ Karlfried

¹²² DP II, xxviii, 9, pp. 439–40: 'Interroganti vero cur Christus hoc Petro singulariter dixerit, dicendum utique, quod Christus quandoque sermonem dirigebat ad hominem in persona propria, ut in remissione peccatorum, sanatione infirmorum, et suscitatione mortuorum, quandoque vero dirigebat sermonem ad alterum in persona omnium aut plurium, ut in Iohannis v: *Vade et amplius noli peccare, ne deterius tibi contingat*. Unde id officium Christus committendo Petro, illi loquebatur in persona omnium apostolorum, sicut [ipsi] met testatur hunc modum loquendi suum Marc., cum dixit: *Quod autem uni ex vobis dico, omnibus dico*.' Previté-Orton notes that Marsilius' reference to John 5.14 is 'contaminated in memory with John 8.11'.

¹²³ III *Dialogus* I, iv, 10, p. 857: 'Sed per verbum *pascendi* non solum importatur pascere alios verbo et exemplo ac subsidio corporali sed etiam potestative et cum auctoritate, praesertim secundum quod verbum *pascendi* in scripturis sacris et expositionibus sanctorum patrum accipitur.'

¹²⁴ III *Dialogus* I, iv, 4, p. 850: 'Verba per quae aliquis promovetur ad aliquam dignitatem vel officium ad illum cui dicuntur in propria persona non in persona aliorum diriguntur.'

¹²⁵ Augustine, *Sermo* 296. c. 1 (PL 38, 1353): 'admonuit nos omnes, qui vobis verbum et sacramentum Domini ministramus, pascere oves suas'. See also Froehlich, 'Saint Peter', pp. 32–3.

¹²⁶ *Ibid.*, 1354: 'Pascere oves meas., commendo tibi oves meas. Quas oves? Quas emi sanguine meo. Mortuus sum pro eis. Amas me? Morere pro eis.' See also Froehlich, 'Saint Peter', p. 31.

Froehlich, who found that this Augustinian interpretation was very influential in subsequent exegesis, pointed out that medieval commentators before the thirteenth century interpreted John 21.17 as meaning that the care of the flock, as a personal prerogative, was entrusted to Peter, but they also extended the application to all prelates.¹²⁷

In the later thirteenth century, theologians agreed that the command 'Feed my sheep' referred to Peter alone; however, they did not deduce from this the foundation of the ideology of papal monarchy. Bonaventure, for example, discerns no hint of the commission of power or authority in this verse. He is more interested in the question why Christ asked Peter three times, 'Do you love me?' and then told him three times 'Feed my lambs/Feed my sheep' ('Pasce agnos meos/Pasce oves meas').¹²⁸ In *De perfectione evangelica*, Bonaventure refers to John 21.17 as evidence of Peter's headship among the apostles.¹²⁹ But his vision of the papal hierocracy is ultimately modelled on the Pseudo-Dionysian concept of hierarchy;¹³⁰ it does not revolve around John 21.17. Thomas Aquinas, too, indicates that Christ's words 'Feed my sheep' were directed at none other than Peter, and goes further by arguing that by these words Christ imposed pastoral office on him.¹³¹ Notwithstanding this, St Thomas does not delineate Peter as the model of the pope. Nicholas of Lyra merely re-states Thomas Aquinas' interpretation and does not adopt the primatial reading of the verse.¹³² Nicholas Gorran's commentary resembles Bonaventure's, and suggests no implications for papal primacy.¹³³

In biblical scholarship and publicist discourse, the interpretation of John 21.17 as signifying papal primacy does not emerge until the end of the thirteenth century. In *De ecclesiastica potestate*, Giles of Rome writes that Christ did not say to Peter 'Feed these sheep' or 'Feed those sheep', but simply 'Feed my sheep.' Giles therefore infers that John 21.17 signifies the universal dominion of the pope over all Christians.¹³⁴

¹²⁷ *Ibid.*, p. 35.

¹²⁸ Bonaventure, *Commentarius in Evangelium Ioannis*, pp. 524–6.

¹²⁹ Bonaventure, *De perfectione evangelica*, q. 4, a. 3, p. 190.

¹³⁰ *Ibid.*, pp. 193–5. For Bonaventure's theory of papal primacy, see Ratzinger, 'Einfluß'; Joseph Ratzinger, *Die Geschichtstheologie des hl. Bonaventura* (Munich and Zurich, 1959). The English translation of the latter is entitled *The Theology of History according to St Bonaventure* (Chicago, 1971). See also Congar, 'Aspects ecclésiologiques', pp. 107–14.

¹³¹ Aquinas, *Commentum in Matthaeum et Joannem Evangelistas*, pp. 640–1.

¹³² Nicholas of Lyra, *Postilla super totam Bibliam*, ad John 21.17. In this edition I could not find any passage which alluded to papal primacy as Froehlich suggested. See Froehlich, 'Saint Peter', p. 38.

¹³³ Nicholas Gorran, *Commentaria in quattuor evangelia*, fol. 586v.

¹³⁴ Giles of Rome, *De ecclesiastica potestate*, ii, 4, pp. 50–1: 'tu pasces oves meas, non has vel illas tantum, sed omnes universaliter; aliis quidem commisse sunt oves iste vel ille, tibi autem sine

Despite his contrasting stance, John of Paris does not deny papal primacy. He explicitly states that Peter and his successors were given general pastorship by Christ's command to feed the sheep so that Peter and his successors should be able to settle any disorder which might occur in ecclesiastical government.¹³⁵ It was about this time that such primatial readings of John 21.17 infiltrated the theological scholarship of the schools. In his commentary on the fourth book of Peter Lombard's *Sentences*, Durand de St Pourçain argues, referring to John 21.17, that Peter was given the prerogative to rule the universal Church; thus, the pope is subject to no one in terms of jurisdiction.¹³⁶ John Baconthorpe appeals explicitly to John 21.15–17 to argue that the pope is the vicar of Christ and the head of the Church.¹³⁷ In the light of contemporary trends, then, Ockham's interpretation is quite unique. Although he attempts to defend Peter's primacy, he abstains from making any connection between John 21.17 and papal primacy. His understanding of John 21.17 is quite traditional, reminiscent of the thirteenth-century exegetical views.

Another feature of Ockham's exegesis of John 21.17 that deserves our attention is the interpretation of the phrase 'my sheep'. Ockham argues that the precept 'Feed my sheep' entrusted to Peter the care of all Christ's sheep, including the apostles, thereby denying equality of power

contraccione, sine diminucione, oves universaliter sunt commisse. Non est quidem Petro dictum: Pasce has oves vel illas, sed simpliciter: Pasce oves meas. Dicimus autem oves esse istas, ut puta christianos existentes in hac parte mundi, et oves illas existentes in alia parte mundi; tolle istas et tolle illas, et intelligas ipsas oves ipsos christianos universaliter non contractos ad hos vel illos. Sic intelliges potestatem summi pontificis non contractam, non diminutam, sed universaliter super omnes.' Alvarus Pelagius not only writes that by the words 'Feed my sheep' Christ entrusted to Peter the government of the Church but also argues that the 'sheep' who are to be fed by the pope include both believers and non-believers. See Alvarus Pelagius, *De planctu ecclesie*, i, 37, p. 45; i, 52, p. 127.

¹³⁵ John of Paris, *De regia potestate et papali*, c. 12, p. 130: 'Alia est potestas quinta, dispositionis ministrorum, secundum quosdam, quoad determinationem iurisdictionis ecclesiasticae, ut viter confusio, et haec collata est Petro et successoribus eius *Iohannis XXI* (17), ubi dictum est ei: "Pasce oves meas". Potestas enim clavium et iurisdictionis potestas aequaliter collata omnibus et sine determinatione, et poterat quilibet ea uti in quemlibet peccatorem cum effectu, cum peccator sit debita materia super quam cadere habet iurisdictionis actus sive absolutio, sicut panis triticeus sine determinatione est materia super quam cadit actus potestatis ordinis. Unde et Beatus Paulus ubique sine determinatione populum hierarchizabat ut patet [in suis *epistolis*]. Et quia, ut dictum est, confusio inde sequi poterat, ideo Dominus hoc praevidens contulit Petro et successoribus eius auctoritatem disponendi ministros ecclesiae et determinandi iurisdictionem, dicens: "Pasce oves meas", ut scilicet pastor generalis ad quem pertinet dispositio et regimen generale ovium et ovilis.'

¹³⁶ Durand de St Pourçain, *In Petri Lombardi Sententias*, IV Sent., d. 19, q. 2, fols. 349v–350v; d. 24, q. 5, fols. 362v–363. Cf. Pierre de la Palud, *Quartus Sententiarum liber*, d. 24, q. 6, fol. 129. See also d. 19, q. 2, fol. 106.

¹³⁷ Baconthorpe, *Quaestiones*, IV Sent., Prolog., q. 10, a. 1, p. 262.

among the apostles. Therefore none of the apostles was immune from the power of Peter.¹³⁸ Ockham grasps Christ's indefinite phrase 'my sheep' in a 'general' sense, thereby introducing a 'general' interpretation of Christ's precept. We saw in the last chapter that Ockham was a preacher of 'specific', not 'general' interpretations of Scripture: in Book 1 of III *Dialogus* I, Ockham opposes a general understanding of Matthew 16.19 as presented by the 'papalist' juristic interpretation. He offers as specific an interpretation as possible, thereby rejecting the juristic principle of interpretation that 'general words should include everything'.¹³⁹ Understandably, Ockham's use of this 'general' interpretation of John 21.17 puzzled Lagarde, who wondered whether Ockham's principle of biblical interpretation was coherent.¹⁴⁰

In order to justify his 'general' interpretation, Ockham seems to have employed some legal maxims, the sources of which are as yet unknown.¹⁴¹ However, a possible explanation may be found in his logic: once again, Ockham is relying on 'logical individualism'. When he examines the truth-value of a statement about a community of men, he attempts to reduce that proposition to a set of propositions about the individual members, and to verify whether every single proposition about each individual is true. Supposing that there were 'n' sheep (i.e. 'n' Christians) to be fed by Peter, the general proposition of Christ's command, 'Feed my sheep', should be reduced to a set of individual propositions such as (Christ ordered Peter) 'Feed my sheep₁' and 'Feed my sheep₂' and 'Feed my sheep₃' and '. . . Feed my sheep_n'. Only if every individual proposition about each of 'n' sheep is true, is the general proposition (as the equivalent of all the individual propositions) proved to be true. Clearly this logic allows for no exception, unless exceptions are explicitly stated elsewhere. If Christ had intended to order Peter not to feed a particular Christian, say 'sheep_x', Christ would have said so explicitly. Indeed, the Marsilian argument may be paraphrased as follows: Christ ordered Peter to feed this sheep and that sheep and that other sheep . . . except those particular sheep, who were the apostles. Arguably, Marsilius' reference to Peter 'in the person' of all the apostles could well be anchored in his idea of collective representation,

¹³⁸ III *Dialogus* I, iv, 8, p. 855: 'Et ideo quamvis aliquando distinxerit Christus inter apostolos et alias oves suas; ac ipsos quoad aliquid exemerit aliquomodo a potestate Petri; tamen quando dixit Petro: *Pasce*, etc. ipsum praeferendo omnibus non distinxit inter ipsos et alios. Et ideo ipsos non exemit nec manere exemptos voluit seu liberos a potestate Petri.'

¹³⁹ *Ibid.*, i, 2, p. 772: 'saepe verbum generale non est generaliter intelligendum'.

¹⁴⁰ Lagarde, *La Naissance*, 5, p. 102, n. 86.

¹⁴¹ III *Dialogus* I, iv, 10, p. 857. See also *A Letter*, p. 244, n. 144.

which Ockham's logical individualism refuses to accept.¹⁴² Furthermore, Christ said generally, 'Feed my sheep', and no exception was made explicitly. If Ockham is concerned with '*how things stand* with individuals', as McGrade suggested,¹⁴³ a proposition about universals or general terms such as 'my sheep' must be understood universally, since exceptions cannot be found anywhere in Scripture.

Ockham's indefinite reference to 'my sheep' without explicit indication of any exceptions leads him to a 'general' understanding of the phrase, thereby rejecting the Marsilian episcopalist reading. But at the same time, Ockham's logical concern with particulars results in a literal understanding of Christ's specific reference to 'Peter' and excluded allusion to Peter's successors from the logical possibilities of its reading. Ockham's re-reading of the primatial texts is not merely a rejoinder to Marsilius, and this becomes increasingly clear when we turn to his exegesis of Matthew 16.18.

Tu es Petrus

The other biblical verse that Ockham discusses extensively is Matthew 16.18: 'And I tell you, you are Peter and on this rock I will build my church' ('et ego dico tibi quia tu es Petrus et super hanc petram aedificabo ecclesiam meam'). The *point d'appui* of Marsilius' interpretation is, here again, the presumption that Christ gave equal power to each one of the twelve apostles. Marsilius, in turn, asks why Christ did not appoint Peter to settle the dispute over the question of who was greatest among the apostles.¹⁴⁴ In reply, Ockham asserts that Christ established Peter as the head and foundation of the Church when he said, 'You are Peter' etc.¹⁴⁵

The start of Ockham's discourse clearly shows that he is aware of the perennial problem of the exegesis of Matthew 16.18. When he said 'on this rock', whom did Christ intend to signify by the word 'rock': himself or Peter? Through the Disciple, Ockham proposes the objection that since Christ did not say to Peter, 'You are the rock (*petra*)', the Church was built not on Peter (*Petrus*) but on the rock, who is Christ; therefore, the foundation of the Church was Christ alone.¹⁴⁶ The source

¹⁴² I am grateful to Professor Janet Coleman for drawing my attention to this point.

¹⁴³ McGrade, 'Ockham and the Birth of Individual Rights', p. 164.

¹⁴⁴ *DP* II, xxviii, 25–6, pp. 464–5. See also Quillet, *La Philosophie politique*, pp. 228–31.

¹⁴⁵ *III Dialogus* I, iv, 12, p. 858.

¹⁴⁶ *Ibid.*: 'Quidam praecedens motivum nituntur repellere etiam ad hoc tali modo respondent dicentes caput et fundamentum ecclesiae unicum esse et fuisse ordinatione immediata Dei et hoc Christum, apostolorum vero neminem etiam in absentia Christi . . . Cum igitur dicunt, *super*

of this is, as Ockham indicates, Augustine, and Marsilius draws on this in order to consolidate his own position.¹⁴⁷ Concomitant with this christological understanding of 'the rock', however, there was also the exegetical tradition which assimilated 'the rock (*petra*)' to Peter (*Petrus*) and, in this view, the Church was built by Christ upon Peter. This view was introduced into Western theology by St Ambrose from the Greek Fathers such as Gregory of Nyssa.¹⁴⁸ Thomas Aquinas was familiar with both views on the 'rock' and reflects on whether the foundation of the Church was on Christ alone, or on Peter also. St Thomas's solution is that Christ was himself the foundation of the Church, but Peter was also, insofar as he professed faith in Christ and was his vicar (*vicarius Christi*).¹⁴⁹ In support of this argument, Aquinas appeals to Revelation 21.14¹⁵⁰ in order to demonstrate that not only Christ but also the apostles were the foundation of the Church. St Thomas's view of Peter as the 'secondary' foundation of the Church was later adopted by Pope John XXII in his condemnation of Marsilius of Padua and John of Jandun;¹⁵¹ and in defence of Petrine primacy, Ockham too employs the same argument.¹⁵² Evidently, Ockham is aware of the problem of

hanc petram, etc., dicunt secundum Glo. et asserunt, *super hanc petram* id est super Christum in quem credis. Ubi Glossa nihil addit.'

¹⁴⁷ III *Dialogus* I, iv, 12, p. 858; DP II, xxviii, 5, pp. 435–6. Marsilius refers to Augustine's *Liber retractationum* as found in Thomas Aquinas' *Catena aurea*, and Ockham also uses the same source. Cf. Augustine, *Sermo* 295. 1–4 (PL 38, 1348–50). See Maurice Pontet, *L'Exégèse de S. Augustin prédicateur* (Paris, 1944), pp. 417–18; Froehlich, 'Saint Peter', p. 9. Pontet writes that Augustine did not ignore the primacy of Peter, but neither underlined it nor drew from it any wider implication. Froehlich suggests that Augustine's primate reading did not contribute to the later development of the idea of papal primacy.

¹⁴⁸ Froehlich 'Saint Peter', p. 12.

¹⁴⁹ Aquinas, *Commentum in Matthaeum et Ioannem Evangelistas*, p. 155: '*Super hanc petram*, id est super te petram: quia a me petra trahes tu quod sis petra. Et sicut ego sum petra, ita super te petram aedificabo etc. Sed quid est? Estne Christus et Petrus fundamentum? Dicendum, quod Christus secundum se, sed Petrus in quantum habet confessionem Christi, in quantum vicarius ejus.' Cf. *Summa theologiae*, 49: *The Grace of Christ*, ed. Liam G. Walsh (London and New York, 1973), 3a, q. 8, a. 6, pp. 72–5.

¹⁵⁰ 'And the wall of the city has twelve foundations, and on them are the twelve names of the twelve apostles of the Lamb.'

