

POLITICAL *QUODLIBETA*

Roberto Lambertini*

In 2000 Jürgen Miethke published his monograph devoted to treatises *de potestate papae*.¹ In this book, the culmination of many years of research, Miethke claims that such treatises constituted a literary genre of their own, which played a pivotal role in the development of political languages and theories in the first half of the fourteenth century. The genre emerged in the years of the conflict between Philip the Fair and Boniface VIII, but once established, it served as one of the most important conduits of political theory in the fourteenth century. This does not entail, of course, that other literary genres—both then and in other periods—did not also play a role in the diffusion of political thought. The *specula principum* are probably the first to come to the mind of the reader who is conversant with the history of medieval political ideas.²

Although theological *quodlibeta* are not devoted exclusively to issues that are pertinent to political thought, as a mirror of princes or a *de potestate papae* treatise can be, single questions contained in a *quodlibet* can be very interesting for the student of medieval political ideas. For reasons connected to the institutional context of the medieval university,³ political *quodlibeta* do not exist in same sense that we speak of theological, juridical, or even medical *quaestiones disputatae*.⁴

* Writing this chapter I contracted many debts, especially with Christopher Schabel, for his support, encouragement and, last but not least, patience. Russell Friedman kindly provided me with a precious microfilm, and Giovanni Ceccarelli's help was decisive. For the very fact, however, that I managed to complete it in the midst of time-consuming academic engagements, I am especially grateful to Marinella: to her and to Cecilia this is dedicated.

¹ J. Miethke, *De potestate papae. Die päpstliche Amtskompetenz im Widerstreit der politischen Theorie von Thomas von Aquin bis Wilhelm von Ockham* (Tübingen 2000).

² Cf. e.g. W. Berges, *Die Fürstenspiegel des hohen und späten Mittelalters* (Schriften des Reichsinstituts für ältere deutsche Geschichtskunde Monumenta Germaniae Historica, 2) (Stuttgart 1938), and A. De Benedictis, ed. (with A. Pisapia), *Specula principum* (Frankfurt am Main 1999).

³ C. Flüeler, *Rezeption und Interpretation der Aristotelischen Politica im späten Mittelalter I* (Amsterdam-Philadelphia 1992), pp. 1–34; Miethke, *De potestate*, pp. 21–4.

⁴ Cf. Bazàn et al., *Les questions disputées*.

In most cases, only a couple of questions can be employed for the study of political theory. Quodlibetal questions are nevertheless among our most valuable sources for reconstructing political languages and political ideas, mainly in the last decades of the thirteenth century, but also in the first twenty years of the fourteenth century, when the rise of *de potestate papae* treatises had already begun. As we shall see, quodlibetal questions only seldom approach a problem of political theory in a direct and general way. Perhaps not by chance, one finds general treatments more in later *quodlibeta* than in those dating from the thirteenth century, which tend to start from very specific problems and so usually discuss even core issues from the particular angle of the question at hand. If Georges de Lagarde managed to write one of his best essays (*La philosophie sociale d'Henri de Gand et Godefroid de Fontaines*)⁵ relying almost entirely on quodlibetal questions, this should not be attributed solely to his highly speculative approach to the history of political thought. Indeed *quodlibeta* provide us with enough material to discern many authors' political ideas—if not their political or social *philosophy*, in de Lagarde's sense. As was said, this is especially the case for the last decades of the thirteenth century, before the discussion found a new forum in the *de potestate papae* treatises.

Quodlibeta therefore constitute fascinating but extremely unsystematic and fragmented sources for the investigation of medieval political thought. Previous studies have far from sufficiently exploited these texts, however, so the aim of the present chapter must be restricted to showing—via some examples—how certain politically relevant issues were discussed in quodlibetal questions. The result will be a preliminary, albeit rough, mapping of the sources for the history of political thought that are embedded in quodlibetal questions. Specifically, the first section will deal with the unity of prudence, the second with the nature of secular and ecclesiastical property, the third and fourth with the subject of papal power within the Church and its limits, and the fifth with the question of the optimal form of government and the problem of the origins of power.

⁵ G. de Lagarde, "La philosophie sociale d'Henri de Gand et Godefroid de Fontaines," *AHDLM* 8 (1943–45) pp. 75–142. In my opinion, the reworking of the same materials contained in idem, *La naissance de l'esprit laïque au déclin du moyen âge* II, *Secteur sociale de la scolastique*, 2nd edition (Louvain-Paris 1958) is far from an improvement over this article, although the main thesis remains very similar.

Political Prudence

As I have indicated elsewhere,⁶ quodlibetal questions devoted to the problem of the unity of prudence may contain interesting deliberations concerning politics, because they discuss the relationship between two “kinds” of prudence, that is between the intellectual virtue as the leader of all moral virtues with respect to an individual’s life, and the same virtue as it applies to the life of the political community. The unity of prudence is itself a very broad issue, encompassing central problems of ethical theory such as the relationship between the intellectual and moral virtues or the connection of moral virtues with one another.⁷ This need not concern our present analysis directly. It should be noted that thirteenth-century authors were also encouraged to broach the question via an Aristotelian passage, a rather puzzling section from the sixth book of the *Nicomachean Ethics* (1141b23ff) that deals with a sort of classification of various kinds of prudence. Among them the Stagirite lists individual ethics, ethics of the household (what medieval authors called *oconomica*), and politics. The context suggests that these different kinds of prudence have something in common but also differ in some way. Medieval commentaries were far from unanimous about what Aristotle’s real intention was in this passage. In 1310 Henry of Friemar could write “Haec littera a diversis diversimode exponitur” (“This passage is interpreted in various ways by different interpreters”).

Yet defining the relationship between individual virtue and politics was not solely an exegetical problem for those lecturing on the *Nicomachean Ethics*; its frequent surfacing in theological disputations attests to its broader relevance. The first example known to me is actually not a *quodlibet*, but a disputed question by Godfrey of Fontaines, who develops a long and detailed analysis of the problem of the

⁶ R. Lambertini, “Est autem et politica et prudentia, idem quidem habitus: appunti sul rapporto tra prudentia e politica in alcuni interpreti medievali del VI libro dell’*Etica nicomachea* (da Alberto Magno a Buridano),” *Etica & Politica/Ethics & Politics* 4 (2002), *Individuo ed universale nelle dottrine morali del Medio Evo latino*, guest editors G. Alliney and L. Cova (http://www.units.it/~dipfilo/etica_e_politica/).

⁷ O. Lottin, “La connexion des vertus chez Saint Thomas d’Aquin et ses prédécesseurs,” in idem, *Psychologie et morale aux XII^e et XIII^e siècles* III (Louvain-Gembloux 1949) pp. 197–252; “La connexion des vertus morales acquises de Saint Thomas d’Aquin à Jean Duns Scot,” *ibid.*, IV (Louvain-Gembloux 1954) pp. 548–663; see also S.D. Dumont, “The Necessary Connection of Moral Virtue to Prudence according to John Duns Scotus—Revisited,” *RTAM* 50 (1988), pp. 184–206.

unity of prudence in general, but also offers two possible interpretations of the controversial passage contained in the sixth book of the *Ethics*.⁸ Just a few years later, around 1294, James of Viterbo responds to the quodlibetal question (*Quodlibet* II, q. 17) *Utrum virtutes morales sint connexae*. A part of this lengthy question is devoted to the unity of prudence; James is aware of the existence of different opinions on this issue, but refuses either to accept individual prudence and political prudence as species of a genus (the solution championed by Aquinas), or to place them on a scale of perfection. James prefers to speak of different modes of a prudence that is one by analogy (thus echoing Albert the Great).⁹ At the beginning of the fourteenth century, the secular master Thomas of Bailly tackles the issue and, using Godfrey of Fontaines' disputed question extensively, argues that prudence possesses a specific unity, but that it can be differentiated according to varying degrees in different individuals. On the other hand, the difference existing between a prudent *paterfamilias* and a prudent politician is linked not only to the essence of prudence, but also to some instrumental aspects of its exercise.¹⁰

Around 1310 John of Pouilly is also very faithful to Godfrey of Fontaines, but emphasizes an argument that Thomas of Bailly did not employ: individual prudence and political prudence cannot differ by species, because this would render any kind of election impossible. In this discussion, albeit indirectly, we perceive an awareness that the political community—or at least some political community—

⁸ Godfrey of Fontaines, *Quaestiones ordinariae*, q. 3, in *Le Quodlibet XV et trois Questions ordinaires de Godefroid de Fontaines*, ed. O. Lottin (Louvain 1937), pp. 119–38.

⁹ James of Viterbo, *Disputatio secunda de quolibet*, q. 17, ed. E. Ypma (Würzburg 1969), p. 178. Cf. Albertus Magnus, *Super Ethica commentum et quaestiones*, lib. VI, lectio XI, in idem, *Opera Omnia* instruenda curavit Institutum Alberti Magni coloniense, B. Geyer Praeside, vol. XIV/2, ed. W. Kübel (Münster in Westfalen 1987), pp. 467–8: “Dicendum, quod prudentia et politica sunt idem habitus secundum subiectum, sed differunt secundum modum vel secundum rationem . . . divisio autem in modos, quando sunt tantum diversae rationes in participatione unius communis, sicut analogum dividitur. Et talis divisio est hic, quia diversae partes prudentiae, quas assignat, non sunt diversae species . . .”

¹⁰ Thomas of Bailly, *Quodlibeta*, II, q. 12, ed. P. Glorieux (Paris 1960), pp. 118–24; on p. 123 one reads: “Politica autem de legibus intendit qualiter erunt optime et utiles et potentiam (?) terre in qua civitas disponitur, et qualiter murus civitatis se habeant, et de aquis et de lauacris et de multis que nec ad prudentem nec ad yconomicum pertinent. Sed intelligendum quod cum ista non sint per se intenta sed quasi quedam adminiculantia . . . Et secundum hoc potest sic exponi dictum Philosophi VI *Ethicorum*: est autem politica et prudentia idem habitus, esse non vero idem, ut dicatur idem habitus propter unitatem primi et principalis obiecti, sed non idem esse eius propter diuersum esse et propter diuersitatem istorum adminiculantium . . .”

is not regulated according to a natural difference in prudence, unlike in the case of the family, where by nature the father possesses a higher degree of prudence than his wife and children.¹¹ We can also reconstruct a similar position from the much abbreviated version of Gerard of Saint-Victor's *Quodlibet* II, q. 5, *Utrum prudentia sit una* (1312–13?), which comes down to us in Prosper of Reggio's *recueil scolaire* in Vat. lat. 1086.¹² In another question in the same collection, however, Alain Gontier seems to admit not only a difference in degree, but also a distinction of reason.¹³ On the other hand, the political prudence that is necessary for living in an aristocracy is a different *habitus* from the one that is suitable for an oligarchy.¹⁴ Gontier does not expand on this point, but it is likely that he means that different kinds of virtue fit different types of constitution. This was, after all, a commonly accepted explanation for a passage in the third book of Aristotle's *Politics*, according to which a good man and a good citizen are not necessarily identical.¹⁵

In his *Quodlibet* III, q. 10, from between 1314 and 1315,¹⁶ Guy Terrena answers the question *Utrum prudentia sit una omnium agibulum*. He, too, rejects the idea of different species of prudence, maintaining

¹¹ John of Pouilly, *Quodl.* IV, q. 8 (in the version contained in BAV, Vat. lat. 1017, ff. 158rb–161vb), f. 161vb: "... propter consimilem rationem potest etiam esse perfectior <scil. prudentia> uel eque perfecta in subdito quam in principe, alioquin de subdito numquam poterit fieri princeps, quod falsum est..."

¹² BAV, Vat. lat. 1086, f. 224va; for a detailed description of the manuscript, see *Codices Vaticani Latini* II, pars prior, codd. 679–1134, ed. A. Pelzer (Vatican City 1931), pp. 654–83; on Prosper of Reggio see Schabel-Courtenay, "Augustinian *Quodlibeta*," in volume II of this book.

¹³ Alain Gontier, *Utrum prudentia monastica, yconomica et politica sint una prudentia*, BAV, Vat. lat. 1086, ff. 243ra–vb; esp. f. 243va: "Item: status politici est status virtutis aquisite et exercende, ita est eadem virtus et eadem prudentia; differunt autem secundum magis et minus, quia magis perfecte est in politico... est differentia secundum rationem, quia propter bonum ordinis oportet aliquos preesse; nam factus quis de subdito prelatus, non est mutatus quantum ad prudentiam, sicut nec monachus quando est factus abbas."

