

Notes on Marsilius

*With special focus
on selected sections.*

1. Discourse I

- a. I.i: Purpose of the Work
 - i. Marsilius begins with a quotation from Cassiodorus, showing his Romanized Italianate starting-point straightaway. Oh how many works of political theory begin with Aristotle instead! And so this is, at the very least, fresh.
 1. The Cassiodorus quotation makes a general point about the desirability of tranquillity, personified as the mother of the good arts. Only if tranquillity is assured can the population grow, the nations (plural!) profit, and culture flourish.
 - a. Are *tranquillitas* and *pax* the same thing? Presumably—Marsilius equates them right away—but we are permitted to wonder whether there might be some semantic flexibility hidden there.
 - b. Is peace a more political term than tranquillity? It is possible. As Marsilius continues, he almost makes it sound like peace is a prerequisite for tranquillity, which is in turn the prerequisite for everything else. That is: political conditions create peace for society; tranquillity is the resulting sociocultural state that develops, in which other forms of human flourishing can take place.
 2. Marsilius clarifies that what peace makes possible is the “the greatest of all human goods, viz. the sufficiency of this life.” That is a huge claim to just slide in at the beginning! Would Thomas Aquinas agree that the “sufficiency” of “this” life counts as the greatest good for humankind? Would Aristotle? It beggars belief.
 3. That’s not to say that Marsilius is insufficiently “Christian.” He goes on to back up his claims about peace by linking them to the repeated invocation of peace by Christ in the gospel narratives. “My peace I give you:” was this meant to be taken as the political peace of states? For Marsilius: yes! The Apostolic tradition (of wishing peace) communicates this primacy of peace down to the present day.
 - ii. Discord, conversely, makes political and cultural flourishing impossible. As is often repeated: concord builds things up bit by bit, while discord destroys the greatest things swiftly. This is Italian republic boilerplate.
 1. Marsilius further shows his Italian setting by using the discord between Italian city-states as his exemplary case for the destruction wrought by discord. In so doing, the Italians have besmirched their birthright, almost forfeiting their inheritance of ancient Rome and its *pax Romana*.
 - iii. It turns out that Marsilius does, after all, admire Aristotle. The Philosopher has diagnosed many of the ills that can down a state via discord. But the cause of the current political ills is *not* one perceived by Aristotle, since it

sophistically took shape long after his time... Marsilius makes us wait to find out what this cause might be.

- iv. In fighting this sophistic plague, we must first realize that human beings were created for other human beings. Our social embeddedness is both fundamental and paramount.
- v. Rooted in both political theory and Scripture, then, the politically educated person must strive to devote himself to the “truth” which “leads to the salvation of civil life and conduces not a little to eternal salvation as well.” The princes of this world must use their “coercive power” to drive this scourge from the earth.
 - 1. “The Salvation of Civil Life?” What a phrase!
- vi. And who is the primary prince who must wield his coercive power against evil? Ludwig of Bavaria, the Holy Roman Emperor, the protector of Marsilius and Ockham against John XXII, of course!
- vii. If you want to know all of the sources of civil strife, read Aristotle. Marsilius plans to focus on the singular source of strife that afflicts the world (or Europe, at least) in his time. Only overcoming this evil will allow for humankind to attain “civil felicity,” the “final end of human acts.”
 - 1. Again, Marsilius is playing a very dangerous game here in trying to position political flourishing as humankind’s purpose, while still preserving a supernatural end as well.
- viii. Marsilius next outlines the scope of the whole work, adding that it is meant eventually to be used as a political handbook, wherein princes can turn to whichever section seems relevant at the time. The three main discourses consist of:
 - 1. Rational Proofs of Marsilius’ Political Theory
 - 2. Scriptural Proofs of Marsilius’ Political Theory
 - 3. Practical Applications of Marsilius’ Political Theory

b. I.ii: Tranquillity of the Realm

- i. What is tranquillity? How does it differ from intranquillity? These are both qualities predicated of a “city” (civitas) or “realm” (regnum). And so we must also ask: what is a realm?
- ii. Four possible meanings of regnum:
 - 1. A large state containing many cities
 - 2. One city with a ‘tempered monarchy’
 - 3. A mix of 1 & 2
 - a. (i.e., a large state with a tempered monarchy; the ‘usual’ meaning of regnum)
 - 4. “something common to every type of temperate regime”
 - a. This is the meaning of regnum adopted by Marsilius. So, it includes any of the ‘good’ forms of government, at least at first (presumably: monarchy, aristocracy, polity; but not tyranny, oligarchy or democracy).
- iii. It is also fitting to adopt an organic metaphor for the realm. The realm is like an animal; its tranquillity consists in all of its parts being permitted to function normally, which is akin to the health of an animal. But the realm functions according to reason; the animal, according to nature.

