

Note 1 Latin text: H.S. Offler (ed.), Guillelmi de Ockham, *Opera Politica*, vols. 1-3 (Manchester: Manchester University Press, 1940, 1956, 1963, 1974), vol. 4 (Oxford: Oxford University Press for the British Academy, 1997). An edition of the *Dialogus* with Latin text and English translation in parallel columns is in progress on the Web at <http://britac3.britac.ac.uk/ockdial.html>.

Translations: Ewart Lewis, *Medieval Political Ideas* (New York: Alfred A. Knopf, 1954); Arthur Stephen McGrade (ed.), *A Short Discourse on Tyrannical Government* (Cambridge: Cambridge University Press, 1992); Arthur Stephen McGrade and John Kilcullen (eds.), *A Letter to the Friars Minor and Other Writings* (Cambridge: Cambridge University Press, 1995); Wilhelm von Ockham, *Dialogus: Auszüge zur politischen Theorie*, Ausgewählt, übersetzt und mit einem Nachwort versehen von Jürgen Miethke (Darmstadt: Wissenschaftliche Buchgesellschaft, 1992); Wilhelm von Ockham, *Texte zur politischen Theorie: Exzerpte aus dem Dialogus*, Lateinisch/Deutsch, Ausgewählt, übersetzt und herausgegeben von Jürgen Miethke (Stuttgart: Reclam, 1995); Pedro Rodríguez Santidrian, *Guillermo de Ockham. Sobre el gobierno tiránico del papa* (Madrid: Tecnos, 1992). For an English translation of the *Dialogus* see above. A translation of the *Opus nonaginta dierum* is being published in an electronic edition by IntelLex Corporation; see <http://www.nlx.com/>. A new translation of *De imperatorum et pontificum potestate* is being made by Annabel Brett.

Abbreviated references: *CB* for *Contra Benedictum* (*OP*, vol. 3); *I Dial.* for *Dialogus*, Part 1; *III-1 Dial.* for *Dialogus*, Part 3, Tract 1; *III-2 Dial.* for *Dialogus*, Part 3, Tract 2; *OP* for *Opera politica*; *OND* for *Opus nonaginta dierum* (*OP*, vols. 1 and 2); *OQ* for *Octo questiones* (*OP*, vol. 1); *SD* for *Short Discourse on Tyrannical Government*; *Writings* for *A Letter to the Friars Minor and other Writings*. "Book" or "Question" is indicated by small Roman numerals, "Chapter" by arabic numerals.

Studies: L. Baudry, *Guillaume d'Occam: sa vie, ses oeuvres, ses idées sociales et politiques* (Paris, 1949); Jürgen Miethke, *Ockhams Weg zur*

Sozialphilosophie (Berlin: Walter De Gruyter, 1969); Arthur Stephen McGrade, *The Political Thought of William of Ockham: Personal and Institutional Principles* (Cambridge: Cambridge University Press, 1974); George Knysh, *Political Ockhamism* (Winnipeg: WCU Council of Learned Societies, 1996). See also the reading suggestions in *SD* and *Writings*.

Note 2 Quotations are from *The Holy Bible*, Revised Standard Version (London: Thomas Nelson, 1965).

Note 3 He did not call his fellowship after himself, of course. The official name was "The Order of Friars Minor", i.e. "of lesser brothers".

Note 4 See Bonaventure, *Life of St Francis*, in Marion Habig (ed.), *St Francis of Assisi: Writings and Early Biographies* (Chicago: Franciscan Herald Press, 1983), p. 646.

Note 5 *The Testament of St Francis*, Habig, p. 68.

Note 6 *Rule of 1221*, Habig, p. 39.

Note 7 *Rule of 1223*, Habig, p. 61.

Note 8 Celano, *First Life*, Habig, p. 265.

Note 9 *Rule of 1221*, Habig, p. 38.

Note 10 *Ibid.*, p. 42.

Note 11 *Ibid.*, p. 38.

Note 12 Rosalind B. Brooke (ed. and tr.), *The Writings of Leo, Rufino and Angelo, Companions of St. Francis* (Oxford: Clarendon Press, 1970), p. 95.

Note 13 Celano, *Second Life*, Habig, p. 412.

Note 14 Bonaventure, *Apologia pauperum*, translated M.D. Lambert, *Franciscan Poverty* (London: S.P.C.K., 1961), p. 127. For the complete work see: *Defence of the Mendicants*, translated by José de Vinck, in *The Works of Bonaventure*, vol. 4 (Paterson: St Anthony Guild Press, 1966).

Note 15 A rough translation of *Exiit* is available on the Web at <http://www.mq.edu.au/~philosop/wexiit.html>.