¹⁴ Alain Gontier, *Utrum prudentia monastica, yconomica et politica sint una prudentia*, *ibid.*: "Set accipiendi diversimode ut aristocratica, que est virtuosorum, et oligarchica, que est divitum, sic certum est quod non est idem habitus, sicut etiam alia est domini et servi."

¹⁵ For this issue in medieval commentaries on Aristotle's *Politics* see the lists in C. Flüeler, *Rezeption und Interpretation der Aristotelischen Politica im späten Mittelalter* II (Amsterdam-Philadelphia 1992) pp. 107, 116, 144, 147, 150, 155, 156, 159, 161; the relevant passage is *Politica* III: 1278b1–5, medieval Latin translation in *Aristotelis Politicorum libri octo cum vetusta translatione Guilelmi de Moerbeka*, ed. F. Susemihl (Leipzig 1872), p. 173.

¹⁶ See Schabel, "Carmelite *Quodlibeta*," in volume II of this book.

that prudence must be essentially one. Otherwise, the process according to which a former subject becomes *rector civitatis* would be inconceivable, since prudence must be acquired through experience and—obviously—nobody can experience the role of the ruler without being in charge. Echoing Godfrey of Fontaines' solution, Guy Terrena admits only a difference in perfection or distinctions *secundum rationem*.¹⁷

Quodlibetal discussions bear witness to a lasting effort to find a solution that could both safeguard the unity of prudence and account for the specificity of political prudence. The vast majority of authors tend to limit the difference between rule over oneself—so to speak—and rule over others to non-essential features of the same virtue. The masters even employ the historical experience of autonomous civic governments (which surfaces in the use of the expression “*rector civitatis*,” for example), applying the principle of alternation in offices, in order to argue against separating politics from the other branches of practical philosophy.

Possessions, Property Rights and Power

The first examples of quodlibetal disputations regarding the relationship between property and power are connected with the issue of ownership, whether of secular or ecclesiastical goods.¹⁸ Indeed, one of the most interesting texts in which Henry of Ghent voices his political views bears the title *Utrum bonum sit omnia esse communia*

¹⁷ Guy Terrena, *Quodl.* III, q. 10, BAV, Borghese 39, f. 158rb–160ra; f. 158rb: “Preterea, ut dicit Philosophus 6^o *Ethicorum*, prudentia fit per experientiam que requirit multitudinem temporis, et si prudentia qua aliquis regit civitatem non est eadem secundum speciem cum illa qua quis regit se ipsum, tunc oportet quod rector civitatis acquirat eam per experientiam exercendo se circa actus regis. Tunc quero: quando acquirit istam prudentiam? Non quando est subditus, quia non exerceret actus regis ut circa eos possit//158va//experientiam accipere. Ergo in quantum aliquis antequam sit rector poterit habere prudentiam politicam, quia est inconueniens ut prius fiat rector quam sciat regere”; f. 160ra: “. . . propter quod dicit Philosophus: ‘Est autem politica et prudentia idem habitus’ secundum essentiam et specie, ‘esse non autem idem’ quia non <est> sic perfectus omnis habitus sicut alius semper, ut ex dictis patet, unde Commentator dicit ibi quod differunt ratione.”

¹⁸ For example, see Eudes of Châteauroux, who seems to have discussed in 1238/40 *Utrum primi rerum usurpatores, ut reges et principes, potuerunt sibi appropriare res de jure naturali communes sine peccato*; cf. Glorieux II, pp. 75–6.

in civitate. In this question, most probably discussed in 1279, Henry comes to terms with Aristotle's critique of Plato in the second book of the *Politics*. The Church approves the community of goods as far as religious communities are concerned, but it is sharply criticised by the Philosopher. After assessing the substantial agreement among the philosophers and the Apostle Paul about the social nature of man, Henry introduces a double distinction. First, one has to distinguish between two different "states" of mankind: the state of innocence and the fallen state. Second, it is possible to discern three ways of possessing things: holding everything in common, without any distinction; keeping private goods for oneself, without placing them at the disposition of others; retaining some goods for oneself and making another portion available for the use of others. In turn, this third possibility can be implemented either in cases of necessity alone or in every case that is fitting.

Building on this framework, Henry claims that Socrates (although Henry is well aware of the fact that in this case Plato is speaking through his teacher) never meant what Aristotle ascribes to him. According to his interpretation of the *Timaeus* (not having access to Plato's *Republic*), Henry thinks that Socrates and Plato imagined a community where each person loved the possessions of the others "as if they were his own" and was ready to share his own possessions with the others. Although it is not clear how the heathen Plato could be aware of this Christian truth, this would be the best solution, according to the secular master, because it fits the original uncorrupted human nature. This mode of possession was also adopted by Christians, even if in an imperfect manner, thanks to the help of divine grace. If we take into consideration fallen human nature, without grace, then Aristotle is right: goods should be owned privately and shared with others only in case of necessity. In conclusion, for Christians Henry suggests a sort of compromise between Plato and Aristotle: the more Christians love one another, the closer they come to Plato's solution. This is the case, e.g., for the more perfect religious orders; but the frailty and imperfection of men makes this impossible for the rest of society.¹⁹

¹⁹ Henry of Ghent, *Quodl.* IV, q. 20, in *Quodlibeta Magistri Henrici Goethals a Gandavo* (ed. Paris 1518, reprint Louvain 1961), ff. 134v–136r; f. 136r: "Et licet dispositio Socratis erat melior simpliciter, dispositio vero Aristotelis melior secundum statum naturae lapsae in solis naturalibus sine gratia existentis, neutra tamen est melior

Henry's question deserves our attention not only for his passionate defence of Plato (which by the way is also adopted by one of his most acrimonious adversaries, Giles of Rome),²⁰ but also because in this way the secular master stresses the difference between lay and ecclesiastical possessions. The issue of church possessions proved to be fruitful for further analysis in several respects. On the one hand, it was often connected with the problem of the taxation of lay and ecclesiastical goods. For example, in his *Utrum papa possit alicui pro utilitate ecclesiae concedere decimas de bonis laicorum, et eos ad earum solutionem compellere*²¹ (*Quodlibet* VI, q. 2, 1281/82), Henry argues in favour of the papal plenitude of power in order to justify the right of the Roman pontiff to grant an individual (one naturally thinks of a king who needs to finance a campaign or a crusade) the power to collect tithes from the laity and clergy alike. This is only acceptable in cases of necessity, however, and applies especially to lay goods, because with ecclesiastical goods arguments from necessity can be less compelling, since the clergy own their goods in com-

homini in statu naturae per gratiam reparatae quantum ad totum populum christianum; aut quantum ad communitates civitatum. Immo expedit dispositio media, partim communicans cum dispositione Aristotelis quo ad proprietatem possessionum et partim cum dispositione Socratis, scilicet quo ad communitatem affectionum. Quanto enim quis plus in gratia perficit, tanto communiorem affectionem habet ad omnes, et minus afficitur circa proprietarias possessiones; ita quod perfectio gratiae omnia propria facit abiicere et sua omnia aliis communicare, sicut nunc inter perfectiores in sacris religionibus observatur, quod tamen in communitatibus civitatum propter fragilitatem et imperfectionem hominum omnino observari non potest."

²⁰ For a more detailed analysis and comparison with Giles of Rome's *De regimine principum*, see R. Lambertini, "Philosophus videtur tangere tres rationes. Egidio Romano lettore ed interprete della Politica nel terzo libro del *De regimine Principum*," *DSTFM* 1 (1990), pp. 277–325. In his later *Quodlibet* III, q. 7 (ed. Louvain 1646, reprint Frankfurt am Main 1966), p. 145a, *Utrum nutritus in aliqua lege falsa possit naturaliter venire in cognitionem quod illa lex sit falsa*, Giles does not mention any interpretation "in meliorem partem" of Plato's "communism"; in this case it is only an example of an error which can be refuted by means of natural reason alone.

²¹ Henry of Ghent, *Quodl.* VI, q. 23, ed. G.A. Wilson (Henrici de Gandavo Opera Omnia, 10) (Leuven 1987), pp. 210–22, pp. 221–2: "Ratione ergo delicti atque peccati, ad minus tempore necessitatis, dico quod papa potest dare ad defensionem et sustentationem ecclesiae decimas accipiendas a laicis, et eis indicere, et si opus fuerit ad ipsas tribuendas compellere. . . Non enim potest deponere papa principes, nisi ratione delicti aut insufficientiae. . . et secundum hoc sacerdos apostolicus se habet ad reges et principes sicut architector civilis ad alios artifices in civitate. Sicut enim architectonici est praecipere, qui et quales debent exercere scientiam medicinalem, rhetoricam et sic de aliis in civitate, et quosdam admittere, quosdam repellere, sic sacerdos apostolicus debet considerare, qui et quales regna et principatus regere debeant et bonos honorare, malos autem et male agentes deponere, et alios loco illorum substituere. . ."

mon. This example shows how, in Henry's writings, the theory of different kinds of lordship can be linked to the issue of the relationship between secular and ecclesiastical powers. Moreover, as Matthew Kempshall has shown in a very important study, the problem of the limits of power can also arise in such quodlibetal questions.²² Returning to a similar although not identical question some years later (*Quodlibet* IX, q. 31, 1286), *Utrum clerici teneantur ad exactiones quas laici solvunt civitatibus et dominis temporalibus*, Henry stresses the fact that the clergy are not obliged to pay unless the defence of the faith or justice is at stake. But even in this case this should occur at the request of the bishops.²³ In attempting to reconstruct Henry's views from such responses, one gathers that he thinks that ecclesiastical goods are owned in a peculiar way and cannot be applied to purposes separate from the needs of the Church, unless an ecclesiastical authority gives special permission. In cases of necessity, the pope can also intervene in the temporal sphere in virtue of his plenitude of power.

In the same years, the Franciscan Roger Marston tackled the question of the right of secular rulers to tax their subjects, from the particular angle of a person who perjured while charged with assessing the value of goods for taxation. Here the Franciscan theologian stresses the limits of secular power in this respect.²⁴ Godfrey of Fontaines also expressed his opinion concerning taxation (especially on the part of temporal rulers) in several quodlibetal questions; in his *Quodlibet* VII, q. 14 (1290–92),²⁵ answering the seemingly abstruse question *Utrum retinentes quod eis impositum est teneantur illud restituere et hoc illi qui recipit dictam collectam ad firmam*—but which Matthew Kempshall has cleverly explained—Godfrey maintains that it is licit to pay a tax that a lord has exacted unjustly, in order to avoid a greater

²² M.S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford 1999), esp. pp. 192–4.

²³ Henry of Ghent, *Quodl.* IX, q. 31, ed. R. Macken (Leuven 1983), pp. 327–30.

²⁴ Roger Marston, *Quodl.* IV, q. 39, *Utrum possint absolvi nisi restituant, qui propter iuramentum suum faciunt alieno domino perdere de iure suo quando aestimant bona suorum de quibus reddere debent decimam vel decimam quintam*, in *Quodlibeta Quatuor*, eds. G.F. Etzkorn and I.G. Brady (Quaracchi-Florence 1960), pp. 450–2. It is noteworthy that Roger seems to be rather indulgent toward those who “resisted” unjust taxation with a false oath.

²⁵ For the dating of Godfrey's *Quodlibeta* I follow here Wippel's results: J.F. Wippel, *The Metaphysical Thought of Godfrey of Fontaines. A Study in Late Thirteenth-Century Philosophy* (Washington, DC, 1981), pp. 27–8, restated also in idem, “Godfrey of Fontaines (b. ca 1250; d. 1306–1309),” in *Individuation in Scholasticism. The Later Middle Ages and the Counter-Reformation, 1150–1650*, J.E. Gracia, ed. (Albany 1994), pp. 221–56.

evil.²⁶ Some years later (1295–96), Godfrey was confronted with a question that is wider in scope (*Quodlibet XI*, q. 17): *Utrum princeps dicens se habere causam pro utilitate reipublicae nec tamen huiusmodi necessitas est de se notoria possit imponere aliquam exactionem et subiecti teneantur solvere*. He used this opportunity to express his distrust of the hereditary principle and to claim, on Aristotle's authority, that a ruler must rule according to the laws and order his actions towards the common good. As a consequence, taxation is tied to consent. Godfrey remarks that tyrants, too, often appeal to the common good and claim that they have sought the advice of good counsellors; therefore, especially when there are good reasons for doubting the righteousness of the king and his curia, it is necessary for a sufficiently extended group of wise and faithful men to approve the decisions. If this is not the case, the subjects have the right to resist such unlawful taxation.²⁷ In the same *Quodlibet XI*, q. 12 (*Utrum solutio decimarum sit de necessitate salutis*), Godfrey admits that it is legitimate for the pope to ask Christians to pay tithes for purposes that are ordered toward the good of the Church. This does not mean, however, that he is ready to grant the pope a universal lordship over lay and ecclesiastical goods in general. He prefers not to give a determination on this issue, and limits himself to admitting that the pope possesses a plenitude of power in spiritual matters and consequently in temporal issues—such as the payment of tithes—that are crucial for the Church to reach its spiritual goal.²⁸ Moreover, in the following *Quodlibet XII*,

²⁶ Godfrey of Fontaines, *Quodl.* VII, q. 14, eds. M. De Wulf and J. Hoffmans (Louvain 1914), pp. 395–6: “Nunc autem in casu proposito, licet ille cui pecunia sic communitati imposita et ab ea exacta tribuitur iniuste, et male eam recipiat et sua potestate tyrannizans quadam violentia extorqueat, et eam etiam restituere teneretur, quia tamen a rectoribus communitatis ut maius malum totius communitatis evitetur tanquam malum minus hoc eligitur ut vexatio indebita redimatur, ideo ab eis iuste communitati imponitur.” Cf. Kempshall, *The Common Good*, pp. 248–50.