c. I.iii: Origin of Civil Community

- i. But again: what is a city or realm in itself? What is its purpose? What is it for? What are its parts? What are those particular parts for? To determine the health of the animal, we must study its anatomy.
- ii. The city, it turns out, is actually the perfect form of human community. (Perhaps because it most closely approximates self-sufficiency.) But we must understand how community started and how it evolved into the perfection of the city. That is, following Aristotle, we must look back to the *archē* if we wish to make sense of the *telos*.
- iii. So what comes first? The procreative family unit. Out of domestic economy then arises the village or proto-community.
- iv. The village or proto-community functions paternalistically in many ways, such as being ruled by elders, but it is not quite the same as domestic rule. Punishment, especially, must be grounded on some sense of reason and duty (and responsibility?), rather than simply the will of the father (as in the household). This giving of reasons for punishment marks the village out as more political than the household, in a sense.
 - 1. Marsilius writes of this reason-giving as involving a ‘quasi-natural’ law, since he apparently does not allow that what we usually mean by ‘natural law’ counts as law in the robust sense. Cf. Aquinas, who tries very nobly to make one definition of law apply to all kinds, from natural to human to even the law of the members.
 - 2. Furthermore, in the domestic setting, the father is free to pardon any crime committed, while the village elder cannot, since vigilante feuding will result if the equilibrium of punishments (i.e. early justice) is not established and maintained.
 - 3. Early communities, finally, were not made up of social ‘parts’ in the same way as their successors. There was little to no division of labour, for example. One could be both farmer and prince, which, Marsilius argues, would not be so practical today.
- v. The age of the early community ended thanks to at least three factors (and this is, of course, how we get to the perfect community, the city):
 - 1. Discovery of more efficient ways of living
 - 2. Differentiation of social roles (and labour)
 - 3. Maximization of resources for self-sufficiency

d. I.iv: Goal & Parts of the City

- i. On the *telos* of the city, Marsilius is resolutely Aristotelian. Though the city may historically come into being for the sake of survival (living), it stays in existence for the sake of living well. And what is living well? It is: “having leisure for the liberal activities that result from the virtues both of the practical and the theoretical soul.”
- ii. The origin of the city for the sake of survival needs little explaining, as Marsilius sees it. We human animals seek what offers us self-sufficiency (cf. *artha*) and shun what threatens us. The perfection of the city as (almost) self-sufficient resides primarily in this.
- iii. But living well, of course, goes further. In fact, both living and living well can be divided into two modes: the temporal and the eternal. The philosophers, according to Marsilius, perfected the search for temporal living and living

well, but were unable to make much headway with eternal living and living well.

1. Of course, one can see why Marsilius would say this within his Christian theological setting. However, it seems unfair to Aristotle, for whom the telos of civic perfection is contemplation—ultimately, contemplative imitation of the god, which is thought thinking itself. But Marsilius clearly wants a deeper divide between temporal and eternal modes of living (well)—with two correspondingly distinct sets of expertise.
- iv. Now, when it comes to eternal things, there are certain “teachers” appointed to augment the practical lessons offered by the ancient political philosophers. These “teachers” inform the populace of how to worship God, how to give thanks, and how to prepare for the eternal life to come (hopefully). These lessons may also benefit this-worldly, temporal life, though they remain of a different order than the practical maxims of politics.
 1. And here already we see the move Marsilius makes to marginalize the clerical hierarchy: they are but teachers! Teach of us eternity; teach us even how to comport ourselves in time toward eternity; but do not try to seize control of what is properly temporal. That is, at best, a category mistake.
 2. So: in grafting Christianity onto Aristotle, Marsilius is also grafting a critique of the Christian hierarchy onto an Aristotelian political framework. Will this mess anything up? For one thing: Aristotle positions the city’s goal of ‘living well’ as oriented toward the divine (via contemplation) without creating a separate class for ‘religion.’ The survival of the city and its living-well are aspects of one, continuous, political effort. For Marsilius, however, we need the supplemental category of the “teachers,” who in a way into the city but in another, more decisive way, may not! In doing this, Marsilius has to fracture the city into a twofold: it now has two goals—sufficient human flourishing (now) and eternal salvation (later). For Aristotle, the contemplation of the divine—the highest end of all, even super-natural—can in principle happen ‘now’...
- v. Having delineated the role of the city in both (a) living and (b) living well, and further subdividing those two into (c) temporal and (d) eternal fields, Marsilius then clarifies that this increasing self-sufficiency of the city rests on an ongoing differentiation of its parts into a social division of labour.
- e. I.vi: The Role of Priests
 - i. So why is this supplemental class of priest-teachers even needed? Short answer: because of the Fall. If Adam had remained in innocence, he could have simply benefitted from nature without struggling for survival and therefore feeling the need for civic communities. However, he did fall, and in his indigence he felt the need to struggle for self-sufficiency. The history of cities—the history of politics—begins with the loss of the divine offer of nature as self-sufficient.
 - ii. Therefore, human political societies must be interpreted via original sin.
 - iii. Pre-Christ, God handed down certain ‘legal’ practices (priestly laws?) as a test of human penitence and obedience.