¹⁵¹ John XXII, *Licet iuxta doctrinam Apostolicam*, in Odoricus Raynaldus, *Annales ecclesiastici*, 21 vols. (first 12 vols.: Antwerp, 1596–1642; following 9 vols.: Rome, 1646–77), vol. 15 (Rome, 1652), ad 1327: 'Fatetur tamen cum Apostolo, quod Christus ecclesiae est verum caput et principale, sub quo tamen Petrus caput dicitur secundum modum praedictum: secundum quem modum sub Christo capite et Petro multa capita particularia possunt dici, sicut patriarcha patriarchatus sui et archiepiscopus archiepiscopatus sui . . . fundamentum est Christus Iesus; tamen etiam Apostoli dicuntur fundamentum, iuxta illud Psalmistae: *Fundamenta eius*, id est, ecclesiae, in montibus sanctis. Et secundum hunc modum Christus videtur Petrum praedixisse futurum ecclesiae fundamentum, dum dixit: *Tu es Petrus, et super hanc petram aedificabo ecclesiam meam*.'

¹⁵² III *Dialogus* I, iv, 19, p. 862: 'Respondetur per distinctionem de *fundamento* quia quoddam est *fundamentum* ecclesiae primum et principale, absque quo nulla potest fundari ecclesia. Et illud

the interpretation of the 'rock' as identified by Thomas Aquinas and, in so far as the Thomist understanding of the 'rock' was concerned, there is no disagreement between Ockham and John XXII.

Ockham appeals to earlier commentators of the thirteenth century in order to reject the Marsilian interpretation. For example, Bonaventure writes in his commentary on Luke 22.26 that Christ attempted to destroy the arrogance of the apostles by inviting them to humility and he never alluded to their equality.¹⁵³ Marsilius refers to the same biblical verse in order to demonstrate the equality of the apostles.¹⁵⁴ In reply, Ockham draws on the Bonaventuran view to show that the scriptural testimony has nothing to do with the alleged equality of the apostles.¹⁵⁵ Ockham's understanding of Matthew 16.18 is not necessarily indebted to thirteenth-century exegesis. In fact, thirteenth-century scholastic readings of Matthew 16.18 neither reject nor suggest the idea of Petrine primacy, let alone papal primacy. Albert the Great, for example, understands that by the words 'You are Peter', Christ confirmed the steadfastness of Peter's faith, thereby suggesting no connection to St Peter's primacy.¹⁵⁶ For his confession of faith in Christ, according to Thomas Aquinas, Peter received a reward, which was twofold: a name and power. Power was given when Christ said to Peter, 'Whatever you bind on earth will be bound also in heaven' (Matthew 16.19). Prior to this, Simon, son of Jonah, had received the name 'Peter'.¹⁵⁷ Here too there is no allusion to Petrine primacy, still less to papal primacy. Bonaventure considered that the power of the keys was promised to Peter in Matthew 16.19, and was actually given to him in John 20.23, while the power of excommunication was given to him in Matthew 18.17. As Bonaventure argues that both powers constituted the *plenitudo potestatis*, which

fundamentum est solus Deus sive Christus. Aliud est *fundamentum* ecclesiae secundarium, sine quo poterat fundari ecclesia sine quo tamen non fuit fundata de facto, et tale fundamentum non est solus Deus nec solus Petrus: imo omnes apostoli sic fuerunt fundamenta ecclesiae inter quos tamen quoddammodo principalis et universalis fundamentum fuit beatus Petrus.' Like Aquinas, Ockham refers to Apoc. 21.14 in III *Dialogus* I, iv, 18, p. 861.

¹⁵³ Bonaventure, *Commentarius in Evangelium S. Lucae*, in *Opera omnia* 7, p. 550.

¹⁵⁴ DP II, xvi, 10–11, pp. 280–1.

¹⁵⁵ III *Dialogus* I, iv, 20, p. 863.

¹⁵⁶ Albertus Magnus, *Super Mattheum*, in *Opera omnia*, ed. B. Schmidt, 21–2 (Aschendorff, 1987), p. 460: 'quia tu es Petrus, quod nomen tibi per confessionem confirmo . . . Et super hanc petram firmæ confessionis et immobilis.'

¹⁵⁷ Aquinas, *Commentum in Mattheum et Joannem Evangelistas*, pp. 154–5: 'Et ego dico tibi, quia tu es Petrus etc. Hic dat confessionis remunerationem. Confessus erat humanitatem et divinitatem; ideo dat Dominus remunerationem: primo dat nomen, secundo potestatem.' See also *Summa theologiae*, 52: *The Childhood of Christ*, ed. Roland Potter (London and New York, 1971), 3a, q. 37, a. 2, pp. 148–9.

resided in the pope, Matthew 16.19 alone does not substantiate papal primacy.¹⁵⁸

Many early-fourteenth-century theologians followed this trend. Nicholas of Lyra, for example, reiterates St Thomas's understanding that Matthew 16.18 was Christ's response to Peter's confession of faith.¹⁵⁹ Giles of Rome merely re-states the Augustinian understanding of the verse,¹⁶⁰ and James of Viterbo uses the verse in order to show the unity of the universal Church, not St Peter's headship.¹⁶¹ Neither of the two leading Dominican theologians, Durand de St Pourçain and Pierre de la Palud, refer to this in their commentaries on Peter Lombard's *Sentences* in order to demonstrate Petrine primacy. Theologians who regard it as evidence of Petrine or papal primacy are surprisingly few in number. Guido Terreni argues that Christ responded to Peter, who represented all other believers when he professed his faith, by raising him up as head of the faithful when he gave him the name 'Peter'.¹⁶² Terreni's language echoes that of Thomas Aquinas, but explicitly indicates the primatial meaning of the verse. Moreover, John Baconthorpe lists various primacy texts, including 'You are Peter.'¹⁶³ We may also count Alvarus Pelagius as one of the exegetes in this group.¹⁶⁴

In the light of contemporary exegesis, Ockham's understanding of Matthew 16.18 is idiosyncratic. He notes that, unlike John 21.17 which explicitly demonstrates the headship of St Peter, Matthew 16.18 cannot

¹⁵⁸ Bonaventure, *Commentarius in quartum librum Sententiarum*, dist. 18, p. 2, a. 1, q. 3, p. 489. However, Bonaventure argues elsewhere (*De perfectione evangelica*, q. 4, a. 3, in *Opera omnia* 5, p. 196) that in Matthew 16.19, Peter was given *plenitudo potestatis* by Christ. Bonaventure's understanding of Matthew 16.19 does not seem consistent.

¹⁵⁹ Nicholas of Lyra, *Postilla super totam Bibliam*, ad Matthew 16.18: '*Et ego dico tibi pro te et pro sociis tuis. Quod tu es Petrus confessus Petre [sic] vereque Christus factus est. Et super hanc petram quam confessus es Christum.*'

¹⁶⁰ Giles of Rome, *De ecclesiastica potestate*, ii, 4, p. 50: 'Quando quidem dictum fuit Petro: *Tu es Petrus, et super hanc petram edificabo ecclesiam meam*, sensum exponendo, prout ibi pro petra significetur Christus, iuxta illud apostoli: *Petra autem erat Christus*, ut sit sensus, quod dicat Christus: ego sum petra et tu es Petrus dictus ab hac petra, et super hanc petram, idest super me ipsum, edificabo ecclesiam meam. Tu igitur Petrus, qui a me petra nomen accepisti, totam ecclesiam super me fundatam reges et gubernabis.'

¹⁶¹ James of Viterbo, *De regimine Christiano*, ii, 5, p. 210: 'Est enim una generalis ecclesia, de qua Veritas inquit ad Petrum: "*Tu es Petrus et super hanc petram edificabo ecclesiam meam.*" Et sunt multe particulares ecclesie de quibus *Apostolus* ait: "*Instantia mea cotidiana, sollicitudo omnium ecclesiarum.*"'

¹⁶² Terreni, *Summa de haeresibus*, fol. 21: 'praesidentia et praeeminentia Petri multipliciter ostenditur, primo quia singulariter eum nominat dicens, *Tu es Petrus* qui solus pro omnibus respondit ut caput et rector aliorum. Tum ait, *Tu es Christus filius dei.*'

¹⁶³ Baconthorpe, *Quaestiones*, IV Sent., Prolog., q. 10, a. 1, p. 262.

¹⁶⁴ Alvarus Pelagius, *De planctu ecclesie*, i, 58, p. 165; i, 59, p. 178; i, 63, pp. 214-15. Alvarus Pelagius is aware of both Augustinian and Thomist understandings of Matthew 16.18, and seems in favour of the latter.

be used on its own to prove Petrine primacy.¹⁶⁵ Ockham then turns to the testimonies of holy men in the early Church in order to substantiate the primatial meaning of the verse. In so doing, he appeals to the 'two-sources' theory of Catholic truth.¹⁶⁶ Ockham rejects the 'single-source' theory (*sola scriptura*) which states that only that which is stated explicitly or implicitly in the Bible is Catholic truth and must be believed as necessary for salvation. To Ockham, there are many other Catholic truths that must be believed even if they are indicated neither explicitly nor implicitly in Scripture.¹⁶⁷ Accordingly, 'You are Peter and on this rock . . .' must be understood as evidence of Petrine primacy, in the light of the words of holy men in the early Church. The words of Saint Anacletus, Marcellus and Saint Cyprian testify sufficiently that 'You are Peter' etc. meant St Peter's headship.¹⁶⁸

In this argument Ockham does not rely merely on a tradition of biblical interpretation. He relies also on his theory of knowledge. Our attention should be drawn once again to the fact that Ockham does not attempt to prove that Christ's words, 'You are Peter' etc., signified the primacy of Peter's successors. Instead, he proposed a historical question of whether or not Christ appointed Peter as head of the other apostles.¹⁶⁹ So how can we know that Christ's words, 'You are Peter', were actually intended to signify St Peter's headship? According to Ockham's epistemology, we are today unable to have evident knowledge of scriptural events because intuitive cognition of these events is naturally (*naturaliter*) impossible. Accordingly, as we can no longer witness the moment when Christ said to Peter, 'You are Peter' etc., we cannot have evident knowledge of what Christ actually meant by those words.

Nevertheless, Ockham's theory of truth conditions explains that in order to determine whether a proposition about the past, stated now, is true or false, what must be examined is whether its corresponding present-tense proposition as stated in the past was then true or false. In other words, 'N was P' is true if and only if 'N is P' was true at some

¹⁶⁵ III *Dialogus* I, iv, 13, p. 859.

¹⁶⁶ On Ockham's 'two-sources' theory, see Oberman, *The Harvest of Medieval Theology*, pp. 378–82. See also above Chapter 2.

¹⁶⁷ I *Dialogus*, ii, 1–3, pp. 410–14; III *Dialogus* I, iii, pp. 819–45.

¹⁶⁸ *Ibid.*, iv, 13–16, pp. 859–61, especially at p. 860: 'Hoc Anacletus papa qui fuit apostolorum discipulus et ab ipsis discipulis, imo a beato Petro in scripturis divinis instructus, de quo improbabile omnino videtur quod nesciret an Petrus reputaret se super alios apostolos superioritatem habere et qualiter Petrus intellexerit verba Christi praemissa de quo nullatenus est credendum, quod falsum intellectum eorum verborum scienter docuerit et in scripturis reliquerit. Eundem intellectum verborum illorum patenter astruit et expresse. Qui ut habetur in decretis *dist. 22, c. Sacrosancta*.'

¹⁶⁹ *Ibid.*, I, p. 846.

past time.¹⁷⁰ Ockham's interpretation of Matthew 16.19 adopts this logic of tensed propositions. Ockham argued that those who were the disciples of the apostles, or those who were taught by them must be believed to possess the true understanding of Christ's words.¹⁷¹ In particular, St Anacletus, who was a disciple of the apostles and was taught Scripture by St Peter, was unlikely to have a false understanding of the sentence 'You are Peter' because he was learned and holy, and actually conversed with St Peter.¹⁷² Indeed, in Book 3 of III *Dialogus* I, Ockham maintains that the report of a trustworthy person, as well as personal experience, of a 'fact' is to be believed 'with conviction'. Therefore, in order to verify today that Christ's words 'You are Peter' were intended to signify the primacy of St Peter, Ockham argues that St Peter's saintly contemporaries themselves had understood the words 'You are Peter' etc. to signify Petrine primacy for them in their own time.

Evidently, intuitive cognition theory is the epistemological foundation of this. Ockham presumes that St Peter's understanding of Christ's words demonstrates Christ's intention; that is, St Peter's understanding is the true understanding.¹⁷³ Ockham also stresses the certitude of St Anacletus' direct experience of St Peter's teaching on Christ's words. In short, St Peter's intuitive knowledge of the proposition 'You are Peter' is considered to have been transmitted without distortion to a disciple who was actually taught by him. Reference to the record of the direct experience of scriptural events is, according to Ockham's intuitive cognition theory, the only possible measure to obtain certain knowledge of these events.¹⁷⁴

¹⁷⁰ Alfred J. Freddoso, 'Ockham's Theory of Truth Conditions', in Alfred J. Freddoso and Henry Schuurman, eds., *Ockham's Theory of Propositions: Part II of the Summa Logicae* (Notre Dame, Ind., 1980), pp. 1-76.

¹⁷¹ III *Dialogus* I, iv, 13, p. 859: 'tamen omnino esset temerarium reputandum tam probatis viris (praesertim illis, qui discipuli apostolorum fuerunt, a quibus intellectum scripturae canonicum audierunt vel vicini apostolorum operibus extiterunt) absque infallibili probatione contradicere, quoquomodo intellectum contrarium affirmando.'

¹⁷² Cf. III *Dialogus* I, iv, 15, p. 860: 'Christus dixerit Petro, ut habetur Iohann. 1, *tu vocaberis Cephas*, Anacletus hoc exprimit manifeste, cum asserit, Petrum fuisse Cephas, quia caput et primum tenuit apostolatus. Cum itaque Anacletus vir fuerit eruditus et sanctus, et cum Petro conversatus, verisimile non videtur, quod ignoraverit, quomodo Petrus illa verba intellexerit, quae dixit sibi Christus: *tu vocaberis Cephas*.'

¹⁷³ III *Dialogus* I, iv, 15, p. 860: 'Ergo Anacletus illorum verborum intellectum *tu vocaberis Cephas*, quem habuit Petrus, expressit. Petrus autem illorum verborum verum habuit intellectum. Ergo Anacletus in verbis praescriptis illorum verborum verum protulit intellectum.'

¹⁷⁴ Cf. Janet Coleman on Ockham's theory of memory: 'For in so far as memory, strictly speaking, can only be truthfully recalled as a past experience by a subject who experienced the world in the past, written history by others is not strictly speaking one's memory of the past at all. But it is someone's true memory.' Coleman, *Ancient and Medieval Memories*, p. 527.

In his appeal to the understanding of Anacletus, Ockham refers to the *Decretum*.¹⁷⁵ On this point, the comparison between Ockham and John Baconthorpe is illuminating. In his lecture on Peter Lombard's *Sentences* at Cambridge, John Baconthorpe defended papal primacy against the objection of Marsilius of Padua. Like Ockham, Baconthorpe persistently appeals to the authority of Anacletus as found in the *Decretum*.¹⁷⁶ However, there is a decisive difference between Ockham and Baconthorpe in their attitude towards Anacletus. Baconthorpe never emphasises, as Ockham does, Anacletus' direct experience of Peter's teaching on Christ's words 'You are Peter' in order to justify his appeal to Anacletus' view. Baconthorpe merely quotes and explains the canon-law texts. Baconthorpe was an expert in canon law and his appeal to the authority of Anacletus is intended to be an appeal to the authority of canon-law texts. By contrast, Ockham refuses to appeal to the authority of canonist texts; instead, he expresses his faith in the testimonials of holy men in the early Church, who should be believed 'with conviction'. Furthermore, just as he re-defines the contemporary juristic theory of heresy in the light of theology,¹⁷⁷ so he applies his epistemology to the interpretation of the canon-law texts concerning the primacy of St Peter.

Ockham re-phrases his exegetical discourse on Petrine primacy by drawing on the canonist distinction between the power of order and the power of jurisdiction. Christ promised to grant the power of order when he said: 'I will give you the keys of the kingdom of heaven, and whatever you bind on earth will be bound in heaven' (Matthew 16.19). Prior to this, Christ also promised to confer the power of administration¹⁷⁸ by using the words: 'and upon this rock I will build my church' (Matthew 16.18). The double promise was fulfilled, according to Ockham, after the Resurrection. First, the power of order was given by Christ when he said: 'Receive the Holy Spirit' (John 20.22-3), and these words were addressed to both Peter and the apostles. Therefore, the power of order was conferred equally on each of the twelve apostles. The power of administration, on the other hand, was actually granted when Christ said: 'Feed my sheep' (John 21.17), and these words were

¹⁷⁵ Dist. 22, c. 2 (*Sacro sancta*).

¹⁷⁶ Baconthorpe, *Quaestiones*, IV Sent., Prolog., q. 10, a. 1, p. 262.

¹⁷⁷ See above Chapter 2.