Note 16 See Decima Douie, *The Nature and the Effect of the Heresy of the Fraticelli* (Manchester: Manchester University Press, 1932); M.D. Lambert, *op. cit.*; Gordon Leff, *Heresy in the Later Middle Ages* (Manchester: Manchester University Press, 1967); Brian Tierney, *Origins of Papal Infallibility, 1150-1350* (Leiden: Brill, 1972). For Thomas Aquinas's part in the controversy between seculars and mendicants (i.e. Franciscans and Dominicans), see J.A. Weisheipl, *Friar Thomas D'Aquino* (Oxford: Basil Blackwell, 1974), pp. 80-92, 263-72, 383-4.

Note 17 For rough translations of some of John's constitutions see <http://www.mq.edu.au/~ockham/0pgeock.html>.

Note 18 *Writings*, pp. 5-6. He goes on to list the errors and heresies.

Note 19 For a list of Michael's writings, see Carlo Dolcini, *Il Pensiero Politico di Michele da Cesena 1328-1338* (Quaderni degli "Studi Romagnoli", 10, Faenza: Fratelli Lega Editori, 1977), pp. 11-12.

Note 20 For dates of Ockham's works see Offler's introductions in *OP*.

Note 21 See *OND*, 124.462-466 (p. 857). For expression of differences, see 94.327-332 (p. 714), 103.85-98 (p. 766), 106.66-114 (pp. 772-3), 124.44, 96 (pp. 847-8) Sometimes it sounds as if the attackers are a collective author, with Ockham merely holding the pen; see 105.19-21 (p. 770).

Note 22 *Writings*, p. 229. This duty seems to be an implication of Ockham's interpretation of Christ's promise to be with the Church all days; see *Writings*, p. 206, and *Contra Ioannem*, 14 (*OP*, vol. 3, p. 67, lines 22-34). However, it is "not necessary on every occasion to confess with one's mouth the truth, even if it is catholic, since it falls under an affirmative precept, which always obliges but not for always" (*III-1 Dial.*, Prologue); hence the legitimacy of recitative works.

Note 23 See, for example, *Writings*, p. 288, *III-1 Dial.*, iii.4, *III-2 Dial.*, ii.8. However, some of the theories we might expect Ockham to favour are not asserted elsewhere; it seems likely that some of the discussion is simply exploratory. (Notice the warnings at the beginning of *I Dial.*, v.34.) On the interpretation of the *Dialogus*, see Knysh, *Political Ockhamism*, pp. 237-264. On the interpretation of *OQ* see Offler's introduction, p. 13; he suggests that in iv and viii Ockham's opinion is the opinion ascribed to the German princes.

Note 24 See *Writings*, pp. 45-59, especially Chapter 65. See also *SD*, pp. 87-94.

Note 25 Natural law and natural rights figure prominently in Ockham's political thought. See *Writings*, pp. 286-93.

Note 26 *OND*, 6.269-71 (p. 361). *OND* Chapter 2 defines various key terms, but not "simple use of fact". "Use of fact" is defined in *OND*, 2.99-126 (*Writings*, p. 22) as an action. "Simple user" is defined in the relevant sense in *OND* 2.217-35 (*Writings*, p. 26) as one who has use of fact without a legal right. For definition of "simple use of fact" see: *OND*, 6.303-11 (p. 362); 32.305-8, 337-42 (pp. 507-8); 33.29-32 (p. 510); 35.62-64 (p. 513); 37.128-137 (pp. 517-8); 56.59-63 (p. 547); 58.87-129 (pp. 550-1). It may be an act rather than a power, and it need not be licit (i.e. it need not be associated with a moral right); the essential point is that (in the sense that mainly interests Ockham) it neither requires nor excludes any legal right.

Note 27 *OND*, 4.255-286 (p. 335), 6.231-256 (pp. 360-1).

Note 28 See Kilcullen, "The Origin of Property: Ockham, Grotius, Pufendorf, and some others", at <http://www.mq.edu.au/~ockham/wprop.html>, sections 2 and 3. De Soto says that John XXII had acted illegitimately out of hatred of Ockham; Molina says that John was only "disputing and arguing" and not intending to define anything. It was only in the seventeenth century that Pope John's idea made headway that property began as soon as the first human being gathered food and ate it.

Note 29 *I Dial.*, ii.6.

Note 30 *I Dial.*, ii.2-5. This has been called Ockham's "three source" theory, but behind these the one source is God.

Note 31 On legitimate correction, see McGrade, *Political Thought*, p. 53 ff. On the indices of pertinacity, see *I Dial.*, iv.

Note 32 On the fallibility of every part of the Church, see *I Dial.*, v.

Note 33 *I Dial.*, vii.37, 40, 45, 47.

Note 34 The medieval practice of disputation (within which Ockham's recitative works fall) already allowed a measure of free thought and free speech, and Ockham's inquiry into papal power, though he felt a need to justify it, would probably have been recognised as legitimate by other theologians; see *SD*, i, especially Chapter 2 (pp. 6-8) and notes 4 and 10.