- iv. But because these laws of the Hebrew Scriptures could not actually give humankind eternal happiness—which is our ultimate goal as humans—Christ came with the “evangelical law.” If one follows the precepts of this “law of grace,” one will quasi-earn eternal life with congruent merit.
 - 1. This interpretation of (a) Christ as lawgiver and (b) congruence of merit (not condignity, at least!) places Marsilius squarely in the world of late medieval sacramental theology. Even if politically he in some ways may anticipate Luther, his theology appears far from proto-Lutheran!
- v. Lawful Hebrew patriarchs stayed in Limbo until freed by Christ and granted eternal life.
- vi. This theological plan suits Aristotelian logic, since it proceeds from the less perfect (first divine law) to the more perfect (second divine law; law of grace; evangelical law).
- vii. Enter: Priests! What’s their job? To teach the people what to believe, what to do, and what not to do, with a view to the life to come. That is: the priest is the proclaimer of the new evangelical law!
- viii. The role of priests is then primarily to instruct and educate. Therefore, it is clear that a priest is a teacher.
- ix. The causes (reasons for being) of the priests can be looked at in two ways:
 - 1. Social role: instruct the people and administer sacraments
 - 2. Ultimate goal: lead humankind to salvation

f. I.viii: Types of Government

- i. Leaving parts behind, Marsilius now gives us basic breakdown of types of government. These must be understood in terms of two more fundamental parts of the city:
 - 1. The Legislator: the motive cause which constitutes the parts of the city and manages their differentiation. It establishes the prince as the main judicial arbiter in the realm.
 - 2. The Prince or The Judiciary: dependent at first upon the legislator, but then giving rise to the rest of the compartmentalized through its own judicial (and executive?) actions.
- ii. It is the conduct of the Principate that determines the difference between the six classic forms of government:
 - 1. The three well-tempered forms aim at the common good:
 - a. Royal Monarchy
 - b. Aristocracy
 - c. Polity
 - 2. And the three faulty forms do not so aim:
 - a. Tyrannical Monarchy
 - b. Oligarchy
 - c. Democracy
- iii. The breakdown of these six forms is, as usual, primarily numerical (although there is a measure of proportion involved, as well): one, few, many, etc. What links all of the well-tempered governments together is not only that they aim at the common good, but also that they govern with the consent of the governed.
- iv. Now is not the time, of course, to pick the best government...

g. I. ix: Royal Monarchy

- i. Let us now look more closely at the establishment of the princely part of the city, which is so crucial to the form of governance (especially of one!).
- ii. It must be admitted, first of all, that in some sense the establishment of princely power comes from God. Sometimes, this happens directly, as when God puts Moses in charge of the Israelites. More often, it happens indirectly (with God as only the remote cause), as in the case of pretty much all political power. (cf. Augustine here)
- iii. There is a normative component here. If we can figure out this latter way of establishing the principate, in line with human reason and freedom, then we will be on our way to deciding how 'best' to establish such princely power.
- iv. Showing his cards here, Marsilius begins speaking of how best to institute a royal monarchy. Following Aristotle, there are five ways of doing this at all:
 1. Militaristic Monarchy
 2. Hereditary Monarchy
 3. Elected Tyranny
 4. Elected Monarchy for Common Good (Heroic!)
 5. Paternalistic Monarchy
- v. A more fundamental distinction is needed here, though: that between governing willing or unwilling subjects. Tempered governments govern willing subjects; flawed governments govern unwilling subjects. Now a monarch can either be elected or seize power otherwise. If elected, he can be elected with his posterity or just for his own lifetime. All of these could conceivably lead to a well-founded royal monarchy, provided that the prince retains the consent of the governed.
- vi. However, it is much more likely that an elected monarch—like the HRE!—would rule over consenting subjects. After all, they elected him!
- vii. Therefore, elected monarchy is superior. Even other forms of monarchy must at times fall back upon election, demonstrating its fundamental (and even 'unfailing') role in human affairs.
- viii. Similarly, an elected aristocracy or elected polity would be preferable to unelected versions of both.
- ix. Election is clearly best, but this leaves for some doubt. Perhaps elected aristocracies and polities might turn out quite good, as well. It's also unclear whether elected and hereditary monarchy might not come together in some way. Here Marsilius leaves some room for the governmental diversity on display in fourteenth-century Europe.
- x. We may need to take account of context. That is: what is the situation of the community? What are its people like? This may help determine what the best form of government is 'under certain conditions.' Examples here can be drawn from Aristotle or from Rome, which refused to accept a monarch until it didn't.
- xi. The simple conclusion is: election is the superior mode for any of these forms of government. Everything else is up for contextual debate.

h. I. xii: Popular Legislative Sovereignty

- i. Ultimately, even the Prince is put in place by the Legislator—the agency that lays down the laws. And where does legislative authority come from? The general populace—the People as Legislative Sovereign!