¹⁷⁸ Note that Ockham carefully avoids employing the term 'jurisdiction'. This was perhaps one of the consequences of his magisterial rather than juristic idea of papal rulership. See McGlade, *The Political Thought*, p. 148, n. 198.

addressed to Peter alone. Ockham thus concludes that, on account of this power, Peter had primacy over the other apostles.¹⁷⁹

Pope John XXII had already expressed a similar view. He stated, in opposition to Marsilius and John of Jandun, that in Matthew 16.19 Christ conferred, or at least promised to confer, ecclesiastical power on Peter, and the promise was fulfilled later (possibly he had in mind John 21.17).¹⁸⁰ Strikingly, the view that Matthew 16.19 was Christ's 'promise' of the Petrine commission was not shared by passionate defenders of the papal cause such as Hervaeus Natalis and Augustinus Triumphus. These theologians maintained that in Matthew 16.19 Christ actually conferred the power of jurisdiction or at least of administration.¹⁸¹ The interpretation of Matthew 16.19 as a 'promise' of the Petrine commission may be readily traced back to Thomas Aquinas. Aquinas highlights the fact that Christ did not say 'I give you' ('Tibi do') but used the future tense, saying 'I will give you' ('Tibi dabo'). Hence, Aquinas argues that Christ promised to Peter the commission of the power to remit sin. The promise was, according to Aquinas, fulfilled in John 21.17.¹⁸² It is likely that John XXII was familiar with this. In his understanding of Matthew 16.19, Ockham adopts the same reasoning, and applies it also to Matthew 16.18, 'on this rock, I will build my Church'.

Obviously, however, there are differences between Aquinas and Ockham as regards the powers of order and of jurisdiction. Ockham

¹⁷⁹ III *Dialogus* I, iv, 17, p. 861: 'Una est opinio dicens quod Petrus sicut et quilibet successorum, duplicem habuit potestatem. Unam scilicet ratione ordinis et aliam ratione administrationis. Hanc duplicem potestatem ponit Glo. di. 21, *super ca. in novo*. Prima potestas promissa fuit Petro per illa verba: *tibi dabo claves regni caelorum et quodcumque ligaveris* etc. Secunda promissa fuit sibi per illa verba, *super hanc petram aedificabo ecclesiam meam*. Primam autem recepit ante secundam. Quia primam recepit simul cum aliis apostolis, quando Christus dixit sibi et aliis apostolis: *accipite spiritum sanctum, quorum remiseritis peccata* etc. Tunc enim omnes illi potestatem ligandi atque solvendi receperunt. Quia potestas retinendi vel remittendi peccata est potestas ligandi et solvendi. Secundam autem potestatem recepit, quando Christus dixit sibi: *pascere oves meas*. Et licet ista potestas pascendi fuerit data Petro post potestatem ligandi atque solvendi: tamen absque ipsa potest inveniri. Istam enim potestatem habet quilibet electus in summum pontificem, quamvis non sit sacerdos, qui solus habet potestatem ligandi et solvendi: et est tunc verus papa, quantum ad hanc potestatem, di. 23, *in nomine*. Et per istam potestatem, quam ultimo percepit Petrus, factus fuit Petrus caeteris omnibus superior et praelatus. Et ideo per illa verba, *super hanc petram aedificabo ecclesiam meam*, fuit primatus Petro promissus.'

¹⁸⁰ John XXII, *Licet iuxta doctrinam Apostolorum*: 'Constat enim, quod a Christo Petro et in persona Petri ecclesiae potestas coactiva concessa, vel saltem promissa extitit; quae quidem permissio fuit postea adimpleta, cum sibi Christus dixit: *Quodcumque ligaveris super terram, etc.*' See also Wilks, 'Papa est nomen iurisdictionis', p. 87.

¹⁸¹ Tierney, *Origines*, pp. 160–4; Wilks, 'Papa est nomen iurisdictionis', p. 87.

¹⁸² Aquinas, *Commentum in Matthaeum et Joannem Evangelistas*, p. 155: 'Sed dicit, *Tibi dabo*: nondum enim erant fabricatae; res autem non potest dari antequam sit. Fabricandae autem hae erant in passione: unde in passione fuit eorum efficacia. Unde hic promisit, sed post passionem dedit, cum dixit (Joan. 21.17): "*Pasce oves meas.*"'

maintains that Christ's commission of power solely to Peter (to be fulfilled at John 21.17) was promised not at Matthew 16.19 as Aquinas argued, but at Matthew 16.18. Trivial as the difference may appear, it reveals that Ockham was aware of the difficulty of advocating the supremacy of papal power by relying on Matthew 16.19. As we have seen,¹⁸³ the linking of Matthew 16.18–19, Matthew 18.18 and John 20.22–23 could oppose a primatial reading. In Matthew 18.18 especially, Christ made a similar statement to all the apostles, not just Peter alone. John of Paris, for example, was familiar with this,¹⁸⁴ and argues that the power of jurisdiction on which papal primacy relies is based not on Holy Writ but solely on delegation from the Church.¹⁸⁵ In the eyes of Thomas Aquinas, however, Matthew 18.18 does not present any problem concerning the headship of Peter.¹⁸⁶ Aquinas maintains that this statement by Christ was addressed to all the churches. On Origen's authority, Aquinas contrasts Matthew 16.19 with Matthew 18.18. In the former, Christ said: 'whatever you bind on earth will also be bound in the heavens (*in caelis*), whereas, in Matthew 18.18, he said '... in heaven (*in caelo*)'. Following Origen, Aquinas explains that the use of the singular – 'heaven' – in the latter signifies the commission of the pastoral care of a specific church to the apostles, while the use of the plural – 'heavens' – in the former signifies the commission of the care of the universal Church to Peter. Thus Aquinas concludes that Peter was granted universal power by Christ.¹⁸⁷ The 'universality' of Peter's power has, in Aquinas, a territorial meaning, and this figurative interpretation of 'in caelis' and 'in caelo' was later re-stated by Guido Terreni.¹⁸⁸

¹⁸³ Above pp. 207–8.

¹⁸⁴ John of Paris, *De regia potestate et papali*, c. 12, p. 129; c. 18, p. 166.

¹⁸⁵ *Ibid.*, c. 25. See also Tierney, *Foundations*, pp. 175–6.

¹⁸⁶ To be sure, Aquinas does not suggest the idea of 'papal' primacy in his exposition of Matthew 16.19. He merely points out the headship of Peter without drawing from it any ecclesiological implication.

¹⁸⁷ Aquinas, *Commentum in Matthaeum et Joannem Evangelistas*, p. 171: 'Amen dico vobis, quaecumque alligaveritis super terram, erunt ligata et in caelo; et quaecumque solveritis super terram, erunt soluta et in caelo. Supra dicta sunt Petro haec; hic autem dicitur toti Ecclesiae. Et dicitur alligare, vel quia non solvit, vel quia excommunicat. Origenes dicit, quod hic dicit, *In caelo*: cum autem Petro loquutus est, dixit, *In caelis*, ad designandum quod Petrus habet universalem potestatem. Hic autem dicit, *in caelo*, quia universalis non est eis potestas, sed in aliquo loco: quia Petro universalem potestatem dedit.'

¹⁸⁸ Terreni, *Summa de haeresibus*, fol. 21: 'praesidentia et praeeminentia Petri multipliciter ostenditur... Secundo quia Petro ait, Quodcumque ligaveris super terram erit ligatum et in caelis: et similiter de solvendo: aliis vero dicit in caelo. Quod tractatus Origenes Graecorum doctor maximus ait quod dominus Petro ait, in caelis pluraliter, aliis vero in caelo singulariter, ut per hoc ostendatur Petrus alios excellere in potentia et primatu.'

Ockham's understanding of Matthew 16.19 is as traditional as that of John of Paris, and the view that Christ's commission of the power of order in John 20.23 had been promised in Matthew 16.19 was not novel. Durand de St Pourçain, for example, holds the same view.¹⁸⁹ In a manner parallel to this, Ockham explains that the conferment of the power of administration at John 21.17 was promised at Matthew 16.18. Ockham's use of this verse as Christ's 'promise' relies, as we have seen, solidly on the authority of Anacletus. Ockham cannot base the jurisdictional power of St Peter on Matthew 16.19 because as an advocate of the literal interpretation of Scripture, he is unable to accept the Thomist figurative interpretation. Thus Petrine primacy rests ultimately on John 21.17. Consequently, Ockham's argument for the 'universality' of Peter's power must likewise be grounded in John 21.17 alone, and it is, unlike that of Aquinas, a literal analysis of Christ's utterances. Ockham writes that Christ used specific words such as 'baptising' and 'teaching' to confer power on the apostles, whereas he used the less specific word 'feed' to Peter alone.¹⁹⁰ By highlighting Christ's utterances about the acts that defined the power of Peter and the apostles, Ockham attempts to show the generality of the ministerial power of Peter in contrast to the particularity of the power of the other apostles. Ockham's discourse on the power of order and the power of jurisdiction is coherent with his biblical exposition, and also epitomises both his awareness of exegetical traditions and the sensibility of his own biblical interpretation.

THE CONTINGENCY OF PAPAL MONARCHY

Current scholarship suggests that Ockham's interest in the Bible was rather perverse. André Goddu considers that Ockham followed the exegetical method to 'fall into the tradition of assembling texts and quotations from Scripture in order to bolster an argument'.¹⁹¹ Brian Tierney rejects the view that Ockham's biblical interpretation was 'based on some refinement of logical argumentation'¹⁹² by denying the

¹⁸⁹ Durand de St Pourçain, *In Petri Lombardi Sententias*, IV Sent., d. 19, q. 2, fol. 349v.

¹⁹⁰ III *Dialogus* I, iv, 8, p. 855: 'Et ideo mandatum datum apostolis de baptizando, praedicando, docendo, solvendo et ligando derogabat mandato illi dato Petro: *Pasce oves meas*, quantum ad illa solummodo, quae Christus iniunxit apostolis. Et tamen non in casu omni. Quia si huiusmodi excessissent, ratione delicti, etiam quoad illa fuissent subiecti Petro: quia exempti ratione delicti sortiuntur forum et privilegium meretur amittere, qui permissa sibi abutitur potestate *extra de regularibus cap. licet* et 11, q. 3 *privilegium*.'

¹⁹¹ André Goddu, *The Physics of William of Ockham* (Leiden, 1984), p. 10.

¹⁹² Tierney, *Origins*, p. 229.

reasonableness of Ockham's biblical hermeneutics with the assertion that 'in Ockham's polemical works right reason meant simply his own reason'.¹⁹³ According to some modern commentators, then, Ockham's biblical interpretation was nothing other than his own 'prejudice' disguised by an intricate and logical manner of argument. However, as far as his exegesis of Petrine primacy is concerned, Ockham's understanding of the Bible in his polemical writings does not deserve such an unjust assessment. In the light of contemporary views, his biblical interpretation was unique. This was, in turn, a consequence of his unique approach to Scripture. Ockham's use of Scripture does not show any arbitrariness; on the contrary, he coherently applies logical methods to scriptural interpretation. His discourse on Petrine primacy is the product of his own theological and logical craft, and his meticulously logical exposition of biblical texts results in a metamorphosis of existing ideas of papal government and ecclesiastical order. To understand this requires a brief review of the thirteenth-century hierarchical view of papal primacy and of Marsilius' rejection of it.

As the literal understanding of Holy Writ grew in importance in biblical scholarship from the thirteenth century onwards,¹⁹⁴ Christ's words in Matthew 16.19 and John 21.17 emerged as Christ's command to Peter alone. This was a notable step towards the primatial reading of these texts: Christ's command to Peter was at last interpreted on its own, never to be extended to all the other apostles on the basis of Matthew 18.18 and John 20.23. The pseudo-Dionysian concept of hierarchy, as seen in Bonaventure's discourse, supported the growth of the primatial reading. Thus Peter was, by the ordinance of Christ, regarded as the *fons et origo* of spiritual power.¹⁹⁵ The emergence of the title 'Vicar of

¹⁹³ *Ibid.*, p. 230.

¹⁹⁴ For the development of the literal interpretation of the Bible, see, for example, Beryl Smalley, *The Study of the Bible in the Middle Ages*, 3rd edn (Oxford, 1983); Gillian R. Evans, *The Language and Logic of the Bible: The Earlier Middle Ages* (Cambridge, 1984); Evans, *The Language and Logic of the Bible: The Road to Reformation* (Cambridge, 1985); Minnis, *Medieval Theory of Authorship*; Mark D. Jordan and Kent Emery Jr., eds., *Ad Litteram: Authoritative Texts and their Medieval Readers* (Notre Dame, Ind. and London, 1992) and Robert E. Lerner, ed., *Neue Richtungen in der hoch- und spätmittelalterlichen Bibelexegese* (Munich, 1996).

¹⁹⁵ For example, Bonaventure, *Breviloquium* p. 6, c. 12, in *Opera omnia* 5, p. 278: 'Postremo, quia ordo est signaculum *potestativum* non tantum respectu aliorum Sacramentorum dispensandorum, verum etiam respectu sui: et potestas super potestatem est potestas *excellens*: ideo sibi non tantum competit *potestas simplex*, cuiusmodi est in ordine simplici, verum etiam *eminentia potestatis*, cuiusmodi est in his quorum est ordines ordinarie dispensare. Et quia excellentia, quanto magis descendit, tanto magis dilatatur et quanto magis ascendit, tanto magis unitur: hic est, quod plures sunt episcopi, pauciores archiepiscopi, paucissimi patriarchae et unus pater patrum, qui *Papa* merito appellatur, tanquam unus, primus et summus pater spiritualis omnium patrum, immo omnium fidelium et hierarcha praecipuus, sponsus unicus, caput indivisum, Pontifex summus,

Christ' reinforced the vision that the rule of the pope was nothing other than the rule of Christ as manifested in the pope.¹⁹⁶ This point was embraced by the so-called 'papalist' theologians such as Giles of Rome and James of Viterbo.

However, such an explanation of papal primacy relied on an analogy between the historical fact of Christ's rule and the actual fact of papal rule. The biblical vision of Christ's own pastoral care of believers and his teachings to the apostles and the disciples were not regarded as irrepeatable historical facts. Christ's rule was not in the dead past; rather it was a present reality. Christ will continue to rule until the end of the world through his vicar, the pope. In spite of the historical distance, therefore, the vision of Christ's rule over the apostles and disciples readily slid into the contemporary reality of papal rule; past vision and contemporary reality emerged as a double image.

Marsilius' re-interpretation of Scripture, modelled on Jerome's authority, flattened the hierarchical order in the Church. It left Christ alone as the pinnacle of order. In this respect, Marsilius was a radical destroyer of the doctrine of papal primacy. But, as such, he simply replaced the hierarchical view with a renewed vision of the early Church, and overlooked the historical distance between the early Church and his own day. Marsilius' vision of government in the apostolic Church was implicitly designed to correspond directly – chronological distance notwithstanding – to how he thought the ecclesiastical order ought to be. Hence Marsilius' model was no more historical than that of his opponents. For Marsilius, too, the days of Christ and the apostles were a living reality in his own time. The a-historicity of the Marsilian vision of the Church may readily be verified in his idea of conciliar infallibility. Referring to Acts 15.28, as we have seen, he argued that the doctrinal decisions made by the apostles and the elders were sanctioned by the Holy Spirit. Marsilius then went further by maintaining that the successors of the apostles and the elders, that is, the general councils, were also protected by the Holy Spirit in their doctrinal decision-making. The intervention of the Holy Spirit in doctrinal decision-making in the

Christi vicarius, fons, origo et regula cunctorum principatuum ecclesiasticorum; a quo tanquam a summo derivatur ordinata potestas usque ad infima Ecclesiae membra, secundum quod exigit praezellens dignitas in ecclesiastica hierarchia.' For similar views expounded by fourteenth-century theologians such as Augustinus Triumphus and Alvarus Pelagius, see Wilks, *The Problem of Sovereignty*, p. 382.

¹⁹⁶ See *ibid.*, pp. 354–407.

primitive Church, which Marsilius considered was a historical fact, was allegedly repeated in his own day.

Ockham's logical analysis of Scriptural texts, however, sunders this a-historical relationship between the biblical vision of the early Church and the reality of the contemporary Church. Ockham perceives scriptural events strictly as events in the distant past.¹⁹⁷ Ockham's endeavour to reconstruct the true vision of scriptural events relies solely on his idea that true knowledge of the principles of ecclesiastical government existed only in the days of Christ and the apostles. The path that would permit the intrusion of the biblical vision into the current reality of the Church is thus closed. Ockham's historical understanding of Scripture illuminates the deep chasm between the past and the present of the Church.

What should we make of this 'historical' understanding of the Petrine Commission? Perhaps three observations can be made. First, it may not be entirely mistaken to argue that Ockham's discourse was determined by theological positivism. McGrade does not think that Ockham's frequent appeal to the primatial texts was a manifestation of his commitment to theological positivism; rather, McGrade understands Ockham's reading of the Bible in the light of the Aristotelian rationalist vindication of monarchy.¹⁹⁸ However, it cannot be denied that Ockham's discussion of the Petrine Commission revolves predominantly around a set of particular scriptural texts; biblical, rather than Aristotelian, language prevails. Indeed, Ockham's discourse is determinedly biblical when he defines heresy (in the strict sense) as a contradiction of Scripture, since his main polemical concern is always to demonstrate that contemporary popes are heretics and that their doctrine of papal power is heretical. As long as his polemical activities revolve around the question of heresy and heretics, his discourse must also revolve around the Bible. A theological positivist equates theology with the study of documents in which the experience of God has been recorded or interpreted.¹⁹⁹ In this sense, Ockham was indeed a theological positivist when he framed his anti-papal polemic in his idiosyncratic theory of heresy.

