

Note 1. See L. Baudry, *Guillaume d'Occam. Sa vie, ses oeuvres, ses idées sociales et politiques* (Paris, 1950), p. 114 ff.

Note 2. On the controversies over poverty see Decima Douie, *The Nature and Effect of the Heresy of the Fraticelli* (Manchester, 1932), M.D. Lambert, *Franciscan Poverty* (London, 1961), G. Leff, *Heresy in the Later Middle Ages* (Manchester, 1967), B. Tierney, *Origins of Papal Infallibility, 1150-1350* (Leiden, 1972).

Note 3. Thomas Aquinas had said that there could be no 'use' in things consumed in use; see *Summa theologiae*, 2-2, q. 78, a. 1. But John was not following Thomas Aquinas in saying that property existed before there were human positive laws. According to Thomas Aquinas property is permitted by natural law but is actually established by human enactment; see *Summa* 2-2, q. 66, a. 7, and a. 2, ad 1. See A. Carlyle, 'The Theory of Property in Medieval Theology', in *Property: Its Duties and Rights* (London, 1913), pp. 117-32.

Note 4. It was common opinion that a pope could become a heretic, and some held that a pope who became a heretic automatically ceased to be pope; see B. Tierney, *Foundations of the Conciliar Theory* (Cambridge, 1955), pp. 57-67.

Note 5. On the controversy over the 'beatific vision' see H.S. Offler, 'Introduction', in H.S. Offler (ed.), *Guillelmi de Ockham Opera Politica* (Manchester, 1974, 1963) (hereafter OP), vol. 3, pp. 20-24.

Note 6. See G. Mollat, *The Popes of Avignon* (tr. J. Love, London, 1963), p. 205 ff; W. T. Waugh, 'Germany: Lewis the Bavarian', *Cambridge Medieval History* (Cambridge, 1932), vol. 7, p. 113 ff; H. S. Offler, 'Empire and Papacy: the Last Struggle', *Transactions of the Royal Historical Society*, n. s. 5, vol. 6 (1956), pp. 21-47.

Note 7. See Alois Schutz, 'Der Kampf Ludwigs des Bayern gegen Papst Johannes XXII, und die Rolle der Gelehrten am Muenchner Hof', in H. Glaser (ed.), *Der Zeit der Fruehen Herzoge* (Munich, 1980), pp. 388-97.

Note 8. *Opus nonaginata dierum* (hereafter OND) in OP, vols. 1 and 2.

Note 9. *Dialogus* (hereafter Dial.), in Guillelmus de Occam, *Opera plurima* (Lyon, 1494, repr. London, 1962).

Note 10. *Octo quaestiones* (hereafter OQ), in OP, vol. 1. See H. S. Offler, 'The Origin of Ockham's Octo Quaestiones', *English Historical Review*, 82 (1967), pp. 323-32.

Note 11. *Epistola ad Fratres Minores* (EFM), *Contra Ioannem* (CI) and *Contra Benedictum* (CB) in OP, vol. 3.

Note 12. *Breviloquium* (Brev.), in R. Sholz, *Wilhelm von Ockham als politischer Denker und sein Breviloquium de principatu tyrannico* (Stuttgart, 1952). See *A Short Discourse on Tyrannical Government*, ed. Arthur Stephen McGrade, tr. John Kilcullen (Cambridge, 1992).

Note 13. *De Imperatorum et pontificum potestate*, (IPP) in R. Scholz, *Unbekannte kirchenpolitische Streitschriften aus der Zeit Ludwigs des Bayern* (Rome, 1911, 1914). Translations of extracts from this work, and also from Dial., are included in E. Lewis, *Medieval Political Ideas* (London, 1954).

Note 14. See *Opera plurima*, cited above.

