

THREE ROYALIST TRACTS,

1296–1302

*Antequam essent clerici; Disputatio inter
Clericum et Militem; Quaestio in
utramque partem*

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Matri suae

TEXTS:

Antequam essent Clerici

Disputatio inter Clericum et Militem

Quaestio in utramque partem

ANTEQUAM ESSENT CLERICI¹

Antequam essent clerici, rex Franciae habebat custodiam regni sui, et poterat statuta facere quibus ab inimicorum insidiis et nocuentis sibi et regno praecaveret, et per quae inimicis subtraheret omnimoda subsidia quibus ipsum et regnum possent gravius impugnare. Hac de causa dominus rex qui nunc est equos, arma, pecunias et similia generali edicto prohibuit extrahi de regno suo, ne forsitan talia per malignorum fraudulentiam ad manus inimicorum in domini regis et regni praeiudicium devenirent. Nec hoc simpliciter prohibuit, sed adiecit hoc non debere fieri absque eius licentia speciali, super hoc habens rectam intentionem, quod quando sibi constaret pro certo quod talia sic ab ipso prohibita essent bona clericorum, et quod extrahi de regno sibi et regno non obsessent nec inimicis prodessent, nulli sic petenti et praemissa probanti licentiam denegaret. Et videtur satis mirabile quod carissimus filius papae non solum clericorum bona, sed etiam personas detinet violenter, nec propter hoc dominus papa ipsum denunciat sententiam excommunicationis incurrisse.

Sancta Mater Ecclesia, sponsa Christi, non solum est ex clericis, sed etiam ex laicis; immo, Sacra testante Scriptura, sicut est unus Dominus, una fides, unum baptisma [Eph. 4:5], sic, a primo iusto usque ad ultimum, ex omnibus Christi fidelibus una est Ecclesia, ipsi Christo, caelesti sponso, annulo fidei desponsata, quam ipse a servitute peccati ac iugo Veteris Legis ac dominio hostis antiqui per mortem suam misericorditer liberavit [Cf. e.g. Rom. 12:3ff; I Cor. 10:16f; 12:12ff; Col. 1:18ff; Gal. 3:23ff]; qua libertate gaudere voluit omnes illos, tam laicis quam clericis, quibus dedit potestatem filios Dei fieri [Cf.

¹ ANTEQUAM...CLERICI] See *Introduction*, p. xiii.

'BEFORE THERE WERE CLERICS'

Before there were clerics, the king of France had custody of his kingdom; and he could make statutes to protect himself and the kingdom against the plots and injuries of his enemies, by means of which statutes he could remove from his enemies all kinds of resources with which they might otherwise assail him and his kingdom more grievously. It is for this reason that he who is now our lord king has by general edict forbidden the export of horses, arms, money and similar things from his kingdom, lest those things should chance to come into the hands of his enemies through the deceit of wicked men, to the prejudice of our lord the king and his kingdom.¹ He has not forbidden this outright, however. Rather, he has added the provision that it should not be done without his special licence; and his intention in doing this was righteous. For he knew full well that some of the things thus forbidden by him were the goods of the clergy, and he did not wish to deny permission to export goods from the kingdom to anyone who could claim and prove that such goods would not harm him and his kingdom nor bring profit to his enemies. And if this most beloved son of the pope has detained by force not only the goods of the clergy but even their persons, it seems remarkable enough that the lord pope has not on this account declared him subject to the penalty of excommunication.

Holy Mother Church, the bride of Christ, consists not of clerics merely, but of lay persons also. Indeed, as Sacred Scripture attests, just as there is one Lord, one faith and one baptism [Eph. 4:5], so from first judgment to last there is one Church of all who believe in Christ, espoused to Christ Himself, the heavenly Bridegroom, by the ring of faith: one Church which He Himself, by His own death, has in His mercy set free from the bondage of sin and the yoke of the Old Law and the lordship of the ancient enemy [Cf. e.g. Rom. 12:3ff; I Cor. 10:16f; 12:12ff; Col. 1:18ff; Gal. 3:23ff]. He has willed that all men to whom He has given power to become the sons of God [Cf. John 1:12] should rejoice

¹ See *Introduction*, p. xiv.

Ioann. 1:12]: iis videlicet qui credunt in nomen eius et susceperunt Christianae fidei sacramenta. Numquid solum pro clericis Christus mortuus est et resurrexit? Absit! Numquid est personarum acceptio apud Dominum, ut solum clerici in hoc mundo gratiam et in futuro gloriam consequantur? [Cf. Rom. 2:11; Eph. 6:9; Col. 3:25] Absit! Sed per indifferentiam omni credenti, operanti bonum per fidem et dilectionem, aeternae retributionis praemium repromisit. Et quia clerici in Ecclesia, ut patet per praedicta, sunt et merito et numero [non] potiores, non debent nec possunt, nisi forsitan per abusum, sibi appropriare, quasi alios excludendo, ecclesiasticam libertatem, loquendo de libertate qua Christus nos sua gratia liberavit [Cf. Gal. 5:1].

Multae vero sunt libertates singulares non universalis Ecclesiae, sponsae Christi, sed solum eius ministrorum, qui cultui divino ad aedificationem populi sunt, vel esse debent, spiritualius deputati: quae quidem libertates per statuta Romanorum pontificum de benignitate, vel saltem permissione, principum saecularium sunt concessae; quae quidem libertates sic concessae vel permissae ipsis regibus regnorum suorum gubernationem ac defensionem auferre non possunt, nec ea quae dictae gubernationi et defensionem necessaria seu expedientia deliberatio bonorum ac prudentium consilio iudicantur, dicente Domino pontificibus templi: *Reddite ergo quae sunt Caesaris Caesari, et quae sunt Dei Deo* [Matt. 22:21].

Et quia turpis est pars quae suo non congruit universo, et membrum inutile et quasi paralyticum, quod corpori suo subsidium ferre recusat, quicumque, sive clerici sive laici, sive nobiles sive ignobiles, qui capite suo vel corpori, hoc est domino regi et regno, immo etiam sibimet, auxilium ferre recusant, semetipsos partes incongruas et membra inutilia et quasi paralytica esse demonstrant. Unde si a talibus pro rata sua subventionem auxilia requiruntur, non exactiones vel extortiones vel gravamina dici debent, sed potius capiti et corpori et membris debita subsidia: sed et pro defensoribus et pugilibus

in this freedom, laymen and clerics alike: all, that is, who believe in His name and share in the sacraments of the Christian faith. Did Christ die and rise again for the clergy alone? God forbid! Is there now respect of persons with the Lord, so that only the clergy can attain grace in this world and glory in the next? [Cf. Rom. 2:11; Eph. 6:9; Col. 3:25] God forbid! Rather, He holds out the prize of eternal life to all without distinction who do good works in faith and love. And because, as is clear from what we have already said, clerics are not greater in either merit or number in the Church, they neither should nor can – except, perhaps, by abuse of their position – appropriate to themselves the liberty of the Church as if to exclude others: speaking, that is, of that liberty to which Christ has redeemed us by His grace [Cf. Gal. 5:1].

There are of course many singular liberties which belong, not to the Church as a whole, the bride of Christ, but only to her ministers, who are, or who ought to be, deputed to the more spiritual task of divine worship for the edification of the people; and these liberties are granted to them by the statutes of the Roman Pontiffs, with the goodwill, or at any rate by the permission, of secular princes. But these liberties, whether granted or permitted, cannot take away from kings the governance and defence of their kingdoms nor those things which are judged necessary or expedient to the said governance and defence by the considered advice of good and prudent men. As the Lord said to the priests of the temple, ‘Render unto Caesar the things that are Caesar’s and unto God the things that are God’s’ [Matt. 22:21].

When a part is diseased and not in harmony with the whole it is an unprofitable member and as if paralysed, because it refuses to give assistance to the body. Those who refuse to give aid to the head or to the body, then (that is, to the lord king and his kingdom, and indeed to themselves also), show themselves, be they clerics or laymen, noblemen or commoners, to be disharmonious parts and unprofitable members and as if paralysed. Thus, if assistance in the form of subsidies is required from such persons in proportion to their means, these subsidies ought not to be called exactions or extortions or burdens. Rather, such subsidies are due to the head from both body and members: they are taxes levied for the defence and protection of those for whom

ipsorum quibus non licet, vel qui non possunt, pugnare per seipos stipendia praeeparata. Nemo siquidem tenetur pro aliis propriis stipendiis militare; et quod, si inimicorum rabies invalesceret contra regnum, constat quod bona clericorum penitus dissiparentur, quare multo plus aliis indigent ab hostili impugnatione defendi: ideoque in naturalis iuris iniuriam esse videtur prohibere cuicumque, servo vel libero, clerico vel laico, nobili vel ignobili, clipeum defensionis obicere contra hostilem gladium aut stipendia solvere defensori. Nonne merito Deus tales tradidit in reprobum sensum, qui ius naturale et antiquum nituntur subvertere pro suae libito voluntatis? Et quis sapiens et intelligens haec non incidit in vehementem stuporem audiens vicarium Jesu Christi prohibentem tributum dari Caesari et sub anathemate fulminantem ne clerici, contra iniquae et iniustae persecutionis incursus, domino regi et regno, immo sibimetipsis, pro rata sua manum porrigant adiutricem?

Dare vero histrionibus et amicis carnalibus et neglectis pauperibus, expensas facere superfluas in robis, equitativis, comitativis, comessionibus et aliis pompis saecularibus, permittitur eisdem, immo conceditur, ad perniciosae imitationis exemplum. Hoc enim natura et ratio, ius divinum et humanum, pariter detestantur, ad illicita fraena laxare, et licita, immo necessaria, cohibere. Quis enim sanae mentis iudicaret licitum et honestum sub anathemate cohibere, ne clerici, ex devotione principum incrassati, impinguati et dilatati, pro modulo suo eisdem principibus assistant contra ingruentes iniustarum persecutionum adversitates, quocumque colore excogitato, doni vel mutui vel subventionis pro seipsis, pro rege et regno pugnantibus et resistentibus inimicis vi armorum, alimenta praebendo vel stipendia persolvendo? Non enim prudenter attendunt, qui talia prohibent vel renuunt, quod hoc nihil aliud est quam inimicos iuvare et crimen laesae maiestatis incurrere et quasi velle prodere ipsum republicae defensorem: ad quod

it is not lawful, or who are not able, to fight on their own behalf. No one, indeed, is bound to fight on someone else's behalf at his own expense; and it is clear that if the rage of its enemies waxes strong against the kingdom, the goods of the clergy will be wholly destroyed and that they therefore stand in greater need than other men of defence against the assaults of the foe. It seems, therefore, to be an injustice under the natural law to forbid any man, be he slave or free, cleric or layman, noble or commoner, to hold up a shield in defence against a hostile sword, or to pay a fee for such defence. Did not God rightly teach us to regard such people with reproach, who strive to subvert natural law and ancient custom to suit their own wishes? What man of wisdom, then, understanding these matters, does not fall into a furious rage when he hears the vicar of Jesus Christ forbidding the payment of tribute to Caesar, and thundering forth curses lest the clergy, in proportion to their means, extend a helping hand to the king, the kingdom and themselves also, against the wicked and unjust assaults of persecution?

The clergy are, of course, permitted – indeed, it is granted to them – to give presents to actors and mistresses while neglecting the poor: to spend lavishly on raiment, on their stables, on feasting and banquets and other worldly pomps, by way of setting a bad example for others to follow. In this way, nature and reason alike, divine law and human, are renounced, and the reins are loosed after things unlawful while what is lawful and indeed necessary is restrained.² For who of sound mind would judge it lawful and honest to restrain the clergy by a curse from helping their princes according to their means – those same princes who by their devotion feed, fatten and nurture them – against the relentless onset of lawless persecution under whatever form it presents itself: helping them by means of a gift or loan or grant to provide the support or pay the wages of those who fight for the king, the kingdom and themselves, resisting the enemy by force of arms? Those who forbid or refuse such things do not prudently attend to the fact that this is nothing other than to aid the enemy and to commit the crime of treason, as if wishing to betray the commonwealth's very defender. By

² See Introduction, p. xiv.

crimen puniendum intendimus plus solerter, volente Deo, oculos aperire.

Deum siquidem fide et devotione colimus, et Ecclesiam Catholicam ac ministros eius multipliciter veneramus in terris, sicut et omnes patres nostri. Sed hominum minas minus rationabiles et iniustas minime reformidamus, nam coram Deo, favente eius clementia, semper iustitia invenietur in nobis. Nonne rex Angliae, quondam homo noster ligius vocatus, ad iudicium coram nobis cum omne solemnitate qua decuit ad imperium domini sui venire contempsit? Quare necesse habuimus terras quas a nobis tenebat ad manum nostram trahere, iudicio et iustitia mediante; cuius occasione dictus rex Angliae homagio et fidelitate quibus nobis adstringebatur ratione terrarum quas a nobis tenebat in feudum renunciavit expresse, et postea contra nos insurgens crudeliter, praedictas terras nisus est sibi acquirere: non tam vi armorum quam dolo, via iustitia et rationis et consuetudinis approbatae penitus praetermissa. Quis rex, quisve princeps, terras feudales sic a vassalo suo dimissas et tam multipliciter forefactas ad se non traheret, et non defenderet tamquam suas? Nec super hoc debetur ab aliquo increpari, sed potius de contrario [non] reprehendi.

Et regi Theutoniae, quid potuit vel debuit plus offerri quod esset rationis et pacis quam quod quatuor viri eligerentur idonei, duo pro nobis et duo pro ipso, qui de limitibus regni et imperii cognoscerent et tractarent, et quidquid super hoc ordinarent ambo reges in perpetuum observarent; et si praedicti quatuor discordarent, ipsi possent eligere quintum, qui eorum discordiam ad concordiam revocaret? Et si dictus rex Theutoniae de comitatu Burgundiae conqueratur, sua quaerimonia nulla ratione fulcitur. Nam notorium est omnibus quod post guerram apertam et diffidationem superbam a dicto rege nobis factam, dictum comitatum nobis duximus acquirendum. Nam in diffidatione sua

punishing this crime we intend, God willing, to open their eyes more effectively.

We do indeed worship God with faith and devotion, and we venerate the Catholic Church and her many ministers on earth, just as all our fathers have done. But we do not in the least fear the threats of irrational and unjust men, for we shall always find justice before God, Whose mercy is boundless. Did not the king of England, a man formerly called our leige subject, scorn to come before us and submit with every proper solemnity to the authority of his lord? Because of this, when judgment and justice hung in the balance we had of necessity to take into our own hands the lands which he held of us. At this point the said king of England explicitly repudiated the homage and fealty in which he was bound to us by reason of the lands which he held of us in fee; and subsequently, cruelly rising up against us, he strove to acquire the aforementioned lands for himself: not by force of arms, however, but through guile, having entirely set aside the way of justice and reason and approved custom. What king, what prince, would not take to himself and defend as his own property feudal lands thus foregone by his vassal and forfeited in so many ways? Nor is reproach due to him from anyone on this account; but rather, on the contrary, he ought not to be blamed.³

Again, what more could or should be offered to the king of the Germans in the interests of reason and peace than that four worthy men should be chosen, two on our side and two on his, to consider and discuss the frontiers of the kingdom and empire; that both kings should observe in perpetuity whatever those men might ordain in the matter; and that if the aforesaid four men should disagree, they themselves might choose a fifth to restore harmony to their discord?⁴ And if the said king of the Germans should complain about the county of Burgundy, his complaint will not have the support of reason; for it is well known to everyone that after the open war which the said king waged against us, and by his proud mistrust, we have been led to take possession of the said county for ourselves. For in his mistrust he

³ For relations between Edward I of England and Philip IV see Powicke, *The Thirteenth Century, 1216–1307* Chs. 6f; 14; also R. Fawtier, *L'Europe occidentale de 1270 à 1380, Part I (1270–1328)*, in vol. 6:1 of G. Glotz, ed., *Histoire générale* (Paris 1940).

⁴ See Introduction, p. xi and n. 9.

contra nos graviora facere minabatur, et iam forsitan fecisset si ad haec sibi se obtulisset facultas.

Nonne Sanctae Matri Ecclesiae nos et antecessores nostri multa grata servitia ab antiquo et immensa beneficia contulimus, quibus ministri eiusdem multo pinguius et gloriosius quam in aliis regnis temporalibus exaltantur? Super quo velit Deus quod ingratitude vitium non incurrant; non enim debent debitas subventiones negare, sed ultro quidquid habent offerre, praesertim cum videant manifeste quod praedicti reges iniuste et sine causa rationabili nos impugnant. Quare modo non fuisset ab Ecclesia amplioribus iniuriis provocandi, sed potius ab ea, tamquam a pia matre, fovendi et placandi et malis imminentibus efficaciter consolandi.

has threatened to take more grievous measures against us, and perhaps would have taken them by now had an opportunity to do these things presented itself to him.

Have not we and those who have gone before us bestowed many gracious services and immense benefits upon Holy Mother Church in the past, by which her ministers are exalted much more abundantly and gloriously than in other temporal kingdoms?⁵ In view of this, it is the will of God that those ministers should not incur the guilt of ingratitude; for they should not deny the taxes owed: on the contrary, they should offer whatever they have, the more so since they may see clearly that the aforementioned kings impugn us unjustly and without reasonable cause. We ought not, therefore, at this time to be subjected by the Church to still further injuries; rather, we should be soothed and comforted by her as by a gentle mother, and effectively relieved of the evils which threaten us.

⁵ See Introduction, n. 10.

DISPUTATIO INTER CLERICUM ET MILITEM

Super Potestate commissa Praelatis Ecclesiasticis atque Principibus Terrarum¹

Primo proponit clericus miramentum quodammodo sub hac forma:²

CLERICUS: Miror, optime miles, paucis diebus tempora mutata; sepultam iustitiam, eversas leges, iura calcata.

MILES: Grandia verba sunt ista, et ego laicus, qui quamvis paucas litteras puer didicerim, non tamen adeo in profundum veni, ut tam alta verba a me possint intelligi. Et ideo, venerande clerice, si mecum desideratis habere colloquium, planiorem oportebit accipere stilum.

CLERICUS: Aetate mea, vidi Ecclesiam in honore magno apud reges et principes et nobiles universos haberi; et nunc video econtra miserandam. Ecclesia facta est vobis omnibus praeda; exiguntur a nobis multa; dantur nulla; bona nostra, si non damus,³ rapiuntur a nobis; conculcantur iura nostra; libertates infringuntur.

MILES: Non facile credam regem, cuius consilium sunt clerici, iniuste agere vobiscum, aut apud eos perire ius vestrum.

CLERICUS: Immo certe, contra omne ius, iniurias innumeras sustinemus.

MILES: Scire vellem quid vocatis *ius*.

CLERICUS: *Ius* voco decreta patrum⁴ et statuta Romanorum pontificum.

MILES: Quae illi statuunt, si de temporalibus statuunt, vobis iura esse possunt, nobis vero non sunt. Nullus enim potest de iis statuere

¹ DISPUTATIO...Terrarum] See Introduction, n. 15 ² Primo...forma] om. P¹V
³ non damus] nec damus C¹ non dantur P¹V ⁴ patrum] om. P¹V

A DEBATE BETWEEN A CLERK AND A KNIGHT

On the Power Entrusted to the Prelates of the Church and to Earthly Princes

The clerk first expresses a certain astonishment, in the following manner:

CLERK: I am amazed, O excellent knight, in how few days the times are changed: justice buried, the laws overthrown, rights trampled upon.

KNIGHT: Those are grand words, and I a layman who, though I learnt a few letters as a boy, never went deep enough to be able to understand words so high. And so, reverend clerk, if you wish to have converse with me, you will have to adopt a plainer style.

CLERK: In my time, I have seen the Church held in great honour among kings and princes and nobles everywhere; yet now, by contrast, I see her wretched. The Church is made a prey for you all; many things are taken from us, and none given. If we do not surrender our goods, they are snatched from us; our rights are trampled upon; our liberties infringed.

KNIGHT: I cannot easily believe that the king, whose advisers are clerks, is acting unjustly towards you or that your right is perishing in their midst.

CLERK: We are, however, sustaining countless injuries, contrary to all right.

KNIGHT: I should like to know what you call 'right'.

CLERK: I call 'right' the decrees of the fathers and the statutes of the Roman pontiffs.