²⁷ Godfrey of Fontaines, *Quodl.* XI, q. 17, ed. J. Hoffmans (Louvain 1933), pp. 77–8: “. . . quod sufficit quod princeps dicat ita esse et quod hoc facit bono et magno consilio, non valet. Quia tali modo tyranni etiam dicere consueverunt. Et sic si non constet aliter de uno quam de alio, sicut tyrannus nititur principari secundum propriam voluntatem, ita et bonus princeps . . . In tali autem casu, scilicet cum princeps solo suo consilio privato contentus tale onus imponit nec vult quod aliis causa vel necessitas propter quam imponitur innotescat, deberent subditi resistere, si possent, quousque esset per praedictos prudentes sufficienter discussum; alioquin paulatim regnum in tyrannidem converteretur et subditi liberi redigerentur ad conditionem servorum subditorum.”

²⁸ Godfrey of Fontaines, *Quodl.* XI, q. 12, ed. Hoffmans cit., p. 60: “Si enim habet papa ius et dominium super omnia bona temporalia quorumcumque hominum in hoc mundo, non solum clericorum sed etiam laicorum, et de omnibus potest

q. 19, *Utrum status religiosorum nihil habentium sit perfectior statu aliquid habentium*, Godfrey observes that the pope is not even the lord of the ecclesiastical goods, but merely the steward, because they are owned in common by the whole Church.²⁹

Henry's and Godfrey's *quodlibeta* are among the most studied texts dealing with the issue of taxation, but one should not forget that other authors had to respond to similar questions in the same period of time. To recall only a few examples, in March 1282, in his *Quodlibet* I, qq. 1–2, Berthaud of Saint-Denis defended the clergy's exemption from tolls and similar duties, but also the papal right to grant exemption from royal taxes. While admitting papal superiority even in temporal matters, Berthaud conceded that it is licit for the pope to act in this way only in certain circumstances; nevertheless, if he does so in the absence of such conditions, solely by virtue of his plenitude of power, one should tolerate this abuse patiently.³⁰ In the mid-eighties of the same century, Richard of Menneville (Middleton) answered a question (*Quodlibet* II, q. 30) *Utrum clerici possint cogi ad solutionem exactionum factarum in civitate propter utilitatem boni communis*, where he argues in favour of the involvement of the clergy only in cases where their possessions (meaning those besides tenths and pious donations) would profit from an initiative aiming at the common

disponere, sicut aliqui videntur sentire, planum est quod posset ordinare sicut placeret quod tales talibus tantum vel tantum darent et debita quae aliquibus etiam laicis debentur posset remittere creditoribus. Et secundum hoc planum est quod potest statuere quod laici tantam vel tantam portionem bonorum suorum dent ministris Ecclesiae. Sed hoc dare papae est satis magnum. Sic enim, sicut facit translationem episcoporum et mutationem bonorum ecclesiasticorum et personarum, posset etiam uni principi auferre sui principatum et alteri dare et principem ab uno principatu ad alium transferre etiam sine delicto. Item principatus libere dividere et unire; quod tamen non libenter principes sustinerent. Sed de hoc ad praesens nihil determino; sed hoc tantum nunc assero quod papa per se et directe habet a Deo plenam potestatem in spiritualibus et in his quae ad salutem populi ordinantur; et in quantum ad hoc sunt bona temporalia quorumcumque necessaria, ex consequenti habet potestatem super illa."

²⁹ Godfrey of Fontaines, *Quodl.* XI, q. 19, ed. Hoffmans cit., p. 147: "... licet Papa tanquam Christi vicarius et pater ac praelatus quodam modo generalis sit omnium bonorum Ecclesiae ad utilitatem rei publicae dispensator..."

³⁰ Berthaud of Saint-Denis, *Utrum clerici teneantur solvere pedagia vel tributa; Utrum papa possit eximere clericos aut subditos principum a pedagio vel tributis*; edition in J. Leclercq, "Deux questions de Berthaud de Saint-Denis sur l'exemption fiscale du clergé," in *Études d'histoire du droit canonique dédiées à G. Le Bras* I (Paris 1965), pp. 607–17, esp. 611–13, 616: "Sed pone quod papa in hoc casu de plenitudine potestatis eximeret aliquem subditum principis a tributo de iure debito, numquid tenendum erit quod erit actum a papa? Responso: dico quod si contingeret quod papa hoc faceret, adhuc pie tolerandum esset."

good.³¹ In *Quodlibet* III, q. 27, *Utrum laici subditi dominis temporalibus teneatur solvere tallias de nouo impositas, quae non vergunt nisi in utilitatem dominorum*, he supports the right to resist taxation exacted without the consent of the subjects and merely for the private benefit of the ruler.³² In 1298, Peter of Auvergne debated *Utrum princeps qui necessitate rei publicae imminente instituit vectigal aliquod in subditis, necessitate recedente, teneatur ipse vel successor eius removere illud, stipendiis sufficientibus ad dispensationem ipsius*.³³ Appealing to the axiom *cessante causa, cessat effectus*, Peter argues against the legitimacy, on part of the king as well, of perpetuating a state of emergency in order to make an extraordinary tax habitual.³⁴

One can appreciate the political implications of discussions concerning the rights of taxation on the part of secular and ecclesiastical rulers in James of Viterbo's *Quodlibet* I, q. 17 (1293/94), *Utrum papa possit absolvere aliquem usurarium, absque quod usuras restituat*. Superficially, the issue at stake here would appear to have no connection to the problems discussed above, but James grounds his positive answer on the assumption that the pope has jurisdiction—although in different ways—over all goods, both lay and ecclesiastical, in the same way that he possesses both spiritual and temporal power.³⁵ Matthew Kempshall is right to stress the close connection not only

³¹ Richard of Menneville, *Quodl.* II, q. 30, in *Opera*, IV (Brescia 1691), pp. 78–80, esp. p. 80: “Tunc dico quod si cives faciunt pontem refici, et vias reparari cum expensis proportionatis ipsis operibus et facultatibus clericorum, quod tunc clerici tenentur solvere partem suam, saltem de illis possessionibus in quibus levitica portio non consistit.”

³² Richard of Menneville, *Quodl.* III, q. 27, ed. cit., pp. 125–6, p. 125: “Utique liberi tantummodo talias, quae directe vel indirecte in boni communis utilitatem redundant, solvere tenentur . . .”

³³ Cf. E.A.R. Brown, “Cessante causa and the Taxes of the Last Capetians: the Political Applications of a Philosophical Maxim,” *Studia gratiana* 15 (1972), pp. 567–87; p. 587: “. . . sed cessante necessitate subditi non tenentur exhibere pedagium nec peccant si non exhibeant, tum quia statutum principis non obligat eos ad exhibendum nisi durante necessitate, tum quia non tenentur nisi ad ea que sunt necessaria uel expediencia ad saluationem boni communis, igitur cessante necessitate non debet princeps secundum iusticie equitatem vectigal exigere.”

³⁴ C. Flüeler, “Ontologie und Politik: *Quod ratio principantis et subiecti sumitur ex ratione actus et potencie*. Zum Verhältnis von Metaphysik und Politik in den ersten Kommentaren zur aristotelischen Politika,” *FZPT* 41 (1994), pp. 445–62, has pointed out that Peter has a tendency to corroborate his political theories with parallels to metaphysical principles.

³⁵ James of Viterbo, *Disputatio prima de quolibet*, q. 17, ed. E. Ypma (Würzburg 1968), pp. 207–15, p. 207: “Quia vero pecunia, vel id quod pecunia mensurari potest, est aliquod temporale, ideo papa huiusmodi donationem vel relaxationem facere non potest, nisi potestatem habeat et iurisdictionem super temporalibus.”

with the problem of the relationship between pope and king, but also with the historical circumstance that Philip the Fair exacted substantial sums from Jewish and Christian usurers; it is licit to use these large sums of money for other purposes only on the condition that it would be impossible for them to be returned to the people from whom they had been unjustly extorted.³⁶ Only the privilege of absolution from sin without the duty of restitution could make these profits morally “usable” by the king.

Recently, another important connection between this *quodlibet* and the events of the reign of Philip the Fair has come to light: Karl Ubl and Lars Vinx discovered that, in his prologue to *De potestate regia et papali*, John of Paris makes extensive use of James’ *Quodlibet* I, q. 17, in describing what he names “Herod’s error,” that is the pro-papal position that attributes to the supreme pontiff jurisdiction over ecclesiastical and lay goods alike.³⁷ If it is true that John partly misconstrues James’ position, interpreting his papal stewardship as plain lordship, textual evidence shows once again how tightly the problem of the nature of possession and the issue of the powers of the pope were intertwined. Thus it comes as no surprise that, a decade later, John of Mont-Saint-Eloi, in answering the question (*Quodlibet* II, q. 2) *Utrum esset bonum et expediens quod omnium christianorum possessiones essent communes*, after accepting the opinion that Plato in reality never suggested that wives and children should be in common, stresses that the community of goods is indeed adopted in the Church. Ecclesiastical goods are therefore common to the whole clergy, while the pope is only their steward.³⁸ According to John,

³⁶ Kempshall, *The Common Good*, pp. 250–2.

³⁷ K. Ubl and L. Vinx, “Kirche, Arbeit und Eigentum bei Johannes Quidort von Paris O.P. (†1306),” in *Text—Schrift—Codex. Quellenkundliche Arbeiten aus dem Institut für Österreichische Geschichtsforschung*, C. Egger and H. Weigl, eds. (Wien-München 2000), pp. 304–44, esp. pp. 327–9; cf. Johannes Quidort, *De regia potestate et papali, proemium*, Textkritische Edition mit deutscher Übersetzung, ed. F. Bleienstein (Stuttgart 1969), pp. 70–1.

³⁸ John of Mont-Saint-Eloi, *Quodl.* II, q. 2, BAV, Vat. lat. 1086, f. 217rb–vb; esp. f. 217va: “Nec credo Platonem sic intelligere ut Aristoteles sibi imponit, quod uxores essent communes, quia periret cura filiorum et, cum essent vetule, nullus curaret de eis et sequeretur discordia inter omnes ut patet . . . Dicendum quod potest intellegi quantum ad ius et proprietatem, ita quod omnes haberent et sic non est bonum, quia talis modus pareret negligentiam, et confusionem et inordinationem, quia ita pertinet ad unum sicut ad alium, ideo aliqua policia numquam talis fuit. Item modus apostolorum fuit optimus et tamen non fuit talis . . . Sic aliter dicendum de bonis ecclesiasticis et laycorum: nam bona ecclesiastica sunt omnia communia clericis, papa tamen principaliter et alii ex consequenti habent dispensare et non sunt proprietarii.”

since the pope is only the steward and not the lord of ecclesiastical goods, he is not allowed to dispose of these goods as he pleases, but only for the good of the Church.³⁹ The concept of stewardship, as opposed to lordship, although extended to the goods of the universal Church so that other ecclesiastical stewards depend on the pope, puts some limits on his plenitude of power. John would also advocate a similar solution for the goods of Christian laymen, if charity were strong enough. Unfortunately, this is not the case.⁴⁰

*Secular Clergy versus Mendicant Friars:
Papal Power and Church Structure*

It is rather well known—and Elsa Marmursztein points it out clearly in this volume—that another issue offering many opportunities for debates with great relevance for political theory is the relationship between the mendicant orders and the secular clergy. Using quodlibetal questions, Gerard of Abbeville had already (ca. 1268–69) voiced his criticism of the very idea of a religious life founded on mendicancy.⁴¹ Mendicant friars, such as the Franciscan John Pecham, supported the opposite view in their own *quodlibeta*.⁴²

³⁹ John of Mont-Saint-Eloi, *Quodl.* II, q. 2, *ibid.*: “expedit tamen quod papa dispenset . . . et quod non sit proprietarius . . . et hoc expedit bono communi, quia tunc magis potest contemplare diuina; item magis saluatur unitas et permanencia bonorum ecclesie.”