- ii. In general, every human should have the ability to understand laws as laid down by the human mind. And yet we still must posit one part of society as the legislator or lawmaker. This is the part of society that makes laws as the ‘measure’ of human acts, invested with coercive force.
- iii. Marsilius reads Aristotle (too quickly?) as arguing that the legislator should be the people or the universal body of the citizens. The people remain the real legislator even if they elect representatives to serve as a temporary, context-specific lawmakers. Representation should not trump popular legislative sovereignty.
- iv. A citizen is anyone who participates in a civil community. This excludes women, children, slaves, and foreigners. Marsilius allows for not just quantitative but also qualitative considerations, which is of course a slippery slope democracy to aristocratic republicanism. (cf. Aristotle on arithmetic v. geometric proportion...)
- v. Given these definitions of citizenship, it is clear that the legislative power should reside in the general populace—in the People, considered now as the ‘prevailing part’ of the civic community. (Again, some allowances for ‘nobility’ may be made.) The basic idea here is that communally made decisions will more closely approximate the common utility and the common good. (This may be a dubious claim, or at least one in need of further clarification...)
- vi. People will be more likely to obey laws they themselves set.
- vii. The law is the means by which the People seek the goal of civic community in the first place: namely, ‘common sufficiency.’
- viii. Laying the legislative power in the hands of one man or few would be too risky, since the chance for bias and error would be more concentrated and potent. The whole is better at aiming at the whole.
- ix. The suspension of laws, also, must remain in the hands of the legislator—i.e., the People.
- i. I.xi: The Necessity of Laws
 - i. Law, for Marsilius, is primarily preventative. It is the (juridically endowed) prince’s right to pass civil judgments, but those judgments should fail to violate the strictures set up by the polity to ensure the common advantage. Those strictures constitute ‘law’ as we know it. The strength of law is its universality and impersonality, which combines to hinder the personal animosities that would otherwise taint judicial decisions.
 - ii. This impartiality of law is grounded in the ‘divine Aristotle.’
 - iii. The law is an eye made up of many eyes. That is: like many sciences, it has advanced in fits and starts over the course of history. Judicial decisions must then be made in light of legal precedent, not simply on the basis of fresh applications, as if the law were born yesterday.
 - iv. Aristotle also backs up this ban on extra-legal decisions made by the judicious prince, for the law is the true ‘prince’ over all.
 - v. Acting within the law is actually beneficial to the prince, as well, since it reduces the temptation of subjects to sedition. Because of this, the law serves not just as a limit on princely prerogative, but also as a boon to the prince’s preservation.

- vi. But what of a hypothetically hyper-virtuous judge? Wouldn't he be able to rise above even the law, spying into the truth of the particularly situation? Probably not! Most men are driven by vice, and so it remains much safer to channel judicial action via the standard of law, which, being no man, can know no vicious inclinations (though it can be corrected historically; cf. the question of precedent above).
- vii. In addition to that, virtuous princes may have vicious children, so it's better to bind the whole lot by law.
- viii. And (guess what) Aristotle agrees with that, too!
- j. I.xiv: the Perfect Prince
 - i. Election, not hereditary rule, is assumed here. Given an elected principality, who would constitute the best choice?
 - ii. Two dispositions are required for the best prince:
 - 1. Prudence
 - a. The unique characteristic of the prince, who must make contextual decisions on the basis of practical tactics, not just in some morally pure vacuum.
 - 2. Moral Virtue (esp. Justice)
 - a. In principle, everyone should strive for this.
 - iii. Prudence is the princely prerogative, especially when it comes to areas not fully covered by human, civil laws.
 - iv. It turns out that it's rather difficult to legislate concerning every feasible scenario which might arise. Thus prudence is needed to navigate the shifting sands of such scenarios.
 - v. Therefore, a good prince should be endowed with the prudence to navigate extra-legal situations arising in the civic community.
 - vi. Moral goodness, meanwhile, is also needed, since an unjust prince would be of little benefit to the community.
 - 1. Not quite Machiavelli, yet!
 - vii. In addition to justice (possibly: correct action in light of the laws), the prince should also have the skill to wield his prudence well. This skill or virtue is called "equity" (epieikeia). It is the ability to decide properly when the law is insufficient. This is needed when particular situations grow too particular.
 - viii. In addition to these rather warm and fuzzy inward dispositions, the prince must also wield coercive force. That is how the potential of legal authority is actualized. In practice, this takes the shape of large groups of armed men.
 - ix. To sum up: the best prince would need to demonstrate both (a) prudence and (b) moral justice before being elected. He would not need to wield coercive force beforehand, though he should be granted that power upon election. Finally, love of the people adds to the previous two virtues, although it is not strictly speaking a necessity.
 - x. And Aristotle confirms all of the above. The laws should dispassionately frame the universal questions of civic relations. The prince must preserve the laws in justice, while exercising equity prudently when the law falls short.
- k. I.xvi: Elected Monarchy
 - i. Which is best: electing a prince and letting his kids take over afterward or electing a new prince upon the death of each previous one? Hereditary