Note 35 See Brian Tierney, *Foundations of the Conciliar Thought* (Cambridge: Cambridge University Press, 1955), pp. 57-67. For statements of these premises, see *CB*, vii.1, 13 (pp. 303, 318).

Note 36 For example, according to Thomas Aquinas, "Those to whom pertains the care of intermediate ends [i.e. kings] should be subject to him [i.e. the Roman Pontiff] to whom pertains the care of the ultimate end"; *On Kingship*, translated by G.B. Phelan (Toronto: Pontifical Institute of Medieval Studies, 1949). For telling criticism, see John of Paris, in *On Royal and Papal Power*, translated by J.A. Watt (Toronto: Pontifical Institute of Medieval Studies, 1971), pp. 184-6. For other arguments for papal supremacy (in some sense) over secular government see Giles of Rome, *On Ecclesiastical Power*, translated by R.W. Dyson (Woodbridge: The Boydell Press, 1986); James of Viterbo, *On Christian Government*, translated by R.W. Dyson (Woodbridge: The Boydell Press, 1995); Brian Tierney, *The Crisis of Church and State, 1050-1300* (Englewood Cliffs: Prentice Hall, 1980), pp. 123-4, 131-8, 143-4, 147-9, 153-7.

Note 37 See Pope Gelasius, *Duo sunt*, translated in Tierney, *Crisis of Church and State*, p. 13.

Note 38 Ockham's first references to "fullness of power" are in *CB*, iv.12, vi.2 (pp. 262, 273). It is discussed also in: *Short Treatise*, ii; *OQ*, i; *III-1 Dial.*, i; *An princeps*, 1-6; and *De imperatorum et pontificum potestate* (see the extracts in Lewis, *Medieval Political Ideas*, pp. 606-615). Marsilius of Padua had also seen the doctrine of "fullness of power" as the main source of the revolutionary encroachments of the papacy on secular government. See Marsilius, *Defensor Pacis*, translated by Alan Gewirth (Toronto: University of Toronto Press, 1980; first edition 1956), pp. 313-364.

Note 39 Quoted *SD*, p. 20.

Note 40 *SD*, p. 47. For discussion of whether and when it is permitted to make exceptions where the words of the Bible do not mention any exception, see *III-1 Dial.*, ii.23-4, *Writings*, pp. 184-90.

Note 41 Or, presumably, from one of the other "sources" of Catholic truth.

Note 42 For the quotations in this paragraph see *SD*, pp. 51, 54, 57.

Note 43 For this distinction see *SD*, pp. 112-3. See C.C. Bayley, "Pivotal Concepts in the Political Philosophy of William of Ockham", *Journal of the History of Ideas*, 10 (1949), pp. 199-218; Bayley relates it to the traditional concepts of equity (in the Aristotelian sense-setting aside the letter of the law for the sake of its purpose), the common good, and necessity ("What is not licit by the law, necessity makes licit").

Note 44 *SD*, p. 12, n. 30, and *Writings*, p. 66.

Note 45 *III-1 Dial.*, i.16. See also 17. For other passages in which Ockham tries to sum up, see *SD*, pp. 62-3 (including notes), and *OQ*, i.7.30-87 (pp. 35-6).

Note 46 Marsilius, *Defensor Pacis*, II.xv, xvi (p. 233 ff).

Note 47 Ockham seems to have been moved to write Tract I partly because he had obtained a copy

of Marsilius' book, to which he had not previously had access; *III-1 Dial.*, iii.1.

Note 48 *Writings*, pp. 121-7, 143-8.

Note 49 *Writings*, pp. 164-5. The discussion is not about a monarch succeeding by inheritance (which Ockham regarded as an inferior mode of succession), but about a monarch elected for life.

Note 50 Although this Book contains an exposition of Aristotle's political thought (*III-1 Dial.*, ii.3-8), one of its chief purposes is to counter Aristotle's practical opposition to monarchy. Aristotle echoes Plato's preference for monarchy, but with a qualification that makes the preference merely academic, namely that the monarch must be clearly superior to all his subjects.

Note 51 *Writings*, pp. 158-64.

Note 52 *Writings*, pp. 165-70, 268-9, 274-5. The ruler will need to be wise enough to know when he needs advice and where to get it, and good enough to take it.

Note 53 *Writings*, pp. 176-90. A command by Christ is an item of divine positive law. No exception can be made to *natural* law except when God explicitly commands it (p. 177). The fact that God can command exceptions to natural laws does not imply that they hold (when they do hold) by virtue of a divine command, or that the exceptions could become the rule. For discussion of these issues see McGrade, "Natural Law and Moral Omnipotence", in this volume.