Note 15. See F. Oakley, 'On the Road from Constance to 1688', *Journal of British Studies*, 1 (No. 2, 1962), pp. 1-31. For an anticipation by Ockham of the main argument of Locke's *Second Treatise* see Q. Skinner, *The Foundations of Modern Political Thought* (Cambridge, 1978), vol. 2, pp. 123-6. On Ockham's political thought see E. F. Jacob, 'Ockham as a Political Thinker', in his *Essays in the Conciliar Epoch* (Manchester, 1943), C. C. Bayley, 'Pivotal Concepts in the Political Philosophy of William of Ockham', *Journal of the History of Ideas*, 10 (1949), pp. 199-218, and A. S. McGrade, *The Political Thought of William of Ockham* (Cambridge, 1974).

Note 16. G. Gal, 'William of Ockham died impenitent in April, 1347', *Franciscan Studies*, 43 (1983), pp. 90-6.

Note 17. See P. Boehner, *Collected Articles on Ockham* (St Bonaventure, 1958); W. J. Courtenay and K. H. Tachau, 'Ockham, Ockhamists and the English-German Nation at Paris, 1339-1341', *History of Universities*, 2 (1982), pp. 53-96; W. J. Courtenay, *Schools and Scholars in Fourteenth-Century England* (Princeton, 1987), ch. 7. For a thorough critical analysis of Ockham's philosophy and theology see Marilyn M. Adams, *William of Ockham* (Notre Dame, 1987).

Note 18. Brian Tierney, *Origins of Papal Infallibility 1150-1350: a Study on the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages* (Leiden, 1972). Page references in my text will refer to this book.

Note 19. Professor Tierney's interpretation has also been criticised by Professor J. J. Ryan in: 'Ockham's Dilemma: Tierney's Ambiguous Infallibility and Ockham's Ambiguous Church', *Journal of Ecumenical Studies*, 13 (1976), pp.37-50 (hereafter 'Dilemma'); *The Nature, Structure and Function of the Church in William of Ockham*, *American Academy of Religion Studies in Religion* 16 (Missoula, 1979) (hereafter *Nature*); and 'Evasion and Ambiguity: Ockham and Tierney's Ockham', *Franciscan Studies*, 46 (1986), pp. 285-294. Professor Tierney has replied in 'Ockham's Ambiguous Infallibility', *Journal of Ecumenical Studies*, 14 (1977), pp. 102-5, and 'Ockham's Infallibility and Ryan's Infallibility', *Franciscan Studies*, 46 (1986), pp. 295-300.

Note 20. See McGrade, *Political Thought*, p. 18, who refers to an unpublished thesis by G. Knysh.

Note 21. I will give references to Ockham's work in parenthesis in the text. A reference of the form '36r b1-9' is to Dial., in this example to folio 36, recto, right-hand column, lines 1-9. (Measure lines with a marked slip, as if all lines were of ordinary type; 36v a5 reads 'videantur mihi difficile...', 37r a53 reads 'papa cupio scire...'). Other references to Ockham's works will be by the short titles given above followed by page and line numbers. Thus 'OND, 853.273' refers to p. 853, line 273.

Note 22. On 'all days' see Ryan, *Nature*, p. 34.

Note 23. 'Day' must mean some time long enough for protest to become known. Ockham claims that the belief that the saints already enjoy the beatific vision has been held without dissent 'through the longest times' (CI, 67.36). All he need claim is that it was held without dissent for at least *some* time before John XXII questioned it. How far back the consensus can be traced is not a vital question. Of course, the longer the time during which no dissent is heard the more certain it is that there has been a time during which there was no dissent. ('The longest times' does not mean absolutely from apostolic times. This is the language of the Roman law of prescription. See A. Berger, *Praescriptio longissimi temporis*, in his *Encyclopedic Dictionary of Roman Law, Transactions of the American Philosophical Society*, 43.2 (1953), p. 645.)

Note 24. I can see no basis for Professor Ryan's attribution to Ockham of the view that 'the collectivity *grows* and accumulates ever more authority... so that his [Christ's] words will be fully valid only for the whole that has accumulated throughout history' (*Nature*, p. 31).

Note 25. On classes of Catholic truths and heresies see Tierney, p. 219-22.

Note 26. This is true at least in respect of articles of faith which do not have to be believed explicitly.

Note 27. 'Legitimate' here means 'as the law requires', before the accused can be properly convicted of heresy. Cf. Berger, *Legitimus, op. cit.*, p. 543.