KNIGHT: If they make statutes concerning temporals, their statutes may be 'rights' for you, but they certainly are not so for us. For no one can make statutes in respect of those things over

super quae constat ipsum dominum non habere. Sicut nec Francorum rex potest statuere super imperium, nec imperator super regnum Franciae.¹ Et quemadmodum terreni principes non possunt aliquid statuere de vestris spiritualibus, super quae non acceperunt potestatem, sic nec vos de temporalibus eorum, super quae non habetis auctoritatem. Unde frivolum est quidquid de temporalibus statuistis super quae potestatem a Deo non accepistis. Unde nuper mihi risus venit magnus, cum audissem noviter statutum esse a Domino Papa Bonifacio quod ipse est et esse debet dominus super omnes principatus et regna, et facile potest sibi ius acquirere super rem quamlibet: cum non restat nisi scribere, quia totum erit suum cum scripserit, et sic totum erit vestrum ubi statuere nil aliud est quam sic tenere velle. Nihil aliud ergo erit ius habere, quam velle.² Non habet ergo, nisi ut scribat *hoc volo ius esse*, cum voluerit castrum meum, villam meam, agrum meum, aut vineam meam, pecuniam et thesaurum habere. Nec latet vos, sapientem clericum, ad quantum vos ducat ista disputatio ridiculum.

CLERICUS: Satis acute, domine miles, et versute contra nos ista protulistis; et ad hoc totius sermonis vestri decursus, quantum intellego, tendit: quod dominus papa de vestris temporalibus nihil potest statuere quia non constat eum super temporalibus vestris potestatem vel dominium accepisse. Et si nos hoc ex nostris velimus probare dictis aut scriptis, totum pro nihilo dicitis, quia nostrum scribere, ut dicitis, dominium nobis aut potestatem quae aliunde non venerat dare non poterat.³ Sed si Christianus vultis⁴ verus et catholicus esse, non negabitis Christum rerum omnium Dominum verum esse, cui dictum est in Psalmo [2:8], *Postula a me, et dabo tibi gentes haereditatem tuam, et possessionem tuam terminos terrae*; de quo etiam scriptum est quod ipse est *Rex regum, et Dominus dominantium* [I Tim. 6:15]. Ista non sunt nostra, sed Dei verba; nec etiam nos ea scripsimus, sed ea misit

which it is clear that he has no lordship. Thus, the king of France cannot make statutes which apply to the empire, nor can the emperor do so in relation to the kingdom of France. And just as earthly princes cannot decree anything with regard to your spirituals, over which they have not received power, so neither can you do so with regard to their temporals, over which you have no authority. And so whatever you have decreed with regard to temporals over which you have received no power from God, is worthless. Thus it came as a great source of amusement to me a little while ago when I heard that the Lord Pope Boniface had lately proclaimed that he is and must be lord over all principalities and kingdoms,¹ and can easily acquire for himself a right over anything whatsoever, for he need do nothing but write, because everything will be his when he has written; and so all things will be yours, since to decree is nothing more than to wish to possess something. To have a right, therefore, will be nothing other than to wish; and so if anyone wishes to have my castle, my estate, my farm or my vineyard, money and treasure, he need do nothing but write, 'I wish this to be right.' It cannot be hidden from you, a wise clerk, to what a ridiculous conclusion this argument leads you.

CLERK: You produce these observations against us sharply and craftily enough, lord knight; and, as I understand it, the whole course of your argument tends to this conclusion: that the lord pope can decree nothing with regard to your temporals, because it is not clear that he has received power or lordship over your temporals. And if we would prove it to you from our decrees and writings, you will say that all this counts for nothing because, as you will say, our own writing could not give us a lordship or power which had not come from elsewhere. If you would be a true and catholic Christian, however, you will not deny that Christ is the true Lord of all things. For it is said to Him at Psalm 2:8, 'Ask of me, and I shall give thee the heathen for thine inheritance, and the uttermost parts of the earth for thy possession'. And it is also written of Him that 'He is King of kings and Lord of lords' (I Tim. 6:15). These words are not ours, but God's; nor did we write them, but the Lord sent them, and

¹ Franciae] om. C¹ ² Nihil aliud...velle] om. P¹V ³ quia nostrum...poterat] om. P¹V ⁴ Sed vultis] sed qui Christianus vult P¹V

¹ See Introduction, p. xixf.

Dominus, et dictavit Spiritus Sanctus. Et quis dubitat illum posse statuere, quem constat universorum Dominum esse?

MILES: Nullo modo divinae potestati vel dominationi resisto, quia Christianus sum et esse volo; et si per divinas Scripturas ostenditis Summos Pontifices esse super omnia temporalia dominos, necesse est reges et principes Summis Pontificibus tam in temporalibus quam in spiritualibus esse subiectos omnino.

CLERICUS: Facile ex superioribus poterit hoc ostendi. Tenet enim fides nostra Petrum apostolum, pro se et suis successoribus, institutum esse vicarium Iesu Christi; et certe plenus vicarius idem potest facere quod dominus eius, cum nulla actionis, nulla potestatis diminutione est vicarius institutus. Si ergo non negatis Christum de temporalibus vestris posse statuere, qui Dominus est caeli et terrae, non potestis sine rubore eandem potestatem Christi vicario denegare.

MILES: Audivi a viris sanctis atque doctissimis¹ duo tempora distingui in Christo, unum humilitatis et alterum potestatis: humilitatis usque ad suam passionem, potestatis post suam resurrectionem, quando ipse dixit, *Data est mihi omnis potestas in caelo et in terra* [Matt. 28:18]. Petrus autem constitutus est Christi² vicarius pro statu humilitatis, non pro statu gloriae sive potestatis³ et maiestatis. Non enim factus est vicarius ad ea quae modo agit Christus in gloria,⁴ quia nobis illa ignota sunt, sed ad ea imitanda quae Christus egit in terra, quia nobis illa necessaria sunt.⁵ Illam ergo potestatem suo vicario commisit, quam homo mortalis exercuit, non illam quam glorificatus accepit. Et ut ista per Scripturas quas inducitis ostendamus, de eisdem Scripturis vobis testimonia proferemus. Ipse enim Christus dixit Pilato, *Regnum meum non est de hoc mundo* [Ioann. 18:36], et quod *non venit ministrari, sed ministrare*. [Matt. 20:28] [Hoc] testimonium adeo manifestum est, ut hominem resistentem possit confundere, et cervicem quamlibet duram obterere. Et ad hoc sic dixit quidam de turba Iesu, *Magister, dic fratri meo ut dividat mecum haereditatem*; at ille dixit ei, *Homo, quis me constituit iudicem aut divisorem super vos?* Luc. 12[:13f]. Auditis ergo aperte Christum super temporalibus nec iudicem nec divisorem

¹ doctissimis] doctoribus B²C³ ² est Christi] om. P¹V ³ sive potestatis] om. C¹

⁴ Non enim ...gloria] om. and added at the foot of the page P¹ ⁵ sed ad...sunt] om. and added at the foot of the page P¹

the Holy Spirit spoke them. And who doubts that He can give decrees, Who is clearly Lord of all things?

KNIGHT: I do not in any way resist the divine power or lordship, for I am and wish to be a Christian; and if you will show me by divine Scriptures that the Supreme Pontiffs are lords over all temporals, then it is entirely necessary for kings and princes to be as much subject to the Supreme Pontiffs in temporal matters as they are in spiritual.

CLERK: That can easily be shown from what has already been said. For our faith holds that the Apostle Peter was appointed as the vicar of Jesus Christ, for himself and his successors; and it is certain that one who is fully a vicar can do whatever his lord can, since he is appointed vicar with no diminution of his action and power. If, therefore, you do not deny that Christ, Who is Lord of heaven and earth, can give decrees with regard to your temporals, you cannot without shame deny the same power to Christ's vicar.

KNIGHT: I have heard holy and very learned men distinguish two times of Christ: one of humility and the other of power. That of humility was before His passion, and that of power after His resurrection, when He said, 'All power is given unto me in heaven and upon earth' (Matt. 28:18). Now Peter was appointed as Christ's vicar with respect to the condition of humility, and not with respect to the condition of glory or power and majesty. For he was not made vicar with regard to those things which Christ does in glory, because those are unknown to us, but in order to imitate those things which Christ did in humility on earth, because those are necessary to us. He therefore entrusted to His vicar that power which He exercised as a mortal man, not that which He received when He was glorified. And we shall show you this by producing the testimony of those very same scriptures which you cite. For Christ Himself said to Pilate, 'My kingdom is not of this world' (John 18:36), and 'I came not to be ministered unto, but to minister' (Matt. 20:28). This evidence is manifest enough to confound the man who resists it and to break any neck, however stiff. Again, when one of the company said to Jesus, 'Master, speak to my brother, that he divide the inheritance with me', He said to him, 'Man, who made me a judge or a divider over you?' (Luke 12:13f). You hear plainly, then, that Christ was made neither judge nor divider in

esse constitutum; ergo in statu illo susceptae dispensationis, nec temporale regnum habuit, nec etiam appetivit. Immo, cum illi qui multiplicatis panibus comederent eum quaerent, ut regem ipsum facerent, fugit [Ioann. 6:15]; et in commissione Petro facta, non claves regni terrarum tradidit, sed regni caelorum [Matt. 16:19]. Unde etiam Hebraeorum pontifices constat regibus fuisse subiectos, et a regibus illis pro culpa,¹ quod procul a nobis absit, fuisse depositos. Et ut scias Christi vicarium ad spirituale, non ad temporale, regnum seu dominium fuisse assumptum, accipe ab apostolo Paulo nec minus clarum testimonium. Dicit enim sic: *Omnis namque² pontifex ex hominibus assumptus, pro hominibus constituitur in iis quae sunt ad Deum, non ad gubernandum terrenum imperium, sed ut offerat dona et sacrificia pro peccatis* [Heb. 5:1]. Vides, ergo, quod praeficitur pontifex in iis quae sunt ad Deum, cum idem Paulus Timotheo scribat, *Nemo militans Deo implicat se negotiis saecularibus* [II Tim. 2:4]. Patet ergo Christum temporale³ dominium³ non exercuisse, nec Petro commisisse. Nam et Petrus dicit, Act. 6[:2], *Non est aequum nos derelinquere verbum Dei, et ministrare mensis, id est, temporalibus dispensandis. Et quamquam possint aliqua temporalia per ipsos pontifices dispensari, satis tamen patet quod non debeant in terrenis regnis et principatibus gubernandis, quae totum sibi vendicant occupari. Unde auctoritates quas superius induxitis, domine clerice, scilicet *Postula a me*, etc., et quod ipse est *Rex regum*, etc., non ad statum primum pertinent, sed ad secundum. In quo primo statu, sicut clare patuit, Christus nullam potestatem temporalem exercuit, immo, a se penitus abdicavit; et in iis solum, et non aliis, quae ad dispensationem nostrae salutis, exercuit, Petrum sibi vicarium destinavit, quem nec militem fecit, nec coronavit in regem, sed in sacerdotem et episcopum ordinavit. Quod si vultis adhuc contendere Christi vicarium eam potestatem habere⁴ in temporalibus quam Christus habet⁵ in coelis, non quam exercebat in terris, forsitan ista vestra pertinacia non erit in fine vobis gratiosa; quod vobis patebit sic. Constat enim cuilibet fideli adeo sapienti quod si ei praeciperet Dominus pecuniam suam, domum, agrum aut vineam alteri cuilibet dare sine cautione, nulla petita ratione, nulla expectata*

temporals. In that state of dispensation which He accepted, therefore, He neither had, nor even desired, temporal kingship. On the contrary, when those who ate the loaves which He had multiplied sought Him, to make Him a king, He departed (John 6:15), and in appointing Peter He gave him the keys, not of an earthly kingdom, but of the kingdom of heaven (Matt. 16:19). So too, the high priests of the Hebrews were clearly subject to the kings and – though far be it from us to say this – were deposed by the kings for their fault. Again, that you may know that Christ’s vicar has assumed a spiritual and not a temporal kingship and lordship, receive the no less clear testimony of Paul himself. For he says, ‘Every high priest taken from among men is ordained for men in things pertaining to God’, not to govern an earthly empire, but ‘that he may offer both gifts and sacrifices for sins’ (Heb. 5:1). You see, therefore, that the pontiff is set over things pertaining to God; for Paul writes to Timothy, ‘No man that warreth entangleth himself with the affairs of this life’ (II Tim. 2:4). It is clear, therefore, that Christ did not exercise a temporal lordship, nor did He entrust it to Peter. For Peter himself says at Acts 6:2, ‘It is not fitting that we should leave the word of God, and serve tables’, that is, administer temporal things. Although some temporals may be administered by pontiffs, it nonetheless appears clearly enough that they may not be occupied in governing earthly kingdoms and principalities, all of which they claim for themselves. Hence the authorities which you have already adduced, lord clerk, namely, ‘Ask of me’, etc., and ‘He is King of kings’, etc., do not pertain to the first condition, but to the second. For that Christ exercised no temporal power in His first condition but, indeed, entirely renounced it, and appointed Peter to be His vicar only for the administration of those things pertaining to our salvation, and not of other things, is clear from the fact that He neither made him a knight nor crowned him king, but ordained him as priest and bishop. And if you still wish to contend that the vicar of Christ has that power in temporals which Christ has in heaven, and not that which He exercised on earth, perhaps your obstinacy will not favour you in the end; and this will become clear to you thus. It is well known to every believer who has sufficient understanding that if the Lord should instruct him to give away his money, his farm or his vineyard to some other person without any security, with no reasonable

¹ pro culpa] om. C¹ ² namque] om. P¹V ³ dominium] regimen P¹V regnum C³B¹B² ⁴ potestatem habere] potestatem seu dominum tale habere P¹V ⁵ habet] habebat C¹P¹V

cognitione, statim deberet obedire. Si ergo contenditis papam hanc eandem potestatem habere, ergo concedere necesse est quod omnia vestra et aliorum et nostra potest, sine omni causae cognitione, cui voluerit nepotulo vel consanguineo dare, tollere principatus et regna et eis dare pro libito voluntatis. Sed quam absurda sint ista, vos videte; et utrum vobis placerent si vobis haec fierent, respondete! Quod si a tanta absurditate per vivam rationem papa cogitur resilire, tenendum est quod non accipit tantam potestatem in temporalibus ipse Christi vicarius, sed eam solam quam in sua humilitate Christus exercuit et ostendit.

CLERICUS: Negatis, O miles, Ecclesiam cognoscere de peccato?

MILES: Quod absit; nam qui hoc negaverit poenitentiam et confessionem abnegabit.

CLERICUS: Si quid iniuste agitur peccatum est; et propterea qui habet cognoscere de peccato cognoscet utique de iusto et iniusto. Cum ergo iustum et iniustum in negotiis rerum temporalium sint, consequens est ut etiam de causis temporalibus debeat Ecclesia¹ iudicare.

MILES: Argumentum istud est cornutum,² cuius vanitas et infirmitas per argumentum similem repellenda est. In suspendendis latronibus aliisque damnandis, habetur iustum et iniustum, et sic peccatum. Sed de peccato debet clericus iudicare.³ Ergo, ratione peccati, debet Ecclesia de sanguine iudicare; sed planum est quod non. Ergo, argumentum vestrum est⁴ levi ratione sufflatum. Nunc restat vobis ostendere quomodo vestra cognitio, domine clerice, debeat se circa iustum et iniustum habere. Nulli dubium est quin iustum et iniustum secundum humanas leges, quae de talibus sanxerunt, sit de temporalibus iudicandis, secundum quas et sub quibus subiectis omnibus est vivendum. Manifestum est, ergo, illum debere secundum leges iudicare, et de iusto et iniusto cognoscere, cuius est leges condere et habere interpretari, exponere, custodire, facere et aggravare, cum videbitur [expedire,] et mollire. Si ergo vos in iudicio temporalium simul vultis cum eo⁵ concurrere, immo perniciose contendere et in cognoscendo de iusto et iniusto, iam, contra

¹ Ecclesia] *om.* C¹ papa B²C³ ² cornutum] corruptum B²C³ ³ Sed de...iudicare] *om.* P¹V ⁴ Ergo...est] igitur vestrum est C¹ ideo argumentum vestrum est B¹B²C²C³ ⁵ eo] principibus seculi P¹V

claim, and without legal process, he must obey at once. If, then, you contend that the pope has the same power, it is therefore necessary to concede that he can give all your goods, and those of others, and ours, to whichever of his little nephews or relations he wishes, and take away principalities and kingdoms and grant them in whatever way he likes. But see how absurd these things would be, and tell me how you would like it if they were done to you! And if a lively sense of the rational compels the pope to retreat from so great an absurdity, we must hold that the vicar of Christ has not received such power in temporals, but has only that which Christ Himself exercised and showed in His humility.

CLERK: Do you deny, O knight, that the Church has cognizance of sin?

KNIGHT: Far be it from me, for whoever denies this also denies penance and confession.

CLERK: If anything is done unjustly, it is a sin, and so he who has cognizance of sin also has cognizance of the just and unjust. Since, therefore justice and injustice arise in affairs which involve temporal things, it follows that the Church should judge temporal causes.

KNIGHT: That is a specious argument, the vanity and weakness of which is worthy to be rebutted by a similar one. Justice and injustice, and therefore sin also, are involved in the hanging of robbers and other condemned criminals. By reason of sin, therefore, the pope ought to judge capital offences. But this is clearly not so. Therefore your argument is blown away by a light reason. It now remains to show you, lord clerk, how your cognizance should stand in relation to the just and unjust. There is no doubt that justice and injustice in temporal matters should be judged according to the human laws which have been established for such matters, by which and under which all subjects must live. It is clear, therefore, that he should judge according to the laws, and take cognizance of what is just and unjust, whose task it is to establish the laws, and whose business it is to interpret, expound and uphold them, and to make them heavier and lighter as may seem expedient. If, therefore, you wish to run alongside him, or, rather, perniciously to contend with him, in taking cognizance of what is just and unjust in the

Scripturam vestram, aratis cum bove et asino [Deut. 22:10]. Et cum principes dicent *hoc est iustum* [et] pontifices dicent *hoc est iniustum*, fiet quod dicit Habacuc propheta in principio [Hab. 1:3f]: *Factum est iudicium, et contradictio potentior. Propter hoc lacerata est lex, et non pervenit usque ad finem iudicium; quia vere non erit hoc iustitiam et iudicium in terra facere, sed iustitiam et iudicium in terra lacerare. Et ostendam vobis secundum Paulum ubi vestra cognitio debet incipere. Principes de suo iure de iusto et iniusto cognoscunt, et eis debetur obedientia sicut praecipitur Deuter. 17[:12]: *Qui autem superbierit, nolens obedire eius imperio*¹ [etc.]; et eorum officium est iudicare et cohercere resistentes cum iudicandi habent potestatem, dicente Paulo ad Titum. 3[:1], *Admone illos principibus et potestatibus subiectos esse, et subditos*; et ad Romanos [13:1], *Omnis anima potestatibus sublimioribus subdita sit*. Cumque omnis anima dixit, nullum, ut videtis, exclusit, ubi etiam maleficia et scelera manifesta sunt, veluti praeda et rapinae et similia, nec est princeps² qui velit aut possit corrigere, non nego vos in iis casibus debere vel posse vestram potentiam exercere;³ sed non de iusto vel iniusto, quia de hoc non habetis cognoscere, aut manum ad hoc apponere. Sed cum manifestum fuerit aut per sententiam iuris aut evidentiam sceleris quae nulla eget cognitione, tunc poterit ad vos ea materia et forma, quibus dictum est, pertinere. Alias,⁴ si propter peccati colligantiam vultis de casibus cognoscere praenotatis, non restat nisi fores principum claudere, silere leges et decreta principum, et vestra sola resonare.*

Artare autem vos volo, et urgere una nova quaestione: utrum est vestrum de causa matrimonii cognoscere. Ecce, ego nunc Parisius vado pro quadam haereditate quam nomine uxoris meae peto, quae habet in ea succedere. Videtis quod ratione matrimonii mihi competit hanc haereditatem petere. Numquid propter matrimonii colligantiam, de qua habetis cognoscere, debeo coram vobis de haereditate litigare? Robertus de Flandria

¹ *eius imperio*] sacerdotis imperio *Vulg* ² princeps] *om.* ³ non nego...exercere] tunc accedere debet monitio et demum vestre potestatis mucro ^{P¹V} ⁴ pertinere. Alias] pertinere ad bonum finem, viz ad spirituales absque aliquo questu debite monitis nolentibusque aut in potentibus seculi principibus. alias ^{P¹V}

judgment of temporal matters, then you are ploughing with an ox and an ass, contrary to your scriptures (Deut. 22:10). And when princes say, 'This is just' and pontiffs say, 'This is unjust', what the prophet Habakkuk says at the beginning of his book (1:3f) will be fulfilled: 'Strife and contention arise. Therefore the law is torn in pieces and judgment cometh not to the end.' For, truly, this is not to do justice and judgment on earth, but to tear justice and judgment on earth in pieces. And I shall show you where, according to Paul, your cognizance should begin. For princes have cognizance of the just and unjust by their own right, and obedience is due to them, as is taught at Deuteronomy 17:12: 'And the man that will do presumptuously, not obeying his command',² etc. And their duty is to judge and coerce those who resist them, since they have the power of judging, as Paul says to Titus (3:1): 'Put them in mind to be subject to principalities and powers'; and at Romans 13:1: 'Let every soul be subject unto the higher powers.' And since he says *every* soul, excluding none, as you see, then, clearly, where evil and wicked deeds are manifest, such as plunder, robbery and similar things, and there is no prince who will or can correct them, I do not deny that in these cases you should or can exercise your power. Not in regard to the just or unjust [considered in a general way] however, because it is not your business to have cognizance of this or to put your hand to it. But when it is manifest either by the sentence of the law or by the evidence of crime that no [formal] cognizance is necessary, then the matter and form of which we have spoken can indeed pertain to you. Otherwise, if you wish to take cognizance of the aforementioned cases merely because of their connection with sin, nothing will remain other than for the courts of princes to close, the laws and decrees of princes to be silent, and yours alone to resound.