Note 54 *Writings*, pp. 195-203, 256-7 (the election of a pope "could licitly be deferred for a hundred years, or two hundred, or more"); *III-1 Dial.*, iv.24. In the seventeenth century some Anglicans argued that, although episcopacy was of divine right, by reason of necessity a church might live for a time without bishops; see Norman Sykes, *Old Priest and New Presbyterian* (Cambridge: University Press, 1957), p. 69 ff.

Note 55 *Defensor Pacis*, II.xix (p. 274 ff).

Note 56 For Ockham's opinion see *III-1 Dial.*, iii.4-7, 22-26, and iv.13, 14, 22.

Note 57 *III-1 Dial.*, iv.13-17, 22 (*Writings*, pp. 226-29).

Note 58 What Ockham called the "Roman Empire" was later called "The Holy Roman Empire of the German People"; it lasted until Napoleon. Constantine transferred the capital of the Roman Empire to Constantinople, Pope Leo III transferred the Empire from the Greeks to Charlemagne; it was then transferred to the Germans. The kingdoms of Spain, France and England did not recognise its authority; the spokesman for the Empire claimed that their independence was *de facto*, not *de iure*. Like the pope, the Emperor was an elective monarch for life; the cardinals elected the pope, the German Princes Electors elected the Emperor.

Note 59 *Writings*, pp. 237-45.

Note 60 *Writings*, pp. 268-9.

Note 61 *Writings*, pp. 250-61.

Note 62 *Writings*, p. 257; *OQ*, iii.11 (*Writings*, p. 323), viii.4.210-7 (p. 193); *III-2 Dial.*, i.31.

Note 63 *OQ*, iii.9-12 (*Writings*, pp. 320-6); viii.4.237-244 (p. 194).

Note 64 *OQ*, iv.4.115-23 (p. 133); viii.4. 276-84 (p. 195).

Note 65 *OQ*, iii.3.34-39 (*Writings*, p. 310, last paragraph).

Note 66 *Defensor Pacis*, II.xvii, p. 80 ff.

Note 67 *SD*, p. 124; *Writings*, p. 202.

Note 68 *SD*, book III, p. 71 ff.

Note 69 *SD*, pp.121-2.

Note 70 *SD*, pp. 77-81, 123.

Note 71 *SD*, pp. 123-5. The consent of a majority would have been sufficient: *III-2 Dial.*, i.27,

Master's third speech. In *SD*, Ockham mentions just war as a way of legitimating empire, but see *OQ*, iv.4.63-95 (pp. 132-3).

Note 72 *SD*, p. 128; *III-2 Dial.*, i.29 (Master's last speech), ii.5.

Note 73 *OQ*, iv.6.161-95 (pp. 140-1), iv.7.8-17 (p. 143), iv.9.50-66 (p. 148), viii.4.218-36 (pp. 194-5). The electoral princes represent the Romans: *SD*, pp. 159-60.

Note 74 *III-2 Dial.*, ii.29; *OQ*, iv.10 (pp. 152-4), v.6 (pp. 158-60); *CB*, vi.6 (p. 283, line 35-p. 284, line 5).

Note 75 See *CB*, vi.2, 5 (pp. 273, 277); *OQ*, ii; *SD*, iv and v; *III-2 Dial.*, i.18-25, 28. Ockham also criticises the views of Lupold of Bebenburg, who attempted a compromise between the papal view and the view of the German princes. According to Lupold, election makes the elect "King of the Romans" as successor to Charlemagne with immediate administrative power in the lands that belonged to Charlemagne before Pope Leo crowned him Emperor, but to have legitimate power in the other lands he needs to be crowned by the pope. For Ockham's rejection of this compromise see *Octo questiones*, iv and viii, especially viii.4.

Note 76 *OQ*, iv.2.29-40 (pp. 124-5); *SD*, pp. 109-110, 121.

Note 77 *OQ*, ii.10.14-33 (pp. 86-7), iv.6.72-97 (p. 138), viii.6.21-32 and 48-62 (pp. 199-201) See similar remarks about the transfer of the kingdom of the Franks, *SD*, pp 162-3, *OQ*, iv.3.132-150 (p. 129). See also *III-2 Dial.*, ii.13-19, on supplying the deficiencies of secular judges.

Note 78 *III-2 Dial.*, iii.3-7 (Chs. 5-7 translated in *Writings*, pp. 281-98). See also *III-2 Dial.*, iii.11-14.

Note 79 *III-2 Dial.*, ii.26-8.

Note 80 *OQ*, iii.6, 7 (*Writings*, pp. 317-9).

Note 81 *Writings*, p. 136.

Note 82 *SD*, p. 30; cf. p.47. See also *Dialogus*, translated in *Writings*, p. 137.

Note 83 *SD*, p. 88.

Note 84 *OND*, in *Writings*, p. 40.

Note 85 *I. Dial.*, vi.85.