¹⁹⁷ Beryl Smalley argues that before the fourteenth century historians did not demonstrate 'a genuine sense of history, of the past as different from the present'. 'In the fourteenth century', however, 'the sense of continuity snapped.' Smalley singles out Petrarch as one of the earliest scholars who discovered the past as past: Beryl Smalley, *Historians in the Middle Ages* (London, 1974), pp. 192–3. Ockham belongs to the new trend of historical consciousness, while Marsilius does not.

¹⁹⁸ McGrade, *The Political Thought*, pp.162–3.

¹⁹⁹ McBrien, *Catholicism*, p. 141.

Petrine primacy

This is not to say, however, that he based his idea of ecclesiastical government on Christ's arbitrary fiat. He did not reduce the problem of institutional principles in the Church solely to divine revelation. What he attempted was rather to establish historically the meaning of what Christ did when he uttered the words in Matthew 16.18–19 and John 21.17: it was to determine Christ's speech act as historical fact through logical analysis of the scriptural texts. Of course, Ockham acknowledges that a new revelation could provide a reader with the 'primary' true meaning of the scriptural verses; however, he also notes that in his day no individual has experienced any new divine revelation. Hence, he has to rely on his logical method to comply with the rational interpretative possibilities (that is 'sound' true meanings) of the biblical texts. The divine revelations of Scripture are rationally interpreted in a logical fashion and treated strictly as events in the past. The problem of the institutional arrangement in the Church of his time is thus separated from the historical question of Christ's acts as found in the primal texts.

This brings us to our third point: Ockham was determined to demonstrate that the Petrine Commission was a historical fact, and yet he did not write anything on the primacy of Peter's successors. Ockham's silence was arguably deliberate and not insignificant. Indeed, the implications of his quest for the necessary truth of historical facts are far-reaching because it cannot be inferred, from the demonstration of the historical necessity of Christ's commission of special authority to Peter, that the primacy or monarchy of Peter's successors was also necessary. Put another way, the flip side of Ockham's assertion of the historicity of the Petrine Commission is the rejection of the logical necessity of Christ's conferment of monarchical rulership on Peter's successors. This is equivalent to the rejection of the necessity of monarchy, on the one hand, and the rejection of the necessity of Peter's successors, on the other. The former we have already seen in Chapter 4: for Ockham, it is not necessary for the Church to be ruled by one man. More-than-one-man may rule the Church in cases of necessity. Ockham's silent refusal to derive the necessity of papal monarchy from the historical fact of the Petrine Commission is not inconsistent with this doctrine of constitutional change. On the other hand, it is also unnecessary for the ecclesiastical order to have Peter's successors at its apex. It was Peter – not the other apostles or Peter's successors, but Peter in particular – who was appointed by Christ as head of the believers. To be sure, Ockham admits that in the history of the Church, the popes enjoyed the same power as Peter had. In John 21.17, however, Christ did not say anything explicit about Peter's successors. Succession to power was rather

a human arrangement: Ockham explains Peter's inheritance of power from Christ in terms of secular practice of power succession.²⁰⁰ Papal primacy is therefore maintained simply on the basis of the human arrangement for succession to an office. Indeed, in the *Octo quaestiones* Ockham explicitly rejects the idea that the pope receives his jurisdiction from God alone, without human ministry. 'No one except blessed Peter was appointed to the papacy without human choice.'²⁰¹ Clearly the logical necessity of the historical fact of Petrine primacy does not imply the necessity of papal primacy.

But an important note is required here: Ockham's rejection of the necessity of papal primacy is not entirely irrelevant to his earlier defence of monarchical rule. Ockham indeed vindicates the rational expediency of papal monarchy. These two threads of argument converge towards the end of Book 4. Ockham's Master explains:

By appointing Peter as head of all the faithful Christ bequeathed to his Church the best arrangement with respect to the kind of rule, because, by choosing and putting one man in charge of all the faithful, he taught the Church by that act that, if it can do so without detriment to the common good, it should wholly preserve the best kind of rule, namely that one should be head and ruler of all . . . And so some people say that by setting up one man in authority Christ bound his Church to the best kind of rule except in a case of manifest necessity or advantage.²⁰²

Clearly Ockham acknowledges the rationality of the papal monarchy. Hence, his rejection of the necessity of papal monarchy is a nuanced one. On the one hand, the important implication of Ockham's discourse on the Petrine Commission is that the ecclesiastical order since the time of Christ and the apostles is, in Ockham's eyes, contingent. His quest for necessary truths concerning the Petrine Commission, then, virtually amounts to a criticism of the hierarchical theory of papal government which is no less radical than that of Marsilius. Ockham's defence of Petrine primacy is not a mere response to Marsilius, still less a concession

²⁰⁰ III *Dialogus* I, iv, 10, p. 857.

²⁰¹ *A Letter*, p. 327; OQ, iii, 12, p. 117: 'quia nullus praeter beatum Petrum absque electione humana fuit ad papatum assumptus'.

²⁰² III *Dialogus* I, iv, 24, p. 86: 'Ad secundum respondetur quod Christus instituendo Petrum caput omnium fidelium ecclesiam suam in optima dispositione quo ad genus regendi reliquit quia, eligendo et praeficiendo unum cunctis fidelibus, facto docuit ecclesiam quod optimum genus regendi, ut scilicet sit unum caput et rector omnium, debet omnino servare si potest absque detrimento boni communis. Plus autem profuit ecclesiae quod Christus qui scivit certissime quis esset magis idoneus ad regendum praefecit Petrum quam si ecclesia quae non nisi per conjecturam scire potuit maiorem idoneitatem ipsius elegeret eundem. Christus itaque secundum quosdam praeficiendo unum alligavit ecclesiam suam optimo generi regiminis extra casum manifestae necessitatis vel utilitatis.'

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to the position of the so-called 'papalist' theologians. On the contrary, it constitutes an indispensable part of his criticism of the contemporary misconception of papal authority. But on the other hand, the contingency of the ruling order in the Church since the time of Christ and the apostles does not necessarily lead to an assertion of arbitrariness. Ockham does insist on the rationality of papal monarchy. In conclusion, then, Ockham de-mystifies and rationalises the discourse on papal government. In the dispute over the nature of papal government, he proposes 'the third way': an alternative to both Marsilian and 'papalist' positions.

THE DEFENCE OF HUMAN FREEDOM

The preceding chapters have shown that Ockham in his anti-papal polemical activities was a theologian ideologically opposed to canonists. In Ockham's view the canonists' intervention in doctrinal matters was unjustified. Ockham's theological independence from the Franciscan (more specifically, the Michaelist) ideology allowed him to delve into more 'general' questions of heresy, with a focus on papal heresy. Henceforth, Ockham's political writings were to be framed by his general theory of heresy. In his earlier polemical activities, this theory of heresy was applied to demonstrate that contemporary popes were heretics whilst, in the later stages, the concept of heresy itself drove him to an exegesis of the scriptural texts relating to issues surrounding the nature of papal power, which had been misconstrued in a juristic fashion. Ockham's discourse on papal government can be characterised as a theologian's logical search for biblical truths concerning the power of St Peter and his successors. Viewed as a theologian's endeavour to combat juristic misinterpretations of scriptural texts, Ockham's change of polemical interests emerges as coherent and consistent.

We have therefore focused almost exclusively on Ockham's ecclesiological discussions and have left out one important feature of Ockham's polemics: the discourse on secular politics. Previous scholarship has never overlooked Ockham's discussion of secular power; indeed, Ockham was once described as a defender of the empire.¹ More recently, his pragmatic 'dualism' or 'separatism' between the spiritual and temporal powers has been emphasised.² The relatively large number of textual witnesses justifies modern historians' interest in Ockham's writings on secular power. His most systematic presentation is found in

¹ Lagarde, *La Naissance*, 4 (new edn), ch. 7.

² See especially McGrade, *The Political Thought*, ch. 3, and Kempshall, *The Common Good*, pp. 359–61.

III *Dialogus* II, sixteen manuscripts of which are currently known.³ The fact that Pierre d'Ailly's summary of the *Dialogus* focuses on III *Dialogus* II eloquently testifies that Ockham's discussion of secular politics attracted serious attention from the leading scholastic theologian of the following generation. It is also worth noting that many of the surviving manuscripts of III *Dialogus* II are accompanied by the text of I *Dialogus*, which has survived in the greatest number of manuscripts. We should note that *Octo quaestiones*, which include substantial arguments on temporal power, also survives in a large number of manuscripts.⁴ Arguably, then, Ockham was, apart from being a theorist of heresy, widely known as a theorist of secular power by following generations.

Nonetheless, it seems to me that Ockham's interest in secular power is no more than an extension of his concern with ecclesiastical power. Ockham's polemical writings never touch upon secular politics without discussing ecclesiastical power. This remains the case even when the primary goal of his work is clearly to discuss temporal power. Enquiring 'whether it is possible for a prince to receive ecclesiastical property in support of war, even when the pope is unwilling', Ockham starts his discussion with a definition of papal *plenitudo potestatis*.⁵ Similarly, the *Octo quaestiones de potestate papae* explores the nature of papal power before turning to a substantial discussion of imperial power. In his 'swan song', *De imperatorum et pontificum potestate*, he shows little interest in the nature of imperial or any other secular power.

The aim of the present chapter is twofold. First, it will demonstrate that Ockham's concern with secular politics was paradigmatically determined by his discourse on heresy. The permeating issue, which he grappled with throughout most of his polemical career, was crisis management of ruling institutions. The crisis that faced him was that papal heresy was paralysing ecclesiastical institutions, poisoning the Christian community with heretical doctrines and oppressing the temporal order. Ockham's anxiety about the breakdown of ecclesiastical institutions formed the outlook from which he developed his thoughts on the nature of secular power and its relationship to ecclesiastical power. He was interested in the role of temporal (especially imperial) power primarily as a (but not *the*) means of crisis management in the ecclesiastical order.

³ John Kilcullen and George Knysh, 'Witnesses to the Text: Sigla and Descriptions' at <http://www.britac.ac.uk/pubs/dialogus/sigla.html>.

⁴ Above p. 6.

⁵ This is the *AP*'s full original title: 'An princeps pro suo succursu, scilicet guerraee, possit recipere bona ecclesiarum etiam invito Papa.'

The second aim of this chapter is to show that the fundamental concern underlying all of Ockham's political writings including his works on temporal power is the defence of human liberty, the liberty that enables each individual to pursue a virtuous life in both the spiritual and the temporal spheres of the collective life. Modern scholarship has already highlighted that Ockham's definition of both ecclesiastical and secular power is largely and primarily 'negative': he is concerned not so much with what ruling powers can do, as with what they *cannot* do. The following analysis will demonstrate that, for him, neither ecclesiastical nor temporal power can provide more than an environment in which men can freely live out their moral lives. In Ockham's vision, individuals *qua* individuals are morally and spiritually autonomous. The impending problem that faces him, namely the papacy's heretical claim to universal dominion, however, deprives Christians of opportunities to be virtuous.

To demonstrate this, we shall examine Ockham's writings on secular power in III *Dialogus* II, *Octo quaestiones* and other shorter works in the light of the theoretical concerns that underpin his discourse on papal heresy. Drawing on the main threads of the arguments of the previous chapters, we shall see that Ockham's discussion of the relationship between ecclesiastical and secular powers is not a matter of the definition of the relationship between, or the separation of, two powers. It is a manifestation of a deeply moral concern with the common good of the human community.

SEPARATISM?

The preceding chapters have discussed Ockham's discourse on papal heresy and papal power in the context of the discursive traditions shaped by his predecessors and contemporaries, but have not examined Ockham's view of the relationship between ecclesiastical and secular power, which has constituted an essential part of modern scholarship on his political thought. According to McGrade, the relationship between ecclesiastical and secular power was the subject of one of the contemporary 'underlying general disagreements';⁶ therefore, Ockham turned his attention to 'institutional principles' which 'disengage[d] secular and ecclesiastical government instead of ordering them in a complex institutional synthesis'.⁷ This view has since gained support. Matthew Kempshall, for instance, writes that 'Ockham's primary concern was not

⁶ McGrade, *The Political Thought*, p. 76.

⁷ *Ibid.*, p. 168.

to establish a speculative “monism” or “dualism” but to widen the actual distance between the temporal and spiritual governments by limiting the practical scope of their respective jurisdictions.”⁸ Annabel Brett does not present Ockham’s ‘separatism’ as a pragmatic solution; rather, she emphasises that ‘papal power is radically different in kind from imperial power’.⁹ McGrade demonstrated that, while he de-juridicised papal power, Ockham never glorified imperial power and with this view Brett concurs. Nowadays, no serious scholar would argue that Ockham was a defender of the imperial ideology.

But what motivated Ockham to discuss ecclesiastical and temporal power? McGrade and Kempshall suggest that the separation of two powers was at the heart of Ockham’s institutional concerns. Brett’s view is more nuanced: ‘the heart of Ockham’s political theory lies in his analysis of the power of the popes, rather than the power of emperors’,¹⁰ while ‘Ockham’s whole enterprise is to show how such a [papal] principate [of service] can be a kingdom at all: that is, to define spiritual as opposed to temporal kingdom, which John XXII had so signally failed to do’.¹¹ Brett clearly thinks that Ockham’s concern with spiritual authority outweighed his concern with temporal authority. However, she shares common ground with McGrade and Kempshall in asserting that to separate spiritual from temporal power was Ockham’s intention.

As long as we view Ockham’s discourse on secular power as part of his ‘separatist’ agenda, however, we will continue to be puzzled by his frequent provisos that the two powers may involve each other ‘in case of necessity’ or ‘in accidental cases (*casualiter*)’. As we saw in Chapter 4, he allows both powers to interfere with each other in exceptional circumstances. In III *Dialogus* I, for instance, Ockham maintains that the pope may interfere in temporal matters in accidental cases (*casualiter*), such as (a) when either (1) someone plunges the temporal sphere into a crisis affecting the Christian community or (2) the temporal sphere becomes averse to Christian faith or (3) the temporal sphere is converted to evil, and (b) when no layman can or wants to prevent such danger. What is the pope entitled to do under such circumstances? Ockham squarely refuses the pope an arbitrary exercise of power in accidental cases. Papal power must be exercised in spiritual matters, as right reason dictates, to prevent dangers to the common good and the security of faith. The pope’s intervention in secular politics is limited to what is expedient for the temporal sphere. However, Ockham adds that it is not easy to explain every case of emergency because any single case

⁸ Kempshall, *The Common Good*, p. 361.

⁹ Brett, ‘Introduction’, p. 50.

¹⁰ *Ibid.*, p. 51.

¹¹ *Ibid.*, p. 50.

may demand various responses.¹² If Ockham really intended to separate the two powers to the extent that they could hardly overlap, why did he add such a copious proviso, which would only contribute to weakening his case? In this respect, Ockham's approach is in stark contrast to that of John of Paris: the latter clearly asserts the autonomy of the secular power on the grounds of the Aristotelian 'naturalistic' character of the temporal sphere of human activities, and is very specific about the possible cases in which one sphere can intervene in the affairs of the other: such extraordinary intervention must proceed upon the initiative of certain magnates within each sphere. When a pope turns out to be a delinquent, the cardinals may call upon the prince as a Christian to help them to depose him. Similarly, the barons of a kingdom may call upon the pope to depose an unworthy king.¹³ A pope who intervenes in secular affairs judges the unworthy secular ruler's heresy, and the king who interferes in the ecclesiastical order judges the crime of a delinquent pope. Hence, neither the pope nor the secular ruler exercises any power belonging to the other order. The autonomy of each sphere is thus firmly secured.¹⁴ John singles out the only circumstance in which the pope can demand temporal punishments: 'an ecclesiastical judge cannot, by reason of sin, impose a corporeal or monetary penalty as can a secular judge, except on the condition that the guilty party is willing to accept it.'¹⁵ Why does Ockham not offer such a clear-cut solution as that of John of Paris?

According to McGrade, Ockham's suggestion that a Christian emperor may intervene in spiritual matters, which occurs frequently in his later polemical works, 'did not result from a general mellowing of his attitude to papalist ideas'.¹⁶ McGrade reminds us that the intensity of Ockham's attack on the Avignon papacy at the end of his life was pitched as high as ever. His frequent reference to circumstances where 'casual' interference might be justified did not weaken his emphasis on the spiritual power's proper disentanglement from the secular (and vice versa) because he repeated that such cases were exceptional. However, the risk of interpreting cases of 'necessity' too freely could easily downplay the separation of powers that Ockham allegedly wanted to establish. Similarly, if Ockham wanted to emphasise the radical difference between ecclesiastical and secular power, how could one power justifiably intervene in the sphere of the other, which is regulated by a

¹² III *Dialogus* I, i, 16, p. 786.

¹³ John of Paris, *De regia potestate et papali*, pp. 138–9.

¹⁴ *Ibid.*, p. 138: 'Et hoc quidem potest uterque in alterum, nam uterque papa et imperator universalem et ubique habet iurisdictionem, licet iste spirituales et ille temporales.'

¹⁵ *Ibid.*, p. 156.

¹⁶ McGrade, *The Political Thought*, p. 133.

radically different kind of power? Indeed, he clearly conceived such cases of necessity in terms of unpredictability so that it was impossible for him to stipulate the course of action due in every 'exceptional' case. No matter how much he emphasised the propriety of the separation between the two powers, Ockham took seriously the point that conflicts can occur and that mutual interventions can be justified in such exceptional circumstances. Indeed, his polemics had always revolved around exceptional circumstances. Ockham had appealed to the idea of necessity at every stage in his arguments; in the context of the poverty controversy, he vindicated simple use of fact ('simplex usus facti') in cases of necessity. Likewise, when discussing the possibility of constitutional change in the ecclesiastical order, he appealed to the maxim 'Necessity knows no law' to suggest the possibility of dispensing with monarchy by replacing it with aristocratic rule. It would, therefore, be inconsistent to downplay Ockham's frequent reference to *casualiter* in relation to the separation of the two powers. Establishing 'regular' separatism did not necessarily de-emphasise but rather highlighted the 'exceptional' nature of any interference between the two orders.