But I wish to press you, and urge one new question: whether it is your business to take cognizance of matrimonial causes. Behold: I go now to Paris for the sake of a certain inheritance which I am claiming in the name of my wife who has succeeded to it. You see that I am competent to claim that inheritance by reason of matrimony; but surely I do not have to state my case for the inheritance before you merely because it is connected with matrimony, of which it is for you to take cognizance? When

² See Introduction, n. 36.

pro uxore sua petens ducatum Burgundiae¹ nomine dotis, debuitne coram rege aut coram episcopo litigare? Immo, plane dico vobis omnibus clericis inhibendo, ne vobis cognitionem de dotis contra Deum et iustitiam usurpetis; cum promissio dotis mere et vere sit pactio temporalis, et saepe firmetur et firmari possit regalibus instrumentis. Et quia vobis usurpatis aliena, evenit vobis illud Dei iudicio qui in eo nihil inultum patietur. Patet ergo quod sit vanum et frivolum quod ex tali vicinitate rerum velitis vobis fingere colligantiam in cognitione causarum; quamvis ad haec omnia unum solum vobis debet sufficere, quod supra memoravimus de Evangelio Lucae, dicente Domino Iesu, *Homo, quis me constituit iudicem aut divisorem inter vos?* Ostendit enim manifeste quod secundum eam potestatem quam homo mortalis exercuit, non pertinebat ad eum de haereditate iudicare.

CLERICUS: Nonne debent temporalia spiritualibus deservire? Ergo debent esse subiecta spiritualibus,² et spiritualis potestas temporalem debet regere potestatem.

MILES: Vere debent temporalia spiritualibus deservire eo casu quo tenentur Dei cultoribus necessaria ministrare. Nam hoc omnis gens quasi innatum habet instinctum³ et naturali iure decrevit naturalis necessitas⁴ ut ministrantibus Creatori seu divina celebrantibus necessaria ministrentur et honoris debitum et vitae necessaria praebeantur.⁵ Quod patet etiam Pharaonis exemplo Gen. 47[:22]; et lex quam Dominus Moysi tradidit, sacerdotibus abundanter et caute providit; non tamen dominium aut regnum temporale commisit. Et Apostolus [I] ad Corinthios [9:11]: *Si nos vobis spiritualia seminavimus, magnum est si nos carnalia vestra metamus?* Si vultis scire qualis dominium praebeet ministerium,⁶ accipite per ordinem verba Christi et apostoli eius Pauli. Dicit enim Christus de discipulis ad praedicandum missis, *Dignus enim est operarius cibo suo* [Matt.

¹ Burgundiae] bruggensem C¹P¹V ² Ergo debent...spiritualibus] om. P¹V ³ instinctum] institutum B¹C² ⁴ naturalis necessitas] natura naturans vel naturalis necessitas C¹ natura naturans C²B¹ natura C³B² ⁵ et honoris... praebeantur] om. B²C³ ⁶ qualis...ministerium] quale dominium vestrum spirituale ministerium prebet P¹V

Robert of Flanders petitioned on behalf of his wife for the Duchy of Burgundy which was her dowry, did he have to state his case before the king or the bishop?³ I say plainly, indeed, that all you clerks should be restrained from usurping cognizance of dowries contrary to God and justice; for the promising of a dowry is performed purely and simply by temporal agreement, and often is and may be confirmed by royal instruments. And because you usurp to yourselves that which belongs to another, there is now befalling you that true judgment of God, Who in it suffers nothing to go unpunished. Clearly, therefore, it is vain and frivolous for you to wish to invent for yourselves a cognizance of related causes merely by reason of such connection. It must, however, suffice to say one thing only to you concerning all this: that which we have already cited from St Luke's Gospel, where the Lord says, 'Man, who made me a judge or a divider over you?' For He showed manifestly that, according to that power which He exercised as a mortal man, it did not pertain to Him to judge a matter involving an inheritance.

CLERK: Must not temporals serve spirituals? Therefore temporals must be subject to spirituals, and the spiritual power must rule the temporal power.

KNIGHT: Truly, temporals must serve spirituals in the sense that they are held to be necessary to minister to those who worship God. For every nation holds this belief as if innate, and has it by instinct; and natural necessity itself has decreed as a matter of natural right that those who minister to the Creator or celebrate things divine should have what is needful furnished for them, and that the necessaries of life should be provided for them as a debt of honour. This is clear from the example of Pharaoh at Genesis 47:22; also, in the Law which the Lord gave to Moses the priests are abundantly and carefully provided for: but it does not entrust to them a temporal lordship or kingdom. And the Apostle says at I Corinthians 9:11: 'If we have sown unto you spiritual things, is it a great thing if we reap your carnal things?' If you wish to know what manner of lordship the ministry bestows, receive the words of Christ and His Apostle Paul respectively. For when Christ was sending His disciples forth to preach, He said, 'The labourer is worthy of his hire' (Matt. 10:10). And Paul, speaking

³ For this reference see Scholz, *Die Publizistik*, pp. 343f.

10:10]. Et Paulus de seipso et caeteris apostolis ait, *Quis militat suis stipendiis umquam?* [I Cor. 9:7] quasi dicat, Nullus. Et infra scriptum est in lege Moysi, *Non ligabis os bovi trituranti* [Deut. 25:4; I Cor. 9:9]. Ecce quibus vos comparant Christus et Paulus apostolus: utique, operariis et stipendiariis. Numquid operarii et stipendiarii sunt rerum domini? Videtur ergo quod temporalia conceduntur vobis non ad dominium, sed ad vitae subsidium. Et de spiritualibus ministris scriptum¹ est hoc ex lege Moysi: comparantur bovi trituranti, cui satis est accipere pabulum, quamquam ipse suo labore impleat horreum. Et quod dicitis spirituales potestatem regere temporalem, iam vobis est superius per apostolo Paulo responsum ibi, quod *omnis namque pontifex ex hominibus assumptus, pro hominibus constituitur in iis quae sunt ad Deum*, et in iis habent vos regere, scilicet, quae sunt ad Deum. Sed nihil ad Ecclesiam² de iis quae foris sunt pertinet iudicare.³

Quod si adhuc contenditis Summum Pontificem esse superiorem per omnia, in derisiones mirabiles incidetis. Si enim, cum creatur papa, creatur dominus omni, ergo simili ratione creare episcopum erit creare illius terrae⁴ dominum, et sacerdos meus erit dominus castri mei et dominus meus; quia sicut potestas domini papae est in toto, ita potestas ipsorum est in illa parte cui praesunt. Cessandum est ergo ab hac stultitia, quae ab omnibus irridetur et tantis testimoniis et rationibus confutatur. Nam in veteri lege didicimus non sacerdotes a regibus, sed reges et principes a sacerdotibus et prophetis honorari,⁵ et eos ad se vocari,⁶ et quae placebant regibus imperari; et in iis interdum in quibus erraverant puta dispensatione temporalium increpari, ut III Reg. 1[:50ff] et 2 cap. [:26f], et [IV] Reg. 12[:7].

CLERICUS: Miror quod dicitis, super dispensatione temporalium regem arguisse pontificem.

MILES: Vos excitatis canem dormientem, et me cogitis loqui de iis quae ante non cogitavi.

CLERICUS: Excitetur canis, et latret.

¹ scriptum] sumptum C¹C²B¹ ² Ecclesiam] vos ecclesiasticos P¹V ³ iudicare] iudicandum C¹ iudicandum aliter quod supra est deductum P¹V ⁴ illius terrae] illius patrie C¹ ipsius patrie B²C³ illius racione V ⁵ honorari] adorari C¹ adorari id est honorari V ⁶ ad se vocari] a se dominos vocari P¹, V.

of himself and the other apostles, said, 'Who goeth a warfare any time at his own charges?' (I Cor. 9:7) – by which he means to say, No one. And it is written in the Law of Moses, 'Thou shalt not muzzle the ox that thresheth' (Deut. 25:4; Cf. I Cor. 9:9). Behold what Christ and His apostle Paul compare you to: workmen and labourers. Are workmen and labourers lords of anything? You see, therefore, that temporals have been granted to you, not by way of lordship, but to sustain your life. And as to what is written in the Law of Moses concerning those who administer spiritual things: they are compared to the ox that thresheth, for whom it is enough to receive fodder even though by his labour he fills up the barn. And as to your saying that the spiritual power rules the temporal, an answer has already been given to you by the Apostle Paul: that 'Every high priest taken from among men is ordained for men in things pertaining to God.' It is in those things that you have to rule us: that is, in things pertaining to God; but it does not pertain to the Church to give any judgment in relation to external things.

But you incur wondrous derision when you contend moreover that the Supreme Pontiff is supreme in all things. For if, when he is made pope, he is created lord of all things, then, by similar reasoning, to create a bishop will be to create the lord of his territory, and my priest will be lord of my castle, and my lord; for just as the power of the lord pope is in the whole, so will their power be in that part over which they preside. Desist, therefore, from this foolishness, which is derided by all men and which has been refuted by so many texts and arguments. For in the Old Law we learn that priests were not venerated by kings, but kings and princes by priests and prophets, and they were summoned by kings and required to do whatever pleased them. And when the priests happened to err from time to time in the administration of temporals, they were rebuked, as at I Kings 1:50ff and 2:26f, and II Kings 12:7.

CLERK: I am amazed at what you say: that a king has rebuked a pontiff over the administration of temporals.

KNIGHT: You are exciting a sleeping dog and compelling me to speak of things which I had not previously considered.

CLERK: Let the dog be excited, and bark.

MILES: Quia nescitis uti humilitate et patientia principum, timeo quod post iustum latratum merito sentiatis et morsum.

CLERICUS: Quid interest regum et principum super dispensatione nostrorum temporalium? Ipsi sua habeant, et nostra nobis dimittant.

MILES: Interest nostra multum per omnem modum. Numquid non interest mea circa salutem animae meae per omnia cogitare? Numquid non interest nostra pro parentibus nostris mortuis debita exsequi suffragia, et etiam postulare? Et nonne vobis a parentibus nostris ad hoc sunt nostra temporalia data, et vobis copiosissime ministrata, ut in cultum Dei totaliter expendantur? Sed certe nihil inde facitis, sed omnia vestris necessitatibus, quin immo voluptatibus,¹ applicatis, quae per eleemosynas et opera caritatis in viceribus pauperum claudere debetis. Nonne est necesse ut per huiusmodi sanctissima opera mortui innarentur et salvarentur vivi? Nonne cum ea perperam expenditis superflueque consumitis, et ea contra intentionem dantium, et etiam quodammodo accipientium disperditis male utendo, vivos et mortuos laeditis, et vivos et mortuis damnabiliter derogatis? Nonne ei qui non vult militare auferetur digne stipendium? Et certe vassalus non implens servitium merito perdit feudum. Et ut vobis imponam super hac quaestione silentium, et quod super hoc nostrum sit delere² vos, et alios³ arguere, et remedium adhibere, accipite fortissimum et apertissimum casum Scripturae Sacrae, II Para. 24[:2]. Legitur enim sic de rege Ioas: *Fecitque quod bonum est coram Domino, cunctis diebus Ioiadae sacerdotis*; et de eodem rege legitur IV Reg. 12[:7f]: *Vocavitque rex Ioas Ioiadem pontificem, et sacerdotes, dicens eis, Quare sartatecta non instauratis templi? Nolite ergo amplius accipere pecuniam iuxta ordinem vestrum, sed ad instauracionem templi reddite eam. Prohibitique sunt sacerdotes ultra accipere pecuniam a populo*. Vides, ergo, quod laudatur rex Ioas a Domino, qui curam accepit ut oblationes iuxta intentiones dantium expenderentur in cultum divinum; hoc est, ad instauracionem templi. Laudat enim regem Ioas Deus ut ostenderet

¹ quin immo voluptatibus] om. C¹ ² delere] om. C¹ debere P¹V dolere C³B¹B²
³ vos, et alios] om. C¹C²B¹ et vos ipsos C³B²

KNIGHT: Because you do not know how to benefit from the humility and patience of princes, I fear that after a just bark you will deservedly feel yourself bitten.

CLERK: What does the administration of our temporals have to do with kings and princes? Let them have theirs, and leave ours to us.

KNIGHT: It has to do with us in every way. Is it not my business to take thought for the salvation of my soul above all things? Is it not our business to perform the proper rites for our deceased parents, and also to claim such rites? And were not our temporals given to you by our parents, and supplied to you most copiously, so that they might be wholly expended in divine worship? But you certainly do nothing with them but apply to your own needs, and, indeed, to your own pleasures, all those things with which you should fill the bellies of the poor by almsdeeds and charitable works. Is it not needful that through most holy works of this kind the dead should be cleansed and the living saved? When you use these things ill, and extravagantly consume them, and waste them contrary to the intention of those who gave them and also, in a manner of speaking, of those who receive them, do you not thereby injure the living and dead, and damnably diminish the living and dead? Should not his wages be taken away from the soldier who will not fight? And certainly the vassal who does not fulfill his service deservedly loses his fief. And that we may reduce you to silence on this question, obliterate your argument, prove our own case to others, and find a remedy, receive the strongest and clearest instances from Holy Scripture. For we read of King Jehoash at II Chronicles, 24:2: 'And he did that which was right in the sight of the Lord, all the days of Jehoiada the priest'; and we read of the same king at II Kings 12:7f that 'King Jehoash called Jehoiada the high priest, and the other priests, and said unto them, Why repair ye not the breaches of the temple? Now therefore receive no more money from the people, according to your ordination, but give it up for the restoration of the temple; and the priests were forbidden to receive any more money from the people.' You see, therefore, that King Jehoash was praised by the Lord because he saw to it that the offerings were expended in divine worship, that is, on the restoration of the temple, according to the intention of those who gave them. God praised King Jehoash, as this example

exemplum quae relinqueret, quod non cupiditate, sed pietate, non ambitione sed religione, id faceret. Ad tollendam suspicionem, rex testem volebat habere pontificem, ut sequitur: *Cumque viderent nimiam pecuniam in gazophylacio, ascendebat scriba regis, et pontifex, effundebantque et numerabant pecuniam quae inveniebatur in domo Domini, et dabant eam iuxta numerum atque mensuram in manu eorum qui praeerant caementarii domus Domini* [IV Reg. 12:10f]. Ecce, laudata est regis religio, qui curam gessit ut bona illius veteris Ecclesiae salvarentur sollicite et expendere religiose. Scio quod durum sit vobis hoc audire, cum tamen nihil vobis referam nisi verba Scripturae. Dictum est enim vobis superius, quod haec omnia accepistis ad vitae subsidium, ad sanctae militiae stipendium, ad victum habendum et vestitutum; quibus duobus dicit Apostolus se contentum esse [I Tim. 6:8]; et quidquid ultra hoc superest, in pios usus pauperum et miserias aegrotantium expenditis. Quod si non facitis, multum nostra interest de eisdem curam habere, ne animas mortuorum salutemque vivorum defraudetis.

CLERICUS: Rex iste Ioas sibi bona non tulit, sed in usus ecclesiasticos expendit. Sed vos hodie bona nostra tollitis, quae non in religiosos usus, sed in militares et bellicosos tumultus expenditis. Unde exemplum quod induxitis nostris non adversatur operibus nisi vestram violentiam aliunde coloretis.

MILES: Semper in malum vestrum contra stimulum regum calcitratis. Estne hoc vobis molestum,¹ quod de bonis Ecclesiae secum tollunt nepotuli vestri et consanguinei, aliaque personae interdum minus² honestae? Sed vobis omnino est intolerabile et molestum, quod rex mansuete petit a vobis, et pro gratia accipit pro vestra salute et defensione³ Ecclesiae et bonorum vestrorum.

CLERICUS: Me miserum! Pellemque meam vobiscum cum carnibus tollitis, et hoc salutem appellatis!

¹ regum calcitratis...molestum] recalcitratis. Est enim hoc molestum nobis P¹V² minus] om. P¹V³ petit a vobis...defensione] a vobis et quod ex gratia accipitis pro vestra salute et pro defensione P¹

which He left us showed, because he acted as he did, not from greed, but from piety, and not from ambition but from motives of religion. In order to remove suspicion the king wished to have the high priest himself as a witness, as follows: 'And when they saw that there was much money in the chest, the king's scribe and the high priest came up, and they put up in bags and counted the money that was found in the house of the Lord. And they gave the money, when it was counted, into the hands of them that did the work, that had the oversight of the house of the Lord' (II Kings 12:10f). Behold, the religion of the king was praised because he saw to it that the goods of the old Church were carefully saved and religiously expended. I know that this is a hard thing for you to hear; but I am presenting you with nothing but the words of Scripture. For, as I have already said to you, you take all these things for the support of your own life and as the wages of holy soldiers, so that they may have food and raiment, with which two things the Apostle declared himself content (I Tim. 6:8); and whatever is left over you ought to spend on godly purposes, for the pious relief of the poor and the miseries of the sick. If you do not do this, it is very much our business to concern ourselves with these same things, lest you play false with the souls of the dead and the salvation of the living.

CLERK: King Jehoash did not take these goods for himself, but expended them for the benefit of the Church. Today, however, you take our goods and spend them, not on religious purposes, but on military and warlike tumults. The example that you give is therefore not at odds with our deeds except in the sense that it lends colour to your violence.

KNIGHT: You always bring harm upon yourself by kicking against the goad of kings. Does it injure you if your nephews and kinsfolk and other less than honest persons sometimes take the goods of the Church for themselves? Yet it is quite intolerable and injurious to you when the king mildly asks you for something and by his grace accepts it from you for your own safety and for the defence of the Church and your goods.

CLERK: Woe is me! You take away my skin and flesh together and call that safety!