⁴⁰ John of Mont-Saint-Eloi, *Quodl.* II, q. 2, *ibid.*, f. 217va–b: “Sed de possessionibus omnium Christianorum dicendum quod si supponeretur quod quilibet magis attentus esset ad bonum commune ex caritate dei et proximi, haberent sicut primi conuersi et aliqui essent dispensatores, melius esset propter rationes dictas; nam stante suppositione esset maior amicitia inter homines et esset modus qui fuisset in statu innocentie . . . Sed . . . quod maior pars hominum est sine caritate et quod stultorum est infinitus numerus, dico quod non est bonum, quia bonum commune periret quia nullus vellet laborare nec sollicitus esse in artibus necessariis, mercantiis et aliis necessariis; nam postquam quilibet uideret quod de lucro [et labore] tantum haberet non laborans quam laborans, nollet laborare.”

⁴¹ 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. 83–178, in particular pp. 128–63 (more precisely according to BAV, Vat. lat. 1015), Gerard of Abbeville, *Quodl.* V, qq. 5–6: *Utrum communium ecclesie facultatum dispensatio in prelati diminuat de excellencia perfectionis; Utrum habere et administrare communes ecclesie facultates expedit prelati ad sui status perfectionem et officii administrationem; Quodl.* XVI, qq. 1–2, pp. 168–78: *Utrum Christus docuerit ad apicem summe perfectionis apostolos et prelatos nichil omnino habere in proprio et in communi; Utrum prelati recipere potuerunt possessionem sine diminutione perfectionis.*

⁴² Cf. John Pecham, *Quodl.* IV, q. 48, *Utrum non habentes aliquid in proprio vel com-*

In the heyday of quodlibetal disputations, that is in the years of Henry of Ghent and Godfrey of Fontaines, the mendicant/secular struggle was fought primarily along two fronts. First, the hotly debated issue of the mendicant right to hear confessions, stimulated by Martin IV's bull *Ad fructus uberes*, was tightly linked to the problem of papal power within the Church with particular regard to the constitution of the Church.⁴³ Henry of Ghent championed a position according to which the basic rights of parish priests and bishops should be defended by papal intervention, not diminished by the pope's privileges. The question whether *Ad fructus uberes* could be interpreted in the sense that a *fidelis* was no longer obliged to confess his sins to his parish priest at least once a year, as established in the Fourth Lateran Council, soon evolved into a controversy over the nature and limits of papal power in the Church. Henry's quodlibetal writings stand out as the most important contribution to this long-lasting dispute.⁴⁴ Following Congar's ground-breaking studies, we can view it as a clash between two different ecclesiologies.⁴⁵ The mendicant friars saw the pope as the direct source of every (not sacramental)

muni sint aliis perfectiores, in *Quodlibeta quatuor, Quodlibeta I-III*, ed. G.J. Etzkorn, *Quodlibet IV (Romanum)*, ed. F.-M. Delorme, revisit G.J. Etzkorn (Grottaferrata 1989), pp. 280–6 (1277–79).

⁴³ The ecclesiological implications of this debate had already emerged clearly, however, before *Ad fructus uberes*, e.g. in Pecham's so called *Quodlibet romanum* (1277–79); cf. John Pecham, *Quodl.*, IV, q. 47, *Utrum liceat alicui, sine licentia proprii sacerdotis vel ipso invito, audire confessiones subditorum suorum de licentia superioris praelati vel ex privilegio*, ed. cit., pp. 274–80, in particular pp. 275–6: "Primum est quod tale privilegium potest concedi a Sede Apostolica, ut de licentia superiorum praelatorum invitatis sacerdotibus possint audire confessiones alienorum parochianorum . . . Primum patet per effectum et per Sedem Apostolicam est determinatum, quae ius habet determinandi quia per ipsam facta est distinctio ecclesiarum, XII, quaest. 1, Nulli episcoporum, unde hereticum est aliud dicere vel sentire."

⁴⁴ Cf. e.g. his *Quodlibet X* (1286/87): Henry of Ghent, *Quodl. X*, qq. 1–2, ed. R. Macken (Henrici de Gandavo Opera Omnia, 14) (Leuven-Leiden 1981), pp. 4–38: *Utrum error sit dicere quod vere poenitens et confessus, rite absolutus ab eo qui potest eum absolvere de gratia et privilegio speciali, teneatur eadem peccata iterato confiteri de iure communi*; pp. 39–55: *Utrum ex commissione generali qua conceditur aliquibus ex privilegio et de gratia posse audire confessiones et absolvere a peccatis simpliciter, concedatur potestas absolvendi a maioribus criminibus reservatis episcopis*; q. 31 of his *Quodlibet XII* was reworked into his *Tractatus de facto praelatorum et fratrum*. On this important document see L. Hödl, "Theologiegeschichtliche Einführung" to Henricus de Gandavo, *Tractatus super facto praelatorum et fratrum (Quodlibet XII, quaestio 31)*, eds. L. Hödl and M. Haverals (Henrici de Gandavo Opera Omnia, 17) (Leuven 1989), pp. VII–CXVII.

⁴⁵ Y.M.-J. Congar, "Aspects ecclésiologiques de la querelle entre mendiants et séculiers dans la seconde moitié du XIII^e et le début du XIV^e," *AHDLMA* 36 (1961), pp. 35–151.

power in the Church; as supreme judge he is able to change the ecclesiastical constitution as he pleases, according to what he considers best for the Church. His plenitude of powers has no limits in this regard. The secular clergy advocated an interpretation of the papal plenitude of power as the supreme guarantee of the Church constitution. The pope cannot grant a privilege that has detrimental consequences for the whole Church. Papal bulls should therefore be interpreted in a way that safeguards the rights of the parish clergy, lest the constitution of the Church be completely upset. If the pope insists on an interpretation that implies the subversion of the ecclesiastical order, in his *Tractatus* (1288) Henry envisages the possibility of resistance to the pope, and even his deposition, although not in explicit terms.⁴⁶

Godfrey was also asked to take sides on several occasions, most notably in 1294/95 when he was confronted with the question (*Quodlibet* X, q. 17) *Utrum religiosus sine licentia sui superioris proprii, puta abbatis, possit impetrare litteras a praelato altiori, puta a papa, auctoritate quarum possit confiteri alteri quam suo abbati*. In his answer, the Flemish theologian overtly denies that the pope can treat bishops as if they were his “bailiffs”; he can remove individuals from their positions or diminish their rights, but only for a reasonable cause. Should a person obtain a privilege from the pope that damages the common good of the Church, he ought not to make use of it.⁴⁷ Matthew Kempshall is probably right in suggesting that Godfrey is more moderate than Henry.⁴⁸ Interestingly enough, however, the Dominican theologian Bernard of Auvergne nevertheless felt the need to attack Godfrey exactly on the issue of the comparison between bishops and bailiffs: this critique was not expressed in a quodlibetal question, but its existence bears witness to the importance that was attributed to *quodlibeta* in this field as well. In Bernard’s opinion, Godfrey is wrong in his attempt to put limits on the papal plenitude of power. Bernard’s

⁴⁶ Cf. Kempshall, *The Common Good*, p. 187, based on the *Tractatus super facto praelatorum et fratrum* III, 10a ratio, ed. cit., pp. 253–9, esp. p. 259: “supplicandum esset ei humiliter in principio ab universis episcopis et praelatis curam habentibus, quod dictum privilegium revocaret, et esset ei exponendum a viris litteratis qualia inconvenientia ex hoc sequerentur, quod, si forte facere nolle, timendum est, ne satis cito schisma maximum et inoboedientia subiectorum ad superiores suos oriretur, nisi aliter ecclesiae Dei cito provideretur.”

⁴⁷ Godfrey of Fontaines, *Quodl.* X, q. 10, ed. J. Hoffmans (Louvain 1924), pp. 391–4.

⁴⁸ Kempshall, *The Common Good*, pp. 244–5.

critique reveals how divergent the ecclesiologies were and how carefully many mendicant theologians opposed any limitation on the pope's right to intervene in the problems of the Church constitution,⁴⁹ being reluctant to admit any kind of right to resist his decisions.

Although this trend in the interpretation of papal power was predominant among the mendicant friars, dissent could also arise among them. This is the case with Peter John Olivi. Olivi shares the mendicant ecclesiology in its key features and is ready to defend the privileges granted to the friars, as a question from book four of his Commentary on the *Sentences* clearly shows.⁵⁰ Nevertheless, in his *Quodlibet* I, q. 18 (its dating still oscillates between the beginning and the end of the 1280s),⁵¹ when faced with the question *An papa habeat universalissimam potestatem*, Olivi does not hesitate to put limits on papal power, not because the pope cannot abolish the rights of the clergy, but rather because the pope cannot give a dispensation from religious vows, according to Olivi. Of course this aims at defending the Franciscan vow of poverty. In general, however, Olivi thinks that the pope should respect the *statuta patrum*, the Church tradition, and aim at the common good of the Church; otherwise he exceeds the limits of his office. Moreover, Olivi adds that the pope cannot be considered, as someone claims, "Lord of all temporal goods of this world." According to the Franciscan master, there are many reasons to reject this claim. First, if the pope derived such a lordship over the world from Christ, this would mean that Christ could not have given Peter the counsel of highest poverty, as he actually did. Second, this would contradict the practice of donating goods to individual dioceses on some condition, since bishops would in reality already be lords of everything existing within their jurisdiction.⁵² Following

⁴⁹ C. Zuckerman, "Some Texts of Bernard of Auvergne on Papal Power," *RTAM* 49 (1982), pp. 174–204, esp. pp. 190–4.

⁵⁰ Cf. R. Lambertini, "La difesa dell'ordine francescano di fronte alle critiche dei Secolari in Olivi," in *Pierre de Jean Olivi (1248–1298). Pensée scolastique, dissidence spirituelle et société*, A. Boureau and S. Piron, eds. (Paris 1999), pp. 193–205.

⁵¹ See M. Bartoli, "Introduzione," in *Petri Iohannis Olivi Quaestiones de romano pontifice*, ed. M. Bartoli (Grottaferrata [Rome] 2002), pp. 94–6. Piron opts for the end of the decade in his chapter above.

⁵² Peter John Olivi, *Quodl.* I, q. 18, *An papa habeat universalissimam potestatem*, in *Petri Iohannis Olivi Quaestiones de romano pontifice*, ed. M. Bartoli (Grottaferrata [Rome] 2002), pp. 171–9, esp. p. 175: "Si enim papa ex absoluto iure evangelico et absoluta Christi commissione esset temporalis rex et dominus mundi, tunc Petro apostolorum principi non commisisset statum et consilium altissime paupertatis, sed potius summarum divitiarum et terrene temporalitatis"; p. 176: "Cuius contrarium non

this pattern, Olivi is also able to counter an argument referring to the Donation of Constantine: the very fact that the Emperor Constantine donated something to the pope implies that the pontiff was not, from the beginning, as Christ's vicar, lord of the universe. The Franciscan friar remarks that the actual extension and time of the Donation of Constantine need not be discussed in this context. It is sufficient to ascertain that the pope acquired, at a certain point of time, temporal powers that he had not possessed before.⁵³

Naturally, the principle of resistance to an unjust ruler whose actions menace the good of the community could be applied, and often with less caution, to secular powers as well.⁵⁴ In fact, in the same years some quodlibetal responses defended the principle that it is legitimate to resist a secular ruler who jeopardizes the common good. Godfrey of Fontaines, for example, supports this opinion in *Utrum princeps dicens se habere causam pro utilitate reipublicae nec tamen huiusmodi necessitas est de se notoria possit imponere aliquam taxationem et subiecti teneantur solvere* (*Quodlibet* XI, q. 17, 1295/96), and grants the subjects the right to resist, until a council of prudent men (and not only the king's personal counsellors) has discussed the matter.⁵⁵

Resistance against *Ad fructus uberes* was notoriously crushed in 1290 by Cardinal Benedict Gaetani (the future Boniface VIII), acting as papal legate in Paris. It is interesting to note, as one reads in a recently published contemporary account of the events, that in *quodlibetal* disputations the masters refused to answer questions linked to the controversy.⁵⁶ As is well known, Henry of Ghent himself was

solum ostendit contraria consuetudo, immo et Hugo, libro II *De sacramentis*, parte II, ca. VII, dicit de terrenis bonis; quedam ecclesie Christi devotione fidelium concessa sunt ad possidendum; salvo tamen iure terrene potestatis."