elements might at first seem to incentivize stability and moderation in the ruling families.

- ii. The force of habit might also accustom the subjected masses to accept the rule of one ongoing family.
- iii. And are not some families more accomplished than others?
- iv. Does not hereditary monarchy allow for the training-up of new, virtuous princes?
- v. New elections, meanwhile, tend to bring instability. So why court that?
- vi. Hereditary monarchy is also more predictable for bureaucratic officials.
- vii. Such succession also quells the ambitions of the masses, for they know they will never ascend the throne.
- viii. An elected monarch would always live in fear of powerful men, who might attack the monarch's family after he's dead.
- ix. The whole history of humankind seems to suggest that hereditary monarchy is preferable or even 'natural.'
- x. Hereditary monarchy seems to preserve the natural or cosmic order of the universe, by keeping things unified and well-arranged.
- xi. However—however!—the best prince should be one who is both (a) prudent and (b) morally just, as we saw above. There is no guarantee of this within hereditary succession. Therefore, election of a new monarch each time is preferable, since it allows for the selection of these desirable traits.
- xii. Election selects for virtue, whereas succession is a dice-throw.
- xiii. Election does incentivize wise and moderate rule, since the elected monarch wants to ensure the best reputation for himself and his family. (If the re-election is *ante mortem*, then he himself might indeed be in danger of paying for his transgressions while a ruler.)
- xiv. The hereditary monarch might actually prove more complacent. It is he who lacks an incentive for political virtue.
- xv. Succession is also more likely to chance upon tyranny.
 - 1. There is apparently a concern here about the *nouveau riche*. Are they not chancing upon funds and then acting belligerently, upsetting the balance of the old feudal lords? Marsilius says no. Wealth is a neutral instrument, usable for good or ill in political settings. As usual, this all depends on the prudence and justice of the user.
 - 2. Cf. here Skinner's point about the slow growth of anti-wealth arguments in Italian republicanism.
- xvi. Novelty, not just custom, may also produce awe and obedience. The people may need to be awed into submission, but this could happen with rulers both old and new. There is always the chance that old dynasties fade in lustre for an increasingly unstable populace.
- xvii. Sadly, the world seldom offers up exemplary families packed with virtuous members. As with the rule of law, it is better to stick with an electoral system that selects for virtue rather than rolling the dice on the basis of personality.
- xviii. Even if it is possible that the children of virtuous rulers become virtuous rulers, the electoral system should still be allowed to make that decision. Why chance it?
- xix. What if there are no good leaders to elect? Won't schism result? The same could be said for hereditary rule, if no good leaders are spawned from the

first crop. Election still stands a better chance of sorting out the right choice, thereby lessening the odds of schism.

- xx. The hereditary monarch is just as likely to be led astray by his counsellors as he is to be helped by them. An elected monarchy will both have less need of counsel and more skill in choosing counsellors.
- xxi. The subjected masses will also prefer having an elected monarch, since they will see that the one who rules over them is indeed prudent and just. They are more apt to be seditious if they see an imprudent, unjust dullard on the throne.
- xxii. The elected ruler will be endowed with such justice that he would never refrain from punishing powerful but evil men, despite any fear he might feel about his own family's safety.
- xxiii. But what about the seemingly natural universality of hereditary rule? Well, first of all, we are not so sure that this kind of rule is truly universal. Even if it were, hereditary and elected monarchies are two different 'species' of politics, which means that they cannot be compared as to their proximity to some shared 'nature.' It would be like comparing a carpenter to a metaphysician!
- xxiv. Marsilius next rejects the parallel between Cosmic Order and Social Order. A hereditary monarchy isn't necessarily the best parallel for the divine stewardship of the universe. A much better parallel would be the internal order of the virtuous prince! The microcosm is within...
 - 1. Cf. the Justice of the Soul in Plato.
 - 2. Does this rejection of the cosmic-political parallel have reverberations soon after Marsilius? Is it different than the ancient standard? Or merely a question of shifted emphasis?
- xxv. Regardless of all these details, it remains clear to Marsilius that a periodically elected monarch is the best for ensuring prudent, just rule in society.