MILES: Non perstrepite,¹ sed patienter audite. Considerate vicinos vestros suis egentes, et ad vestra respicientes. Si deficeret regis potestas, qualis esset requies vestra? Nonne nobiles egeni et prodigi, si consumpsissent sua, converterentur ad vestra? Ergo regia manus est murus vestra; pax regis pax vestra; salus regis salus vestra. Quae si deesset, aut forsitan esset subtracta, vel peccatis vestris exigentibus a vobis discederet, et vicinis super bona vestra grassantibus, nunc exigentibus, nunc comminantibus, nunc invadentibus, nunc consumentibus atque vastantibus bona vestra, cogere omnes omnibus servire. Si nolletis sic prorsus et funditus bona vestra perire, quanto velletis tunc redimere, quod manus regia tunc rediret sicut prius? Videtis, ergo, cum pauca regi traditis, quomodo salutem vestram redimitis, quando omnia bona vestra dispensanda salvatis. Sed sicut vos semper fuistis beneficiis² ingrati, sic estis nunc in vestris profectibus querulosi. Quod si manus hostilis rege cadente regnum invaderet, nonne omnes praedis et rapinis interretis, et ferocitatem barbaricam, quam vobis implacabilem³ sentiretis, relictis sedibus, territi et attoniti fugeritis, et totum perderetis, qui modo pro minimis doletis? Quod si reges et principes suis expensis, suisque periculis tenentur vos defendere, seque morti pro vobis gratis exponere, et vos sub umbra quiescere, comedere splendide, iocunde bibere, super lectos ornatos quiescere, quiete dormire et in stramentis⁴ mollibus: ergo vos estis vere soli domini, reges vero et principes servi vestri, aliquae pro vobis res et personas offerunt morti. Si datur personis ecclesiasticis requies, non est magnum si pro personis serviant opes: si regibus et principibus pro parte bonorum vestrorum serviatis qui tot exponunt ut sitis conservati et a morte forsitan liberati.⁵ Hoc autem dicitis esse durum; sed non quiescitis, donec more solito convicti fueritis, ac etiam confutati divinis quibus non potestis obviare, Scripturis. Nam de rege Ioas superius memorato habetur IV Reg. 12[:18]: *Quamobrem tulit Ioas, rex Iuda, omnia sanctificata quae consecraverant Iosaphat, et Ioram, et Ochozias, patres eius, reges*

¹ Non perstrepite] Ne pro strepitu C¹C² Non pro strepitu P¹V ² beneficiis] benefactoribus P¹V ³ implacabilem] implacabilem at impertabilem C¹ importabilem P¹V ⁴ et in stramentis] cum instrumentis P¹V ⁵ si regibus... liberati] om. B¹B²C²C³

KNIGHT: Do not make such a fuss, but listen patiently. Notice how lacking your neighbours are in goods of their own, and how they look towards yours. If there were no royal power, what manner of rest would you have? Would not impoverished and extravagant nobles turn to your property once they had consumed their own? The king's hand is your bulwark, therefore; the king's peace is your peace; the king's safety your safety. If he were absent, your goods would be stolen from you, perhaps, or you would be sundered from them by the expense of your own sins. When your neighbours lay in wait for your goods, now demanding, now threatening, now invading, now consuming and devastating your goods, you would be compelled to serve them all. But when you saw your goods perishing so swiftly and completely, would you not wish that the king's hand might be restored to where it was before? You see, therefore, how you purchase your own safety and rescue all your goods from loss when you hand over a small part of your goods to the king. But just as you have always been ungrateful for benefits, so now do you complain of your advantages. If the king were to fall and the kingdom be invaded by a hostile force, would not everything be ruined by looting and pillage? Terrified and astounded by a barbaric ferocity which you would see to be implacable, would you not desert your sees and lose everything, you who now bewail the loss of the slightest thing? But if kings and princes are bound to defend you at their own expense and peril, and to expose themselves freely to death for you while you rest in the shade, eat splendidly, drink merrily, recline on ornate couches, and sleep peacefully in soft beds, then you yourselves are the only lords, and kings and princes are your slaves, and other men offer up their own property and persons to death on your behalf. If it is given to ecclesiastical personages to remain in peace, it is no great thing if their wealth does service in place of their persons: if with part of your goods you serve the kings and princes who expose themselves to every danger so that you may be protected, and perhaps delivered from death. You say that this is hard; but you will not rest until you have been convinced in the usual way and confuted by divine Scriptures which you cannot gainsay. Now at II Kings 12:18 it is written of that King Jehoash whom we have already mentioned that 'Jehoash king of Judah took all the hallowed things that Jehoshaphat and Jehoram

Iuda, et quae ipse obtulerat, et universum argentum quod inveniri potuit in thesauris templi Domini et in palatio regis, misitque Hazaeli, regi Syriae, et recessit ab Ierusalem. Ecce aperte, quod pro redemptione populi accepit ea quae consecrata erant in templo Domini; non tamen pepercit regis palatio quando tulit ista de templo. Et eodem modo IV Reg 18[:16] legitur sic de Ezechia rege sancto: *In tempore illo confregit Ezechias valvas templi Domini, et laminas auri quas ipse affixerat, et dedit eas regi Assyriorum.* Quod si dicas quod Ezechias egit male, respondeo quod sic habetur in II Para. 32[:30f]: Ezechias non reprehenditur in omnibus operibus suis, praeterquam in legatione principum Babylonis. Quis ergo damnabit, quem in omnibus Scriptura laudavit? Si erratis, non intelligentes Scripturarum virtutem, quod hoc contra reges et principes? Legitur enim II Macc. [5:19]: *Non propter locum gentem, sed propter gentem locum Deus elegit.* Nonne ergo parcendum est materiali ecclesiae ubi discrimen imminet genti Christianae? Quod sanctus Ezechias et Ioas¹ intellexit et fideliter adimplevit. Si enim bona vestra sint Ecclesiae, et populus in Ecclesiam est, quanto iustius substantia vestra,² ubi salus populi pendet, expendenda est? Et Dominus Matt. 12[:6] ait, *Dico autem vobis, quod templo maiora est hic.* Nec est dubium quin templum spirituale, quod est homo, dignius sit materiali et templo lapideo. Intelligat ergo rex pius et prudens in iis verbis Domini Dei voluntatem, nec ulterius quaerat auctoritatem. Nec est parcendum materiali templo, nec in iis quae dedicata sunt templo, ut salus reddatur et pax periclitanti populo Christiano. Nec blandiendum est ecclesiarum superfluitati, immo succurrendum tantae gentis necessitate. Sed quia rex ea quae sibi licent iure divino vult facere cum beneplacito vestro, non veremini exasperare regem in mansuetudine vobiscum agentem, et solita benevolentia vos regentem. Cavete a verbis Salomonis, quod *ira regis nuntius est mortis* [Prov. 16:14].

¹ Ioas] Iosaphat C¹P¹V ² vestra] mea C¹P¹V

and Ahaziah his fathers, kings of Judah, had dedicated, and his own hallowed things, and all the gold that was found in the treasures of the house of the Lord, and in the king's house, and sent it to Hazael, king of Syria: and he went away from Jerusalem.' You see clearly that he took all the hallowed things from the temple of the Lord for the redemption of the people, but that he did not spare the king's palace when he took those things from the temple. In the same way, at II Kings 18:16 we read thus of the holy King Hezekiah: 'At that time did Hezekiah cut off the gold from the doors of the temple of the Lord, and from the pillars which Hezekiah, king of Judah, had overlaid, and gave it to the king of Assyria.' If you say that Hezekiah acted wrongly, I reply that at II Chronicles 32:30f we learn that Hezekiah was not condemned in any of his works save in his dealings with the ambassadors of the princes of Babylon. Who, therefore, will condemn one who is praised in all the Scriptures? If you have erred because you do not understand the virtue of the Scriptures, what does this signify against kings and princes? For as we read at II Maccabees 5:19, 'The Lord chose the place for the people, not the people for the place.' Is the material Church to be spared, therefore, when danger threatens the Christian people? The holy Hezekiah and Jehoash understood this and faithfully fulfilled it. For if your goods belong to the Church, and the people are in the Church, what is more just than that your substance should be expended where the safety of the people is at stake? And the Lord said at Matthew 12:6 that 'in this place is one greater than the temple'. Nor is there any doubt that the spiritual temple which is man is worthier than the material temple of stone. Let the pious and prudent king perceive the will of the Lord God in these words, therefore, and seek no higher authority. Nor is the material temple to be spared, nor those things which are hallowed in the temple, when it is a matter of restoring the safety and peace of an endangered Christian people; nor should we pander to the Church's extravagance at the expense of supplying the needs of so great a people. But because the king wishes to have your blessing in doing what is already lawful to him under the divine law, you do not fear to provoke the king even when he acts towards you with mildness and rules you with his accustomed benevolence. Beware the words of Solomon: 'The wrath of the king is as messengers of death' (Prov. 16:14).

CLERICUS: Si possunt revocari, quae semel sunt [Deo] donata, ergo irritari possunt omnia vota.

MILES: Hoc non est quae data sunt Deo revocare, sed eis usibus quibus data sunt applicare. Quae enim sunt Deo data, eo ipso sunt piis et sanctis usibus dedicata. Quid enim potest esse sanctius quam Christiani populi salus, et quid pretiosius Domino quam hostes et rapaces interfectores arcere a populo Christiano, et quam pacem subiectis et fidelibus emere? Cum ergo in iis bona Ecclesiae expenduntur, vere usibus quibus fuerant dedicata redduntur.

CLERICUS: Si ad Scripturas Sacras recurritis, quare libertates nostras infringitis,¹ quas nos libertates ex ipsis constat traxisse Scripturis?² Dominus enim interrogat Petrum Matt. 17[:25ff], *Reges terrae, a quibus accipiunt tributum vel census: a filiis suis, an ab alienis? Et ille dixit: Ab alienis. Dixit illi Iesus: Ergo liberi sunt filii. Ut autem non scandalizemus eos, vade ad mare, et mitte hamum, et eum pisces qui primus ascenderit tolle, et aperto ore eius, invenies staterem: illum sumens, da eis pro me et te.* Videtis, miles, quod clerici Christi servitio mancipati sunt liberi omnino.

MILES: Si evangelium bene respicitur, a Christo solo census sive didrachma petebatur: ideo pro Christo dari videtur ista responsio. Ipse enim filius Dei est regis magni; et sicut filius regis maior est praeside, sic filius Dei maior est, et maior erit, Caesare. Et sic illa responsio proprie videtur esse pro Christo. Attamen, cum illi qui principaliter ministrant regi nullatenus ad publica regis onera sunt trahendi, concedimus quod clerici in suis personis sunt liberi. Dico tamen quod non coniugati, non vita [et] conversatione et negotiatione laici, qui non ad honorem Dei, sed in fraudem sunt Domini, sicut patet ad oculos tonsurati,³ sed clerici Christum sequentes, ut Petrus, et sacris altaribus mancipati. Tales enim, inquam, plane sunt liberi, non per Evangelium, sed

¹ nostras infringitis] nostras in ipsis fundatas infringitis P¹V ² quas nos...Scripturis?] om. P¹V ³ tonsurati] in tonsuratorum negociacione P¹V

CLERK: If things can be recalled once they have been given to God, then surely all vows can be broken.

KNIGHT: This is not a case of recalling things which have been given to God, but of applying them to the uses for which they were given. For those things which were given to God were thereby dedicated to godly uses; and what could be more sacred than the safety of the Christian people, and what more precious to the Lord than to protect the Christian people from enemies, robbers and murderers and to secure the peace of subjects and believers? When the goods of the Church are expended for these purposes, therefore, they are truly restored to the uses for which they were dedicated.

CLERK: If you have recourse to the sacred Scriptures, why do you infringe our liberties, when those liberties are clearly given to us by those very Scriptures? For the Lord asked Peter at Matthew 17:25ff, 'Of whom do the kings of the earth take custom or tribute? Of their own children, or of strangers? Peter saith unto Him, Of strangers. Jesus saith unto him, Then are the children free. Notwithstanding, lest we should offend them, go thou to the sea, and cast an hook, and take up the first fish that cometh up; and when thou hast opened his mouth, thou shalt find a piece of money: that take, and give it unto them for me and thee.' You see, O knight, that clerks, bound to the service of Christ, are entirely free.

KNIGHT: If the Gospel is properly considered, the tax or drachma was demanded of Christ only; and so this answer seems to be given only for Christ, for He is the son of God, the son of the great King. And just as the king's son is greater than a noble, so the son of God is greater, and will be greater, than Caesar; and so this answer seems to relate to Christ alone. However, because those who chiefly serve the king certainly should not have to bear the king's public burdens, we concede that clerks are free in their own persons. I am not speaking of those who appear tonsured to the eye but who are married, or who are laymen in their lives, conversation and conduct: not of those who do not honour God but cheat the Lord, but of those who, like Peter, follow Christ and are servants of the sacred altar. Such as these, I say, are clearly free, not by the warrant of the Gospel, but because

quia Evangelio et eorum officio videbatur consonum, indultum est eis hoc privilegium principum. Nam ab origine Ecclesiae dixit Paulus ad Romanos 13[:1]: *Omnis anima potestatibus sublimioribus subdita sit*; et post [vs. 5]: *Non solum propter iram, sed etiam propter conscientiam*. Et post ibidem dicitur [vs. 7], *Reddite ergo omnibus debita: cui tributum, tributum; cui vectigal vectigal*, etc. Videtis ergo quod omnis anima est subdita in vectigalia et tributa. Sed, ut dixi, nunc estis in personis liberi, quia Christi officio estis applicati. Sed numquid per hoc eadem libertate gaudebunt agri? Si enim ecclesia emerit censualem agrum, numquid ille cui solvendus est census perdet eum?

CLERICUS: Non de censibus sed de exactionibus sermo est.

MILES: Sicut ego super certos agros habeo certum censum, sic imperator super orbem terrarum pro defensione reipublicae, cum opportunum fuerit, pro arbitrio voluntatis potest levare tributum. Clara enim ratione conceditur, ut respublica reipublicae sumptibus defendatur, et quaecumque pars gaudeat ista defensione, aequissimum est, ut cum aliis ponat humerum sub onere. Si ergo non minus iuste possessiones subditae sint ad onus publicum, quantum ad annualem censum ad quoscumque transeunt, semper erunt sub onere hoc, ubi necessitas fuerit reipublicae, sicut cum aliis semper egent defensione.¹ Quod si dicitis, quod contra hoc praescripsistis longa usi libertate, respondemus vobis, quod quanto benignitate principum fuit libertas vestra longior, tanto, ubi apparet necessitas, debet esse voluntas [vestra] prouidens ad subueniendum. Nam et irridet Scriptura vestram praescriptionem, cum nec a Salomone usque ad Ioas, nec a Ioas usque ad Ezechiam² legitur esse factum, quod tamen Ezechias³ fecit. Nam et multae civitates privilegiis et consuetudine ab exactionibus liberae patienter solverunt, et solvunt hodie, quod placuit principi pro defensione regni, vel communitatibus vel persona. Et si Deus, ut dicitur, propter ingratitude revocat remissionem peccatorum, videatis ne propter vestram rebellionem non mereamini non minus, sed in

¹ sicut...defensione] quod semper eget defensione P¹V ² Ezechiam] ezechielem P¹V ³ Ezechias] ezechiel P¹V

it has seemed consistent with the Gospel and their office that this should be granted to them by the privilege of princes. For at the Church's beginning Paul says, at Romans 13:1, 'Let every soul be subject unto the higher powers', and then (vs. 5), 'not only for wrath, but also for conscience sake'; and later in the same chapter (vs. 7) it is said, 'Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom'. You see therefore that *every* soul is to be subject to both custom and tribute, although, as I have said, you are now free in your own persons because you are dedicated to the service of Christ. But are your farms to enjoy the same liberty for this reason? If the Church buys a farm on which a rent is payable, does he to whom the rent is due lose it?

CLERK: But our discussion has to do with exactions, not rents.

KNIGHT: Just as, therefore, I have the right to collect certain rents from certain farms, so, by the judgment of his own will, the emperor may levy tribute upon the world in general when it is appropriate to do so for the defence of the commonwealth. For it is granted by plain reason that the commonwealth should be defended at the commonwealth's expense and that it is entirely just that every part of it which enjoys such defence should shoulder the burden along with the others. If, therefore, it is no less just for possessions to be subject to this public burden than to an annual rent payable by whomever they pass to, then they will always be subject to this burden when the needs of the commonwealth so require; for they are always in need of defence, just as other things are. And if you say that you enjoy freedom from this burden by long prescription, we reply that, inasmuch as you have had your liberty for so long by the generosity of princes, so should your will be all the readier to contribute when necessity appears. But Scripture in any case laughs at your prescription; for we do not read of that being done during the period from Solomon down to Jehoash, and from Jehoash down to Hezekiah, which Hezekiah did nonetheless. Again, many cities which were by privilege and custom free from exactions have patiently paid, and are paying to this day, either as a community or as individuals, what it has pleased the prince to require of them for the defence of the realm. And if, as is said, God revokes the forgiveness of sins for ingratitude, beware lest by your rebellion you deserve, not a lesser burden, but a heavier

plus onerari, et tandem facultate simul et potestate nudari.

CLERICUS: Numquid per regem tollendae sunt gratiae nobis per reges concessae, et per bonorum principum privilegia sanctae Ecclesiae concessa?

MILES: Fateor et verum est amplissima privilegia vobis per bonos alios principes indulta. Scire vero debetis, quod quidquid rectores reipublicae faciunt, ad reipublicae utilitatem intendunt, et ad eam habentes oculum iuxta illam regulam disponunt in tantum, quod salutem reipublicae saluti propriae, quod est gloriosissimum in principe, anteponunt, exemplum de David, II Reg. 7. Constat ergo testimonio et certa ratione eos nihil concedere, quatenus possit in posterum reipublicae derogare. Unde plane colligitur in omnibus privilegiis hoc exemplum, scilicet ut nisi indultum privilegium videatur in posterum reipublicae nociturum, vel pro ardua necessitate, vel utilitate reipublicae manifesta irritandum. Non sit ergo vobis dubium, quin pro regni necessitatibus gratias vobis indultas legibusque sancitas, possint altissimi principes consultiori recondere ratione, et secundum exigentiam temporum; nam iuxta exigentiam temporum invenimus per sapientissimum Salomonem in poena furti et aliquid divina lege mutatum [Cf. Prov. 7:31; Exod. 22:1,4].

CLERICUS: Imperatores sanxerunt ista, non reges; et ideo per vos etiam, O miles, imperatorum erit¹ legum gubernacula moderari.

MILES: Sacrilegium hoc responsum est et blasphemum, et quam, ut videtur, enim quod aut regni originem ignoratis, aut, quod videtur verius, illius altitudinem invidetis. Nam si Caroli Magni registrum inspiciatis et historias probatissimas revolvatis, invenietis quod regnum Francorum dignissima conditione imperii portio est, pari divisione ab eo disiecta, et aequali dignitate et auctoritate a quingentis annis circiter insignita. Quidquid ergo privilegii et dignitatis retinet imperii nomen in parte una, hoc regnum Franciae tenet in alia. Cum enim fraterna² divisione Francorum³ regnum a reliqua imperii parte

¹ imperatorum erit] imperator debet P¹V imperatoris erit C¹ ² fraterna] plena C¹ ³ Francorum] Francie C¹

one, and come at last to be stripped of your resources and power together.

CLERK: Are those graces to be taken from us by kings which have been granted by kings and bestowed upon Holy Church by the privilege of good princes?

KNIGHT: I confess that very ample privileges have indeed been bestowed upon you by other good princes. You must know, however, that whatever the rulers of the commonwealth do they intend for the benefit of the commonwealth, and, having an eye to this, they dispose all things according to this rule in such a way as to place the commonwealth's wellbeing before their own, which is a most glorious thing in a prince, as in the case of David at II Samuel 7. Evidence and clear reason, then, establish that they grant nothing insofar as it may subsequently damage the commonwealth. Hence it is clear that all privileges are held subject to the condition that they must be revoked if they subsequently become harmful to the commonwealth, or in case of harsh necessity, or for the commonwealth's benefit. There is no room for you to doubt, then, that, having regard to the needs of the kingdom and the circumstances of the time, the highest princes may after consideration suspend the graces granted to you and established by the laws: as we find in the case of the most wise Solomon, who somewhat changed the divine law relating to the punishment of theft according to the requirements of the time (Cf. Prov. 7:31; Exod. 22:1, 4).

CLERK: Emperors established these things, not kings; and so for you also, O knight, it will be for emperors to regulate the government of the laws.

KNIGHT: This reply is sacrilegious and blasphemy; and it seems that you are either ignorant of the origin of the kingdom, or, as seems more likely, you resent its supremacy. If, however, you inspect the register of Charlemagne and study the most reliable histories you will find that the kingdom of France is part of the empire, most noble in standing, separated from it by equal division and distinguished by equal dignity and authority for some five hundred years. Whatever privilege and dignity the name of empire retains in the one part, therefore, the kingdom of France has in the other. For when, by fraternal division,⁴ the

⁴ See Introduction, n. 35.

decessit, quidquid in parte decedente et penitus ab imperio exeunte¹ imperium ipsum quondam obtinuit, aut ibidem iuris altitudinis aut potestatis exercuit, hoc principi seu Francorum regi in eandem plenitudine cessit. Et ideo sicut omnia quae infra terminos imperii sunt, subiecta esse noscuntur imperio; sic quae infra terminos regni, regno. Et sicut imperator super totum imperium suum habet leges condere et addere eis vel demere, sic et rex Francorum possit omnes imperatorias leges repellere, aut quamlibet cum placuerit permutare, aut illis a toto regno suo proscriptis et abolitis, novas si placuerit promulgare. Alioquin si aliquid novi, ut saepe accidit, visum fuerit statuendum, si rex non posset hoc, qui est summus, tunc nullus poterit, quia ultra eum non est superior ullus.²

Et ideo, domine clerice, linguam vestram coercite, et agnoscite regem legibus, consuetudinibus, privilegiis et libertatibus datis, regia potestate praeesse, posse addere, posse minuere, mutare quamlibet, aequitate et ratione consulta, aut cum suis proceribus, sicut visum fuerit, temperare. Et ideo si aliquid pro salute regni tuenda videritis istis temporibus immutari, patienter hoc ferte, Paulo Apostolo hoc dicente ad Rom. 13[:2]: *Qui resistit potestati, divinae voluntati resistit*, ne³ qui contra stimulum iniuste recalcitrat semel iterum pungi seu puniri sentiat. *Obedite praepositis vestris, et subiacete eis* [Heb. 13:17]. *Quoniam Moyses ad duritiam cordis vestri permisit vobis dimittere uxores vestras: ab initio autem non fuit sic* [Matt. 19:8]. David autem sub Anathar principe sacerdotum, tempore necessitatis panes propositionis, qui solis sacerdotibus parati erant, et nullis aliis licebat eos comedere, eos comedit, et⁴ aliis dedit comedendos, qui secum erant [I Reg. 21:3ff]. Et ibidem ad aliud:⁵ *Sabbatum propter hominem factum est, non homo propter sabbatum. Itaque dominus est Filius hominis etiam sabbati*⁶ [Marc 2:27f], id est Iesu Christi. *In manu tua magnitudo et imperium* [I Para. 29:12]; et ibidem: *Adoraverunt Deum, et deinde Regem* [I Para. 29:20]; idem ibidem: *Et unxerunt secundo Salomonem, filium David. Unxerunt autem*

¹ exeunte] exempte P¹V ² non ullus] nullus est superior P¹V ³ resistit, ne] resistit, quod intelligitur de rege potentissime, non habente superiorem in temporalibus, ut ponit in 2^o libro Sententiarum capitulo fi eiusdem libri. ne P¹V ⁴ licebat...et] om. P¹V ⁵ erant...aliud] erant et legitur 21c^o David autem sub Abimalech prince sacerdotum tempore necessitatis ad idem aliud B¹ ⁶ sabbati] B¹ breaks off here.

kingdom of the Franks was separated from the remaining part of the empire, whatever authority the empire itself formerly held in the part that was withdrawing and wholly separating itself from the empire, and whatever supremacy or power it exercised, were ceded by it to the prince or king of the Franks in the same fulness. And so just as all things lying within the frontiers of the empire are acknowledged to be subject to the empire, so those things lying within the frontiers of France are subject to the kingdom. And just as it is for the emperor to establish laws over the whole empire, and to add to them or withdraw them, so also may the king of France either reject all imperial laws, or change them in whatever way pleases him, or, having proscribed and abolished them from the whole kingdom, promulgate new ones if he likes. Otherwise, when, as often happens, it is necessary to establish some new law, if the king, who is supreme, could not do this, then no one could, because there is no superior over him.