This puzzle can be readily resolved in the light of the fundamental concern underlying Ockham's discourses on papal heresy and papal power. Ewart Lewis compared and contrasted the problem that John of Paris and Ockham tackled, and correctly described the concerns of the two men:

John [of Paris] was particularly disturbed by papal aggression into the secular realm, supported by theoretical claims which he regarded as ungrounded innovations. Thus he could hope that problems could be solved through the clarification of sound tradition and a precise demarcation of secular and spiritual spheres. Occam had no such assurance. He was driven by the tragic conviction that John XXII was not only an aggressor against the secular power, but also, on the vital question of apostolic poverty, a traitor to the spiritual interests properly confided to his charge . . . In a situation in which legitimate authorities acting within their proper spheres pervert with impunity the whole purpose of their offices, there is no easy answer.¹⁷

Ockham could not share the optimism of John of Paris. No matter how legitimately the governing institution was established, it could operate unjustly due to human contingencies. We have already seen¹⁸ that this was precisely the case with John XXII's alleged heresy. And if the power of the ruling office was wrongly defined, the whole governing

¹⁷ Ewart Lewis, *Medieval Political Ideas*, 2 vols. (New York, 1954), 2, p. 546.

¹⁸ Above Chapter 1 and p. 158.

institution would inevitably and systematically operate unjustly unless that definition were amended. This was the case with Benedict XII's allegedly erroneous definition of papal power. In both cases, the papal office seriously malfunctioned and, worse, no 'back-up' system was available since no other ecclesiastical office – Ockham claims – took action to rectify the situation: rather they turned themselves into followers and defenders of the pseudo-pope. Ockham never criticised the papal office or ecclesiastical institutions as such; on the contrary, he vindicated the rationality of papal monarchy in the light of Aristotelian political philosophy and established the historical fact of the Petrine Commission. The problem he identified was that, regardless of how legitimately, rationally or even divinely the governing institution is arranged, it can operate unjustly due to various contingencies and may effectively break down.

The deplorable state of ecclesiastical affairs in Ockham's time, however, did not signify the collapse of the Church as the community of true believers *in rei veritate*: until the end of the world, at least one person – a man, a woman or an infant – will remain true, just as Mary did when Christ was crucified. Faced by this crisis in the institutional Church, therefore, someone must safeguard the faith; it is a moral imperative that Catholic truths must be defended at all costs and their preservation is the common good of the Christian community; indeed, Christ promised that Catholic truths would be preserved. But, in the face of the systematic breakdown of the Church, one cannot rely on any recourse to institutional solutions. This explains Ockham's concept of the Ambrosian defence of Christian fellowship, which was an *extra*-institutional solution for the ecclesiastical crisis. It was pointless for him to consider what to do with the institution, which had already broken down; instead, he had no option but to consider what to do *without* the institution. Hence, underlying Ockham's concern was his persistent desire to seek a course of action *beyond* institutional rules. His 'political thought', then, should be conceived primarily as a theory of crisis management. Ockham did not attempt to reform the Church because he did not question the ecclesiastical institution as such. He did not attribute the breakdown of the ecclesiastical institution to any structural defect of the Church but to its malfunctioning due to human contingency. In other words, he presupposed that, provided that appropriate individuals were in place, the existing institution would operate well. Otherwise, we cannot explain why Ockham even vindicated the rationality of ecclesiastical monarchy. Hence, his primary concern was ultimately not institutional; the operation of the governing institution needs to be augmented *casualiter* by extraordinary means. Brian Tierney wrote

that '[t]he gap in Ockham's theory is the absence of any institutional machinery to mediate between ruler and community in case of dispute'.¹⁹ 'The absence of institutional machinery', however, was not an oversight; it was a deliberate choice.

The same perspective permeates Ockham's later polemics on spiritual and temporal powers. His reading of the Bible in opposition to juristic misinterpretations demonstrates that the two powers should not intervene in each other's sphere on a regular basis. However, biblical truths are not always put into practice due to human contingencies: just as a pope can be a heretic, so an emperor can be malicious, negligent or incompetent. Ockham states again and again that the pope can intervene in temporal matters, by the authority granted to him by Christ, only by reason of the temporal ruler's incompetence, negligence or malice.²⁰ Likewise, a secular ruler can intervene in spiritual matters if the pope persistently scandalises the Church and seriously jeopardises the common good of the believers.²¹ This extraordinary, yet legitimate, course of action when a ruling institution breaks down is a permeating concern in Ockham's discourse on spiritual and temporal power. Just as he conceptualises the legitimacy of ecclesiastical dissent of any believer whatever his status, so he insists on mutual interference between the two powers in extraordinary circumstances, in spite of their normal separation. His concern with cases of necessity, then, is not merely supplementary to his insistence on the regular separation of the powers. He punctuates this with exceptional cases where a ruling institution – ecclesiastical or secular – may (and, in Ockham's eyes, actually did) break down. In these circumstances an extraordinary (namely, extra-institutional) course of action must be implemented at once.

However, misrule in one order will not *ipso facto* legitimate the intervention of the other. Rather, the corrective process of deviant government should take place initially within its own sphere and without interference from the other. In I *Dialogus*, Ockham states clearly that the correction of a doctrinally erroneous pope should take place within the spiritual order: the college of cardinals, bishops, the general councils, other churchmen and even laymen should undertake the duty in turn of

¹⁹ Tierney, *The Idea of Natural Rights*, p. 192.

²⁰ OQ, ii, 2, p. 71: 'Sic etiam, quantumcunque corrigendus esset imperator vel rex aut princeps alius aut etiam deponendus propter defectum vel crimen, qui vel quod ad pure spiritualia minime pertineret, papa auctoritate sibi concessa a Christo se intromittere non deberet, nisi propter impotentiam, negligentiam vel malitiam laicorum.' Also OQ, ii, 9, p. 84; ii, 10, pp. 86–7; *Brev* vi, 2, p. 251.

²¹ OQ iii, 12, pp. 117–18.

correcting a pope in error.²² He is acutely aware that the spiritual order is radically distinct from the temporal one.

The breakdown of one order, as Ockham sees it, entails not merely unjust rule but also the failure of the ruled to correct the unjust ruler. We have already seen that Ockham was critical of his contemporaries' failure to act in opposition to papal heresy.²³ Likewise, Ockham insisted that the Romans ought to correct the unjust rule of an emperor before allowing the pope to interfere. 'Should the empire be transferred from one people to another due to some secular crime, damnable negligence or any other secular defect, a pope could not undertake such transfer by his own authority *unless Romans and others were damnably negligent*' (my emphasis).²⁴ The corrective process of government, whether spiritual or temporal, must be initiated within its own sphere. Hence, just as believers, including high ecclesiastics and laymen, should primarily fulfill the obligation of correcting a heretical pope, so the Romans ought to act first in order to correct an unjust emperor. It is not the criminal acts of a ruler alone but also the negligence of the ruled that constitute the breakdown of public order, which, in turn, prompts and justifies intervention by the other order.

This argument forms a sharp contrast with that of John of Paris. John of Paris was clearly unfamiliar with the idea that the breakdown of public order comprises misrule on the part of the ruler *and* the failure to correct such misrule on the part of the ruled. For John, misrule in the ecclesiastical order, for instance, is sufficient to justify and prompt intervention from the temporal order. Intervention into the troubled order requires the consent of the people; however, the corrective process of ecclesiastical disorder should be initiated by the ruler of the temporal order, not by the ruled.²⁵ The ruled play a subordinate role in the correction of an unjust ruler. John's separatism is in this sense less distinct than Ockham's: John's distinction between the two powers is limited to institutional machinery, whereas Ockham's extends beyond ruling institutions.

Thus Ockham's account of extraordinary intervention by one order in the other overrides the pragmatic separation of two powers. Although it is correct to assert that Ockham's political thinking is pragmatically oriented in the sense that his political proposals clearly aim at a practical

²² See Chapters 2 and 3.

²³ Above pp. 135–44.

²⁴ OQ ii, 10, p. 87: 'Si vero imperium transferendum esset a gente in gentem propter crimen aliquod saeculare vel dampnabilem negligentiam vel quemcunque defectum alium saecularem, papa auctoritate propria talem translationem non posset facere, nisi Romani et alii essent dampnabiliter negligentes.' See also OQ, ii, 9, p. 84.

²⁵ John of Paris, *De regia potestate et papali*, p. 139.

(as opposed to a speculative) solution to a problem of his day, it would be inaccurate to hold that he was primarily concerned with disengaging temporal from spiritual power. Rather his 'separatism' forms an inseparable link with his immediate concern with crisis management in both spiritual and temporal orders. Ockham's conception of public crisis, and its centrality to his polemical concerns, explain how he dealt with the apparent contradiction of regular separatism and occasional interventions between ecclesiastical and secular powers.

Modern scholarship has noted that mutual intervention between the two orders in cases of necessity was not original to Ockham. Indeed, many of Ockham's predecessors and contemporaries – both 'papalists' and 'anti-papalists' – noted that one order could interfere in the affairs of the other in cases of emergency. William McCready, for example, plays down the contrast between 'papalists' and 'anti-papalists'; he writes that 'with regard to the basic principle of papal intervention in the temporal realm, the papalists and antipapalists are in fundamental agreement'. 'The papalists are', continues McCready, 'conscious enough of the independent status of civil authority to limit papal action in the temporal realm to circumstances in which *spiritual issues are at stake*' (my emphasis).²⁶ This assertion, however, does not hold for Ockham. Ockham, unlike so-called papalists such as Giles of Rome and Augustinus Triumphus, does not argue that papal intervention in temporal matters should be permitted 'if the spiritual welfare of Christendom demands it'. Rather, papal intervention is legitimate only as a last resort to restore the temporal order. For Ockham, extraordinary intervention between two orders is intended as a remedy for the malfunctioning *other* order, not for the sake of the intervening order's own good.

Ockham's conception of the exercise of power in extraordinary circumstances is clearly divorced, in another respect, from the papalist-canonist conception, according to which the pope's ordinary power is human in origin whereas his extraordinary power is divine. This idea, which was conceived during the pontificate of Innocent III, was assimilated by canonists in the thirteenth century. Hostiensis, for instance, drew upon the juristic (as opposed to the theological) conception of *potentia Dei ordinata et absoluta* and called the pope's extraordinary power *potestas absoluta*.²⁷ In exercising *potestas absoluta*, the pope may transcend not only human law but also natural and divine law. The gloss notes that the pope's *potestas ordinata* represents his human, *potestas absoluta* his

²⁶ McCready, 'Papalists and Antipapalists', p. 252.

²⁷ Kenneth Pennington, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia, 1984), p. 17.

divine, authority.²⁸ For Ockham, the pope's extraordinary power is far from divine; the pope may exercise his power beyond the boundaries of his ordinary power in his capacity as a Roman or as a member of one of the peoples that constitute the Roman Empire. Similarly, the emperor's extraordinary intervention is not divine in any sense; the emperor may only intervene in spiritual matters in his capacity as a Christian.²⁹ 'Occasional' intervention by one order in another is therefore strictly a matter of human political judgement; it is not divinely sanctioned.

WILL AND POWER

So far we have seen Ockham's discussion of mutual interference between ecclesiastical and secular powers as part of his theory of crisis management but not as an institutional course of action. He notes that the correction of an erring pope should be initiated by the college of cardinals, a general council and other bishops and clergymen. However, if and when all the ecclesiastical offices have failed to correct the erring pope, Ockham maintains that lay individuals should take action *despite* their status. He does not, however, specify the institutional machinery which would enable a corrective process from below.

In order to accommodate this 'ascending' corrective action without an institutional warrant, Ockham re-defines power in a flexible fashion. Power is not simply institutional: an individual can exercise power over others voluntarily and licitly (*licite*) despite his status. Ockham does not elaborate on his idea of power systematically; however, he clearly considers that a free act of the will to exercise power constitutes non-official power that can be legitimately and licitly exercised. Put simply, will generates power. Ockham states this repeatedly in the *Dialogus*,³⁰

²⁸ *Ibid.*, pp. 65–7.

²⁹ III *Dialogus* II, iii, 5.

³⁰ I *Dialogus* vi, c. 85, p. 604: '*Discipulus*: Per rationem istam quilibet laicus posset interesse concilio generali si vellet: si illa quae tractantur in generali concilio ab omnibus tractari debent. *Magister*: Ad istam instantiam respondetur quod haec regula *quod omnes tangit ab omnibus tractari debet* intelligenda est si ab omnibus potest et non apparet ratio manifesta quare aliquis debeat ab huiusmodi tractatu repelli. Nunc autem non possunt omnes neque laici neque clerici ad generale concilium convenire. Et ideo non omnes debent interesse per seipsos. Debent tamen omnes qui voluerunt nisi appareat ratio manifesta repellendi eos per procuratores et alios gerentes mediate vel immediate in speciali vel cum aliis vices eorum concilio interesse. Et ideo cum dicitur de regibus et principibus et aliis magnis personis laicis nisi appareat ratio quare debeant repelli poterint per seipsos si voluerint conciliis generalibus interesse. Unde si reges voluerint poterint per seipsos conciliis generalibus interesse nec est necesse quod procuratores vel alios habentes potestatem eorum mittant ad concilium generale. Regnum autem et aliae communitates quae regibus non subsunt quae interesse per se non possunt debent mittere si volunt procuratores aut subditos vel alios quocunque nomine censeantur qui eorum habeant potestatem quantum ad ea

and it can clearly be identified with his personal view, because he reiterates the same idea in *An principans*, a short treatise in which he outlines his personal views.³¹

This notion of power is a salient feature in Ockham's programme of crisis management. When he enquires into the question of whether lay believers are entitled to attend a general council in order to discuss the Christian faith, he insists that all those who *desire* to attend must attend unless there is a manifest reason why they are unable to do so, in which case they ought to send their representatives.³² Likewise, he justifies the pope's exceptional intervention in temporal matters in cases of extreme necessity 'when there is no one else, to whom such matters should primarily appertain, who may *wish* and be able to exercise power usefully in relation to such matters' (my emphasis).³³ In both cases, the will to be engaged with the issue in question generates the power to do so.

It is noteworthy here that, precisely within this framework, Ockham elaborates on his celebrated theory of the three types of *ius naturale*. Ockham's well-known discourse on natural law in III *Dialogus* II, which is often treated as if it were a separate treatise,³⁴ actually constitutes a substantial part of his discussion of the question whether the emperor has any power over papal elections. Ockham discusses the three modes

quae tractanda sunt in concilio generali.' Also III *Dialogus* II, iii, c.7: '*Discipulus*: Quare dicunt isti quod papa non habet in hoc plenam potestatem, cum secundum eos nullam habeat potestatem in hoc, ex quo Romani habent ius eligendi ex iure divino. *Magister*: Non dicunt quod papa in nullo casu habeat potestatem quo ad hoc; imo volunt quod papa, etiam ex ordinatione Christi et ex potestate collata sibi a Christo, in aliquo casu habeat potestatem ordinandi qui debeant eligere suum successorem. Ad cuius evidentiam dicunt esse sciendum quod Christus sufficienter providit ecclesiae in omnibus necessariis, et ideo committendo ecclesiam beato Petro dedit beato Petro et successoribus eius plenitudinem potestatis in spiritualibus quo ad omnia necessaria ecclesiae suae, salvo iure aliorum quando debito modo volunt et possunt uti iure suo: ita ut papa in omnibus necessariis possit supplere in spiritualibus defectum aliorum qui nolunt vel non possunt uti iure suo; et ideo, quia ex iure divino Romani habent ius eligendi episcopum suum, papa non habet potestatem ordinandi de electione eadem in praedictum Romanorum quando Romani vellent et possent ad bonum commune uti iure eodem. Similiter, quia in casu catholici alii habent ius eligendi summum pontificem, ideo etiam papa non haberet potestatem ordinandi de eadem electione quando in tali casu alii catholici vellent opportune uti eodem iure. Sed si Romani et alii catholici nollent aut non possent uti iure eodem, tunc papa haberet potestatem ordinandi de electione successoris sui.'

³¹ *AP*, c. 5, p. 245: 'Ad peccata nichilominus in foro contentioso et ad temporalia casualiter se extendit, in casu scilicet summae utilitatis vel vicinae et extremae necessitatis vel propinqua, quando non esset alius, ad quem primo talia pertinerent, qui potestatem vellet et posset circa huiusmodi utiliter exercere.'

³² Above n. 30.

³³ Above n. 31.