1. I.xviii: Princely Transgressions
 - i. So what happens if the prince breaks the law? The judicial power is in his hands, so who can decide when his decisions constitute transgression of legal precedent? The coercive power is in his hands, so who could punish him?
 - ii. Ideally, the prince should be the 'measure of every civil act.' His actions should be the actions of the law. He is the beating animal heart of society.
 - iii. In practice, however, the prince is human. His desires shift; mutability interrupts his legalistic subjectivity. Given this, there are situations in which the prince must be 'measured' by something else. This 'something else' is the legislator, who will measure the prince up against the rule of law. But who will serve as legislator if not the prince himself?
 - 1. Perhaps: the authority of the people who elected the prince in the first place! Devolution of the princely authority is at least on the table.
 - iv. Serious transgressions by the prince must be punished, lest the civic community itself be torn apart.
 - v. Slight transgressions, if rare, should be ignored.
 - vi. Stability of the law and the principality must not be sacrificed for any little fault, as Aristotle warned.

vii. However, if slight transgressions are repeated, they must be punished, since they will slowly eat away at the stability of the republic as a whole.

2. Discourse II

- a. II.1: Impediments to Political Truth
 - i. There are three impediments to Marsilius' search for political truth:
 1. Plotting Roman Bishops
 2. Long-Held Misconceptions of Christian Faithful
 3. Bitterness of Jealous Arguers
 - ii. Marsilius' enemies, therefore, are those who improperly construe the relationship between religious authority and political power. In so doing, they claim to be standing up for Christian truth, but in fact they are warping the Biblical message.
 - iii. And so now Marsilius must show us how his clarification of political power is firmly rooted in the proper interpretation of Scripture, so long corrupted by weaselly clerics. The main claim that must be debunked is that the Pope is owed even secular authority over all of the lands of (at least Western) Christendom. Scripture itself will be shown to stand against this.
 - iv. It will be shown that the Pope has absolutely no coercive power over any secular prince—or even, for that matter, over subordinate clerics!
 - v. Marsilius is thus going to take full aim against both the Donation of Constantine (the transferral of the imperial power of Roman princes to the pope) and the medieval doctrine of the papacy's *plenitudo potestatis*. This is a tall order! All such doctrines, in his view, are in fact anti-Scriptural.
- b. II.ii: The Meaning of Words
 - i. Marsilius now pauses to make sure that he and his readers will be clear on the technical terminology to be deployed.
 - ii. "Church," for example, means at its root the assembly of the faithful and perhaps also their edifice. Using that word to talk about the bureaucratic machinery in Rome is merely a recent innovation, says Marsilius.
 - iii. The best definition for the Church, though, is as the entire body of the faithful, taken together. This is, for Marsilius, its most ancient and truest form.
 1. (cf. Augustine, but also Hus!)
 - iv. "Temporal" could mean all things in time. He even cites Book IV of Aristotle's Physics here! But, more specifically, it has to do with transactions that affect other people with regard to their worldly ends. The "temporal" in this sense is the province of laws.
 - v. "Spiritual" can have even more meanings. In addition to anything immaterial or divinely mandated, "spiritual" should primarily have to do with the non-worldly or eternal ends of humankind. "Spiritual" is erroneously applied to the actions and property of the Church bureaucracy. Marsilius takes a firm stand against this last usage of the word.
 - vi. Against Scripture and the Fathers, the Churchmen re-cast their own temporal and carnal gains as 'spiritual.'
 - vii. This is part of a general slippage between spiritual and temporal terminology. Over the centuries, the papacy has appropriated to itself too many of the political powers originally belonging to the Roman principate, such as the right to publish decretals.