And so, lord clerk, curb your tongue and acknowledge that the king by royal power governs all the laws, customs and privileges given to you, and may add, diminish or change anything as he sees fit, having consulted equity and reason or his magnates. If, therefore, you see any changes being made in these times to protect the wellbeing of the kingdom, bear them with patience. For, as the Apostle Paul teaches us at Romans 13:2, lest those who unrighteously kick against the goads find themselves pierced or punished again and again: 'Whoso resisteth the power, resisteth the ordinance of God.' At Hebrews 13:17 he says: 'Obey them that have rule over you, and submit yourselves.' And we read at Matt. 19:8: 'Moses because of the hardness of your hearts suffered you to put away your wives: but from the beginning it was not so.' Under Ahimelech the chief priest, David in time of need ate the shewbread which had been prepared for the priests alone, and which no one else might eat, and gave it to the others to eat, who were with him (I Sam. 21:3ff). And again at Mark 2:27f: 'The sabbath was made for man, not man for the sabbath; therefore the Son of man is Lord even of the sabbath day.' And at I Chronicles, 29:12: 'In Thine hand is power and might'; and in the same chapter (vs. 20): 'They honoured God, and then the king'; and again in the same chapter (vs. 22): 'And they made Solomon the son of David king the second time, and anointed him unto the Lord to be the

eum Domino in principem [I Para. 29:22]. Sequitur: *Et Sadoc in pontificem.* [II] Para. 23[:6f]: *Nec quispiam alius ingrediatur domum Domini, nisi sacerdotes, et qui ministrant de Levitis: ipsi tantummodo ingrediantur, quia sanctificati sunt. Et omne reliquum vulgus observet custodias Domini. Levitae autem circumdent regem, habentes singuli arma sua. Et si quis alius ingressus fuerit templum, interficiatur; sintque cum rege, et intrante, et egrediente.* Unxit quoque Ioadas Pontifex ibi [II Para. 23:11]. Explicit.

chief governor'; and then: 'and Zadok to be priest.' And at II Chron. 23:6f: 'But let none come into the house of the Lord, save the priests, and they that minister of the Levites; they shall go in, for they are holy: but all the people shall keep the watch of the Lord. And the Levites shall compass the king round about, every man with his weapons in his hand; and whosoever else cometh into the house, he shall be put to death: but be ye with the king when he cometh in, and when he goeth out.' And Jehoiada the high priest anointed him (II Chron. 23:11). The End.⁵

⁵ See Introduction, p. xxiiiif.

QUAESTIO DISPUTATA IN UTRAMQUE PARTEM, PRO ET CONTRA PONTIFICIAM POTESTATEM¹

Quaestio est utrum dignitas pontificalis et imperialis sive regalis sint duae potestates distincte divisae et separatae, non dependentes² ad invicem; et hoc est quaerere utrum Summus Pontifex plenam iurisdictionem et ordinariam potestatem³ habeat tam in temporalibus quam in spiritualibus, ita quod omnes principes temporales subsint ei quantum ad temporalia. Quod sint potestates distinctae, et quod papa non habeat dominium omnium temporalium, probatur, primo, per rationes philosophicas; secundo, per rationes theologicas; tertio, per iura canonica; quarto, per iura civilia.

[I] Primo sic arguitur. Philosophus, II *De anima*, dicit quod potentiae distinguuntur per actus. Ubi ergo sint actiones disparatae, ibi sunt necessario potestates disparatae.⁴ Sed regimen temporalium et spiritualium sunt actiones omnino disparatae. Ergo et potestates utriusque regiminis sunt omnino disparatae.⁵ Quae autem disparata sunt, unum non subest alteri. Ergo potestas temporalis non subest spirituali.

[II] Item, secundum eundem philosophum, potestates distinguuntur penes obiecta. Quia enim sonus, quod est obiectum auditus, differt a colore, quod est obiectum⁶ visus, ideo auditiva et visiva sunt duae potestates distinctae. Sed temporalia et spiritualia sunt omnino distincta, nec sub eodem genere continentur,⁷ nec communicant in materia. Ergo temporalis et spiritualis potestates sunt distinctae, non dependentes ad invicem.

[III] Item, secundum eundem, actiones et potentiae⁸ distinguuntur penes finem. Quia enim ad alium finem ordinantur intellectus et sensus, ideo sunt distinctae⁹ potentiae in anima. Sed

¹ QUAESTIO...POTESTATEM] See *Introduction*, p. xxviii ² divisae... dependentes] om. P³P⁴ ³ et ordinariam potestatem] sive potestatem ordinariam P⁴ ⁴ potestates disparatae] potestates distinctae et disparatae P⁴ ⁵ Ergo et... disparatae] om. P³P⁴P⁵ArBor ⁶ auditus...obiectum] om. P⁴ ⁷ genere continentur] om. P⁴ ⁸ potentiae] passiones P⁴ ⁹ distinctae] om. P³ duae P⁴

FOR AND AGAINST PONTIFICAL POWER: BOTH SIDES OF THE QUESTION CONSIDERED

The question is whether pontifical and imperial or royal dignity are two powers distinctly divided and separate, not dependent upon one another; and this is to ask whether the Supreme Pontiff has full jurisdiction and ordinary power in temporals and spirituals alike, so that all temporal princes are under him even in temporal matters. That the powers are distinct and that the pope does not have lordship of all temporals is proved, first, by philosophical arguments; second, by theological arguments; third, by canon law; fourth, by civil law.

I. The first argument is this. The Philosopher, at *De anima* II, says that powers are distinguished by their actions. Where there are separate actions, then, there are necessarily separate powers. But governing temporals and spirituals are entirely separate actions. Therefore, the powers which govern both are entirely separate, and, because they are separate, the one is not under the other. The temporal power is therefore not under the spiritual.

II. Again, according to the same philosopher, powers are distinguished by their objects. Because sound, which is something heard, differs from colour, which is something seen, hearing and vision are two distinct powers. But temporals and spirituals are entirely distinct: they are not contained under the same genus, nor do they have matter in common. The temporal and spiritual powers are therefore also distinct and not dependent upon each other.

III. Again, according to the same philosopher, actions and powers are distinguished by their ends. Because intellect and sensation are directed towards different ends, they are distinct

ad alium finem ordinatur potestas spiritualis et ad alium temporalis, sicut patet de se et declarabitur infra in corpore quaestionis. Ergo, etc.

[IV] Item, probatur hoc idem per rationes theologicas, sic. *In principio creavit Deus caelum et terram* (Gen. 1:1), id est, spiritualem et corporalem¹ creaturam, secundum beatum Augustinum [*De Gen. ad litt.*, 1:1:2]. Haec est prima et maxima differentia quae possit esse inter creaturas; nec communicant in materia, et diversa requirunt regimina, quia aliam et aliam ordinationem habent. Ergo potestates regendi necessario sunt distinctae.

[V] Item, primo die creationis mundi, creavit Deum lucem et *divisit lucem a tenebris* [Gen. 1:4]. Sed, sicut exponunt Augustinus et alii sancti, per lucem significantur spiritualia et per tenebras temporalia. Ergo sic distinguuntur et differunt spiritualia a temporalibus sicut differt lumen a tenebris. Ergo et potestates utriusque regiminis omnino² distinctae sunt; nam ait Apostolus [II Cor. 6:14], *quae participatio lucis ad tenebras?* quasi nulla.

[VI] Item, quarto die fecit Deus duo luminaria magna ad decorem et regimen universi: scilicet, solem et lunam, quorum officia sunt diversa, quia solem ordinavit ut praeeset diei et lunam ut praeeset nocti [Gen. 1:16]. Sed per ista duo luminaria significantur istae duae potestates, ut per solem intelligatur papa, qui praeesit in spiritualibus, et per lunam imperator, qui praeesit in temporalibus, sicut habetur Extra. *De maiorit. et obed.*, cap. *Solitae*, ubi sic dicitur: *Ad firmamentum universalis Ecclesiae, fecit Deus duo luminaria magna quae sunt pontificalis auctoritas et regalis dignitas*. Sicut ergo sol et luna immediate producta sunt a Deo, nec unum processit ex alio, licet multum differant claritate, sic utraque potestas pontificalis et regia immediate sunt a Deo, licet differant³ dignitate.

[VII] Item, in lege veteri istae duae potestates fuerunt distinctae. Unde et in ea fuit duplex unctio, pontificalis et regia, et habebant officia distincta, ita quod unus non debebat, nec impune poterat, officium alterius usurpare; nec regalis dignitas suberat pontificali in temporalibus. Ergo multo magis in lege

¹ corporalem] temporalem P⁴ ² omnino] anime et corporis P⁴ ³ claritate, sic...differant] om. Ar

powers within the soul. But the spiritual power is directed towards one end and the temporal towards another; this is clear in itself, and will be shown below, in the body of the discussion. Therefore, etc.

IV. This is also proved by theological arguments. 'In the beginning, God created the heaven and the earth' (Gen. 1:1); that is, according to the blessed Augustine (*De Gen ad litt.*, 1:1:2),¹ spiritual and corporeal creatures. This is the first and greatest difference which can exist among creatures; nor do they have matter in common; and they require different kinds of government because they are differently directed. The powers governing them are therefore necessarily distinct.

V. Again, on the first day of the world's creation, God created light and 'divided the light from the darkness' (Gen 1:4). But, as Augustine and other saints have explained, 'light' here signifies spiritual things and 'darkness' temporal. Spiritual things are distinct from temporal, then, and differ from them as light from darkness. Therefore both ruling powers are also wholly distinct. For, as the Apostle says, 'What communion hath light with darkness?' – meaning that it has none (II Cor. 6:14).

VI. Again, on the fourth day God made two great lights to adorn and rule the whole, namely, the sun and moon. Their two offices are different, for the sun was appointed to rule the day and the moon the night (Gen. 1:16). But these two lights signify the two powers: the sun stands for the pope, who rules spirituals, and the moon for the emperor, who rules temporal, as we gather from X.1:33:6, *Solitae*, where it is said: 'God made two great lights to sustain the universal Church: that is, pontifical authority and royal dignity.' Therefore, just as the sun and moon were brought forth by God immediately, and the one did not proceed from the other even though they differ greatly in brightness, so both pontifical and royal power come from God immediately even though they differ in dignity.

VII Again, in the Old Law the two powers were distinct. Hence, there was a twofold anointing, pontifical and royal, and their duties were distinguished so that the one might not, nor with impunity could, usurp the other's office; nor was the royal dignity placed under the pontifical in temporal matters. The two

¹ Ed. J. Zycha, *Corpus scriptorum ecclesiasticorum latinorum* XXVIII(I) (1894).

nova istae duae potestates sunt distinctae, ita quod una non subest alteri quantum ad temporalia.

[VIII] Item, lex gratiae maiorem spiritualitatem requirit in pontificali dignitate quam lex vetus. Sed, ne ministri veteris legis impedirentur a cultu divino, noluit eos Deus habere dominium terrenorum. Unde tribus Levi non habuit partem et haereditatem inter alias tribus in divisione terrae promissionis, sicut patet in Levitico et Iosue [13:14, 33; 14:3; 18:7]. Ergo multo minus pontifices et alii ministri novi legis debent habere vel quaerere¹ dominium terrenorum.

[IX] Item, sicut ait Salvator, *Non est discipulus super magistrum, nec servus maior domino suo* [Matt. 10:24]; nec vicarius maiorem potestatem habet quam ille cuius vices gerit sibi duxerit committendam. Sed Christus, quamvis haereditario iure Dominus esset omnium, tamen hac potestate uti noluit, sed, etiam oblatam, penitus recusavit, sicut legimus Ioann. 6[:15]. Cum enim quaereret eum populus, ut faceret regem, fugiit, tamquam contemnens, et contemnendam docens, insatiabilem voracitatem² avaritiae et ambitionis inexplabilem vanitatem, specialiter suo vicario dans exemplum non ambiendi, et multo fortius non usurpandi sibi, nomen imperatoriam³ vel regiam dignitatem.

[X] Item, Luc. 12[:13f] scribitur quod cum Christo Domino diceret quidam, *Domine, dic fratri meo ut dividat mecum haereditatem*, respondit. *Homo, quis me constituit iudicem et divisorem super vos?* Ecce, Dei filius super divisione possessionum temporalium recusavit iudicium, qui tamen constitutus est a Deo iudex vivorum et mortuorum [Cf. Act. 10:42]. Ergo vicarius eius de iurisdictione temporalis non debet se intrmittere.

[XI] Item, successor Petri non habet maiorem potestatem in temporalibus⁴ quam habuit Petrus, primus Christi vicarius. Sed nec Petro nec caeteris aliis apostolis⁵ permisit Christus habere dominium terrenorum: immo, potius extremam humilitatem praecepit eis tenere et inviolabiliter observare, sicut patet in evangelio [Matt. 10:5ff]. Ergo successor Petri nullam habet in temporalibus iurisdictionem.

¹ debent...quaerere] non deberent habere vel querere P³ non deberent habere P⁴

² voracitatem] veracitatem P⁴ (having first written and then deleted veritatem)

³ sibi, nomen imperatoriam] sibi imperatoriam P³P⁴ sibi n. imperatoris P⁵ supra imperatoras Ar sibi n. imperatorum Bor ⁴ in temporalibus] om. P³

⁵ caeteris aliis apostolis] ceteris aliis P³P⁴ ceteris apostolis Bor

powers are therefore all the more distinct under the New Law, so that the one is not subject to the other in temporal matters.

VIII. Again, the Law of Grace requires of the pontifical dignity a greater spirituality than did the Old Law. But God did not allow the ministers of the Old Law to have earthly lordships, lest they be hindered in divine worship. Hence the tribe of Levi had no part and inheritance among the other tribes in the division of the Promised Land, as we see in Leviticus² and Joshua (13:14, 33; 14:3; 18:7). Still less, therefore, must pontiffs and other ministers of the New Law have or seek lordship of earthly things.

IX. Again, as the Saviour said, 'The disciple is not above his master, nor the servant above his lord' (Matt. 10:24); nor does a vicar have a power greater than that entrusted to him by him on whose behalf he acts. But Christ, though by right of inheritance Lord of all things, refused to use this power; indeed, He wholly declined it even when offered, as we read at John 6:15. For when the people sought Him, to make Him a king, He departed, as though condemning, and teaching us to condemn, the insatiable voracity of greed and the tireless vanity of ambition, thereby giving a special example to His vicar not to covet, and still more not to usurp to himself, an imperial title or royal dignity.

X. Again, it is written in Luke 12:13f that when someone said to Christ the Lord, 'Master, speak to my brother, that he divide the inheritance with me', He answered, 'Man, who made me a judge or a divider over you?' Behold: the Son of God, appointed by God as judge of the living and dead (Cf. Acts 10:42), declined to judge the division of temporal things! Therefore His vicar must not involve himself in temporal jurisdiction.

XI. Again, Peter's successor does not have greater power in temporals than Peter, the first vicar of Christ, had. But God did not permit Peter or any of the others to have lordship of earthly things. Rather, as is clear in the Gospel (Matt. 10:5ff), He taught them to hold and inviolably observe very great humility. Peter's successor therefore has no jurisdiction in temporals.

² A mistake, perhaps for Numbers 18:20. All the manuscripts support this reading, which is in all probability a mistake of the original author.

[XII] Item, Dominus, interrogatus a Iudeis utrum liceret censum dari Caesari an non, visa imagine numismatis respondit: *Reddite quae sunt Caesaris Caesari, et quae sunt Dei Deo* [Matt. 22:21]. Ergo quae sunt Dei et quae sunt Caesaris sunt distincta.

[XIII] Item, in commissione facta vicario Petro, non legitur potestas temporalis, sed tantum spiritualis, ei fuisse commissa. *Tibi, inquit, dabo claves regni caelorum* [Matt. 16:19]: non dicit, *et dominium terrenorum*. Unde statim subiungit, quasi semetipsum exponens¹ de spirituali tantum potestate dixisse, *quodcumque ligaveris super terram, erit ligatum et in caelis, et quodcumque solveris*, etc. Et post resurrectionem suam dixit apostolis, *Accipite Spiritum Sanctum; quorum remiseritis peccata, remittentur eis*, etc. [Ioann. 20:22f].

[XIV] Item, per iura canonica probatur hoc idem multipliciter. Primo sic: X Dist., *Quoniam idem*, etc., ubi ista quaestio disputatur in glossa, dicitur sic in textu, *Idem mediator Dei et hominum, homo Christus Iesus, actibus propriis et dignitatibus distinctis, officia potestatis utriusque propria discrevit*. Glossa dicit ibi quod Christus officia utriusque potestatis exercuit ut ostenderet quod utraque potestas ab eodem² processit, non quod una persona illa dua officia exercent vel gerere debeat. Haec³ enim duo dona, imperium et sacerdotium, ab eodem principio sunt, ut in Auth. *Quomodo oporteat episcopos*, etc., in principio, coll. III.

[XV] Item, ibidem, super verbo *discrevit*: *Cum ergo potestates istae sint distinctae, est hic argumentum: quod imperium non habetur a papa, et quod papa non habeat utrumque gladium, et quod imperium a Deo solo habetur, ut XXXIII, q. III, 'Quaesitum'*. Alioquin, si ab ipso haberetur, licite appellaretur in temporalibus ad ipsum, quod prohibet Alexander et dicit quod illa non contingunt suam iurisdictionem, ut Extra. 'De Appell.', 'Si duobus', et Extra 'Qui filii sint leg.', ['Causam'], et cap. 'Lator'.

[XVI] Item, quicumque solvit tributum alicui non videtur praeesse in temporalibus, sed magis subesse. Sed papa solvit tributum

XII. Again, when the Lord was asked by the Jews whether or not it is lawful to give tribute to Caesar, He, showing them Caesar's image on a coin, answered, 'Render unto Caesar the things that are Caesar's and unto God the things that are God's' (Matt. 22:21). The things of God, therefore, are distinct from the things of Caesar.

XIII Again, in the commission whereby Peter was made His vicar, we do not read that Christ entrusted temporal power to him, but only spiritual. He said, 'I will give unto thee the keys of the kingdom of heaven' (Matt. 16:19): He did not say, 'and lordship of earthly things'. Hence He immediately added, as if Himself explaining that He spoke of spiritual power only, 'Whatsoever thou shalt bind on earth shall be bound in heaven, and whatever thou shalt loose', etc. And after the resurrection He said to His apostles, 'Receive ye the Holy Spirit. Whose soever sins ye remit, they are remitted unto him', etc. (John 20:22f)

XIV. The same is proved by many examples from Canon Law. First, at Dist. 10, c. 8, *Quoniam idem*, where these things are discussed in the gloss,³ the text says: 'The same Mediator between God and man, the man Christ Jesus, distinguished the offices of the two powers according to their own proper actions and separate dignities'. The gloss here says that Christ performed the duties of each power in order to show, not that one person should perform, or may hold, both offices, but that both powers come from the same source. For these two gifts, empire and priesthood, come from the same origin, as is said at Novellae 6, Preface.⁴

XV. Again, the same gloss, on the word 'distinguished', says, 'Since the two powers are distinct, therefore, it is argued that the empire is not held of the pope, and that the pope may not have both swords, and that the empire is held of God alone. See C.23:4:45, *Quaesitum*. Otherwise, if it were held of the pope it would be lawful to appeal to him in temporal cases; but Alexander [III] forbids this and says that such matters do not come under his jurisdiction: see X.2:28:7, *Si duobus* and X.4:17:7, *Causam* and 5, *Lator*.'

XVI. Again, it seems that he who gives tribute to someone is not over him in temporals, but under him. But the pope gives

¹ exponens] subiungens *ArBor* ² eodem] eo P⁴ ³ Haec] habet P⁴

³ See Introduction, n. 63.