³⁴ See for instance Francis Oakley, 'Medieval Theories of Natural Law: William of Ockham and the Significance of the Voluntarist Tradition', *Natural Law Forum* 6 (1961), pp. 65–83; McGrade, *The Political Thought*, pp. 177–85; Offler, 'The Three Modes of Natural Law in Ockham'.

of *ius naturale* in a chapter that refutes the view that the emperor has no right to interfere by divine or human law. He explains that the first mode of *ius naturale* is defined as a law 'which is in conformity with natural reason that in no case fails'.³⁵ Such laws as 'Do not commit adultery' and 'Do not lie' are immutable and not subject to dispensations.³⁶ The second mode of *ius naturale* is a law 'which is to be observed by those who use natural equity alone without any custom and human legislation'.³⁷ This is natural law that was originally established in the state of nature. Communal ownership characterises this, since in the prelapsarian state, no one 'could licitly appropriate anything to himself'. In contrast to the first mode, the second is not immutable. Private ownership was established by human law. Finally, the third mode of *ius naturale* is a law 'which is gathered by evident reasoning from the law of nations or another or from some act, divine or human, unless the contrary is enacted with the consent of those concerned'.³⁸ More succinctly, Ockham calls this *ius naturale* 'by supposition'. He illustrates it by drawing on St Isidore: To return a thing deposited or money loaned pertains to natural law, and yet it presupposes the existence of private ownership. Private ownership, however, was established by human law, not natural law. Hence the third mode of *ius naturale* is based on some sort of supposition and is derived from evident reasoning. Assuming that private property was introduced by human law, evident reason dictates that loaned money should be returned. As Tierney crisply states, 'this conditional natural law was derived from rational responses to contingent situations'.³⁹

So, how does this legal discourse relate to Ockham's concept of power? Brian Tierney paid attention to Ockham's 'obscure' proviso: the third mode of *ius naturale* is a law 'which is gathered by evident reasoning from the law of nations or another or from some act, divine or human, *unless the contrary is established by those concerned*' (emphasis mine). Tierney notes that Ockham 'does seem to introduce a new kind of natural law, unstable, changeable according to the will of the people involved'. 'But the point is,' continues Tierney, 'that Ockham's argument was shifting here from natural law to natural rights'.⁴⁰ For instance, evident reason dictates that debts should be repaid unless those who are concerned decide otherwise. Those who refrain from exacting a debt, therefore, are waiving the exercise of a natural right, the third mode of *ius naturale*. However, what should not be overlooked is the implications

³⁵ *A Letter*, p. 286; III *Dialogus* II, iii, 6.

³⁷ *A Letter*, p. 286; III *Dialogus* II, iii, 6.

³⁹ Tierney, *The Idea of Natural Rights*, p. 179.

³⁶ Tierney, *The Idea of Natural Rights*, p. 176.

³⁸ *A Letter*, p. 287; III *Dialogus* II, iii, 6.

⁴⁰ *Ibid.*, p. 180.

The defence of human freedom

of this conception of natural right for the question of the emperor's power over papal elections. On this question, Ockham clearly states that the Romans had the right to elect to the papacy according to the third mode of *ius naturale*:

For supposing that someone is to be set over certain persons as prelate, ruler or rector, it is inferred by evident reason that, unless the contrary is decided on by the person or persons concerned, those whom he is to be set over have the right to elect the one to be set over them, so that no one should be given to them against their will.⁴¹

While, as Tierney argues, Ockham discusses the third mode of *ius naturale* in terms of natural right, its application to the discourse on the right to papal election clearly shows Ockham's view of what constituted power. The will of those concerned translates a right into a power:

It must be known that Christ made sufficient provision for the Church in all necessary matters, and therefore, in entrusting the Church to blessed Peter he gave Peter and his successors fullness of power in spiritual matters in respect of all things necessary to his Church – saving the right of others, *when they wish and are able to exercise their right as they ought*: so that in spiritual matters the pope can, in all necessary things, remedy the failure of others *who do not wish or are not able to exercise their right*. And therefore, because the Romans have by divine law the right to elect their bishop, the pope does not have power to make decisions about that election to the Romans' prejudice when the Romans wish and are able to exercise their right for the common good . . . But *if the Romans and other Catholics were not willing or were not able to exercise that right*, then the pope would have power to make decisions about the election of his successor.⁴² (my emphasis)

Clearly a right that is willed to be exercised constitutes power that overrides the pope's claim for that power. However, when the Romans do not wish to exercise a right that appertains to them, the pope can claim that right, thereby exercising the power generated by the exercise of the right. Here Ockham framed his appeal to natural right theory in his notion of power: the volition that follows the dictate of evident

⁴¹ *A Letter*, p. 290; III *Dialogus* II, iii, 6: 'Supposito enim quod aliquibus sit aliquis praelatus vel princeps aut rector praeficiendus, evidenti ratione colligitur quod, nisi per illum vel illos cuius vel quorum interest contrarium ordinetur, illi quibus est praeficiendus habent ius eligendi praeficiendum eis, ut nullus dari debeat ipsis invitis'.

⁴² *A Letter*, p. 294; III *Dialogus* II, iii, 7 (see note 30). Incidentally, the passage refers not only to Peter but also to his successors as the recipients of Christ's commission – which contradicts Ockham's argument in III *Dialogus* I that Christ granted primacy to Peter alone. This requires an explanation and awaits further research.

reason (namely, natural right) constitutes power – non-institutional power that is cognitively legitimate.

Brian Tierney writes perceptively that ‘the new feature in Ockham’s work is that the whole argument about the institution of a ruler and the alienation of the right to elect was set in the context of a discussion on natural law and natural rights’.⁴³ The natural right to elect a pope, when it is willed to be exercised, also generates non-official power. Clearly Ockham discusses the institution of rulers in an extra-institutional framework (that is, the sphere of non-institutional power), not in the framework of positive law or human customs (the sphere of official or institutional power).

RIGHT REASON AND LIBERTY

Ockham’s defence of the Romans’ right over papal elections illustrates that non-institutional power is not power arbitrarily willed.⁴⁴ It must be sanctioned by reason. When Ockham discusses whether the Roman Empire could be disestablished and changed into an illegitimate empire ‘by mere will and dissent’, he responds negatively. ‘After people have willingly subjected themselves to someone’s lordship they cannot withdraw from it against his will, because a lord should not be deprived of his right without some fault on his part.’⁴⁵ This argument, which is often seen as evidence of Ockham’s rejection of popular sovereignty, shows a clear distinction between ‘mere’ will and will sanctioned by reason. The ruled cannot withdraw their subjection arbitrarily without reason. Ockham accepts the possibility of legitimate dissent from imperial lordship and bases such action on an act of will in accordance with rational judgement in reaction to ‘some fault’ on the part of the lordship. The third mode of *ius naturale* is indeed the dictate of evident reason.

Right reason morally requires service to the common good and, if an individual wills the dictate of right reason simply because it is the dictate of right reason, he becomes virtuous. But if he wills the dictate of right reason not because it is right, but because he is compelled to do so by, say, the pope, he cannot be virtuous. He should not be compelled

⁴³ Tierney, *The Idea of Natural Rights*, p. 182.

⁴⁴ Tierney also draws attention to this point: ‘Ockham’s argument has been seen as an ‘exaltation of human will’ creating a disjunction between the general and rational character of law and the decisions of individual wills resisting it. But this was not what Ockham was arguing’: *ibid.*, p. 192. According to Tierney, ‘for Ockham a natural right was not an assertion of naked will but a power conformed to reason’ (*ibid.*, p. 199).

⁴⁵ *Short Discourse*, p. 128.

even to do good. An individual can never be virtuous as long as he is coerced; freedom of the will is necessary in order to be virtuous.⁴⁶

This recurrent claim is clearly anchored in Ockham's concept of liberty. He identifies liberty with spontaneous will.⁴⁷ Specifically, he defines liberty elsewhere as 'that power whereby I can do diverse things indifferently and contingently such that I can or cannot cause the same effect, when all conditions other than this power are the same'.⁴⁸ Liberty is not a special quality that an individual may or may not have, for it is identical to the volition itself that every individual has. Jürgen Miethke perceptively points out that, for Ockham, the identification of the will with spontaneous will is evident to all and intelligible by experience.⁴⁹ We know evidently that will and spontaneity cannot be distinguished from each other. The converse of this is that we cannot prove demonstratively that the will is free; we simply know it as a fact by experience.

Ockham fiercely rejects the contemporary (mis)understanding of papal *plenitudo potestatis*, precisely because such (excessive) power violates inalienable rights and liberties granted by God and nature and deprives Christians (and all men, if the pope intervenes in temporal matters) of the possibility of being virtuous. Volitional freedom is the first condition that enables us to see human acts in a moral perspective; in Lucan Freppert's words, 'since moral science, by definition, treats those acts which are free, the possibility and actual existence of human freedom or liberty is presupposed'.⁵⁰ Ockham stresses that papal power cannot deprive any individual of this freedom of will, but should rather preserve it. The assertion of inalienable rights and liberties therefore means nothing other than a re-definition of papal *plenitudo potestatis*. Ockham never rejects the concept of papal *plenitudo potestatis* altogether. He singles out a particular definition of the concept as erroneous and criticises it on biblical grounds.⁵¹ The pope still has *plenitudo potestatis*, but only in the sense that papal power extends to everything that is not claimed by any Christian as 'rights or liberties'. The 'rights and liberties' willed by individual Christians define the realm of papal power. Ockham argues repeatedly against the papal imposition of 'supererogation'

⁴⁶ On Ockham's ethics, see, for instance, D. W. Clark, 'Voluntarism and Rationalism in the Ethics of William of Ockham', *Franciscan Studies* 31 (1971), pp. 72–87; Clark, 'William of Ockham on Right Reason', *Speculum* 48 (1973), pp. 13–36; Lucan Freppert, *The Basis of Morality According to William of Ockham* (Chicago, 1988); and Rega Wood, *Ockham on the Virtues* (West Lafayette, Indiana, 1997).

⁴⁷ *I Sent.* d. 10, q. 2, in *OTh* 3, p. 340: 'libertas et spontaneitas videntur non posse distingui'.

⁴⁸ *Quodlibetal Questions*, vol. 1, p. 75; *Quodlibeta septem*, I, q. 16, p. 87.

⁴⁹ Miethke, 'The Concept of Liberty in William of Ockham', p. 92.

⁵⁰ Freppert, *The Basis of Morality According to William of Ockham*, p. 33.

⁵¹ Above Chapter 4.

precisely because it deprives each believer of the freedom of volition. 'Although he [a pope] does not have power in matters of supererogation, he does nonetheless have power in everything without which the totality of the faithful cannot be ruled.'⁵² What is necessary, if the believers are to be ruled, is an environment in which they can freely choose their moral and religious actions. In the Christian community that Ockham envisages, every believer enjoys and exercises inalienable rights and liberties to do what he or she wills to do voluntarily according to the dictates of right reason, thereby becoming virtuous. The function attributed to the pope is to prepare 'all those things which are necessary and proper to Christians for the attainment of eternal life'.⁵³ The pope must 'provide for how these things might be beneficially managed by inferiors'. In short, Ockham identifies papal *plenitudo potestatis* with 'care for all the churches' ('sollicitudo omnium ecclesiarum').⁵⁴ The role of the papal office is then to condition Christian society for the realisation of the spiritual life for all believers. Papal *plenitudo potestatis* is 'full' in the sense that it must do *all* things that are necessary for the spiritual well-being of the believers.⁵⁵ Spiritual attainment, however, cannot be fulfilled by papal directives alone; rather, it requires inalienable rights and liberties. Individual believers need volitional freedom so as to be allowed to be virtuous, for no one can be compelled to be virtuous. Therefore, popes must refrain from 'overstepping the limits of moderation'. In other words, the pope's spiritual mission requires him to do all that is necessary for the spiritual life of the Christian community, but it is strictly limited to the tasks that no believers wish to perform by themselves. Such service for, and dedication to, the Christian community constitutes for Ockham the true definition of papal *plenitudo potestatis*. It makes the pope 'excel and shine forth before all others'.⁵⁶ A true pope, as Ockham envisages him, does not patronise individual Christians, who are morally and spiritually autonomous, but

⁵² *A Letter*, p. 305; OQ, iii, 1, p. 97.

⁵³ *IPP*, c. 10, p. 301. The translation is adapted from William of Ockham, *On the Power of Emperors and Popes*, trans. Annabel Brett (Bristol, 1998), p. 101.

⁵⁴ *IPP*, c. 10, p. 301.

⁵⁵ OQ, iii, 1, p. 97: 'Istam etiam opinionem habent tenere illi, qui dicunt quod, licet papa non habeat illam plenitudinem potestatis, de qua dictum est q. i, c. ii, et hic in isto capitulo, ne lex Christiana sit lex maioris servitutis quam fuerit lex Mosaica, tamen habet plenitudinem potestatis quantum ad omnia, quae necessaria sunt pro communitate fidelium gubernanda, et, licet non possit ea, quae supererogationis sunt, tamen potest omnia, sine quibus universitas fidelium regi non potest.'

⁵⁶ *IPP* c.10, p. 301: 'haec est plenitudo potestatis, qua papa praeminet et praefulget, qua regulariter vel casualiter omnia potest, quae necessaria regimini fidelium dignoscuntur'.

mentors them.⁵⁷ Papal *plenitudo potestatis* should safeguard the rights and liberties granted by God and nature.

In Ockham's vision, liberty and official power are mutually exclusive. But Ockham's conception of liberty is not the same as what Isaiah Berlin called the negative concept of liberty, which he defined as freedom from constraints.⁵⁸ Ockham's 'rights and liberties granted by God and nature' are, by contrast, logically antecedent to papal or any other official power. Rights and liberties set limits on the realm of official power and not the other way round. On the other hand, Ockham grasps papal authority primarily in terms of coercion. Coercive power must not be exercised over inalienable rights and liberties. Conversely, the pope can coerce believers with respect to anything that is required for their spiritual well-being and is freely claimed by no Christian to be his or her right or liberty. The pope can compel believers to do what no believers will to do themselves, because compulsion in the sphere which lies outside the scope of inalienable rights and liberties does not jeopardise an individual's possibility of being virtuous.

Ockham's idea of temporal power is permeated by the same moral outlook. Perhaps it is most evident in what McGrade calls 'the minimal character of secular governmental functions' in Ockham's discourse on temporal government.⁵⁹ In the *Octo quaestiones*, for instance, Ockham writes:

It must above all be known that although many things pertain to the ruler of whom we are speaking – namely to give his rights to each person and preserve them, to enact necessary and just laws, to appoint subordinate judges and other officials, [to determine] which arts should be exercised, and by whom, in the community subject to him, and to command the acts of all the virtues, and many other things – nevertheless, he seems to have been appointed most principally to correct and punish wrongdoers. For if, in some community, no one had to be punished for any fault or crime, an adviser to good and a teacher would be enough, and a ruler would seem altogether unnecessary.⁶⁰

Temporal power is primarily identified with a punitive function.⁶¹ It punishes wrongdoers. The reverse side of this 'minimalist' view is that

⁵⁷ Annabel Brett explains Ockham's idea of (papal) power and its relation to his idea of liberty as follows: 'Power . . . does not have to bear an inverse proportion to liberty in order to be power at all. Although this is true of a "princiate of lordship", a "princiate of service" functions to bolster the liberty of its subjects, rather than to diminish it' (Brett, 'Introduction', p. 50).

⁵⁸ Isaiah Berlin, 'Two Concepts of Liberty', in his *Four Essays on Liberty* (Oxford, 1969), pp. 118–72.

⁵⁹ McGrade, *The Political Thought*, p. 114.

⁶⁰ *A Letter*, p. 319; OQ, iii, 8, pp. 109–10.

⁶¹ OQ, iii, 8, pp. 109–10: 'Ad cuius evidentiam ante omnia est sciendum quod, licet ad principantem, de quo est sermo, multa pertineant, videlicet iura sua unicuique tribuere et servare, leges

temporal power should adopt a 'hands off' approach to law-abiding individuals. Temporal power is not expected to educate or direct – still less coerce – the ruled towards a moral end, because (as is the case with spiritual power) one cannot be compelled to be virtuous. Temporal power should and can only offer an environment in which one can be free to act morally. Ockham's conceptualisation of the political process is thus largely, if not exclusively, corrective. Papal error ought to be *corrected* through fraternal correction with the backing of fellow Christians. Imperial misrule must be *corrected* by the Romans. If one order breaks down, the other order must step in to *rectify* the situation.

This 'minimalist' and often 'negative' definition of the principles of government in both spiritual and temporal orders seems to suggest that Ockham is fundamentally optimistic regarding each individual's right reason. Ockham probably believed that, should every single believer fulfil his or her duty to profess the Christian faith correctly and publicly and should all human beings – Christian and non-Christian – devote themselves to serve the common good of the community in which they lived, both spiritual and temporal government would operate smoothly, for God and nature have provided all that is necessary for human beings to live in this world. At the heart of the rationality of the human collective life is, then, the prevalence of acts of right reason that overcome contingent errors through a series of corrective measures, which can be put into practice through each and every individual's rational commitment to the public order.

AUTHORITY AND MORALITY

'Instead of viewing law and government as the animating force in society, the source of all order and value, Ockham regarded them as purely instrumental. The political element in human affairs becomes for him a means to the social existence of free men, but not the basis of the community or its end.'⁶² Thus writes McGrade and rightly. In both ecclesiastical and secular spheres, jurisdictional power can only provide the environment in which human beings can flourish morally. Ockham defines the limits of the political; law and government can only regulate the external acts and cannot extend to the internal acts which count in the moral consideration of human conduct.

condere necessarias atque iustas, iudices inferiores et alios constituere, quales artes et a quibus in communitate sibi subiecta debeant exerceri, omnium virtutum actus praecipere et alia multa: tamen ad hoc videtur principalissime institutus, ut corrigat et puniat delinquentes.'