⁵³ Peter John Olivi, *Quodl.* I, q. 18, ed. cit., pp. 178–9: "... dicendum quod quantumcumque terrenam potestatem Constantinus pape dedit ex ipsamet donatione constat quod potestas illa non sibi prius inerat ex sola Christi commissione seu ex sola potestate spirituali. Quod autem et quantum dedit non est nobis nunc cure, quia potestas temporalis sicut temporaliter est acquisibilis sic et amissibilis et hoc multiplicibus modis." For late medieval discussions about the Donation of Constantine see recently M. Conetti, *L'origine del potere legittimo. Spunti polemici contro la donazione di Costantino da Graziano a Lorenzo Valla* (Parma 2004).

⁵⁴ Kempshall, *The Common Good*, p. 250.

⁵⁵ Cf. above, n. 27.

⁵⁶ H. Anzulewicz, "Zur Kontroverse um das Mendikantenprivileg. Ein ältester Bericht über das Pariser Nationalkonzil von 1290," *AHDLM* 60 (1993), pp. 283–91, p. 291: "Disputatione de quolibet facta quaestiones fuerunt iterum motae, quas minime receperunt." Hödl, "Theologiegeschichtliche Einführung," p. LXXXIII, recalls a similar situation when the mendicant masters refused to answer.

prohibited from teaching, although it is not known to what extent this prohibition was put into effect.

The second quodlibetal front in the controversy between secular and mendicant theologians was the issue of the concept of perfection. The mendicant orders, and in particular the Franciscans, claimed not only to lead a life of religious perfection, but also to represent the highest degree of perfection because of their choice of absolute poverty. Nicholas III, with his bull *Exiit qui seminat* (1279), substantially endorsed the Franciscan position, stating that the Franciscans imitated the life of the apostolic community. He also tried to put an end to discussion, prohibiting commentaries on his decree. A manuscript of Godfrey of Fontaines' *Quodlibeta* reports that for this reason the bull was nicknamed "Noli me tangere" in the milieu of the Parisian masters.⁵⁷ Actually, masters were still confronted with questions regarding the meaning of religious perfection; in particular they were asked to compare the perfection of friars and prelates. Already in his *Quodlibet* II, q. 14⁵⁸ (1277, that is, before *Exiit qui seminat*), Henry had defended the perfection of the prelates, stating that one should distinguish between two types of perfection, acquisitive perfection and exercitative perfection, as Matthew Kempshall renders the distinction.⁵⁹ His answer therefore tried to show that higher and lower prelates (obviously seen as a status, not as individuals) exert perfection, while friars make their religious choice in order to acquire perfection. How such a distinction could be used to counter Franciscan claims can be seen in his *Quodlibet* V, q. 30 (1280–81), where Henry answers the question *Utrum liceat dimittere divitias sub proposito mendicandi in saeculo*. Arguing that it is licit for a *persona privata*, but not for a *persona publica*, such as a church prelate, Henry implies that absolute poverty and mendicancy have more value for the individual than for the religious community, and therefore for the common good.⁶⁰

Godfrey of Fontaines follows in Henry's footsteps, especially in *Quodlibet* V, q. 1 (1288), *Utrum status religiosorum sit perfectior quam status praelatorum et specialiter sacerdotum parochialium*, and in *Quodlibet* VIII,

⁵⁷ Cf. the outstanding analysis in A. Tabarroni, *Paupertas Christi et apostolorum. L'ideale francescano in discussione (1322–1324)* (Roma 1990). For Godfrey of Fontaines' anecdote, cf. his *Quodlibet* XIII, q. 8, ed. J. Hoffmans (Louvain 1935), p. 249, n. 16.

⁵⁸ Henry of Ghent, *Quodl.* II, q. 14, ed. R. Wielockx (Leuven 1983), pp. 82–95.

⁵⁹ Kempshall, *The Common Good*, pp. 181–2.

⁶⁰ Henry of Ghent, *Quodl.* V, q. 30 (ed. Paris 1518), ff. 208v–209r.

q. 11 (1292/93), *Utrum perfectio vitae humanae exigat relinquere bona exteriora et quantum ad actum sive possessionem et quantum ad affectum sive amorem*.⁶¹ Moreover, he criticises the Franciscan interpretation of perfection and develops, on the contrary, the idea of a natural right to own the necessities of life, interpreting it as a right that cannot be renounced.⁶² This is particularly clear in *Quodlibet XI*, q. 8 (1295/96),⁶³ *Utrum pura privatio possit aliquem constituere in statu perfectionis*,⁶⁴ and in *Quodlibet XII*, qq. 19–20 (1296/97), *Utrum status religiosorum nihil habentium in communi sit perfectior statu aliquid habentium* and *Utrum nunc in Ecclesia est aliquis status perfectior statu apostolorum*,⁶⁵ which not by chance were in turn attacked by the anonymous Franciscan author of *De perfectione*⁶⁶ and by William of Alnwick.⁶⁷ As Virpi Mäkinen has rightly pointed out, quodlibetal discussions on poverty as religious perfection became one area where authors such as Godfrey could lay the foundations of a language of basic rights pertaining by nature to each individual. Such rights are linked so tightly to the human condition that it is neither possible nor licit to alienate them. Arguing

⁶¹ Godfrey of Fontaines, *Quodl. V*, q. 16, ed. cit., p. 76: “Status autem religionis dicitur perfectionis acquirendae, quia bene sustinet imperfectum qui in illo perfectionem possit acquirere; et non dicitur status perfectionis exercendae, tum quia, ut dictum est, perfectum non requirit, tum quia sua perfectio, cum ab aliquo acquisita fuerit, non sic eius exercitium ad perficiendum alium ordinatur, sicut perfectio praelati.” Godfrey of Fontaines, *Quodl. VIII*, q. 11, ed. cit., pp. 102–25, esp. p. 105: “Immo etiam propter hoc quod unusquisque tenetur iure naturae vitam suam sustentare, quod non contingit nisi de bonis exterioribus, ideo etiam iure naturae quilibet habet dominium et quoddam ius in bonis communibus exterioribus huius mundi, cui iuri etiam non potest renunciare licite . . . In tali casu ergo habens usum alicuius sibi necessarij, habet etiam dominium illius et aequaliter unus sicut alius, quia quilibet habet ius utendi illo ut re sua.”

⁶² V. Mäkinen, “Godfrey of Fontaines’ Criticism Concerning Franciscan Poverty and the Birth of Individual Rights,” *Picenum Seraphicum* 19 (2000) pp. 69–85; eadem, *Property Rights in the Late Medieval Discussion on Franciscan Poverty* (Leuven 2001), esp. pp. 124–39.

⁶³ According to Kempshall, *The Common Good*, p. 247, most probably after March 1296.

⁶⁴ Godfrey of Fontaines, *Quodl. XI*, q. 8, ed. J. Hoffmans (Louvain 1932), pp. 40–8.

⁶⁵ Godfrey of Fontaines, *Quodl. XII*, qq. 19–20, ed. J. Hoffmans (Louvain 1932), pp. 139–65.

⁶⁶ The textual tradition of this work does not allow us to establish whether it was originally a quodlibetal question; I am inclined to think that it was rather a *quaestio disputata*; see R. Lambertini, *La Povertà pensata* (Modena 2000), pp. 163–86.

⁶⁷ Alnwick’s reaction was included in one of his Bolognese disputed questions; see R. Lambertini, “Intentions in Fourteenth Century Bologna: Jandun, Alnwick and the Mysterious ‘G’,” in *Medieval Analyses in Language and Cognition, Acts of the Symposium ‘The Copenhagen School of Medieval Philosophy’, January 10–13, 1996*, S. Ebbesen and R.L. Friedman, eds. (Copenhagen 1999), pp. 431–51, p. 435, n. 10.

against the theoretical foundations of the Franciscan claim to absolute perfection, Godfrey therefore made a substantial contribution to the rise of subjective, natural rights.⁶⁸

From the point of view of political theory, the most important issue at stake in the discussion about the right to hear confessions is the origin of the jurisdictional powers of the bishops and parish priests. In his *Quodlibet*, q. 80 (disputed before 1291), *Utrum auctoritas ligandi et solvendi derivetur in inferioribus praelatis a papa ita quod non habeant auctoritatem quam non habeant a papa*, the canon regular Servais of Mont-Saint-Eloi claims that some of the prelates' rights derive directly from Christ, to the effect that even the pope cannot encroach on them.⁶⁹ The secular master Peter of Auvergne's *Quodlibet* I, q. 17 (ca. 1296), *Utrum praelati minores habeant iurisdictionem ordinariam in subditis*, defends the rights of the parish clergy, countering the arguments put forward by those who wanted to avoid certain consequences that seemed to imply some disadvantage for their state, most probably the mendicant friars.⁷⁰ Some years later (in 1304, since he refers to *Inter cunctas*—February 1304—and speaks of Benedict XI as alive), a similar problem surfaces in Thomas of Bailly's answer to the question *Utrum expediat uniuersali ecclesie quod subditi ita eximantur a suis parochialibus curatis quod non teneantur eis confiteri illa peccata que sunt confessis fratribus priuilegiatis*, shortly after Benedict XI's *Inter cunctas* had revoked the regulations issued by his predecessor Boniface VIII in *Super cathedram*. The secular master appeals to Bonaventure's authority or to Francis of Assisi's *Testament*, in order to remind the friars (in all probability especially the Franciscans) of their duty to respect bishops and the secular clergy in general.⁷¹ Moreover, he stresses that the powers exercised by parish priests were given to them directly by Christ,

⁶⁸ Mäkinen, *Property Rights*, pp. 193–6. For the whole issue of natural rights in medieval political thought see also B. Tierney, *The Idea of Natural Rights* (Atlanta 1997); according to Tierney, Henry's discussion concerning the right to flee of a man sentenced to death also reveals a "natural rights" approach to such problems: B. Tierney, "Natural Rights in the Thirteenth Century: a *Quaestio* of Henry of Ghent," *Speculum* 67 (1992), pp. 58–68.

⁶⁹ Servais of Mont-Saint-Eloi's *Quodlibet*, q. 80, is published in B. Guyot, "Textes inédites relatifs à l'étude précédente," *AHDLM* 36 (1961), pp. 159–61, see esp. p. 160: "Similiter dico quod plenarius Christi vicarius non habet potestatem auferendi ministris ecclesiae potestatem quam eis contulit."

⁷⁰ Peter of Auvergne's *Quodlibet* I, q. 17, is published in Guyot, "Textes inédites," pp. 153–8.

⁷¹ Thomas of Bailly, *Quodl.* IV, q. 14, ed. Glorieux cit., pp. 324–35.

when He sent out the 72 disciples, in the same way that He conferred episcopal powers on the apostles. The supreme authority of the pope has been ordained for the preservation of Church unity, but he is not the source, in its proper sense, of their powers. It is legitimate for him to modify the extension of some jurisdictional powers, if this befits the good of the Church, but he cannot abolish them. Faced with the fact that with *Inter cunctas* Pope Benedict XI seems to exempt the subjects from the jurisdiction of their secular prelates completely in favour of privileged mendicant friars, Thomas admits that the pope can do it *de facto* because he has no superior. He refuses, however, to give his solution to the question whether *de iure* the pope is allowed to do it.⁷² Apparently, the masters were able not only to refuse answering a question at all, but also, while responding, to avoid expressing their opinion on side-issues that were considered dangerous for their own careers and positions.

Other quodlibetal questions debated by non-mendicant masters in the following years stress the point that Christ invested the twelve apostles, and not only Peter, with episcopal powers: an example is provided by the canon regular Gerard of Saint-Victor.⁷³ Also, the heated controversy between the secular theologian John of Pouilly and the mendicant friars, and in particular Peter de la Palu, began in quodlibetal disputations. In his *Quodlibet* V, q. 14 (*Si habens privilegium quod possit predicare in tota una provincia vel ubique sit in parrochia unius curati et velit ibi predicare et similiter curatus et sit contentio inter eos de predicando prius et posterius, utrum habens privilegium debeat preferri prelato et predicare ante illum*), John defended with force the opinion that Christ had instituted parish priests directly through the mission of the 72

⁷² Thomas of Bailly, *Quodl.* IV, q. 14, ed. Glorieux cit., p. 329: "Sed utrum dominus papa pro libito suae voluntatis possit praelatos maiores et minores universaliter excludere ab officiis curae suae? Constat quod potest potentia facti, pro quanto non potest ad superiorem appellari. Sed utrum de potentia iuris possit, nihil determino."