⁴ See Introduction, n. 63.

imperator, ut XI, q.I, *Magnum*, et XXIII, q.VIII, *Tributum*, ubi sic dicitur: *Tributum in ore piscis, piscante Petro, inventum est* [Matt. 17:25ff], *quia de exterioribus suis quae palam cunctis apparent tributum Ecclesia reddit*. Et infra,¹ de exterioribus Ecclesiae, quod *Consuetum*² est antiquitus, pro pace et quiete, qua³ nos tueri et defensare debent, imperatoribus persolvendum est.

[XVII] Item VIII Dist., *Quo iure*, ait Augustinus: *Divinum ius in divinis scripturis habemus, humanum ius in legibus regum. Unde quisque possidet quod possidet nonne iure humano? Nam iure divino*⁴ *'Domini est terra et plenitudo eius'* [Psalm. 23:1]. *Pauperes et divites de uno limo Dominus fecit, et una terra supportat. Iure ergo humano dicitur, Haec villa mea est; iura autem humana iura*⁵ *imperatorum sunt. Quare? Ipsa iura humana*⁶ *per imperatores et reges saeculi Deus distribuit humano generi. Tolle iura imperatoris, et quis audeat dicere, Haec villa mea est, meus est iste servus, mea est haec domus? Et apostolus voluit servire omnibus regibus, voluit honorare reges, et dixit, Regem reveremini* [Cf. Rom. 13:1ff; I Pet. 2:17]. *Noli ergo dicere, Quid mihi et regi? Quid tibi ergo et possessioni? Per iura regum possidentur possessiones. Si autem dicis, Quid mihi et regi? noli ergo possessiones tuas dicere tuas, quia ipsa iura renuntiasti humana quibus possessiones possidentur. Istud decretum, si bene attendatur, magnum terrorem debet incutere*⁷ *volentibus resistere regi Franciae.*

[XVIII] Item, qui confirmat electionem alterius ei subesse de iure non debet. Sed regi Franciae Karolo data fuit potestas a papa in synodo confirmandi papam et ordinandi sedem Apostolicam. Ergo rex Franciae ei subesse de iure non debet. Probatio minoris: LXIII Dist., c. *Adrianus*, ubi sic dicitur de Karolo post debellationem adversariorum Romanae Ecclesiae: *Demum Romam reversus, constituit ibi synodum cum Adriano papa in patriarchio Lateranensi*,⁸ *in ecclesia Sancti Salvatoris, quae synodus celebrata est cum centumquingaginta tribus episcopis, religiosus et abbatibus. Adrianus autem papa, cum universa*⁹ *synodo, tradidit Karolo ius et potestatem eligendi*

¹ infra] qua P²P³P⁴ ² *Consuetum*] constitutum P⁵ArBor ³ qua] quia P²P³P⁵ArBor contra P⁴ ⁴ *possidet quod...divino*] presidet quod possidet nonne iure humano non divino P⁴ ⁵ *iura*] opera Ar ⁶ *iura humana*] om. Ar ⁷ terrorem debet incutere] terrorem debent memorare P³ timorem debet memorare P⁴ ⁸ in patriarchio Lateranensi] et patriarchis lateranensibus P⁴ ⁹ *universa*] tota P³

tribute to the emperor: see C.11:1:28, *Magnum*; also C.23:8:22, *Tributum*, where it is said that 'When Peter fished, he found the tribute in the fish's mouth (Matt 17:25ff), for the Church renders tribute from all those external goods which by common knowledge belong to her.' Concerning the Church's externals, it continues: 'By ancient custom, tribute is given to emperors for the sake of the peace and quiet in which they must preserve and defend us.'

XVII. Again, at Dist. 8, c.1, *Quo iure*, Augustine says: 'We have divine law in the divine scriptures and human law in the laws of kings. By what, then, does he who possesses something possess it, if not by human law? For by divine law "the earth is the Lord's and the fullness thereof" (Psalm 24:1). God made poor and rich from one clay, and one earth supports them. It is by human law, therefore, that we say, This estate is mine; but human laws are the emperor's laws. How so? Because God distributes human laws to the human race by means of the emperors and kings of this world. Abolish the emperor's laws and who will dare to say, This estate is mine, This slave is mine, This house is mine? And the Apostle wishes us to serve all kings; he wishes us to honour kings, and he says, "Fear the king" (Cf. Rom. 13:1ff; I Pet. 2:17). Do not, therefore, say, What is the king to me? What are your possessions to you, then? You possess your possessions under the law of kings. If you say, What is the king to me? do not call your possessions yours, therefore; for you renounce those human laws by which your possessions are possessed.' If proper attention is paid to this decretal, it must inspire great terror in all who would resist the king of France.

XVIII. Again, he who confirms another's election is not as of right bound to be under him; but King Charles of the Franks was given power by the pope in synod to confirm the pope and ordain the Apostolic See. The king of France is therefore not as of right bound to be under him. This is proved by Dist 63, c.22, *Adrianus* where it is said of Charles that, after the defeat of the Roman Church's adversaries, 'returning presently to Rome he appointed a synod there with Pope Adrian at the patriarchal seat of the Lateran, in the Church of the Holy Saviour. This synod was celebrated by 153 bishops, religious and abbots. Pope Adrian, with the entire synod, bestowed upon Charles the right and power to choose the pontiff and ordain the Apostolic See, and

pontificem, ordinandi sedem Apostolicam, et dignitatem patriciatus¹ ei concesserunt. Insuper, archiepiscopos et episcopos per singulas provincias ab eo investituram accipere; diffinivit et ut nisi a rege laudetur et investiatur episcopus, a nemine consecretur. Et quicumque contra hoc decretum ageret, anathematis vinculo eum inmodavit, et, nisi resipisceret,² bona eius publicare praecepit. Hoc idem ostenditur et de Karolo et Othone filio eius primo imperatore Theutonicorum, eadem Dist. c. In synodo.³ In synodo congregata Romae, in ecclesia Sancti Salvatoris, ad exemplum beati Adriani [qui domino Karolo, victoriosissimo regi Francorum ac Longobardum, patriciatus dignitatem ac ordinationem] Apostolicae Sedis [et] investituram episcoporum concessit, ego⁴ quoque Leo,⁵ servus servorum Dei, episcopus, cum cuncto clero et Romano populo, constituimus, confirmamus et corroboramus, et per nostram auctoritatem apostolicam, concedimus atque largimur domino Othoni primo, regi Theutonicorum, eiusque successoribus huius regni Italiae sibi⁶ facultatem eligendi successorem, atque summae Sedis Apostolicae pontificem ordinandi; ac, per hoc, archiepiscopos sive episcopos ut ipsi ab eo⁷ investituram accipiant et consecrationem, et ita quod, si a clero et populo quis eligatur episcopus, nisi a supradicto⁸ rege laudetur et investiatur, non consecretur. Si quis contra hanc auctoritatem apostolicam moliatur, hunc excommunicationi subiacere decrevimus, et, si non resipuerit, irrevocabili exilio puniri vel ultimis suppliciis feriri.⁹ Extra De elect., cap. Venerabilem, super verbo Karoli, glossa dicit: Cui ius patronatus¹⁰ sive dignitas collata est. Ergo est¹¹ patronus Romanae Ecclesiae, non ergo ei subicitur. Si dicas quod Ludovicus imperator et primus Henricus et primus Otho renunciaverunt huic privilegio confirmandi papam et sedem Apostolicam ordinandi, sicut habetur LXIII Dist. per totum, dicimus econtra quod non propter hoc subiecerunt se papae vel sedi Apostolicae quantum ad temporalia,

¹ patriciatus] patriarchatus P⁴ ² nisi resipisceret] ubi respueret P⁴ ³ In synodo] om. P⁴P⁵ArBor ⁴ ego] ergo ArBor ⁵ Leo] om. Ar ⁶ sibi] om. P⁴ ⁷ ab eo] om. P³P⁴ ⁸ a supradicto] ab ipso P⁴ ⁹ feriri] ferri Ar ¹⁰ patronatus] patriciatus P⁴ ¹¹ est] per Ar

conferred upon him the dignity of Patrician. Moreover, he prescribed that archbishops and bishops throughout each province should receive investiture from him and that a bishop should be consecrated by no one unless approved and invested by the king. And whoever acts against this decree is to be bound by the bond of anathema and, unless he amends, his goods are to be confiscated for public use'. The same is shown in respect of both Charles and his son Otto,⁵ emperor of the Germans, at Dist 63, c. 23, *In synodo*: 'At a synod assembled at Rome in the Church of the Holy Saviour, following the example of the blessed Adrian, who conferred upon the lord Charles, the most victorious king of the Franks and Lombards, the dignity of Patrician and the right of ordination to the Apostolic See and the investiture of bishops, I also, Leo, servant of the servants of God, bishop, with all the clergy and the Roman people, decree, confirm and strengthen this; and by our Apostolic authority we confer and bestow upon the Lord Otto I, king of the Germans, and upon his successors in this kingdom of Italy, the power both to choose their own successors and to ordain the pontiff in the supreme Apostolic See; and, by the same token, archbishops or bishops, so that these are to receive investiture from him and consecration [from the proper source], and so that, if anyone is elected bishop by clergy or people, he may not be consecrated unless approved and invested by the aforesaid king. If anyone resists this apostolic authority, we declare him subject to excommunication and, if he does not amend, to punishment by irrevocable exile or the infliction of extreme penalties'. The gloss on X.1:6:34, *Venerabilem*, on the word 'Charles', says: 'The right or dignity of Patron was bestowed upon him'. He is, therefore, a protector of the Roman Church, and so is not subject to her. If you say that the emperors Louis and Henry I and Otto I renounced this privilege of confirming the pope and ordaining the Apostolic See (see Dist. 63, *passim*), we say against this that they did not thereby subject themselves to the pope or to the Apostolic See in temporal matters: that, on the contrary, just as

⁵ The emperor Otto I (912-973) was not, of course, the son of Charlemagne (ca. 742-814). The mistake arises, perhaps, because the author is assuming that the Leo whose decretal this purports to be is Leo III (795-816) and not Leo VIII (963-965). See Introduction, n. 63.

immo, sicut prius erant non¹ subiecti, sic remanserunt post ea non subiecti.²

[XIX] Item, Extra. *De maiorit. et obed.*, cap. *Solitae*, dicit papa: *Non negamus quin praecellat imperator in temporalibus illos dumtaxat qui ab eo receperunt temporalia.*³ Sed papa et Romana Ecclesia, quidquid habent in temporalibus, pro maiori parte perceperunt ab imperatoribus. Similiter, aliae ecclesiae temporalia bona quae possident receperunt a regibus et principibus. Ergo, etc.

[XX] Item, Extra. *De foro compet.*, c. *Licet*, dicitur: *Mandamus si quando laicis Vercellensibus*⁴ *litteras super rebus*⁵ *praecipue quae forum*⁶ *saeculare contingunt, a sede Apostolica contingerit impetrari*⁷ *sublato appellationis obstaculo, decernas auctoritate nostra irritas et inanes, dummodo consules et commune de se conquerentibus in iudicio saeculari exhibeant iustitiae complementum.* Ergo nec quo ad regem Franciae.

[XXI] Item, hoc idem probatur per iura civilia. In Auth. *Quomodo oporteat episcopos*, etc., in principio, coll. I, dicitur: *Maxima quidem in omnibus sunt dona Dei a superna collata clementia sacerdotium et imperium, illud quidem divinis ministrans,*⁸ *hoc autem humanis praesidens*⁹ *et diligentiam exhibens; ex uno eodemque principio utraque procedentia,*¹⁰ *humanam exornant vitam. Et ita, si*¹¹ *sacerdotium inculpabile sit undique et apud Deum fiducia plenum, imperium autem recte et competenter exornet traditam sibi rempublicam, erit consonantia quaedam bona quidquid utile est humano generi conferens.*¹² Glossa super verbo *maxima*: *Vere maxima, quia ex iis duobus totus regitur mundus; unde illud, 'Ecce, gladii duo hic'* [Luc. 22:38]. Item, glossa super verbo *conferens*: *Apparet ergo quod nec papa in temporalibus nec imperator in spiritualibus se debent immiscere.* Si dicas quod rationes et auctoritates praemissae videntur facere magis pro imperatore quam pro rege Franciae, et si quaeras quare sunt hic inductae, respondeo: ad probandum iurisdictiones esse distinctas, quarum

they were not subject to him in the first place, so they remained not subject afterwards.

XIX. Again, at X.1:33:6, *Solitae* the pope says, 'We do not deny that the emperor is supreme in temporal matters, especially over those who have received temporals from him.' But the pope and the Roman Church have for the most part received whatever temporal possessions they have from emperors. Similarly, other churches have received the temporal goods which they possess from kings and princes. Therefore, etc.

XX. Again, at X.2:2:10, *Licet* it is said: 'If it happens that the laymen of Vercelli have received letters from the Apostolic See on matters belonging principally to a secular court, we command that you declare them null and void by our authority, provided that the consuls and commune will display full justice to the parties in a secular trial.' Therefore this applies no less to the king of France.

XXI. Again, the same thing is proved by civil law. At Novellae 6, Preface, it is said: 'Priesthood and empire are the greatest of God's gifts, bestowed by His mercy from above. The one ministers to things divine; the other rules and cares for human affairs. Both proceed from the same source and adorn human life. Thus, if priesthood is everywhere blameless and filled with trust in God, and if imperial authority provides rightly and properly for the commonwealth entrusted to it, a certain perfect harmony will prevail, conferring all that is beneficial upon the human race'. The gloss on the word 'greatest' says, 'Greatest indeed, for the whole world is ruled by these two; hence the words, "Behold, here are two swords" (Luke 22,38).' Again, the gloss on the word 'conferring' says, 'It is clear, therefore, that the pope must not involve himself in temporal matters nor the emperor in spiritual ones.' If you say that the foregoing arguments and authorities seem to apply more to the emperor than to the king of France, and if you ask why they are adduced here, I reply: to prove that there are distinct jurisdictions, the one

¹ non] nam P² ² sic remanserunt...subiecti] om. P³P⁴ ³ temporalia] temporalia immo sicut prius erant non subiecti P³ temporalia immo sicut prius non erant subiecti P⁴ ⁴ laicis Vercellensibus] a laicis vel cellensibus P² laicis vel collensibus P⁴ ⁵ rebus] om. P⁴ ⁶ forum] om. ArBor ⁷ impetrari] imperari P⁴ ⁸ ministrans] ministeriis P²P⁵ArBor misteriiis P⁴ ⁹ praesidens] presidiis P⁴ ¹⁰ procedentia] precedencia P² ¹¹ ita, si] quasi Ar ¹² humano generi conferens] humano conferens gratia P⁴

una est penes papam et iudices ecclesiasticos, alia penes imperatorem et reges. Omnia enim quae pro imperatore faciunt valent nihilominus pro rege Franciae, qui imperator est in regno suo.

Specialiter autem ostendo quod rex Franciae non subsit papae in temporalibus. Extra. *De iudic.*, cap. *Novit*, ubi sic dicit Innocentius papa: *Non putet aliquis quod iurisdictionem illustris regis Franciae perturbare ac minuere intendamus, cum ipse iurisdictionem nostram nec velit nec debeat impedire.* Glossa: *Per hoc quod dicitur hic patet quod Ecclesia vel papa non habet utrumque gladium.* Et infra eodem capitulo: *Non intendimus iudicare de feudo, cuius ad ipsum spectat iudicium.* Glossa: *Iudicium feudi spectat ad regem directe, ad papam ratione peccati.* Ex prima auctoritate concluditur quod rex Franciae non est subiectus papae in temporalibus. Ex secunda probatur quod subest papae primo et principaliter quoad spiritualia, quoad temporalia¹ vero non nisi incidenter.

[XXII] Item, non debet de iure dici superior nisi ille ad quem licet appellare. Sed a iudice saeculari non licet appellare ad papam in temporalibus. Ergo iudex saecularis non subest papae, nec papa est eius superior in temporalibus. Ergo, multo minus regis. Probatio minoris: Extra. *De appell.*, cap. *Si duobus*, par. *Denique*, quod *Quaeris si a civili iudice,² non ante iudicium vel post, ad nostram audentiam fuerit appellatum, an huiusmodi teneat appellatio.* Respondet papa: *Tenet quidem in iis qui sunt nostrae temporalis³ iurisdictioni subiecti. In aliis vero, etsi de consuetudine ecclesiae teneat, secundum iuris rigorem credimus non tenere.* Glossa: *Et ita patet quod iurdictio temporalis non pertinet ad Ecclesiam, nec de ea se debeat intrromittere in praeiudicium iudicis saecularis: supra, 'De iudic.', cap. 'Novit'; et infra, 'Qui filii sint legit.', cap. 'Lator'; et infra, 'De privileg.', c.II.*

[XXIII] Item, videtur quod rex Franciae sit par imperatori quantum ad libertatem suae iurisdictionis, quia regnum Francorum prius habuerit imperium quam regnum Theutonicorum: LXIII Dist., *Ego Lodoicus*. Ibi dicitur in fine quod, cum papa fuerit consecratus, legati mittentur ad imperatores et reges Francorum, qui inter ipsos amicitiam, caritatem et pacem societ. Ergo, videtur per hoc quod imperator

belonging to the pope and the ecclesiastical judges, the other to emperors and kings. For whatever applies to the emperor applies no less to the king of France, who is emperor in his own kingdom.

But I shall show specifically that the king of France is not subject to the pope in temporals from X.2:1:13, *Novit*, where Pope Innocent [III] says, 'Let no one suppose that we intend to disturb or diminish the jurisdiction of the illustrious king of France, when he should and may not impede our jurisdiction.' The gloss: 'It is clear from what is said here that the Church, or the pope, does not have both swords.' And the same chapter continues: 'We do not intend to judge as to the fief, the judgment of which belongs to him.' The gloss: 'judgment as to the fief belongs to the king directly, and to the pope by reason of sin.' From the first authority we conclude that the king of France is not subject to the pope in temporals; from the second we prove that he is primarily and principally subject to the pope in spirituals, but only incidentally so in temporals.

XXII. Again, no one should be called a superior as of right unless it is lawful to appeal to him. But it is not lawful to appeal from a secular judge to the pope in temporal cases. Therefore the secular judge is not under the pope, nor is the pope his superior, and so still less the king's, in temporal matters. The minor premiss here is proved by X.2:28:7, *Si duobus*: 'You ask whether, if appeal is made to our tribunal from a civil judge, not before but after judgment, such appeal is valid'. The pope replies, 'It is indeed valid in those things subject to our temporal jurisdiction. In others, however, though it may be valid by the Church's custom, we believe that it is not so according to the strictness of the law'. The gloss: 'It is clear from this that temporal jurisdiction does not pertain to the Church, nor should she involve herself in it to the prejudice of the secular judge. See X.2:1:13 *Novit*; X.4:17:5, *Lator*; X.5:33:2, *Sicut in iudiciis*.'

XXIII. Again, the king of France seems to be the emperor's equal in terms of freedom of jurisdiction because the kingdom of the Franks held the empire before the kingdom of the Germans. As to this, see the end of Dist. 63, c.30, *Ego Lodovicus*, where it is said that, when the pope has been consecrated, emissaries are to be sent to the emperors and to the Kings of France to establish friendship, charity and peace among them. It seems, then, that

¹ quoad spiritualia...temporalia] quo ad temporalia quo ad spiritualia P⁴ ² civili iudice] civili quolibet iudice P⁴ ³ temporalis] temporalitatis P³P⁴

et rex Franciae sint pares. Glossa ibidem: *Nota imperium prius Francorum fuisse, sed postea Theutonici virtutibus promuerunt imperium: XXVIII, q. I, c. 'Omnes', par. 'Ex iis'*; et hoc ideo quia Romani in eos imperium transtulerunt.

[XXIV] Item, Extra. *Qui filii sint legit.*, cap. *Causam*:¹ *Enim nos attendentes quod ad regem pertinet non ad Ecclesiam de talibus possessionibus iudicare, ne videamur² iuri regis Anglorum detrahere, qui ipsorum iudicium ad se asserit pertinere, F[raternitati] V[estrae] mandamus quatenus regi possessionum iudicium relinquentes, de causa principali plenius cognoscatis.* Si hoc dicitur de rege Angliae, qui Romanae Ecclesiae feudalis est et censualis est,³ multo magis de rege Franciae verum erit, qui in nullo praedictorum penitus est subiectus. Dicit ibi glossa: *Et sic patet quod iurisdictio temporalis et spiritualis⁴ distincta est et divisa, et sic papa non habet utramque iurisditionem.*

[XXV] Item, Extra. *Qui filii sint legitimi*, cap. *Per venerabilem*, dicit papa expresse quod rex Franciae superiorem in temporalibus minime recognoscit. Si dicas, prout dicit ibi glossa, *verum est de facto sed non de iure, quia de iure debet recognoscere superiorem⁵ imperatorem, ut patet VII, q. I, cap. 'In apibus', et Extra. De elect., 'Venerabilem'*, respondeo: illud factum verum est in consuetudinem, quae dat iurisditionem, ut dicit Innocentius, Extra. *De iudiciis*, cap. *Novit*, super verbo *consuetudinem*. *Nota*, inquit, *consuetudinem dare iurisditionem, supra 'De arbitris', 'Dilecti'*. Et ibi praemittitur in Glossa: *Nota consuetudinem parificari⁶ iuri et privilegio, LX, q. III, 'Conquestus'; LXIII Dist., 'Quia'*. Ista etiam consuetudo est approbata et hactenus observata pacifice, nec a papa nec ab imperatore impugnata, immo iuramentis et pactionibus⁷ foederata et ex longissimis temporibus iam praescripta.