⁶² McGrade, *The Political Thought*, p. 85.

Nonetheless, it would be misleading to argue that Ockham dissociated the sphere of virtue from what might be called the common good.⁶³ Free, and therefore potentially virtuous, individuals are not immune from communal obligations. To be sure, it would be correct to maintain that 'the jurisdiction of political rule cannot extend to commanding virtue or prohibiting vice'.⁶⁴ Ockham makes the exercise of institutional power indifferent to morality; jurisdictional power may be legally exercised, whether or not it is sanctioned by right reason. However, it would be mistaken to hold that external acts, including all publicly recognisable actions, should simply fall outside the scope of morality. When Ockham asserts that jurisdictional power cannot extend to an individual's internal world, he is not thereby advocating a retreat into the peace and quiet of the individual's internal world. On the contrary, he is calling for action: he is acutely conscious of the moral dimension of the individual's public action. Ockham's call for the defence of Christian fellowship serves as a case in point. We have already seen that what we called the Ambrosian defence of fellow Christians is a moral (not an institutional) obligation.⁶⁵ If Ockham's ethics could be reduced entirely to the morality of the externally unknown act of the will, the question whether Christians should take action to defend an individual who dissents from ecclesiastical authority would not be subject to his ethical criticism. It is precisely because it cannot be known externally by anyone whether other Christians judge rationally that all Christians ought to defend such an individual from persecution in order to follow the dictate of right reason. But Ockham explicitly criticises the inaction of other Christians. When he advocates the need for the defence of Christian fellowship, Ockham makes it clear that the individual's public action does matter; intrinsic virtue, which is the act of the will that conforms to the dictate of reason, must be translated into an external act.

When Ockham discusses the operation of ecclesiastical and secular government, he does not consider God as one of its parameters, for no one has actually experienced (still less demonstrated) direct divine intervention in the operation of ruling institutions. Although he acknowledges the divine origin of ecclesiastical (and possibly secular) government, Ockham considers ecclesiastical and secular government to be purely human. However, this does not imply that God has nothing

⁶³ Holly Hamilton Bleakley observes that 'the most striking thing about [the] extension of Ockham's ethics into his politics is the dissociation of intrinsically virtuous acts from what might be called the common good.' See her 'Some Additional Thoughts on Ockham's Right Reason', pp. 593-4.

⁶⁴ *Ibid.*, p. 594.

⁶⁵ Above pp. 135-44.

to do with it. By grasping ruling institutions as means whereby individuals can enjoy rights and liberties, Ockham turns free individuals into moral agents who are accountable to God and other members of the community. Ockham's defence of Christian fellowship, for example, is a clear manifestation of the moral responsibility of individuals in terms of external acts. But an act can be virtuous only if the individual who executes it desires to follow the dictate of right reason for its own sake.⁶⁶ Whether the act is really executed for that reason is an internal matter and hence cannot be known to anyone but God.

According to right reason, everyone bears a moral responsibility to serve the common good. If Ockham's moral perspective in his polemical writings had been focused exclusively on intrinsically virtuous acts, no public action by individual Christians would have been subject to his scrutiny, since an act of will – a parameter of intrinsic virtue – cannot be observed externally. Indeed, in his ethical writings, Ockham criticises the Scotist view that attributed to external acts a moral virtue that is distinct from internal acts, and he thereby de-emphasised the moral status of external acts.⁶⁷ However, it cannot be inferred from Ockham's attribution of intrinsic virtue to internal acts of the will that no virtue can be attributed to external acts. Any act, internal or external, can be extrinsically or contingently virtuous. Ockham considers that public action that serves the common good appertains to the realm of contingent virtues. The spheres of external and internal acts do not correspond neatly to the spheres of political and moral judgement respectively. Ockham's point is rather that external acts do not necessarily become subject to political judgement. Some action and inaction can be subject to human moral judgement. Ockham asserts the moral dimension of human public action. If we fail to recognise this, we will not be able to understand why Ockham devoted himself so passionately to public polemical activities and tirelessly criticised the inaction of other believers.

⁶⁶ Ockham, *Quaestiones variae*, q. 7, a. 4, p. 395: 'Hoc est elicere conformiter rectae rationi: velle dictatum a ratione propter hoc quod est dictatus. Nunc autem est impossibile quod aliquis velit aliquid propter aliud, nisi velit illud aliud, quia si nolit vel non velit illud aliud, iam vult primum magis propter se quam propter illud aliud. Igitur ad hoc quod virtuose velim dictatum a ratione recta, oportet necessario quod velim rectam rationem per eundem actum, non per alium, quia si per alium, iam ille actus quo volo dictatum a ratione non esset virtuosus, quia non est virtuosus nisi propter hoc quod per illum volo dictatum a ratione propter hoc quod ratio sic dicat. Erit igitur per eundem actum, sicut per eundem actum utor creatura et diligo Deum, propter quem diligo creaturam.'

⁶⁷ *Ibid.*, pp. 383–4. See also *Quodlibeta septem*, III, q. 15, pp. 257–62 and Wood, *Ockham on the Virtues*, p. 279.

The defence of human freedom

The distinction between internal and external spheres of action does not sufficiently explain Ockham's ethical agenda in his political writings. He certainly does not remove an individual's public actions from the scope of human morality. It would be more accurate to say that he refuses to subject all external acts to political judgement. His ethics (elaborated before his involvement in polemics) focus on the morality of an individual's act in the eyes of God, but we cannot simply presume that his later political thought was built upon his earlier ethical theory. Ockham's polemical works were written over a period of two decades after he stopped writing purely speculative works. To read across from his political writings to his speculative thought could be to risk serious anachronism.

Ockham reflected seriously on the tension between freedom and coercive power. This resulted in a duality of ethics; he underlined the difference between the ethical requisites for private individuals and those for public officials. We have seen that individuals as private persons must submit their will to the dictate of right reason.⁶⁸ Rationally intended will alone counts, and the discrepancy between intended result and actual outcome falls outside the scope of moral judgement. In short, private individuals have a responsibility to follow the principles of intentionalist ethics. The holders of public office, ecclesiastical or secular, by contrast, must achieve the ends of their office, namely the preservation of orthodox faith in the spiritual order and the maintenance of peace and order in the temporal order. Office holders are primarily accountable for the actual performance of institutional duties; in other words, they have a responsibility to follow the principles of consequentialist ethics. This is not to say that intentionalist ethics do not rule the acts of those in power; on the contrary, they, too, as private individuals, are subject to the principle of intentionalist ethics and, when they make official judgement too, the dictates of right reason should regulate their acts. Hence, rulers must be able to bear the heavier and indeed more difficult ethical responsibilities – the principles of intentionalist and consequentialist ethics are often mutually exclusive and are not readily reconciled with each other.⁶⁹ If an office-holder aims to bring about an outcome in the human community, he must coerce others regardless

⁶⁸ Above pp. 246–7.

⁶⁹ For the dual concepts of intentionalist and consequentialist ethics, see Max Weber, 'Politics as Vocation', in his *The Vocation Lectures*, ed. David Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis and Cambridge, 2004). Weber states, for instance: 'We need to be clear that all ethically oriented action can be guided by either of two fundamentally different, irredeemably incompatible maxims: it can be guided by an "ethics of conviction" or an "ethics of responsibility"' (*ibid.*, p. 83).

of their will, which also hinders those who are ruled from following the dictate of right reason voluntarily. Clearly Ockham was acutely aware of the deep gulf between morality and politics.

This dual conception of political and social ethics is already evident in Ockham's discussion of papal heresy. Ockham argues on the one hand that it is ethically legitimate for a lay individual to refuse doctrinal correction by ecclesiastical officials 'as many as a thousand times' so long as it is not manifest to him that he is in error.⁷⁰ On the other, he maintains that the pope would have to suspend his power and be subject to censure if the slightest doubt was cast about his orthodoxy.⁷¹ The contrast between Ockham's tolerance of a lay believer's error and his intolerance of the ecclesiastical official's error is anchored in his conception of office; ecclesiastics have power to compel others, while lay believers do not.

The same outlook is evident when Ockham discusses imperial power in relation to natural laws. I have already explained his famous account of natural right/law (*ius naturale*);⁷² but he offers another – and less known – classification of natural laws (*iura naturalia*) elsewhere in III *Dialogus* II. This time, he is interested in the relationship between social status and the moral duty of knowing natural laws. The first type of natural laws is self-evident moral principles. 'About such natural laws no one can err or even doubt.'⁷³ Ockham conceded that one may be ignorant of them since it is possible not to think and never to have thought of them. Nonetheless, such ignorance cannot excuse anyone, since such natural laws are self evident: even if we have never thought of them, such natural laws will occur evidently and immediately to us when we are obliged to act or not to act in accordance with them. The second mode of natural laws concerns those principles which can be derived readily and without any serious consideration from the first mode of natural law. Even the unlearned can deduce this mode of natural law without difficulty from the first mode; hence, ignorance of this mode of natural law cannot excuse. Finally, the third mode of natural law concerns those principles which are inferred from the first mode of natural law 'by few even of the experts, with great attention and study, and through many intermediate propositions'.⁷⁴ Experts

⁷⁰ Above pp. 131–5.

⁷¹ Above pp. 144–53.

⁷² Above pp. 243–6.

⁷³ *A Letter*, p. 273; III *Dialogus* II, i, 15: 'Quaedam enim sunt principia per se nota, vel a talibus principiis in moralibus per se notis sequuntur vel sumuntur; et circa talia iura naturalia nemo potest errare vel etiam dubitare.'

⁷⁴ *A Letter*, p. 274; III *Dialogus* II, i, 15: 'Alia sunt iura naturalia quae a paucis, etiam peritis, et cum magna attentione et studio et per multa media colliguntur ex primis iuribus naturalibus, circa quae etiam periti interdum habent opiniones contrarias, quibusdam putantibus ea esse iusta et

sometimes disagree with each other over such natural laws, which accounts for the widespread ignorance of them. It is important to note, however, that Ockham adds that an emperor should endeavour diligently to acquire knowledge of such natural laws. He should hire a number of wise advisers in order to acquire perfect expertise in such laws.⁷⁵ This forms a striking parallel to his discourse on the Christian duty to know explicit faith: the higher the ecclesiastical office an individual occupies, the more knowledge of explicit faith he is expected to have.⁷⁶ The man occupying the highest office in the temporal order bears the heaviest duty to have the greatest knowledge of natural laws.

Thus the key concern of institutional power, ecclesiastical or secular, is to bring about the intended consequence. Employing such a consequentialist outlook was a volte-face in the context of medieval theories of political judgement. Ockham is not so much interested in the accession to office as in the actual exercise of power. Ockham often appears indifferent as to how a ruler came to acquire his office. In the *Octo quaestiones*, for instance, he asserts that 'since . . . jurisdiction or power should benefit the common good, it makes no difference who establishes it, provided it is duly and rightly exercised and in no way neglected – which is all fulfilled if no wrongdoers in that community can escape the punishment of the supreme judge or of some other'.⁷⁷ From question four onwards in this work, Ockham attempts to sever ecclesiastical blessings and sanctions from royal and imperial appointments. He argues that imperial election suffices to give administrative power to the elected individual. Kings who inherit their crowns do not receive any power over temporal matters from the unction and the coronation performed by ecclesiastics. These arguments support Ockham's 'separatism' between the spiritual and temporal spheres; but it is also intriguing

quibusdam iniusta; et ignorantia talis iuris naturalis excusat, praecipue in omittendo aliquid facere quod tamen faciendum esset si non ignoraretur ius, nisi sit ignorantia affectata vel crassa et supina.'

⁷⁵ *A Letter*, p. 273; III *Dialogus* II, i, 15. 'Talium igitur iurium naturalium notitiae acquirendae debet imperator insistere diligenter, quia alia iura naturalia (scilicet, primo modo et secundo modo dicta) leviter quando erit necesse sibi occurrunt. Ut autem huiusmodi iurium et secularium negotiorum peritiam perfectam acquirat, expedit ut quamplures consiliarios secum habeat sapientes, exemplo Romanorum, qui, ut est allegatum prius, constituerunt 320 qui quotidie consulebant, consilium agentes de multitudine. Quia teste Salomone, Proverbiorum 15, "Dis-sipantur cogitationes ubi non est consilium, ubi vero plures consilarii sunt, confirmantur"; et Proverbiorum 11 ait quod est "salus ubi multa sunt consilia".'

⁷⁶ See Chapter 2.

⁷⁷ Ockham, *A Letter*, p. 321; OQ, iii, 9, p. 111: 'Nam cum talis iurisdic-tio vel potestatis bono communi debeat expedire, non refert a quo instituatur, dummodo debite exerceatur et rite et nullatenus negligatur; quae cuncta implentur, si nullus delinquens in eadem communitate puniti-onem supremi iudicis vel alterius subterfugere queat.'

to note that Ockham does not raise the question of what is the desirable way of appointing a secular ruler. Ockham does not discuss the due process for appointing a secular ruler, imperial or royal, apart from insisting that the ecclesiastical order does not grant any special power to the appointee except, of course, in exceptional circumstances. In the twelfth century, John of Salisbury considered usurpation of authority as the essence of tyranny.⁷⁸ A Roman lawyer and Ockham's younger contemporary, Bartolus Sassoferrato, identified two types of tyranny: one arising from defect of title ('ex defectu tituli') and the other arising from poor performance ('ex parte exercitii').⁷⁹ Ockham, in contrast, does not seem to consider usurpation as a type of tyranny; he is silent on it. For him, the fulfilment of the end outweighs the legitimacy of electoral procedure. Similarly, Ockham never discusses the usurpation of the papal office through dubious electoral procedure. He is preoccupied with the abuse of papal authority due to ignorance, negligence or malice. How power should be exercised, not how it has been assumed, is his primary concern. And this concern brings to the surface the question of the cognitive power of individuals. Ockham's persistent interest in the individual's cognitive power and his consequentialist judgement on ecclesiastical and temporal government are two sides of the same coin.

ECCLESIASTICAL REPUBLICANISM

Ockham's notion of the individual is neither Aristotelian nor Augustinian. The individual is neither educated philosophically through participation in political activities nor disciplined and punished by coercive authority on account of original sin. In his vision, the individual is morally and spiritually autonomous. Individuals are equally entitled to enjoy rights and liberties granted by God and nature, and Christians, in particular, are under the law of evangelical liberty. Hence, they can enjoy freedom in order to fulfil their spiritual and moral duties to preserve orthodox faith and abide by natural law.

Enshrining individual liberty and moral autonomy, however, does not lead Ockham either to retreat into the private realm or to take refuge in a sort of social atomism. The moral underpinning of his political discourse does not dissociate the realm of intrinsically virtuous acts from the common good. For Ockham, the individual's service to the

⁷⁸ John of Salisbury, *Policraticus*, ed. Clement C. J. Webb (Oxford, 1909), iii, 15. See also *The Statesman's Book of John of Salisbury*, ed. John Dickinson (New York, 1963), p. lxxiv, n. 254.

⁷⁹ Bartolus of Sassoferrato, 'Tractatus de tyrannia', in Ephraim Emerton, *Humanism and Tyranny* (Gloucester, Mass., 1964), p. 132.

common good is axiomatic. He endeavours to rescue the realm of morality from the juridical erosion we observed in John XXII's discourse on justice.⁸⁰ But Ockham does not merely highlight the limits of politics. He asserts the ultimate superiority of morality over politics. This is exemplified by his discourse on social ethics in the form of the defence of Christian fellowship, where he calls for public action by private individuals against unjust authorities. A definition of the moral realm of private individuals would suffice to declare the limits of the political; however, it would not be enough to limit the actual exercise of political power. To do so, Ockham has recourse to individual action rather than to institutional machinery.

Recent studies of Ockham's political thought seem to converge on the view that he was a 'constitutional liberal'. Tierney writes, for instance: 'as regards the persistence of natural rights after the institution of government, his thought was clearly in the liberal or constitutionalist tradition. For him the power of rulers was limited by the rights of their subjects.'⁸¹ In his introduction to *A Short Discourse on Tyrannical Government*, McGrade asserts: 'His [Ockham's] work is a contribution to political thought in the constitutionalist tradition.'⁸² This understanding, however, describes only one aspect of Ockham's political thought. In his attack on the papal claim to universal – spiritual and temporal – power, Ockham defines the limits of ecclesiastical and secular power by appealing to the idea of liberty. 'Rights and liberties granted by God and nature' are the inalienable and inviolable sphere of every individual. Indeed, one of the axioms of classical liberalism is that individuals should enjoy a sphere of non-interference. But Ockham's individual is not content merely with safeguarding his private sphere from interference. Ockham repeatedly preaches public duties; believers ought to fulfil their communal service to the common good of all believers – that is, the preservation of orthodox faith – through mutual protection from erroneous and heretical teachings. Sharing a communal accountability for orthodox faith among all believers – high ecclesiastics, theologians and lay believers alike – is required to preserve and strengthen the Christian community. Clearly a 'liberal' defence of rights and liberties would not suffice for Ockham, since he is all too aware that the operation of papal power, however correctly defined, is prone to malfunction. The rights and liberties of all individuals sustain Christian society as a community of morally autonomous believers, while rights and liberties are to be sustained by the mutual protection of believers.

⁸⁰ Above pp. 69–71.

⁸¹ Tierney, *The Idea of Natural Rights*, p. 183.

⁸² McGrade, 'Introduction', in *Short Discourse*, p. xx.