⁷³ Gerard of Saint-Victor, *Quodl.* II, q. 8, *Utrum potestas ordinaria sit a Christo vel a papa*, BAV, Vat. lat. 1086, f. 224va: "Dicendum quod potestas est duplex, scilicet ordinis et iurisdictionis; tunc dico quod illud quod homo consequitur per istas est a Christo. Credo tamen quod sit una potestas habens diversa officia, habendo tantum ordinem sacerdotalem potest exire in actum, set quantum ad iurisdictionem requiritur aliud. Dicendum tamen quod utraque potestas est a Christo quia fuit data Petro et aliis, ut patet super illud 'Tu es Petrus' per glosam expressam, licet videatur dari uni quia per hoc notabat unitatem ecclesie . . . Sed quantum ad limitationem, restringendo habet papa et hoc expediens fuit propter bonum commune et in casu rationabili."

disciples.⁷⁴ In q. 4, *Utrum episcopus possit committere audientiam confessionum sine licentia curatorum*, of his only *Quodlibet* (1314), Peter attacks John of Pouilly both on the origin of ecclesiastical jurisdiction and on his interpretation of the duty to confess to parish priests.⁷⁵ It would be superfluous to summarise here the events that eventually led to the condemnation of John of Pouilly by John XXII with *Vas electionis*—a condemnation that concerned only John of Pouilly’s doctrine concerning confession and his denial that the pope can interfere with the secular clergy’s right to hear confessions.⁷⁶ Interestingly enough, at a time when the first treatises *de potestate papae* had already appeared, the debate over John of Pouilly’s theses, which had begun in quodlibetal questions, was continued in almost systematic treatments of papal powers. The treatise *De causa immediata ecclesiastice potestatis*, attributed to William of Peter Godin but also to Peter de la Palu, deals extensively with the problem of ecclesiastical jurisdiction and defends the idea that every jurisdiction derives directly from the pope.⁷⁷ John of Pouilly’s ideas are also the target of another treatise *de potestate pape*, penned by the Dominican master Hervaeus Natalis.⁷⁸

Papal Abdication and Its Consequences

We should not be surprised that a political debate could find its first expression in *quodlibeta* and then continue in political treatises. This had already happened some years before the “Pouilly affair,” almost

⁷⁴ John of Pouilly, BAV, Vat. lat. 1017, ff. 223rb–227rb.

⁷⁵ Miethke, *De potestate papae*, p. 140; R. Zeyen, *Die theologische Disputation des Johannes de Polliaco zur kirchlichen Verfassung* (Frankfurt am Main 1976); J. Dunbabin, *A Hound of God. Pierre de la Palu and the Fourteenth-Century Church* (Oxford 1991), pp. 56–68.

⁷⁶ J. Koch, “Der Prozess gegen den Magister Johannes de Polliaco und seine Vorgeschichte (1312–1321),” *RTAM* 5 (1933), pp. 391–422, now in idem, *Kleine Schriften* II (Rome 1973), pp. 387–422.

⁷⁷ Miethke, *De potestate papae*, pp. 146–150; edition (with attempt to attribute the treatise to William of Peter Godin) in W.D. McCready, *The Theory of Papal Monarchy in the Fourteenth Century* (Toronto 1982); Dunbabin, *Hound of God*, pp. 91–4. L. Hödl, “Die Glosse des Johannes Monachus zur Konstitution ‘Super cathedram’ Bonifaz’ VIII (vom 18.02.1300) und deren Kritik durch Petrus de Palude OP,” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 87 (2001), pp. 269–305, attempts to attribute to Peter a new text concerning the origins of power in the Church.

⁷⁸ Miethke, *De potestate papae*, p. 149; Hervaeus’ *De potestate ecclesiastica et papali* was printed several times; the Paris 1647 edition was reprinted in 1966.

immediately after Celestine V's resignation. As is very well known, Celestine's unprecedented and dramatic decision became politically very relevant when Boniface VIII's adversaries (first and foremost the Colonna cardinals) began to question the legitimacy of his authority precisely on the grounds that papal resignation is impossible.⁷⁹ The first reactions of Parisian university masters are embedded in quodlibetal questions;⁸⁰ in his *Quodlibet* XII, q. 17, answering the more general question *Utrum praelati statui et dignitati libere renuntiare possint*, Godfrey of Fontaines denies that the circumstance of having no superior can affect the principle that a prelate who thinks himself unfit for his office is free to resign. Moreover, Godfrey takes for granted that the pope can be deposed by a council. But resignation, unlike deposition, is a voluntary act, and for this reason, according to the Flemish master, the pope does not need the consent of a council to resign; it is sufficient for him to explain his action to the college of cardinals. However, the pope can resign against the will of the cardinals as well. Godfrey's answer legitimates Celestine's abdication and, consequently, Boniface VIII's election. In doing so, Godfrey treats the pope as the supreme prelate of the Church, who is, nevertheless, subject to the same rules as other prelates: when the good of the community is at stake, resignation and even deposition are possible.⁸¹ Along similar lines, around 1296, Peter of Auvergne answered a question (*Quodlibet* I, q. 15) that, unlike in Godfrey's case,

⁷⁹ J.R. Eastman, *Papal Abdication in Later Mediaeval Thought* (Lewinston-Queenston-Lampeter 1990); cf. also Miethke, *De potestate papae*, pp. 63–71.

⁸⁰ The literary form (the incipit reads "Circa statum pape duo queruntur") of the anonymous questions about papal abdication preserved in Paris, BNF, lat. 4246, and studied by Martin Bertram could give rise to the suspicion that they derive from a quodlibetal disputation, but this is far from clear; M. Bertram, "Zwei Handschriftliche Quaestionen; Die Abdankung Papst Cölestin V. (1294) und die Kanonisten," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 66 (1970), pp. 1–101; pp. 97–8. Eastman does not seem to have taken these texts into consideration.

⁸¹ Godfrey of Fontaines, *Quodl.* XII, q. 17, ed. Hoffmans, pp. 96–9, esp. p. 98, where both possibilities are envisaged: "sed ad hoc intelligendum quod multo maiori difficultate et diligentia et attentione est procedendum in causa depositionis quam in causa cessionis quia in depositione contingit quod ab aliis accusatus, eo invito deponitur, et quia aliquis nolens iniuriam patitur, causa depositionis in qua potest alicui inferri gravis iniuria diligentissime est examinanda ne deposito iniuria inferatur. Sed quia cessio est simpliciter voluntaria, ideo non sic a concedentibus licentiam cedendi vel consensum cedendi potest iniuria inferri quia nullus patitur iniustum volens"; cf. commentary in Eastman, *Papal Abdication*, pp. 54–5; Kempshall, *The Common Good*, pp. 258–60.

addressed the problem of papal resignation directly: *Utrum summus pontifex possit cedere vel renunciare officio suo in aliquo casu*.⁸² Peter's response is affirmative; he also stresses—as Eastman has rightly pointed out—that a pope who is unable to fulfil his duties should abdicate. Unlike Godfrey, Peter explicitly mentions Celestine's abdication and, more importantly, avoids making reference to papal deposition.⁸³ This difference between the two masters would become very important in the treatises that continued the debate over papal abdication. Giles of Rome's treatise *De renuntiatione papae* clearly distinguishes between deposition and resignation, allowing only for abdication, while John of Paris, who was conversant with both Godfrey's and Giles' texts, argues in favour of the possibility of both resignation and deposition.⁸⁴ Papal resignation would still play an important role in later *de potestate papae* treatises, written several years after Boniface VIII's death, such as in Alexander of Sant'Elpidio's *De ecclesiastica potestate*.⁸⁵ Apparently, the debate over Celestine's abdication made an important contribution to the definition of the papal office, so that later works had to refer to arguments and positions that were first put forth in quodlibetal disputations.

The interplay between quodlibetal literature and *de potestate papae* treatises can be seen in Augustine of Ancona, the Augustinian Hermit who is very well known for his *Summa de ecclesiastica potestate*. Besides

⁸² Edition and commentary in Eastman, *Papal Abdication*, pp. 58–60, 137–41.

⁸³ Eastman, *Papal Abdication*, p. 140: “ubi summus pontifex non posset gerere curam ecclesie propter aliquid predictorum contradictum (? Eastman's reading does not seem to make sense here), quod deus precipit ipsum cedere. Racionabile enim est deum precipere quidquid secundum rationem evidenter necessarium (Eastman: *necessaria*) ad salutem et prohibere contrarium. Hoc eciam ordinatum aut suppositum quod possibile (? Eastman's reading does not seem to make sense here), est per dominum Celestinum, quod scilicet summus pontifex cedere possit in casu et ideo hoc simpliciter est tenendum.” It goes without saying that Eastman's transcription, based on MS Paris, BNF, lat. 15841, f. 7va–b needs improvement through a collation of the whole tradition.

⁸⁴ Cf. Eastman, *Papal Abdication*, pp. 70–7.

⁸⁵ Alexander of Sant'Elpidio, *De ecclesiastica potestate*, tr. III. c. 8, in *Bibliotheca Maxima Pontificia* II, ed. T. Rocaberti de Perelada (Rome 1698), pp. 1–40, cf. esp. p. 38: “Cum illa quam papa praeminentiam habet, regere universum populum christianum, non sit ex statuto concilii, nec etiam universalis ecclesiae totius mundi, ideo totus mundus illam immutare non posset, nec etiam papam a papatu deponere.” Miethke, *De potestate papae*, pp. 105–6; see also my “Alessandro di Sant'Elpidio teorico del potere papale: un primato 'romano'”, in *Santità e società civile nel medioevo. Esperienze storiche della santità agostiniana*, ed. Biblioteca Egidiana (Tolentino 2005), pp. 69–76.

this famous and popular treatise, this master intervened in the debates of his times with shorter texts. Now, scholars of the last century, such as Scholz and Mulder,⁸⁶ ascertained that Augustine of Ancona is the author of a quodlibetal question dealing with the competence of the college of cardinals during a vacancy of the apostolic see and also of a short treatise dealing with the same problem. A close comparison shows in fact that this quodlibetal question contains many passages that are almost identical to passages not only in Augustine's *De potestate collegii mortuo papa*, but also in his *De potestate praelatorum et laicorum*.⁸⁷ Glorieux and, most recently, Miethke think that the theologian from Ancona reworked his own quodlibetal determination into a treatise.⁸⁸ This explanation remains the most plausible, even though Mulder, the discoverer of the work in its quodlibetal form, was rather inclined to believe the opposite. In fact, Augustine's quodlibetal question is defined as such in its *intitulatio* and retains several expressions reminiscent of an actual *disputatio*: not only the use of "arguebatur," but also the repeated mention of a *quaerens* who posed the question.⁸⁹ The structure of the text itself, however, is rather peculiar. Asked *Utrum collegium cardinalium potest facere quidquid potest papa*, Augustine begins by distinguishing the *potestas ordinis* from the *potestas iurisdictionis*, and then continues by saying that the question can be taken in two different senses. The *quaerens* could have meant whether the power of the cardinals derives immediately from Christ, as is the case for the pope, or mediately through the pope. This interpretation of the question posed by the audience recalls the debate between John of Pouilly and Peter de la Palu, and this is not very surprising, if Glorieux and Miethke are right in dating this text to the years of the vacancy after Clement V's death in 1314.⁹⁰ Augustine

⁸⁶ The *quodlibet* is edited in W. Mulder, "De potestate collegii mortuo papa des Augustinus Triumphus," *Studia catholica* 5 (1928/29), pp. 40–60, esp. pp. 46–51. On Augustine of Ancona, see Miethke, *De potestate papae*, pp. 170–7.

⁸⁷ Edited in R. Scholz, *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz' VIII.* (Stuttgart 1903; reprint Amsterdam 1962), respectively pp. 501–8, pp. 486–501.

⁸⁸ Glorieux II, p. 63; Miethke, *De potestate papae*, p. 171

⁸⁹ Mulder, "De potestate," p. 46: "Questio ultima quolibet (sic!) magistri augustini disputatum parisiis de potestate collegii mortuo papa . . . Tercia questio erat . . . arguebatur"; pp. 48–9: "questio proposita . . . Secundum intentionem querentis."