Ad intelligentiam plenioram et clariorem evidentiam propositae⁸ quaestionis, consideranda sunt quinque, per ordinem et per articulos distinguenda. Primo, videndum est quod utraque potestas temporalis et spiritualis est a Deo instituta ac etiam

¹ *Causam*] tamen P³ ² *ne videamur*] non videmur Ar ³ feudalis est... est] feudalis et servalis et Ar Bor ⁴ *quod iurisdictio...spiritualis*] quod spiritualis et temporalis P⁴ ⁵ *superiorem*] om. P³ ⁶ *parificari*] purificari Ar Bor ⁷ pactionibus] possessionibus P⁴ ⁸ *clariorem*... propositae] clariorem propositae huius P⁴

the emperor and the king of France are equals. The gloss notes that 'the empire belonged to the Franks first, but the Germans then won the empire by their virtues: see C.28:1:14, *Omnes*, § *Ex iis*'; and this is why the Romans transferred the empire to them.⁶

XXIV. Again, at X.4:17:7, *Causam* it is said: 'Mindful that it pertains to the king and not to the Church to judge concerning such possessions, and lest we seem to take away the rights of the king of England, who has claimed that judgment of them pertains to him, we command you, our brothers,⁷ to take cognizance more fully of the principal cause while leaving judgment as to the possessions to the king.' If this was said of the king of England, who is a feudatory and tributary of the Roman Church, it will be all the more true of the king of France, who is certainly not subject in these ways. The gloss says here: 'It is clear, then, that temporal and spiritual jurisdictions are distinct and separate; and so the pope does not have both jurisdictions.'

XXV. Again, at X.4:17:13, *Per venerabilem*, the pope says expressly that the king of France acknowledges no superior in temporal matters. If you say, as the gloss says here, that 'this is true in fact but not as of right, since as of right he must acknowledge the emperor, as is clear at C.7:1:41, *In apibus* and X.1:6:34, *Venerabilem*', I reply that this has been altered by custom, which confers jurisdiction, as Innocent [IV] says,⁸ glossing the word 'custom' in the decretal *Novit*: 'custom confers jurisdiction: see above, X.1:43:4, *Dilecti filii*'; and, before this, the gloss says that 'custom ranks equally with law and privilege: see C.9:3:8, *Conquestus*.' For this custom has indeed been approved and peacefully observed hitherto; nor has it been challenged by pope or emperor but, on the contrary, confirmed by oaths and treaties, and is now prescribed by a very long passage of time.

For the sake of a fuller and clearer understanding of the present question, we must divide it into five articles and consider each of them in turn. First, we must show that both the temporal and spiritual powers are instituted and also ordained by God;

⁶ See Introduction, p. xxxviif.

⁷ Alexander III's decretal *Causam* is addressed to the bishops of London and Worcester.

⁸ The reference is to Innocent IV's *Commentaria super libros quinque decretalium* (ca. 1250) (Frankfurt, 1570). See Introduction, n. 63.

ordinante; secundo, quod¹ istae duae potestates distinctae sunt et divisae; tertio, quod¹ Deus, spiritualement potestatem instituens, nullum contulit ei dominium terrenorum; quarto, declarabitur in quibus terrena potestas sit subiecta spirituali potestati et in quibus non; quinto, specialiter ostendetur libertas et exemptio regis Franciae, quare et qualiter nullum superiorem in temporalibus recognoscit.

[I]

Quod autem istae duae potestates sint a Deo patet² sic. De potestate spirituali quam Christus beato Petro et successoris eius contulit habetur Matt. 16[:18]: *Tu es Petrus et super hanc petram aedificabo Ecclesiam meam*, etc. De potestate temporali dicitur in Auth., coll. VI, *De instrumentorum cautela*, paragrafo *Quia: Igitur imperium de caelo Deus instituit*. Item, Prov. 8[:15]: *Per me reges regnant et legum conditores iusta³ decernunt*; et Dan. 2[:21]: *Transfert regna Deus atque constituit*; et Apostolus, ad Rom. 13[:1]: *Non est potestas nisi a Deo*. De utraque⁴ simul dicitur Dist. XCVI, c. *In scripturis*, et c. *Duo*, ubi dicitur: *Duo sunt, imperator⁵ auguste, quibus principaliter hic mundus regitur: auctoritas sacra pontificum et regalis potestas*. Et in Auth., *Quomodo oporteat episcopos*, in principio, coll. I: *Maxima quidem in omnibus*, etc.: require supra XXI argumento. Glossa super verbo *imperium: Immo a populo Romano videtur imperium esse, ut Inst., De iure naturali, § Sed et quod principi; illud⁶ Dei⁷ dispositione factum fuit sine quo factum est nihil*. Nec obstat quod I Reg. [8] legitur quod contra voluntatem Domini videtur populus petisse sibi regem. Quia volebat⁸ Dominus populum quem singulariter prae cunctis elegerat quodam speciali modo regere per duces et iudices: viros scilicet mediocres; nec volebat quod aliquis ex regali magnificentia,⁹ per superbiae fastum,¹⁰ super populum efferretur.¹¹ Tamen, quando populus, non assentiens¹² dispositioni divinae, omnino voluit regem habere,

¹ quod] quia P⁴ ² patet] om. P³P⁴ ³ iusta] iuxta ArBor ⁴ utraque] vitaeque P⁴
⁵ imperator] imperatores P⁴ ⁶ illud] respondet glosa quod illud P⁵ respondet
glosa quod et illud ArBor ⁷ Dei] dicitur P⁴ ⁸ volebat] nolebat P²P³P⁴
⁹ magnificentia] magisterium P³P⁴P⁵ArBor ¹⁰ fastum] faustum P³ ¹¹ efferretur]
offerret P³ aferret P⁴ afferretur Ar ¹² assentiens] absentiens ArBor

second, that these two powers are distinct and separate; third, that in instituting the spiritual power, God did not bestow lordship of earthly things upon it; fourth, we must make clear in what respects the earthly power is and is not subject to the spiritual power; fifth, we must especially explain the liberty and exemption of the king of France, and why and how it is that he acknowledges no superior in temporal matters.

I

It is clear from the following texts that there are two powers which come from God. We learn of the spiritual power which Christ conferred upon the blessed Peter and his successors at Matthew 16:18f: 'Thou art Peter, and upon this rock I will build my Church', etc. Temporal power is spoken of at Novellae 73, Preface, 1: 'God therefore instituted the empire from heaven'; and at Proverbs 8:15: 'By me kings reign and princes decree justice'; and at Daniel 2:21: 'God removeth kings, and setteth up kings'; and by the Apostle at Romans 13:1: 'There is no power except of God'. Both are spoken of together at Dist 96, in c.8, *In scripturis* and c.10, *Duo sunt*, where it is said: 'There are two agencies, August Emperor, by which this world is principally ruled: the sacred authority of the pontiffs, and the power of kings'; and at Novellae 6, Preface: 'priesthood and empire are the greatest of God's gifts', etc.: see paragraph XXI, above.⁹ The gloss on the word 'empire' says, 'Indeed, empire seems to come from the Roman people: see Institutiones 1:2, *De iure naturali, § Sed et quod principi*. But this has come about by the disposition of God, without Whom nothing is made.' Nor is it an objection that in 1 Samuel 8 we read that the people seem to have asked for a king contrary to the Lord's will. For the Lord wished to rule the people whom He had particularly chosen before all others in a certain special way, by chieftains and judges: that is, by ordinary men; nor did He wish anyone to be raised up above the people in royal magnificence by the haughtiness of pride. Nonetheless, when the people, not assenting to the divine disposition, still wished to have a king,

⁹ That is, the paragraph on p. 59 beginning 'Again, the same thing is proved by civil law.' The author clearly numbered the paragraphs, but such numbering is not consistently represented in any extant manuscript.

Deus, eius precibus condescendens, indicavit ei quis regnaturus esset, et populus illum elegit quem ei Dominus indicavit. Haec de primo articulo sufficient.

[II]

Secundo, declarandum est quod istae duae potestates sunt distinctae et ad invicem separatae. Cum enim homo constet ex duobus, corpore scilicet et anima, et duplex sit vita, corporalis et spiritualis, propter corporalem vitam conservandam¹ homo temporalibus indiget, propter spiritualem spiritualibus opus habet. Imperatores et reges potestatem habent super corpora et res corporales ad vitam corpoream pertinentes. Possunt enim et debent corporali poena punire reos et legum imperialium transgressores. Habent etiam rempublicam ordinare, populos sibi subiectos in pacis tranquillitate servare, defensare patriam, et adversarios debellare. Pontifices autem spiritualem iurisdictionem habent in iis quae ad regimen et salutem pertinent animarum.

Rursus, cum duplex sit civilitas, humana videlicet et divina, terrena et caelestis, temporalis et spiritualis, civilitatem² mundanam et temporalem ordinat et disponit imperialis potestas, spiritualem vero caelestem et divinam in terris regit pontificalis auctoritas. Ad cuius regimen Summus Pontifex habet plenitudinem potestatis; inferiores autem praelati in partem sollicitudinis sunt vocati. Ad utriusque civilitatis regimen, Deus duos gladios ordinavit, duas iurisdictiones distinctas et differentes ad invicem, sicut exponit sancti illud Luce 22[:38]: *Ecce gladii duo hic*; et respondit Dominus: *Satis est*. Materiali gladio utuntur principes, sicut ait Apostolus, ad Rom. 13[:4]: *Princeps non sine causa gladium portat, Dei enim minister, et vindex in iram ei qui malum facit*. De spirituali gladio dicit idem Apostolus, Ephes., 6[:17]: *Galeam salutis assumite et gladium Spiritus quod est verbum Dei*. Gladio spirituali utebantur apostoli, materiali vero numquam usi esse leguntur, nisi dicatur quod, imminente Domini³ passione, Petrus, cum haberet gladium, exemit et unius auriculam amputavit [Matt. 26:51].

Distinctae sunt igitur hae potestates, nec debent se mutuo perturbare, quia, sicut princeps non debet de spiritualibus intrromittere

¹ conservandam] observandam P³P⁴ ² civilitatem] civilem P³P⁴ ³ Domini] Christi P³

God, deigning to hear their prayers, indicated who was to rule over them, and the people then chose him whom the Lord had shown them. Let these things suffice for the first article.

II

Second, we must show that these two powers are distinct and separate from each other. For man consists of two parts, body and soul, and his life is of two kinds, bodily and spiritual. Man has need of temporal things for the preservation of his bodily life; but for his spiritual life he needs spiritual things. Emperors and kings have power over bodies and over the bodily things which have to do with bodily life; for they can and should punish with bodily penalties the guilty and those who transgress the imperial laws. It is their task also to order the commonwealth, to preserve their subjects in the tranquillity of peace, to defend the fatherland, and to repulse its enemies. But the pontiffs have spiritual jurisdiction in relation to those things which pertain to the government and health of souls.

Moreover, our affairs are of two kinds, human and divine, earthly and heavenly, temporal and spiritual. The imperial power orders and disposes worldly and temporal affairs; the pontifical authority rules spiritual and heavenly and divine things on earth. For government of this kind the Supreme Pontiff has fullness of power whereas lesser prelates are called to a partial ministry. God has ordained two mutually distinct and different jurisdictions – two swords – to govern the two kinds of life, as Luke 22:38 explains: ‘Behold, here are two swords’; and the Lord answered, ‘It is enough.’ Princes use the material sword, as the Apostle says at Romans 13:4: ‘He beareth not the sword in vain; for he is the minister of God, an avenger to execute wrath upon him that doeth evil’. Of the spiritual sword the same Apostle speaks at Ephesians 6:17: ‘Take the helmet and sword of the spirit, which is the word of God’. The apostles used the spiritual sword; but we do not read that they ever used a material sword, save on the one occasion when, as the Lord’s passion drew nigh, Peter, having a sword, drew it and cut off someone’s ear (Matt. 26:51).

These two powers are distinct, therefore, and must not trouble one another. For just as the prince should not interfere in spiritual

se, ita nec pontifex debet in temporalibus se immiscere, nec iurisdictionem temporalem assumere nisi in certis causis determinatis a iure, sicut dicitur. Quod autem nec princeps pontificis nec pontifex principis officium debeat usurpare¹ dicitur expresse Dist. XCVI, *Cum ad verum*, ubi dicitur: *Cum ad verum ventum fuerit, ultra sibi nec imperator iura pontificatus arripuit nec pontifex nomen imperatoris sibi usurpavit*,² quasi diceret: Quidquid disputando vel litigando dicatur, tamen, cum ad veritatem diffiniendam ventum fuerit, debent duae potestates remanere³ distinctae, sicut sunt divinitus institutae. Sequitur in decreto praeallegato: *Quoniam idem mediator Dei et hominum, homo Christus Iesus* [Cf. I Tim. 2:5], *actibus propriis et dignitatibus distinctis, officia potestatis utriusque discrevit, volens homines medicinali humilitate efferrī, non⁴ humana superbia rursus ad inferna⁵ demergi, ut et imperatores pro aeterna vita pontificibus indigerent, et pontifices, pro cursu tantummodo temporalium rerum, imperatoris legibus uterentur, quatenus⁶ et spiritualis actio a carnalibus distaret⁷ incursibus, et, Deo militans, non se negotiis saecularibus implicaret, ac vicissim non ille rebus divinis praesidere videretur qui esset⁸ saecularibus negotiis implicatus.*⁹ Glossa super verbo *discrevit* dicit quod *Utrumque officium gessit per se ut notaretur quod ex eodem fonte processerunt*; sed melius dici potest quod Christus, quamdiu fuit viator, temporalem iurisdictionem numquam exercuit. Nam quod ementes et vendentes eiecit de templo, magis fuit officium pontificis, cuius est templum mundare, omnes spurcicias eicere, mercationes et negotiationes terrenas ab eo prorsus expellere. Et hoc satis patet ex verbis eius cum dixit: *Auferte ista hinc, et nolite facere domum Patris mei domum negotiationis. Scriptum est, Domus mea domus orationis vocabitur; vos autem fecistis illam speluncam latronum* [Cf. Ioann. 2:16; Matt. 21:13]. Item, glossa super verbo *sursum efferrī: Si haberent aliqui omnia officia superbirent ita quod iterum demergerentur in infernum*. Ex iis evidenter apparet et distinctio dignitatum et ratio distinctionis¹⁰ earum.

¹ usurpare] exurpare P² ² usurpavit] exurpavit P² ³ debent duae...remanere] debent esse duae potestates P⁴ ⁴ non] nam P²P⁴ ⁵ homines medicinali...inferna] om. Ar ⁶ quatenus] quarum P⁴ ⁷ distaret] instaret P³ ⁸ esset] oportet P⁴ ⁹ implicatus] implicans P³ ¹⁰ distinctionis] distributionis P⁴

matters, so should the pontiff not involve himself in temporal ones; nor should he assume temporal jurisdiction except, as we shall explain, in certain cases determined by the law. That the prince should not usurp the pontiff's office nor the pontiff the prince's is said expressly at Dist 96, c.6, *Cum ad verum*: 'After the Truth had come, the emperor did not seize the right of the pontiffs, nor did the pontiff usurp the emperors' title to himself'. In short, no matter what may be said in dispute or litigation, after the final coming of the Truth the two powers must nonetheless remain distinct, just as they were divinely instituted. The decretal just cited continues: 'For the same Mediator between God and man, the man Christ Jesus (Cf. I Tim. 2:5), wishing men to be raised up through wholesome humility and not plunged into hell by human pride, distinguished the offices of the two powers in such a way, according to their own proper activities and separate dignities, that emperors would have need of pontiffs for the sake of eternal life and pontiffs would employ the laws of emperors for the guidance of temporal affairs. In this way, spiritual activity would be removed from the incursions of carnal things, and the soldier of God would not be involved in secular affairs; and, on the other hand, he who was involved in secular affairs would not be seen to preside over things divine'. The gloss on the word 'distinguished' says that 'Christ bore each office in Himself, so that it might be known that they proceed from the same source'. But it can be better said that Christ never exercised temporal jurisdiction for as long as He was a pilgrim. For when He drove the sellers and buyers from the temple, He was performing the office of a pontiff, whose task it is to purify the temple, to rid it of all defilements, and to exclude all earthly trade and business from it. And this is clear enough from His own words, when He said, 'Take these things hence; make not my Father's house an house of merchandise; for it is written, My house shall be called an house of prayer, but you have made it a den of thieves' (Cf. John 2:16; Matt. 21:13). Again, the gloss on the words 'raised up' [in Dist. 96, c.6, *Cum ad verum*] says, 'If anyone held all offices, they would be so proud that they would be plunged into hell again and again'. From these considerations, it clearly appears that the dignities are distinct, and why they are distinct.

[III]

Tertio, declarandum est quod Christus, in institutione spiritualis potestatis, nullum commisit vel potius promisit¹ dominium terrenorum. Nam Math. 16[:18f], ubi Christus vicarium suum instituit, scilicet beatum Petrum at successores eius, ait: *Tu es Petrus et super hanc petram aedificabo Ecclesiam meam, et porte inferi non praevallebunt adversus eam, et tibi dabo claves regni caelorum* – claves, inquam, non terreni regni vel imperii, sed, quod est incomparabiliter excellentius, claves² regni caelorum.³ Non dicit, Et dominium terrenorum. Revolve cuncta sacrae scripturae volumina, numquam invenies apostolos sedisse ut de temporalibus iudicarent, nec⁴ petisse ut reges et principes eis in temporalibus subiacerent aut de huiusmodi respondere deberent. Item, sicut arguendo dicebatur, non est discipulus super magistrum, nec servus maior domino suo, nec vicarius maiorem habet potestatem quam ille cuius vices gerit.⁵ Cum igitur Christus Dominus hac potestate uti noluerit sed oblatam refugerit, exemplo suo evidenter ostendit, et evidentia facti docuit vicarium suum, talem potestatem refugere, non ambire, nec sibi imperatoriam⁶ maiestatem aut dignitatem regiam vendicare. Ecce, Christus Iesus, *Rex regum et Dominus dominantium*⁷ [Apoc. 19:16], regale praefugit⁸ dominium et fastuosum fastigium recusavit! Quomodo,⁹ igitur, qua ratione vel auctoritate, vicarius eius vendicabit sibi culmen vel nomen regiae¹⁰ dignitatis?

Item, successor Petri non plus habet potestatis quam Petrus, primus Christi¹¹ vicarius. Sed Christus, tam Petro quam caeteris apostolis, dominium, potestatem et iurisdictionem in temporalibus interdixit; cum eis extremam paupertatem indixit, dicens: *Nolite possidere aurum et argentum*, etc. [Matt. 10:9]. Propter quod ipsi Domini sui praecepta inviolabiliter observare volentes ac magistri documenta sine fictione tenentes, tantum gloriabantur de extremae paupertatis observantia quantum solent cupidi de terrenorum opulentia gloriari. Unde beatus Petrus iocundanter dicebat: *Argentum et aurum non est mihi omnino*

¹ promisit] permisit P²ArBor ² vel imperii...claves om. P⁵ArBor ³ claves, inquam...caelorum] om. P³P⁴ ⁴ nec] ne Ar ⁵ vices gerit] est vicarius P⁴ ⁶ imperatoriam] imperatorem ArBor ⁷ dominantium] dominorum P²P⁵ArBor ⁸ praefugit] refugit P⁵ArBor reffugit P³ ⁹Quomodo] om. P³ ¹⁰ regiae] regis ArBor ¹¹ Christi] dei P³P⁴

III

Third, we must show that, in instituting the spiritual power, Christ did not entrust to it, or even promise, lordship of earthly things. For at Matthew 16:18f, where Christ appointed His vicar, that is, the blessed Peter and his successors, He said, ‘Thou art Peter, and upon this rock I will build my Church; and the gates of hell shall not prevail against it. And I will give unto thee the keys of the kingdom of heaven’: not, I say, the keys of an earthly kingdom or empire, but, what is incomparably more excellent, the keys of the kingdom of heaven. He did not say, ‘and lordship of earthly things’. Examine the whole of sacred scripture and you will never find the apostles sitting in judgment on temporal matters or asking to have kings and princes made subject to them in temporal things or answerable to them for such things. Again, as we have said above, ‘The disciple is not above his master, nor the servant above his lord’: a vicar does not have a power greater than that of him on whose behalf he acts. Since, therefore, Christ the Lord did not wish to use this power, but declined it even when offered, His example clearly showed, and was clearly meant to teach, that His vicar should avoid such power and not covet it, and not claim imperial majesty or royal dignity. Behold: Christ Jesus, ‘King of kings, Lord of lords’ (Rev. 19:16), refused royal dominion and shunned high estate! How, then, with what reason or authority, will His vicar claim the summit or title of royal dignity?