Liberalism would entrust the burden of identifying and fulfilling communal duties to the ruler, provided that he does not deprive believers of their inalienable rights and liberties.⁸³ Ockham, by contrast, is not content with declaring the inalienable realm of individual rights and liberties; he demands that individuals fulfil their communal duty.

What is this communal duty? Unlike Marsilius, Ockham does not envisage the individual's service to the common good as a matter of consent. He insists on contestability. Any individual should be able to contest at any time when he or she conscientiously believes that orthodox faith and/or rights and liberties are in serious danger. In addition, Ockham does not fail to see that the public domain can be a suitable forum for hearing contestations. The Christian community must be responsive to a dissenting voice. All these ideas resemble what contemporary political philosophers call republicanism.⁸⁴ Ockham should be described more appropriately as an 'ecclesiastical republican' – a republican in the medieval ecclesiological context.

Philip Pettit's account of republicanism is pervaded by the notion of liberty. Unlike liberalism, republicanism does not embrace the negative idea of liberty, that is, freedom from interference. Republicanism rejects only interference on an arbitrary basis, which is domination. Republican liberty, defined as freedom from domination, excludes interference controlled entirely by the will of the interferer.⁸⁵ Similarly, Ockham does not reject the coercive nature of ecclesiastical authority. He only rejects the arbitrary or abusive exercise of it; for instance, a doctrinal decision must be not only authoritative or official but also theologically sound.

Pettit notes that in any constitutional government there is always room for discretion. The question is how to prevent the exercise of that discretion becoming hostile to the interests and ideas of the people at large. Republican forms of government therefore stress contestability

⁸³ For John Locke, for instance, 'political participation' is 'a burden . . . something to be abandoned gratefully when one's community is fortunate to be governed well'. John Dunn, 'The Concept of "Trust" in the Politics of John Locke', in Richard Rorty, J. B. Schneewind and Quentin Skinner (eds.), *Philosophy in History* (Cambridge, 1984), p. 297.

⁸⁴ The following passages on republicanism are mainly based on Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford, 1997). But, among the rapidly growing body of literature on republicanism, the following works are particularly useful: Maurizio Viroli, *Republicanism* (New York, 1999); Richard Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (Oxford, 1997); Gisela Bock, Quentin Skinner, and Maurizio Viroli (eds.), *Machiavelli and Republicanism* (Cambridge, 1990); David Armitage, Armand Himy and Quentin Skinner (eds.), *Milton and Republicanism* (Cambridge, 1995); Kari Palonen, *Quentin Skinner: History, Politics, Rhetoric* (Cambridge, 2003); Quentin Skinner, *Liberty before Liberalism* (Cambridge, 1998).

⁸⁵ Pettit, *Republicanism*, Part I.

by the people, rather than the consent of the people.⁸⁶ Government action should survive popular contestation and should not be deemed to be the product of popular will. As Pettit crisply states: 'what is of primary importance is not that government does what the people tells it but, on pain of arbitrariness, that people can always contest whatever it is that government does'.⁸⁷ Whereas Marsilius attempts to subject ecclesiastical decisions to the will of the political community at large, Ockham conceptualises the possibility of contestation in the ecclesiastical order. Ockham's discourse on papal heresy offers a theory of ecclesiastical contestability in order that the dissenting voice should be heard in the Christian community.⁸⁸ In this respect, too, a parallel with republicanism is evident.

The aspiration to safeguard government from arbitrariness, however, requires a community to rely on the civic virtues of the citizens, on their willingness and capacity to serve the common good. Republicanism emphasises the importance of widespread civic virtues. The laws that institutionalise a republic need to be supported by republican civil norms, that is, widespread civic virtues. In relation to this, Pettit presupposes that a civil norm within a certain group is a matter of common knowledge; every member of the group approves of conformity and/or disapproves of deviation.⁸⁹ The emphasis on common knowledge forms an interesting parallel with Ockham's discussion of the universal duty to have explicit faith within the Christian community. The individuals in the Christian community that Ockham envisages do not simply protest against the ecclesiastical power that denies individual 'rights and liberties'; they accept the public duty to defend orthodox faith by having knowledge of explicit faith, and they dissent from any attempt to define Christian faith in contradiction to the communally shared understanding of it. Ockham does not expound this argument in the context of civil politics; nonetheless, it clearly resembles the republican discourse on civil virtues. Each and every individual believer's commitment to orthodox faith invigorates the Christian community, and it was this motivation for commitment that drove Ockham to produce his polemical works.

Historians of political thought have suggested that, in the seventeenth and eighteenth centuries, 'liberal' appeals to natural rights were often intertwined with 'republican' appeals to duty and virtue.⁹⁰ But the

⁸⁶ *Ibid.*, pp. 183–200.

⁸⁷ *Ibid.*, p. ix.

⁸⁸ Above Chapter 3.

⁸⁹ Pettit, *Republicanism*, pp. 58–61, 70–3.

⁹⁰ See, for instance, Lance Banning, 'Jeffersonian Ideology Revisited: Liberal and Classical Ideas in the New American Republic', *William and Mary Quarterly* 43 (1986), p. 12.

nexus of the two trends of thought can be traced back to the fourteenth century: Ockham's appeal to natural rights cannot be understood fully without appreciating his appeal to public duty in the Christian community.

However, Ockham was not a political thinker, or even an ecclesiological thinker in the narrow sense of the term, since he was not primarily interested in institutions. Rights and liberties granted by God and nature provide morally free agents with an environment in which they can act freely according to the dictates of right reason. These rights and liberties ought to be protected from any possible threat by the mutual protection of believers. This mutual support reinforces Christian society, still more so in times of crisis, when the institutions have broken down. Hence, every believer has a duty to learn explicit faith. The emphasis on public duty towards the common good may be Ciceronian and Ambrosian, while the distrust of governing institutions is markedly Franciscan. When the early Friars Minor grew into the Order of Friars Minor, St Francis of Assisi was averse to such institutionalisation and abstained from exercising management control.⁹¹ It was in this distrust of organisations that Ockham adhered more manifestly than anywhere else to St Francis's way of life. In this respect, Ockham departs from political theory. His 'republican' defence of 'rights and liberties' and emphasis on contestability have no institutional warrant; rather he reduces this imperative to individual rights and duties. Ockham's conception of the Christian community may be compared to a version of republicanism that enshrines civic virtues but does not express serious interest in institutions. His lack of interest in institutions is (at least in part) responsible for the recurring interpretation that Ockham was an anti-political or a non-political thinker.

Seen in this light, Ockham's appeal to the idea that 'Christian law is a law of liberty' is not only a constitutionalist assertion of the limits of papal power but also a reminder to his readers that Christians, like all other human beings, are moral beings granted rights and liberties by God and nature. When Ockham observed that contemporary Christians had virtually given up such rights and liberties – the necessary conditions for them to be virtuous – by failing to act against heretical popes, he realised that they simply did not know that they had such freedom. A sentence in the Prologue to *A Short Discourse on Tyrannical Government* is revealing: 'The anguish I feel is the greater because you do not take the trouble to inquire with careful attention how much such tyranny

⁹¹ Brooke, *The Coming of the Friars*, pp. 22–3.

wickedly usurped over you is contrary to God's honour, dangerous to the Catholic faith, and opposed to the rights and liberties given to you by God and nature.'⁹² Ockham was appalled to find that he could not safely presume that contemporary believers were aware of their moral obligation to enquire into the threat that contemporary (heretical) popes posed to 'the rights and liberties' given to them by God and nature. Lack of such awareness was tantamount to a failure by believers to recognise their moral duties. Ockham's frequent appeals to the idea of Christian liberty were, in this sense, an attack on his fellow Christians' indifference to the moral life. Ockham's contemporaries did not merely fail to fulfil their public duties in the Christian community; they simply did not recognise the existence of such duties.

CONCLUSION

Ockham's polemical writings pose two basic questions: one is epistemological, the other is moral. In the problems of both papal heresy and the papal misconception of *plenitudo potestatis*, Ockham raises a series of epistemological questions: how do Christians know that a pope is a heretic? How do Christians know that they are true Christians? How do Christians know whether or not contemporary papal government is tyrannical? Ockham refuses to reduce these questions of doctrinal orthodoxy and legitimate government to matters of institutional authority; instead, he seeks a cognitive foundation that can provide every individual with sound theological and political judgements. In addition to these epistemological questions, Ockham also poses moral questions because his whole endeavour is to rescue the domain in which men (Christians in particular) can freely pursue virtuous lives. The Franciscan way of life was one such virtuous lifestyle and the rights and liberties granted by God and nature should be enjoyed equally by every human being, Christians and non-Christians alike. No one can be compelled to be virtuous because individuals have to be free to choose their own moral actions. The condemnation of Franciscan poverty and the exercise of a misconceived *plenitudo potestatis* thus deprived members of the Christian community of the chance to pursue moral lives.

⁹² *Short Discourse*, p. 3: *Brev*, Prologus, in *OP* 4, p. 97: 'Non minori autem affligor angustia, quia quam sit divino honori contrarius, fidei periculosus catholicae, iuribus et libertatibus a Deo et natura vobis concessis adversus huiusmodi tyrannicus principatus super vos nequiter usurpatus, cauta sollicitudine inquirere non curatis, et, quod deterius est, vos de veritate informare volentes abicitis, confunditis et ipsos iudicatis.'

These questions reveal that Ockham's perspective on the polemical controversies in which he was involved was fundamentally anthropocentric. Ockham's handling of these polemical issues always revolved around the intellectual and moral capacities of human beings. Papal heresy and ecclesiastical tyranny could only be identified when believers are fully equipped with the knowledge of explicit faith and the rights and liberties granted by God and nature. Without knowledge of explicit faith, a Christian could not distinguish orthodoxy from heresy. Without knowing that everyone is granted rights and liberties by God and nature, an individual cannot know when he is being deprived of such rights and liberties. These cognitive problems are also moral. When a Christian knows that a pope is heretical, he must dissent from his authority, since it is a Christian duty to opt for truth, not for human authority. An individual who knows that everyone is morally bound to defend 'rights and liberties' must protest against any exercise of power that threatens them; otherwise, he will be deprived of a necessary condition to be virtuous. In Ockham's vision, God is far removed from human life. God revealed Himself at certain points in the past, as recorded in Scripture, and humans have not since experienced God's intervention in human affairs through new revelations. Public affairs – both spiritual and temporal – are thus de-mystified. For Ockham, it is the individual's cognitive and moral power that sustains and strengthens public life spiritually and morally in both ecclesiastical and temporal spheres. Knowledge of explicit faith and the obligation to defend 'rights and liberties' empowers and sustains the communal life. Conversely, at the heart of the crisis afflicting early-fourteenth-century Christendom was ignorance of these moral obligations, which resulted in the breakdown of Christian fellowship.

Ockham as a political thinker, then, is not primarily interested in what to do with politics. Nor does he ask what we can do without politics. He questions what we can do despite politics. Ockham's polemical activities revolve around the question of how human beings could be virtuous despite the reality of authoritative coercion. He refuses to politicise the public domain and endeavours to restore a moral dimension to public action. He not only severs the spiritual order from the temporal but also separates the moral domain from the political. The defence of human freedom is nothing other than the assertion of the superiority of morality to jurisdictional authority. Ultimately, Ockham was not so much a political theorist of 'personal and institutional principles' as a philosopher of political and social ethics. He restored the language of morality in late medieval political discourse. His polemical works constitute a moral engagement in the conflict between ethics and politics.

APPENDIX

William of Ockham, III *Dialogus* I, iii, 1, the British Academy edition (as of 2005)

Magister Una est opinio tenens quod nullam scripturam irrevocabiliter veram credere vel fateri tenemur de necessitate salutis aeternae nisi eas quae canonicae appellantur vel eis quae ad has ex necessitate sequuntur aut scripturarum sanctarum sensum dubium habentium eas interpretationes seu determinationes quae per generale fidelium seu catholicorum concilium essent factae, in his praesertim in quibus error damnationem aeternam induceret. Quales sunt articuli fidei Christianae. Quod enim interpretationibus concilii generalis sit talis praestanda credulitas patet, quia pie tenendum est quod tales interpretationes sunt nobis ab eodem spiritu revelatae. Quod ex scriptura ostenditur. Nam veritas ipsa Matth. ultimo dicit, “Ecce ego vobiscum sum omnibus diebus”.

Marsilius of Padua, *Defensor pacis*, ed. C. W. Previté-Orton (Cambridge, 1928), II, xix, 1, pp. 312–13

Est autem hoc: quod nullam scripturam irrevocabiliter veram credere vel fateri tenemur de necessitate salutis aeternae nisi eas quae *canonicae* appellantur, vel eis quae ad has ex necessitate sequuntur, aut Scripturarum Sacrarum sensum dubium habentium eis interpretationibus seu determinationibus, quae per generale fidelium seu catholicorum concilium essent factae, in hiis praesertim in quibus error damnationem aeternam induceret, quales sunt articuli fidei Christianae. Quod autem Sacris Scripturis firma sit veritatis praestanda credulitas et confessio, per-se-notum supponitur omnibus Christianis; quod quia probari non posset aliter quam ipsarum auctoritatibus, series praetermisi propter abbreviationem. Quod vero ipsarum interpretationibus, sic factis ut diximus, eadem sit praestanda credulitas, satis apparet; quoniam ab eodem Spiritu nobis revelatas pie tenendum videtur. Quod etiam ex Scriptura et in ipsa infallibili deductione firmata ostendere possumus; ex Scriptura quidem, dicente Veritate Matthaei xxviii et ultimo: *Et ecce ego vobiscum sum omnibus diebus . . .*

William of Ockham, III *Dialogus* I, iv, 3

Magister Dicitur igitur ad motivum praescriptum quod sensus secundum Glossam praeallegatorum verborum Christi scilicet pascere oves meas etc. est quod “pascere oves est credentes ne deficiant confortare terrena subsidia, si necesse est, subditis providere, exempla virtutum praeberere, adversariis obsistere”, fidei, scilicet, “peccantes corrigere”. Et subditur in Glossa, “Et cum tertio audit a Petro se diligere iubet pascere oves. Trinae negationi redditur trina confessio ne minus amoris lingua serviat quam timori”. Ex hoc autem non aliud convincitur nisi quod ipsum pastorem ovium Christus instituit. Non tamen ex hoc sequitur quod ipsum super reliquos apostolos praetulit quantum ad auctoritatem vel dignitatem priorem. Nec rursum sequitur ex hoc alios apostolos non fuisse institutos pastores.

William of Ockham, III *Dialogus* I, iv, 3

[**Magister**] Dicitur igitur quod auctoritatem nullam essentialem quam sacerdotalem isti vocant neque accidentalem aliquam pastoratus et excellentiam super reliquos apostolos Christus immediate Petro tradidit sed ab illo et caeteris in invicem removet, ut alibi conantur ostendere per scripturas et expositiones sanctorum doctorum. Propter quod, ut dicunt, Christum et apostolum et ipsorum quorundam scilicet glossatorum alibi dicta sequentes, declinant sententiam quam superinducta scripturae loca et alia quaeque similia dicere videntur de tali primatu seu principalitate, aliter quam alibi dicunt scilicet 16 et 21 secundae dictionis sui operis, quoniam talis sententia nec est canonica nec canonicam sequitur; quinimo ipsorum aliqui oppositum dixerunt alibi exponendo

Marsilius of Padua, *Defensor pacis*, II, xxviii, 8–9, p. 439

dicendum primo secundum Glossam hunc esse sensum huius seriei [John 21.17: *Pasce oves meas*], quod *pascere oves est credentes ne deficiant confortare, terrena subsidia si necesse est subditis providere, exempla virtutum praeberere, adversariis absistere* (fidei scilicet), *peccantes corrigere*. Et subditur in Glossa: Et cum tertio audit a Petro se diligere, iubet pascere oves. Trinae negationi redditur trina confessio ne minus amoris lingua serviat quam timori. Ex hoc autem non aliud convincitur nisi quod ipsum pastorem ovium Christus instituit. Non tamen ex hoc sequitur quod ipsum super reliquos apostolos auctoritate vel dignitate priorem; nec rursum sequitur ex hoc, alios apostolos non fuisse institutos pastores.

Marsilius of Padua, *Defensor pacis*, II, xxviii, 25, pp. 464–5

dicendum (cum reverentia tamen) quod auctoritatem nullam essentialem (quam sacerdotalem diximus) neque accidentalem aliquam pastoratus praeexcellentiam super reliquos apostolos Christus immediate beato Petro tradidit, sed ab illo et ceteris in invicem removet, ut xvi huius per Scripturam et sanctorum atque doctorum expositionem evidenter ostendimus, et modo quodam repetivimus circa principium capituli huius. Unde Christum et Apostolum et ipsorum quorundam alibi dicta sequens, quam superinducta iam Scripturae loca et alia quaecumque similia dicere videntur sententiam de tali primatu seu principalitate, aliter quam xvi et xxii huius diximus, declino; quoniam canonica nec est, nec canonicam sequitur, quinimo ipsorum aliqui oppositum

Ockham's Dialogus and Marsilius' Defensor pacis

scripturam ex propria sententia sequentes
consuetudinem et magis attendentes
quaedam dicta famosa quam verba
scripturae.

dixerunt alibi exponendo Scripturam
ex propria sententia, sequentes consue-
tudinem et magis attendentes quaedam
dicta famosa quam verba Scripturae.

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