⁹⁰ Glorieux II, p. 63; Miethke, *De potestate papae*, p. 171. The connection to the debates over the origin of power in the Church is evident, the title notwithstanding, in Augustine's *Tractatus brevis de duplici potestate praelatorum et laicorum*, ed. Scholz cit., p. 492: ". . . si loquamur de potestate iurisdictionis credimus opinionem dicto-

is persuaded that the *quaerens* actually meant to ask something different, that is whether, when the pope is dead, the college of cardinals possesses the same powers as does the supreme pontiff when he is alive. This persuasion notwithstanding, Augustine goes on to discuss the first interpretation of the question, and comes to the conclusion that jurisdiction is attributed to the prelates through the pope. This first part of the *quodlibet* contains many passages in common with Augustine's treatise *De duplici potestate prelatorum et laicorum*, although the latter also deals with the problem of temporal power, which is absent from the *quodlibet*. Only the second part of the quodlibetal question tackles the issue of the competence of the cardinals when there is no pope. This is rather close to Augustine's *De potestate collegii mortuo papa*. In both texts, the Augustinian theologian argues that, after the death of the pope, papal powers continue to exist in the college, but only potentially, to the effect that the college is not entitled to do whatever a pope can do; otherwise, there would be no need to elect a new pope. Unlike the quodlibetal question, the treatise expands much more on this issue, explaining that the college cannot change the existing papal legislation nor assign benefices.⁹¹ The *quodlibet* is much shorter, and refers the reader to a *tractatus de potestate prelatorum*. It was this clue that suggested to Mulder that Augustine of Ancona first wrote the treatises and later the *quodlibet*. Actually, in Glorieux the chronological relationship is reversed, for it seems more likely that an author would first discuss an issue when provoked by his audience, and then rework his answers in a more systematic text. But even if Mulder were right, his opinion would not entail the rather unlikely consequence that Augustine later put together parts of existing treatises using the quodlibetal question as a literary form only. He could have held an actual *quodlibet* and then had recourse

rum magistrorum veritatem non continere, quia talis potestas non est a Christo concessa apostolis, nisi mediante Petro, et per consequens non confertur praelatis ecclesie, nisi mediante papa, personam Petri representante."

⁹¹ Augustine of Ancona, *De potestate collegii mortuo papa*, ed. Scholz cit., p. 506: "Sed an possit collegium sine papa, quidquid potest cum papa, uel an possit collegium mortuo papa, quidquid potest papa uiuens, quod tercio dicebatur esse declarandum, forte est dubium. Quia tunc non esset necessarium, quod collegium papam eligeret, ex quo simpliciter posset facere, mortuo papa, quidquid facere potest papa uiuens uel eo uiuente! Non enim quidquid potest radix cum ramo producto, potest sine ramo"; p. 507: "Mortuo ergo papa non uidetur, quod collegium possit tollere decreta et mandata facta per papam, maxime illa que ligant eos, ut dicebat ratio superior, nec potest beneficia ecclesiastica dispensare . . ."

to other texts of his own to complete the written version. After all, in the case of Peter of Tarentaise, Glorieux showed how a direct *reportatio* of a quodlibetal discussion could differ from the version revised by the author.⁹² At any rate, this case demonstrates not only how close—at least in the years of Augustine of Ancona’s activity—quodlibetal questions and political treatises could be, but also that the relationship between oral performance, *reportatio* and written version deserves further investigation.

Origins of Power, Forms of Government

Previous sections dealt with examples of quodlibetal discussions in which, more or less directly, issues emerged that are relevant for the history of medieval political thought. Here I would like to present some cases in which “classical” problems of political theory are directly and explicitly dealt with in quodlibetal questions. For example, at a date which is still under scrutiny,⁹³ Henry of Friemar was asked to determine *Utrum magis expediat rei publice habere regem per electionem quam per successionem*, a question that was more common in commentaries on the *Politics*⁹⁴ than in *quodlibeta*. Henry is persuaded that Aristotle prefers elective to hereditary monarchy and, although he is well aware that Giles of Rome (referred to as *reverendi doctores*) taught the opposite in his *De regimine*, he is ready to contradict the official “doctor” of his order on this point. Giles claimed that experience shows that hereditary monarchy avoids many evils that are typical of elective monarchy. Henry counters that Giles’ arguments

⁹² P. Glorieux, “Le quodlibet de Pierre de Tarantasia,” *RTAM* 9 (1937), pp. 237–80.

⁹³ In volume II of this book, Schabel and Courtenay rightly point to the patent contradiction existing between Stroick’s references to Henry’s sources and the date (1306) contained in the colophon.

⁹⁴ List of questions in Flüeler, *Rezeption und Interpretation* II, pp. 109, 117, 130, 151; Raymond Rigaud also discusses the problem in his *Quodlibet* V, q. 30 (before 1295): *Utrum regnum sit melius per successionem vel per electionem*; cf. F.M. Delorme, “Quodlibets et questions disputées de Raymond Rigaud, maître franciscain de Paris, d’après le ms. 98 de la Bibl. Commun. de Todi,” in *Aus der Geisteswelt des Mittelalters. Studien und Texte Martin Grabmann zur Vollendung des 60. Lebensjahres von Freunden und Schülern gewidmet*, A. Lang, J. Lehner, and M. Schmaus, eds. (Münster in Westfalen 1935), pp. 826–84; cf. also Glorieux II, p. 246.

concern accidental features of political life; “per se” the Philosopher is right: election is better than fortuity.⁹⁵

Most probably around 1310, John of Mont-Saint-Eloi also answered a question (*Quodlibet* II, q. 9) that addressed a core issue of political theory directly: *Utrum potestas principum sit primitus a populo*. His answer is interesting from many points of view. First of all, he shows awareness of the debate concerning the unity of prudence and claims that it is the same virtue in subjects and in rulers.⁹⁶ Second, he distinguishes three ways in which a ruler can obtain authority: through force or knowledge, from God, or from people. The first way is rejected as an expression of pride and conceit. Moses and Saul are recalled as examples where power was given directly by God.⁹⁷ John of Mont-Saint-Eloi, however, is more interested in describing why and how a ruler can derive his authority from the people. Peace in a multitude can be safeguarded only by a prince, says John, and therefore the community inclines by nature towards a ruler. Since everyone is by species equal to anyone else in the community, it is necessary that the prince be designated by the consent of the people

⁹⁵ Edition in C. Stroick, *Heinrich von Friemar. Leben, Werk, philosophisch-theologische Stellung in der Scholastik* (Freiburg 1954), pp. 245–6; esp. p. 246: “Quamvis ergo in tali materia difficile vel potius impossibile est rationes necessarias adducere, sed sufficiat in ea probabiliter persuadere, secundum praemissas tamen videtur institutio principis per electionem magis expediens eo quod magis expedit regi rem publicam arte quam sorte et a proponente quam a fortuna ac per hoc subiecti magis ad virtutum opera inducuntur et maiorem inter se amicitiam et reverentiam complectuntur; et ad hos potissime moveor ex eo quod res publica nunquam ita bene gubernata fuit sicut tempore illo quo per viros virtuosos et propter eminentiam virtutum electos Romanum Imperium regebatur.” Unfortunately, I had no access to John of Naples’ *Quodlibet* I, q. 20, which bears the same title as the one discussed by Henry of Friemar.

⁹⁶ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, *Utrum potestas principum sit primitus a populo*, BAV, Vat. lat. 1086, ff. 220ra–va; here 220ra: “Ideo cum quis eligitur in regem, non acquirit aliam prudentiam quam prius habuit. Item sicut magister, cum instituitur, illa facultas non est aliud quam sua scientia in ordine ad discipulos quos//220rb//docere debet, ita hic . . .”

⁹⁷ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, *ibid.*: “Sed queris: A quo <oritur?> Dicendum quod causa principalis est deus. Romanos: ‘non est potestas nisi a deo’; qui uero habent in potestate superbiam, hoc non est a deo. Si vero queris a quo derivatur sicut a causa proxima oritur ista potestas, dicendum quod sicut prudentia acquiritur uel a deo, uel ab industria hominis . . . Sed unde iste dominatur? Dicendum quod potest esse diuersis causis. Nam quidam sua potentia uel sapientia inducunt ad hoc populum ut patet de Nemroth, Gen. Item aliquando est a domino, ut instituit Moysen, Saulem. Item potest esse a populo considerans bonum commune. Primi habent motum presumptionis et superbie . . .”

or of its better part.⁹⁸ The case of hereditary monarchy does not constitute a valid counterexample, because the people can decide to be ruled through the hereditary principle, so that the prince cannot be deposed unless he damages the community. John also interprets the controversial episode of Pope Zacharias' deposition of the last Merovingian king from this perspective. Adhering to an opinion that was rejected by the Papal Curia at the time, this Paris theologian claims that Childeric was deposed by the multitude of his subjects, and Zacharias simply limited himself to approving the deposition.⁹⁹ Resorting to a expression that is clearly reminiscent of an actual discussion, John also dismisses an objection coming "a latere." According to this objection the king enjoys a direct *dominium* over all the goods existing in his kingdom, which is not true for the people. John counters that the people never granted the king any such right; the authority he has over the goods of his subjects can be used only for the sake of the community and cannot be compared to the right he possesses over a good he himself has acquired.¹⁰⁰

The canon regular John of Mont-Saint-Eloi was confronted with a question directly concerning the origins and extent of lay power. A few years later, even though the chronology of his *quodlibeta* is far from being determined (the first *Quodlibet* should be dated to 1315/16,

⁹⁸ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, *ibid.*: "Si ergo aliquis iuste principatur in populo oportet quod sit uel a deo uel a populo; nam multitudo non potest teneri in pace nisi saluetur iusticia, et quia ad hoc multitudo naturaliter inclinatur, ideo etc. et ad dominium naturaliter inclinatur et ad principem. Unde arguo: consonum est recte rationi quod multitudo illud eligat quod vel ad quod naturaliter inclinatur. Item per naturam quilibet est equalis alteri in specie, ergo numquam aliquis instituitur a natura, si ergo recte principetur, hoc est per consensum multitudinis uel sanioris partis. Item, quilibet habet auctoritatem saluandi personam suam, ergo multitudo habet a deo auctoritatem saluandi se ipsam, quod fit per principem . . . Item nulla necessitas fuit principatus nisi populus; nam populus fuit prius, ideo principatum instituit et non econuerso."

⁹⁹ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, *ibid.*: "Ad illud de successione naturali dicendum quod ista non contradicunt, quia possit (?) esse quod populus sic instituit ut per successionem esset princeps, nec potest amoveri a multitudine nisi principetur in destructionem multitudinis . . . Unde Zacharias deposuit regem Franciae, quia principes hoc sibi proposuerunt et ipse consensit, non deposuit, 15. q. 6. c. *aliis*; multitudo enim eum deposuit eo approbante."

¹⁰⁰ John of Mont-Saint-Eloi, *Quodl.* II, q. 9, f. 202va: "Item arguebatur a latere, quia princeps habet dominium <di>rectum, populus autem non. Dicendum quod numquam multitudo talem auctoritatem dedit sibi, sed solum ut venit ad bonum multitudinis, non in destructionem, unde non habet dominium directum sicut super domum uel agrum quem emit."

but on the basis of speculation, and not direct evidence), the Dominican master John of Naples was asked an even more fundamental question, why there are power relations among human beings. The fact that this question was posed directly is interesting in itself, because, as we have already seen, in earlier texts the problem of the origins of power was tackled in an indirect way, very often *via* the problem of the origins of private property. Perhaps this is not by mere chance: in a period when treatises *de potestate papae* were widespread, the audiences at quodlibetal disputations were more accustomed to phrasing their questions in terms of principles. On the other hand, one should not forget that John of Naples is the author of a *quaestio* (not belonging to a *quodlibet*) about papal power that with good reason Miethke lists among the *de potestate papae* treatises.¹⁰¹ As Pierre Michaud-Quantin showed more than forty years ago,¹⁰² in *Quodlibet* II, q. 18, John of Naples discussed the question *Utrum in primo statu fuerit dominium unius hominis super alium*.¹⁰³ Asking whether in the State of Innocence there existed a dominion of a man over other men entails asking about the role of power in God's project for mankind. John of Naples answers that before the Fall no man could be the slave or servant (in this context, "servus" has a wide semantic scope) of another, but political authority did exist. One should distinguish between two kinds of *dominium*: the first is exercised over individuals who are not free, and can be called "despotic," applying Aristotle's word in the *Politics*. The second kind of *dominium* can be dubbed "political" and is exercised over free persons. John argues at length that in the State of Innocence nothing made the despotic *dominium* necessary. Interestingly enough, he argues first of all that men in the State of Innocence cannot experience anything that contradicts their will; as a consequence they cannot be deprived of their freedom against their will. Second, he remarks that *servitus* can be a constriction, an effect of natural differences, or a free choice. John dismisses these three possibilities, not only because human beings before Sin are not forced to do anything, but also because among individuals in the State of

¹⁰¹ Miethke, *De potestate papae*, p. 316.