Note 28. On presumption see Berger, *Praesumptio, op. cit.*, p. 646; also, Extra, *De presumptionibus*, c. *Afferte*, v. *Data*, and *De sponsalibus et matrimoniis*, c. *Is qui*, v. *Contra presumptionem*, in *Corpus iuris canonici* (Lyons, 1671), vol. 2, cols. 786, 1443.

Note 29. 'Ockham was particularly insistent that a pope who erred in pronouncing on a question of faith became at once a heretic... Earlier theologians... had taught that a pope... became a heretic only if he obdurately persisted in maintaining a false doctrine after his error had been pointed out to him' (Tierney, pp. 215-6). Ockham could answer that if a pope solemnly asserts an error

as Catholic truth to be held irrevocably, there is already, without examination, at least a strong presumption that he is obdurate, i.e. pertinacious.

Note 30. Similarly Professor Ryan attributes to him the view that 'every truth must prove itself Catholic by being accepted without contradiction *by every Catholic!*', and 'is tempted to wonder whether Ockham is serious about this absurd and impossible condition' (*Nature*, pp. 14-5, and cf. 'Dilemma', p. 46). (Ockham does say: 'If only one should dissent, such a truth should not be accepted'. But what is the reference of the 'such'? In the context (14v b23-43) it refers to new revelation to be authenticated by miraculous universal consent.) Like Professor Tierney, Professor Ryan thinks that Ockham's 'Church-thinking has no ultimate coherence', that it contains 'intolerable tensions and ultimate contradictions' (*Nature*, p. 63).

Note 31. It may be objected that there a circle here -
- Catholic truth is what all Catholics of the day believe, and the Catholics of the day are those who believe Catholic truth. But this is not Ockham's position. Rather, some Catholics may reject or doubt (not pertinaciously) some Catholic truths, and some Catholic truths can be known to be such (from the Bible, or by the consensus of some other day) even though they are now rejected by some who are Catholics. Catholic truth does not consist simply in what all Catholics of the day believe, but is what is objectively in the sources of the faith; and Catholics are not precisely those who believe Catholic truth, since some Catholics may disbelieve some Catholic truths.

Note 32. Professor Tierney may acknowledge this on pp. 228-9, but he seems to have forgotten it by p. 235: 'After all, if the only truths of religion that we can know with final certitude are those that all Christians have always believed unanimously then we are left with the barest essentials of the faith -- that there is a God, that he is revealed to men in the life and death of his son, Jesus Christ -- not much more'. This loses its sting if we must add: 'and whatever else can be learnt from the Bible'.

Note 33. In EFM, 15.23-7, Ockham says that he would believe that the Church has been reduced to himself alone sooner than believe John's errors. He

continues: 'on the example of Elias the prophet, who, though he believed [mistakenly, 3 Kgs. 19:18] that he had been left God's only worshipper, yet did not desert the true faith; though now I will not doubt that many thousands of men and women have by no means bent the knee of their faith to Baal' -- i.e. the Church has not been reduced to himself alone; EFM, 16.1-4. Whether the Church ever will be reduced to a small remnant no one can know unless God reveals it (Dial., 51r a26-37, b8-19).

Note 34. The Master says: 'Where the Catholic faith could be saved by the mere binding or captivity of an heretical pope the laity should not proceed to any further penalty; but if danger to the faith were feared with probability from an heretical pope merely detained in captivity, and the faith could be saved by his death, the laity, with zeal for the orthodox faith, could proceed to the bodily death of a heretic pope' (Dial., 110r a3-9). What Ockham approves here is deplorable. But it is exceptional, an act of war, not a regular judicial penalty. Compare the opinion (probably Ockham's own) that if all else fails a peasant could, *casualiter*, kill a tyrant emperor (OQ, 199.21-32, 201.69-70).

Note 35. See A.S. McGrade, *The Political Thought of William of Ockham*, pp. 48-74, to which I am much indebted.

Note 36. I am grateful to Stephen Gaukroger and other participants in the Sydney University Seminar in Intellectual History, to whom I read a version of this paper.