- viii. “Judge” is another ambiguous word. In a sense, anyone who judges can be a judge. More precisely, however, the word should denote (a) legal experts or (b) the prince in his judicial aspect.
- c. II.iii: Papal Coercion
 - i. Does Scripture position the Pope as the Supreme Judge of all others, even princes, in the strongest sense of judgment in this world?
 - ii. Does not the Pope occupy the Seat of Peter and hold his Keys?
 - iii. Is he not the Vicar of Christ?
 - iv. Does not he inherit Christ’s plenitude of power over the temporal world?
 - v. Did not Jesus command, even coerce?
 - vi. Does not the Pope wield both the temporal and spiritual Swords?
 - vii. Is the Pope not a universal shepherd over one flock?
 - viii. Do not the clergy have power to pass judgment on all?
 - ix. Are not the clergy exempt from usual forms of accusation?
 - x. In addition to the above notions drawn from Scripture, there are many “quasi-political” arguments meant to expand papal power. For example: does not the Pope command the prince like soul commands body?
 - xi. Is not spiritual higher than corporeal, even in princely power?
 - xii. Does not the higher end of spiritual roles grant them higher power?
 - xiii. Is not the clerical calling more honourable than any other? Should not the highest honour go to the highest ruler?
 - xiv. Did not the Pope receive political power over Europe directly from the Roman Empire and its principate?
 - xv. Would it not be inappropriate for the sacred clergy to bow before secular princes, whose record for sin is clear?
- d. II.iv: Scripture Counsels Secular Obedience
 - i. Against all of the above, Marsilius holds that Scripture points directly away from any attempts by spiritual authorities to appropriate political power.
 - ii. Christ, of course, wields authority over even political power. But it is unclear whether or not He intended to bestow that level of usurping authority on those in the apostolic succession.
 - iii. But even following the example of Christ, it is clear that He did not come down to establish a temporal principate. His goal was to point humankind toward eternal ends.
 - iv. Christ’s kingdom is simply not of this world, as Scripture attests.
 - v. All of the ‘saints and doctors,’ Augustine supposedly included, agree with this de-politicized interpretation of the Scriptures.
 - vi. God’s Kingdom is neither corruptible nor coercive. (Those go together!)
 - vii. Christ actively resisted attempts to make him ‘king.’
 - 1. Most of Marsilius’ citations of ‘Augustine’ here are from the *Catena Aurea* of Aquinas. Can they be trusted? Well...
 - viii. He likewise resisted requests for him to act as a civil judge.
 - ix. In short: Render unto Caesar’s! Christ not only refused political power Himself; he also urged obedience to political power generally.
 - x. Clergy members, too, are not exempt from taxes or tribute.
 - xi. All the saints down to Bernard agree: everyone must pay taxes, even priests!
 - xii. Christ’s salvific act of self-sacrifice continues to show deference to the state, as he allows himself to be captured and punished in accord with civic norms.

- xiii. He also made sure to avoid exempting any of His followers from the coercive powers of political rulers. All are subject! It is the will of Christ, therefore, that His clerical followers subject themselves as fully as possible to the coercive powers of the secular state.
- e. II.vii: The Use of Priests
 - i. So what are the clergy good for? They administer the sacraments and clarify states of grace or sin for the community of believers. All of the efficacy of their power is God acting through them, of course. Their role is to manage forgiveness and satisfaction, probably including even indulgences, without usurping the active role of God which merely flows through them.
 - ii. The Lombard agrees.
 - iii. Ambrose agrees.
 - iv. Scripture agrees: only God can truly judge human interiority.
 - v. Priests, therefore, are not really like judges. They do not ‘judge’ our sins. They merely teach about them and participate in the healing process, in the service of the Greater Physician, Christ.
- f. II.ix: Divine Law & Coercion
 - i. Only Christ could enforce His Evangelical Law with coercive force. However, He has refused to do so at this time, instead giving each person the chance to repent before their deaths. For the clergy to punish someone in this life would be to cheat repentance and rush Christ’s justice.
- g. II.xiv: Priestly Property
 - i. It would be ideal for the clergy to live in accordance with the ideal of apostolic property. Marsilius systematically debunks any claims that such poverty could go hand in hand with large-scale dominion or property-owning by the ministers of Christ. In short: aim to be poor, but if you are not, prepare to be taxed.

3. Discourse III

- a. III.i: Provisional Conclusions
 - i. So: what was the main source of discord after all? The avaricious desire of the clergy for secular power, which disrupts the natural balance of peace in civil society. This socially destructive avarice finds its apogee in the ‘Bishop of Rome who is called the Pope’ and his claim to have directly inherited temporal power from the imperium of the Roman principate. If these false claims to political power could be uprooted, peace and tranquillity would be in reach of the civic community.
- b. III.ii: Further Conclusions
 - i. Eternal Salvation can be attained by following the Scriptures and what they entail(), as decided upon by the interpretive community of the councils.
 - ii. Only a divine council of the faithful can adjudicate concerning disputes over the divine law. (Contra Papal prerogative...)
 - iii. There can be no temporal punishments for spiritual transgressions.
 - iv. Only the Evangelical Law is required for salvation.
 - v. No mortal can give special dispensation concerning divine law.
 - vi. Properly speaking, the universal body of the citizens is the human legislator. The prince could only be the legislator in a derivative sense. Cf. I.xii-xiii.
 - 1. To Skinner, this is the huge claim!
 - vii. Clerical decrees have no temporal-coercive sway.