¹⁰² P. Michaud-Quantin, "Le droit naturel chez Jean de Naples," *RTAM* 29 (1962), pp. 268–287.

¹⁰³ John of Naples, *Quodl.* II, q. 18, Napoli, Biblioteca Nazionale, VII.B.28, ff. 38va–39ra. John had the opportunity to focus on a similar issue also in his *Quodlibet* IV, q. 15, *Utrum dominium vel servitus competat de iure naturali vel de iure positivo tantum*.

Innocence there are no such differences justifying the despotic submission of one to another, as happens after Sin, when, according to the Philosopher, *servitus* can be rooted in the intellectual superiority of one group. Finally, unlike the Fallen State, Innocence does not imply situations that could lead someone to choose *servitus* voluntarily.¹⁰⁴ One must remember that mankind in the State of Innocence is mainly devoted to contemplation, an activity that requires freedom. Nevertheless, even an imaginary, perfect community of humans who did not experience the Fall needs *dominium*, one that is exercised, however, on free persons. This “political” *dominium* is founded on differences in rationality and virtue. In John’s opinion, gender and slight differences in bodily constitution and intelligence existed even in the State of Innocence: according to such differences some men would have been able to lead the others, who in their turn would have freely accepted this kind of subordination.

This principle also holds after the Fall. In this new situation, however, differences among human beings become more dramatic, and even slavery can be considered compatible with natural law, provided that the slave is by nature suited to execute orders and the master intelligent enough to lead him. In this way, they complement each other, because the slave possesses the bodily strength lacking in his master, but needs to be guided by someone else. Different degrees of intellectual capacity also justify a political hierarchy among free men, so that social order reflects (at least in principle) natural differences existing among individuals. Here the Dominican theologian adopts a line of thought that, as Christoph Flüeler has stressed in an brilliant article,¹⁰⁵ was rooted in the first reception of Aristotle’s politics, especially by the commentator Peter of Auvergne, and exerted a long-lasting influence on medieval political thinkers, although it was not left unchallenged by other traditions.¹⁰⁶

¹⁰⁴ John of Naples, *Quodl.* II, q. 18, f. 38vb: “3^o fuisset talis servitus quia unus homo alteri se voluntarie subiecisset ut seruum, et hoc dicere est etiam impossibile, quia aut homo sic se alteri subiecisset propter aliquam magnam necessitatem, et hoc dicere est impossibile, quia nulla talis necessitas in illo statu fuisset; aut absque omni necessitate homo se alteri voluntarie subiecisset, et hoc est impossibile, quia hoc est contra omnem appetitum et voluntatem et specialiter ordinatam qualiter in primo statu fuisset.”

¹⁰⁵ C. Flüeler, “Ontologie und Politik”; see also idem, *Rezeption und Interpretation I.*

¹⁰⁶ Reference should be made here to one Franciscan tradition, which however did not find as much expression in *quodlibeta* as in other genres; besides Flüeler, “Ontologie und Politik,” see also my “Poverty and Power. Franciscan Traditions in

John of Naples also follows a similar pattern when dealing with the origins of private property.¹⁰⁷ In *Quodlibet* X, q. 25, *Utrum distinctio dominiorum vel possessionum sit de iure naturali tantum vel de iure positivo*, he argues that in the pre-lapsarian state there was no private property, but everything was held in common. Only after the Fall did it become necessary to divide property among individuals and groups in order to obviate the consequences of sin. Although the criteria adopted in implementing such a division cannot be said to depend on nature, but rather on positive laws, after the Fall private property per se is in perfect accordance with natural reason. Walking in the footsteps of Aquinas, the Dominican theologian from Naples reveals a strong tendency towards founding political and economic institutions in the natural order, while leaving more room for human initiative only in relation to the actual division of property.

Conclusion

In my opinion, the present survey—its preliminary character notwithstanding—reveals not only that the field of political *quodlibeta* is far from having been sufficiently investigated, but also that it is difficult to circumscribe them in a clear-cut manner. The most obvious remark is that, for the period of time I have investigated, ecclesiology was of greater importance for political theory than it is in modern times. I have therefore tried to trace a first map of “places” that could be seen as relevant for this issue. This map cannot claim to be definitive, if for no other reason than because many questions can reveal an unsuspected political relevance. One of the most striking examples is John of Pouilly’s *Quodlibet* V, q. 15: *Utrum si aliquis sit confessus heresim et postea revocet in facie Ecclesie dicendo se falsum dixisse, talis debeat dici relapsus*, where the author himself declares that this issue has close connections to the tragic trial of the Knights Templar and that he has “determined” against them since the time of their arrest by the

Later Medieval Political Thought,” in *Moral Philosophy on the Threshold of Modernity*, J. Krayer and R. Saarinen, eds. (The New Synthese Historical Library, 57) (Dordrecht 2005), pp. 141–63. A comparison with Scotus’ thought in this respect could be interesting; cf. *John Duns Scotus’ Economic and Political Philosophy*, ed. and trans. A.B. Wolter (St. Bonaventure, NY, 2001); Lambertini, *La povertà pensata*, pp. 111–39.

¹⁰⁷ For the following I rely essentially on Michaud-Quantin, “Le droit naturel chez Jean de Naples.”

officers of Philip the Fair.¹⁰⁸ In this light, the earlier *Quodlibet* II, q. 19, *Utrum expediat quod secreta cuiuslibet religionis revelentur papae*, also takes on a strong “political flavour.”¹⁰⁹ Some suspicion may then also arise concerning John of Mont-Saint-Eloi’s *Quodlibet* II, q. 3, *Utrum confessio extorta per tormenta praepudicet confitenti*, although he does not make any reference to the Templars;¹¹⁰ after all, together with Gerard of Saint-Victor and Henry of Friemar, he was among the university masters who signed a sort of official answer to a question posed by King Philip about the Templar affair.¹¹¹

Sometimes political current events surface unexpectedly in quodlibetal disputations. A few examples will suffice to show this. In 1291/92 Henry of Ghent, discussing *Utrum miles, si praevolando consortes suos in exercitum hostium cadat, faciat opus magnanimitatis* (*Quodlibet* XV, q. 16), makes reference to the siege of Acre and its fall in 1291,¹¹² com-

¹⁰⁸ I am quoting from Zeyen, *Die theologische Disputation*, p. 25: “Et dicendum quod anno captionis Templariorum a praelatis diversarum provinciarum congregatis Parisius multae quaestiones seu multi articuli de Templariis secundum diversa facta et diversas condiciones ipsorum fuerunt traditae doctoribus Sacrae Scripturae et utriusque iuris, ut de ipsis responderent, quid eis videretur. Inter quas quaestiones proposita difficilior videbatur et ipsa sola contrarios habuit indices in ambabus facultatibus. Et multo plures dicebant eos non esse relapsos, et valde pauci dicebant eos iudicandos esse relapsos; ita quod fuerunt XIX doctores sacrae Scripturae dicentes eos non esse relapsos, nullam ad hoc coram praelatis dicti sui rationem assignantes. Ego autem et duo alii tantum contrarium tenuimus pulchras et bonas rationes, quas consequenter recitabo, coram dictis praelatis in capella Parisiensis episcopi assignantes.”

¹⁰⁹ Glorieux I, p. 225.

¹¹⁰ John of Mont-Saint-Eloi, *Quodl.* II, q. 3, BAV, Vat. lat. 1086, ff. 217vb–218ra: “dicendum quod aut perseuerat post tormenta aut non. Si non tunc non preiudicat; nam pro tempore quo est in tormentis non preiudicat, sed cum est extra tormenta, tunc sua confessio valet, quia voluntaria est. Si //218ra// uero non perseuerat per se et directe non preiudicat.”

¹¹¹ Cf. *CUP* II, pp. 127–8 (the document is dated 25 March 1308). Karl Ubl has promised an investigation of Pouilly’s quodlibetal questions concerning the Templars: cf. Miethke, *De potestate*, p. 184.

¹¹² Henry of Ghent, *Quodl.* XV, q. 16 (ed. Paris 1518), ff. 594r–595v; esp. f. 594: “Quia ista questio tangit et in exemplum proponit captionem, subversionem, atque destructionem civitatis Acconensis atque Christianorum et incolarum eiusdem: de quibus mentionem facit dominus papa in littera exhortatoria, de qua mentio habita est supra in quaestione de indulgentiis, sic inquit: ‘Ciuitas Acconensis quadraginta quatuor diebus arctissima Babylonicae potentiae obsidione circumdata, terribilibus machinis die noctuque vexata . . . dei permissione mirabili et stupenda succubuit: capta per eos et igni exposita, christicolis inibi existentibus caesis innumeris, et caeteris, qui habere nequiverunt ad maritima vasa succursum, in captivitatem abductis. Que quidam facta narrantur anno domini Mcc nonagesimo primo, x die mensis maii.’” The pope quoted by Henry is Nicholas IV. The date seems to be wrong,

menting on the heroism of a Frankish knight. Henry praises the courage of this person, judges his self-sacrifice as an act of virtue and suggests that if his example had been followed by the others, resistance in Acre would have been successful.¹¹³ As mentioned above, when Thomas of Bailly comments on *Inter cunctas*, this papal bull belonged to the most recent of events. Indeed, Thomas inserts some positive remarks about Benedict XI's personality in his treatment, speaking of the pope as a man of age and experience, even though at the same time he does not conceal his dissent vis-à-vis the recent papal decision.¹¹⁴ James of Thérines' *Quodlibet* I, q. 13 (1306), declares already in the title its close connection to current political issues: *Utrum papa debeat remanere Burdegalis vel ire in Italiam*.¹¹⁵ This *quodlibet* has also been studied as a source for the knowledge the Parisian masters had of Fra Dolcino's heresy, since his rebellion against the Church gave James' audience the opportunity to question Clement V's behaviour. The Cistercian master, rather well informed about North Italian events, defends the pope's right to stay in Bordeaux.¹¹⁶

This list of more or less explicit references to current events could continue, and probably deserves an investigation of its own. This first exploration in the wide field of political *quodlibeta*, however, has focused on *quodlibeta* that have relevance for political theory and could therefore be referred to even outside the immediate context of their discussion. Through examples taken from mostly edited texts I have emphasised which issues discussed could have an impact in

but only a critical edition can establish whether Henry was himself not well informed, or the mistake is a mere copying accident.

¹¹³ Henry of Ghent, *Quodl.* XV, q. 16, *ibid.*, f. 595r: "... dico credens firmiter quod opus militis nostri erat opus magnanimitatis, ex cuius habitu repente elegit opus summe arduum, honeste scilicet mori pro fide et civitate, quam fugiendo inhoneste vivere et forte fuga incerta non subveniente iugum servitutis Sarracenorum subire. Quod si caeteri cives et commilitones sic fecissent, et tales fuissent ut ille, credo quod proculdubio in adiutorio dei victoriam obtinuissent, et civitas staret."

¹¹⁴ Thomas of Bailly, *Quodl.* IV, q. 14, ed. Glorieux *cit.*, p. 335: "Propter quod dicendum quod cum dominus Benedictus papa multa viderit, quia antiquus homo fuit et in multis regionibus conversatus, et sic potuit perpendere aliquos casus propter quos visum fuit expediens hoc privilegium fratrum concedere, qui casus michi et multis aliis non apparuerunt, ex quibus videatur michi et multis aliis expediens, sed potius contrarium. Quid autem in rei veritate expedit, Deus novit."

¹¹⁵ Cf. Glorieux I, p. 212: edition in *idem, Jacques de Thérines. Quodlibet I et II* (Paris 1958), pp. 153–7.

¹¹⁶ R. Orioli, "Jacques de Thérines: una fonte trascurata su Fra Dolcino," *Bullettino dell'Istituto Storico per il Medio Evo* 89 (1980–81), pp. 489–507.

political thought. From this perspective, political quodlibetal questions appear not only to have been conduits of political theory, especially in the decades preceding the rise of *de potestate papae* treatises, but also to have paved the way to many of the most famous political works of the first decades of the fourteenth century. Quodlibetal questions coexisted for a certain period of time with *de potestate papae* treatises, which in the end superseded *quodlibeta*, but a closer look reveals a great debt to the preceding discussions, couched in a different context and in a different literary genre.