- viii. Only the Legislator (i.e. the People) can give a dispensation from human laws. (The Prince cannot so decide for himself.)
- ix. Elected principate depends entirely on the body of electors.
- x. Elected principate in turn depends on will of the legislator.
 - 1. Question: do we think Marsilius has in mind (a) HRE electors, (b) Italian republics, or (c) both?
 - 2. Skinner says mostly (b), although many have argued (a). How we answer this questions determines how 'revolutionary' or anticipatory we take Marsilius to be.
- xi. There should only be one principate in any city or realm.
- xii. The elected prince shall choose the officers of the city.
 - 1. Both executive and judicial, seemingly...?
- xiii. Princely power is not absolute unless so stated by the popular Legislator.
- xiv. No cleric has principate over any other, even if a heretic.
 - 1. Principate = 'coercive jurisdiction.'
- xv. By authority of the Legislator, only the Prince has coercive jurisdiction over every member of society, cleric or otherwise.
- xvi. Clerics cannot excommunicate without legislative approval.
 - 1. Contra even Hobbes!
- xvii. All bishops are equal. (Sorry, Pope!)
- xviii. Divine and legislative authority could permit the other bishops to censure even the Bishop of Rome.
- xix. Dispensation for marriages should lie with the Legislator.
- xx. Same goes for legitimizing children out of wedlock.
- xxi. Legislative authority even decides who gets to be a cleric.
- xxii. The prince can set limits on numbers of priests, dioceses, etc.
- xxiii. Ecclesiastical offices should be handed out by Legislator.
- xxiv. Bishops have no role in handing out public offices.
- xxv. Bishops have no role in handing out teaching qualifications.
- xxvi. Ecclesiastical offices should not be given to those who are barely clergy.
- xxvii. Legislator can appropriate church property for the public good.
- xxviii. The Prince should handle all donations left over in wills.
- xxix. Legislator retains the right to approve or reprove religious orders.
- xxx. The Prince has sole jurisdiction over heretics, just like any other temporal criminals in need of coercive correction or punishment.
- xxxi. Legislator decides if an oath can be broken or not.
- xxxii. Only a church council can appoint a metropolitan.
- xxxiii. Only the Prince or Legislator can call a church council. The church cannot convoke its own councils, either partial or general.
- xxxiv. Fasting, holidays, etc., can be decided upon only by such councils.
 - 1. Interesting mention of labour here, which doesn't rise to the top too much. Marsilius and his allies have a vested interest in keeping the economic machine running as much as possible.
- xxxv. Only general councils can decide on saints.
- xxxvi. Only a general council could prove once and for all that clergy should not be married. This goes for all other accepted but unsubstantiated observances from tradition.

- xxxvii. People may appeal to the Legislator in the face of coercive judgments levied by clergy.
- xxxviii. Those who claim apostolic poverty must keep no immovable property.
- xxxix. The religious community must supply the basics of living for its clerical ministers, but need not give them tithes, etc.
 - 1. It's all about concentrating wealth in secular hands.
- xl. Both the legislator and the prince have the authority to 'compel' the clergy to administer the sacraments.
- xli. Any superiority accorded to the Bishop of Rome will be temporary and removable at the behest of the Legislator or Prince.
- xlii. More conclusions could be drawn, but the observance of the above forty-one conclusions should suffice to 'cut out the plague and its cause:' that is, destroy the secular power of the Papacy and appropriate it first to the People (as Legislator), then to their appointed ruler (as Prince).

This is the path to peace.

 - 1. Marsilius, taken in sum, does indeed seem to anticipate not only Renaissance political theory, but even the early modern classics of that genre. He systematically explains how the People can serve as its own Legislator (or Legislature), deriving authority from itself as that which seeks the common good via social peace. On top of that, he adds an argument for the root of sovereignty in the Prince appointed by the popular legislature. This can be profitably put into conversation even with Hobbes, Locke, Rousseau...
 - 2. At the same time, Marsilius remains largely embedded in his late medieval context. His main goal is to craft a sophisticated screed against Papal overreach. His proximate ally is the Holy Roman Emperor (Ludwig of Bavaria). And his notions of republicanism are drawn from Northern Italian city-states.
 - 3. Marsilius is thus playing a dangerous game. In taking such a remarkably strong stance against papal politics, he may think he's carving out some space for republican 'liberty' in Northern Italy. Yet, to do so, he must embed himself in the imperial sovereignty of the HRE as deeply as he can. Yes, he wants a tempered, elected Prince—but will the legislative sovereignty of the People really be able to be persevered in the face of the executive sovereignty of their (albeit chosen) ruler? (That's why we study history, I suppose.)