Again, Peter’s successor does not have more power than Peter, the first vicar of Christ. Yet Christ forbade both Peter and the other apostles to have lordship, power and jurisdiction in temporal matters; for He enjoined great poverty on them, saying, ‘Provide neither gold nor silver’, etc. (Matt.10:9) Those who would inviolably observe the precepts of the Lord and hold unfeignedly to the Master’s teaching will therefore rejoice as much in the practice of great poverty as the greedy usually do in the enjoyment of earthly riches. Thus the blessed Peter cheerfully said, ‘Silver and gold have I none’ (Acts 3:6). Christ taught the

[Act. 3:6]. Elongationem a possessione terrena et dominio temporali praecepit Christus apostolis, volens eos¹ spirituales esse et a terrenis, quantum fragilitas humana patitur, elongatos,² vacare spiritualibus et aeternis ac salutari animarum intendere quibus omnium³ ecclesiarum sollicitudinem committebat. Sciebat enim quod temporalia perturbant animum, distrahunt intellectum, et mentem ad inferiora⁴ demergunt, sicut expresse dicitur Dist. XCVI, *Cum ad verum*: vide supra.⁵

Est autem intelligendum quod, cum Christum triplicem habuerit potestatem, scilicet rerum corporalium, animarum et temporalem facultatum, prima potestate usus est, sed eam suo vicario non commisit, secunda usus est⁶ et commisit, tertia nec uti⁷ voluit nec commisit. Prima quidem usus est infirmitates corporales curando, mortuos suscitando ac in cunctis⁸ rebus corporalibus multimoda miracula faciendo. Secunda usus est et commisit, scilicet potestatem⁹ spirituales, quantum est necessarium et expediens ad salutem animarum. Tertia nec usus est, sicut patet per exempla praemissa, nec commisit: quin potius, tam Petro quam aliis apostolis interdixit, ut dictum est.

Attende quid beatus Bernardus, scribens ad Eugenium papam, dicat [*De consid.*, 2:6]: *Nos ut vere sentiamus de nobis, impositum noverimus ministerium, non dominium datum. Si sapiens es, contentus esto mensura quae mensura est Deus; quod enim amplius est, a malo est. Disce exemplo prophetico praesidere non tam imperandum quam ad faciendum. Disce sarculo opus tibi esse, non regio sceptro, ut opus facias prophetae: id est, 'ut evellas et destruas, disperdas et dissipas et aedificantes et plantas' [Jer. 1:10]; et quidem ille cui dictum est hoc, scilicet Ieremias, non regnaturus ascendit sed extirpaturus. Putasne et tu invenies aliquid elaborandum in agro Domini tui? Utique, plurimum. Et infra: Quid tibi dimisit sanctus apostolus? 'Quod habeo', inquit, 'hoc tibi do' [Act. 3:6]. Quid illud? 'Argentum', inquit, 'et aurum non est mihi'. Quod autem non habuit, dare non potuit. Esto ut alia quacumque ratione hoc tibi vendices, sed non apostolico iure. Quod habuit, hoc dedit, sollicitudinem scilicet super omnes ecclesias. Numquam dominationem? Ipsum audi: 'Non dominantes',*

¹ apostolis, volens eos] om. P⁴ ² elongatos] elongaturus P⁴ ³ omnium] omnia P³P⁴ omnino ArBor ⁴ inferiora] inferna P⁵ArBor ⁵ vide supra] vide supra nec P⁵ unde supra nec ArBor ⁶ sed eam...est] om. P²P³P⁴ ⁷ uti] om. P³P⁴ ⁸ in cunctis] multis aliis P⁴ ⁹ potestatem] om. P³P⁴

apostles detachment from earthly possessions and temporal lordship, wishing them to be spiritual men, as far removed from earthly things as human frailty admits, so that those to whom He entrusted the care of all churches might be free to strive after spiritual and eternal things and the salvation of souls. For He knew that temporal things disturb the soul, distract the intellect, and immerse the mind in lower things, as is said expressly at Dist. 96, c.6, *Cum ad verum*: see above.

Now it must be understood that Christ had a threefold power: namely, over bodily things, over souls, and over temporal goods. The first power He used but did not entrust to His vicar; the second He used and entrusted; the third He wished neither to use nor entrust. He used the first when he healed bodily infirmities, raised the dead and performed all manner of miracles in respect of bodily things. He used the second, that is, the spiritual power, and entrusted it to His vicar to the extent necessary and expedient for the salvation of souls. The third He neither used, as is clear from the examples already given, nor entrusted. On the contrary, He forbade it to both Peter and the other apostles, as has been said.

Note what the blessed Bernard says, writing to Pope Eugenius (*De consideratione* 2:6):¹⁰ 'In order that we may truly know ourselves, let us remember that service has been imposed on us, not lordship bestowed. If you are wise, you will be content with the measure which God has meted to you; for more than this is of evil. Learn from the prophet's example to rule more for the sake of accomplishing than commanding. Learn that you need a hoe and not a royal sceptre to do a prophet's work: that is, 'to root up and pull down, to lay waste and destroy, to build and to plant' (Jer. 1:10); for he to whom this was said, namely, Jeremiah, arises, not to rule, but to uproot. Do you suppose that you too will find something to do in the Lord's field? Much, indeed'. And then: 'What has the holy apostle left you? "What I have", he said, "I give to thee". (Acts 3:6) What is that? "Silver and gold have I none", he said; and he could not give what he did not have. Claim gold and silver on some other ground, then, but not by apostolic right. What he had he gave: namely, care of all churches. Not lordship? Hear him: "Neither as being lords over

¹⁰ *S. Bernardi Opera*, edd. J. Leclercq and H.M. Rochais, 3 (Rome, 1963), pp. 393ff.

ait, 'in clero, sed forma facti gregis' [I Pet. 5:3]. *Et ne dictum sola humilitate putes, non etiam veritate, vox Domini est in evangelio: 'Reges gentium dominantur eorum, et qui potestatem habent super eos benefici vocantur; vos autem non sic' [Luc. 22:25f]. Planum est quod apostolis interdicitur dominatus; igitur et tu tibi usurpare aude aut dominans apostolatum aut apostolatus dominatum? Plane ab alterutro prohiberis. Utrumque simul habere volens, perdes utrumque. Alioquin, non te exceptum ex illorum numero putes de quibus conqueritur Dominus, dicens: 'ipse regnaverunt et non ex me; principes extiterunt et ego eos non novi' [Osee 8:4].*

Et sic declaratum est quod Summo Pontifice, successori beati Petri, non est collatum a Deo dominium terrenorum nec iurisdictio temporalis. Quae igitur est dignitas aut potestas collata Summo Pontifici? Quae auctoritas beato Petro vicario Iesu Christi concessa? Profecto, nobilior, sublimior et utilior quam imperialis. Nam quantum distat oriens¹ ab occidente, corpus ab anima, corporalia a spiritualibus, terrena a caelestibus, tantum distat auctoritas Summi Pontificis a culmine imperialis aut regiae dignitatis. Audi Dominum vicarium suum instruentem in evangelio²: *Tu es, inquit, Petrus, et super hanc petram aedificabo ecclesiam meam, et portae inferi non praevalerunt adversus eam; et tibi dabo claves regni caelorum.* Ecce quod quidquid maius, quidquid sublimius excogitari potuit in hac vita, Summo Pontifici divinitus est collatum. Quid igitur quaerit amplius? Numquid non oculum habere ad inferiora corruptibilia³ videtur, eius⁴ celsitudine derogare?⁵

Patet igitur ex praedictis quod pontificalis auctoritas et regalis dignitas sunt duae potestates distinctae, divinitus institutae; et hoc declaratum est in primo articulo. Item, quod sunt distinctae et divisae et separate, ita quod uni non licet iurisditionem alterius usurpare; et hoc in secundo articulo. Item, quod iurisdictio sive dominium temporalium non est concessa Summo Pontifici, propter quod non se debet intromittere de iurisditione temporali nisi causaliter, quia in temporalibus non habet ordinariam potestatem,

¹ oriens] ortus P²P⁵ArBor ² evangelio] evangelio et excelsa preminencia sublimantem P²P⁵ArBor ³ corruptibilia] incorruptibilia P³ ⁴ eius] quid P⁴
⁵ derogare] denegare P³P⁴

God's heritage, but being examples to the flock" (I Pet. 5:3). And lest you suppose this to have been said in humility only, and not in truth, hear the Lord's voice in the Gospel: "The kings of the Gentiles exercise lordship over them, and they that exercise authority upon them are called benefactors; but ye shall not be so" (Luke 22:25f). It is clear that lordship is forbidden to the apostles. Will you therefore dare to usurp apostlehood while being a lord, or lordship while being an apostle? One or the other is plainly forbidden to you. If you wish to have both together you will lose both. For you must not deem yourself excepted from the number of those of whom the Lord complains that "They have reigned, but not by me: they have made princes, and I knew it not" (Hosea 8:4).

It is clear, therefore, that the Supreme Pontiff, the blessed Peter's successor, has not been granted lordship of earthly things or temporal jurisdiction by God. What, then, is the dignity or power granted to the Supreme Pontiff? What authority was granted to the blessed Peter, Christ's vicar? A nobler one, indeed, and more sublime and beneficial than the imperial. For the Supreme Pontiff's authority is as far removed from the summit of imperial or royal dignity as east is from west, body from soul, bodily things from spiritual, and earthly things from heavenly. Hear the Lord speaking to His vicar in the gospel: 'Thou art Peter', He says, 'and upon this rock I will build my Church; and the gates of hell shall not prevail against it. And I will give unto thee the keys of the kingdom of heaven'. Behold, whatever might be regarded as greater and more sublime in this life has been conferred upon the Supreme Pontiff by divine gift. What more, then, can he seek? Surely he will not be seen to have an eye for these lower, corruptible things and so diminish his own elevation?

It is clear from the foregoing, therefore, that pontifical authority and royal dignity are two distinct powers, divinely instituted; and this has been shown in the first article. Again, that they are clearly divided and separate, so that the one may not usurp the jurisdiction of the other: this has been shown in the second article. Again, temporal jurisdiction or lordship has not been granted to the Supreme Pontiff, and he therefore must not involve himself in temporal jurisdiction except in special cases. For that he does not ordinarily have power in temporals is expressly

sicut expresse habetur Extra. *Qui filii sint legitimi*, cap. *Per venerabilem*, ubi papa sic dicit: *Non solum in Ecclesiae patrimonio, super quo in temporalibus plenam gerimus potestatem, verum etiam in aliis regionibus,¹ certis causis inspectis,² temporalem iurisdictionem casualiter³ exercemus. Non quod alieno iuri praeiudicare velimus, sed quia, sicut in Deut.⁴ [17:8f] continetur, 'si⁵ difficile et ambiguum apud te iudicium esse⁶ prospexeris inter sanguinem et sanguinem, causam et causam, lepram et lepram, et iudicium inter se verba videris⁷ variari, venies ad sacerdotes levitici generis et ad iudicem qui fuerit illo tempore, qui iudicabunt tibi iudicii veritatem'; ubi sic dicit glossa quod papa de temporalibus iudicare potest cum requiritur, scilicet, quando iudicium varium⁸ et ambiguum est inter iudices saeculares. Et sic declaratus est tertius articulus.*

[IV]

Quarto, declarandum est in quibus et quomodo potestas temporalis subiecta est spirituali potestati et in quibus non. Ad cuius evidenciam notandum est quod quaedam sunt causae mere spirituales, quaedam mere temporales, et quaedam mixte.

Causae mere spirituales sunt⁹ sicut causae matrimoniales: Extra. *De offic. delegat.*, cap. *Causam matrimonii*; item, causae decimarum: Extra. *De decimis*, per totum; item, causae simoniae: Extra. *De simonia*, per totum; item, causae haeresis: Extra. *De haereticis*, cap. *Ad abolendam* et cap. *Vergentis* et cap. *Excommunicamus*; item causae divortii: Extra. *De procurat.*, *Tuae*, et omnes aliae causae quae mere sunt spirituales de quibus dicit Innocentius, Extra. *De iudiciis*, super illam decretalem *Novit*, super verbo *iuramenti*: *Nota crimen pacis fractae et periurii¹⁰ directe pertinere ad iudicium Ecclesiae, ut hic idem in crimine simoniae, sacrilegii, usuarum, haeresis, separationis matrimonii quantum ad thorum propter adulterium.*

Causae mere temporales sunt causae feudales et causae sanguinis et huiusmodi. Iestas commisit Deus immediate et principaliter¹¹

¹ regionibus] actionibus P⁴ ² inspectis] suspectis P⁴ ³ casualiter] om. Ar⁴ in Deut.] inde ut P⁴ ⁵ si] fieri P⁴Ar ⁶ esse prospexeris] esse non prospexeris P⁴ ⁷ iudicium...videris] iudicium inter porta videris P⁵Bor iudicium inter porta videns Ar ⁸ varium] verum P³ difficile P⁴ ⁹ quaedam mere temporales...sunt] om. P³P⁴ ¹⁰ periurii] perire P⁴ ¹¹ Iestas commisit...principaliter] om. P⁴

stated in the decretal *Per venerabilem* (X.4:17:13), where the pope says, 'Not only within the Church's patrimony, where we wield full power in temporal matters, but in other regions also, we may exercise temporal jurisdiction occasionally, having examined certain causes. It is not that we wish to prejudice anyone else's right, but because, as is said in Deuteronomy, "If thou perceive that there be among you a hard and doubtful matter in judgment between blood and blood, cause and cause, leprosy and leprosy: and thou see that the words of the judges within thy gates do vary, come to the priests of the tribe of Levi and to the judge that shall be at that time; and they shall show thee the truth of the judgment (Deut. 17:8f)."' The gloss says here that 'the pope can judge temporal matters when this is required: that is, when judgment is doubtful as between secular judges.' And this has been shown in the third article.

IV

Fourth, we must show in what respects and how the temporal power is and is not subject to the spiritual power. To this end, we must note that some causes are exclusively spiritual, some exclusively temporal, and some mixed.

Exclusively spiritual causes are matrimonial causes (see X.1:29:16, *Causam matrimonii*), cases involving tithes (see X.3:30, *De decimis*, passim), cases of simony (see X.5:3, *De simonia*, passim), cases of heresy (see X.5:7:9, *Ad abolendam*; 10, *Vergentis*; 13, *Excommunicamus*), cases of divorce (see X.1:38, *De procuratoribus*, passim), and all the other spiritual cases of which Innocent [IV]¹¹ speaks, glossing the word 'oath' in the decretal *Novit*: 'an offence involving a breach of the peace or oath-breaking pertains directly to the Church's judgment, as here; and so too with offences involving simony, sacrilege, usury, heresy and matrimonial separation by reason of adultery'.

Feudal cases, capital offences, and such things, are exclusively temporal: God has entrusted these immediately and principally

¹¹ See n. 8 on p. 63.

imperatoribus et regibus, de quibus nec papa¹ nec alii praelati debuerunt se intromittere in Ecclesia primitiva, licet modo consuetudine de causis temporalibus personalibus quibusdam indifferenter ad utrumque iudicem recurratur. Sed de feudalibus, in propriis feudis, non nisi ad imperatorem, reges et alios principes. Unde in illa decretali *Solitae* dicit papa: *Non negamus quin imperator praecellat in temporalibus*; et Extra. *De iudiciis*, cap. *Novit*, dicit papa: *Non putet aliquis quod iurisdictionem illustris regis Franciae perturbare aut minuere intendamus*; et infra, *Qui filii sint legitimi*, *Causam*, enim dicit papa: *Ad regem, non ad Ecclesiam, pertinet de talibus possessionibus iudicare*. Item, Extra. *De foro compet.*, cap. *Vero*, super verbo *de feudis*,² dicit Innocentius: *Quilibet dominus, quantumcumque vilicus vel etiam rusticus, super rebus feudalibus iurisdictionem habet*.

Causae mixtae sunt causae temporales quae connexionem quandam habent cum spiritualibus, sicut causa feudalis, quae de se temporalis³ est, connexionem potest habere cum iuramento vel peccato, sicut patet de dissensione mota inter reges Franciae et Angliae super comitatu Pictavensi. Papa, qui non poterat directe cognoscere de causa feudali, indirecte, ratione iuramenti peccati, intromisit se de illa: Extra. *De iudiciis*, cap. *Novit*, ubi dicit Hostiensis in glossa super verbo *de feudo*:⁴ *Non intendimus cognoscere de feudo' sed tantum⁵ ratione peccati, inducendo illum ad paenitentiam, quia illam non potest agere nisi satisfaciat*. Item, causa dotis per se temporalis est, et ad saecularem iudicem pertinet si de ipsa tantum agatur; tamen, quando iudex ecclesiasticus cognoscit principaliter de matrimonio, si incidat causa dotis, tamquam accessoria cognoscet de illa sicut de principali cui est annexa, ut patet Extra. *De donat. inter virum et uxorem*, cap. *De prudentia*, ubi dicit glossa quod *si non est matrimonium neque dos; et ita dos accedet matrimonio. Ideo qui cognoscit de principali debet cognoscere de accessorio, ut hic et Extra. De officio delegati, cap. Praeterea, et cap. Prudentiam*. Sic etiam de haereditate cognoscit

¹ nec papa] om. Bor ² de feudis] defendit Ar deffendit Bor ³ temporalis] spiritualis P³ ⁴ de feudo] diffendo Bor ⁵ tantum] tamen P⁴

to emperors and kings. Neither the pope nor other prelates might involve themselves with them in the early Church, although now, by custom, certain personal temporal causes may be brought before judges of both kinds. Feudal cases simply as such, however, should be brought before emperors, kings and other princes only. Hence in the decretal *Solitae* the pope says, 'We do not deny that the emperor is supreme in temporal matters'; and in *Novit* the pope says 'Let no one suppose that we wish to disturb or diminish the jurisdiction of the illustrious king of France'; and at *Causam* the pope says, 'It pertains to the king, not to the Church, to judge concerning such possessions'. Again, glossing the words 'concerning a fief' in X.2:2:7, *Verum*, Innocent [IV] says, 'Every lord, no matter how simple and rustic, has jurisdiction over feudal matters.'

Temporal causes which have as it were a connection with spiritual things are mixed causes: a feudal case, for example, which, though temporal in itself, can have a connection with an oath or with sin, as in the dispute which arose between the kings of France and England over the county of Poitiers. The pope, who could not take cognizance of the feudal case directly, concerned himself with it indirectly, by reason of the sin of oath-breaking involved: see X.2:1:13, *Novit*.¹² Glossing the words 'concerning the fief', Hostiensis says, "'We do not intend to take cognizance of the fief' other than by reason of sin, by way of leading him to repentance, because he cannot do this unless he gives satisfaction."¹³ Again, a cause involving a dowry is in itself a temporal matter and, simply as such, pertains to the secular judge. When, however, an ecclesiastical judge takes cognizance of a matrimonial cause principally, if a dowry is involved incidentally he may take cognizance of it as accessory to the principal cause to which it is annexed, as is clear at X.4:20:3, *De prudentia*. The gloss says here that if there is no matrimony there is no dowry, and so the dowry is included in the matrimony. Therefore he who takes cognizance of the principal cause must also take cognizance of what is accessory to it, as here and at X.1:29:5 *Praeterea* and 21, *Prudentiam*. So also the ecclesiastical judge takes cognizance of inheritances by reason of

¹² See Introduction, pp. xxvf.

¹³ See Introduction, n. 63; but see also Vinay, 'Egidio Romano e la cosiddetta "Quaestio in utramque partem"', p. 116, n. 1

iudex ecclesiasticus ratione incidentis: Extra. *Qui filii sint legitimi*, cap. *Per tuas* et cap. *Ex tenore*. Alii sunt plures casus speciales in quibus iudex ecclesiasticus cognoscit de temporalibus, quos enumerat Hostiensis in glossa, Extra. *De iudiciis*, cap. *Novit*.

Sic ergo: regulariter verum est quod de causis mere spiritualibus solus papa et alii iudices ecclesiastici habent cognoscere,¹ de causis vero mere temporalibus habent cognoscere² imperatores et reges et alii iudices saeculares. Et sic rex Franciae secundum iura non subest Summo Pontifice, nec ei tenetur respondere de feudo regni sui. Posset tamen ei subesse incidenter et casualiter, ratione connexionis alicuius causae spiritualis, sicut habetur Extra. *De iudiciis*, cap. *Novit*, et in *Qui filii sint legitimi*, cap. *Per venerabilem*. Et sic declaratus est quartus articulus.

[V]

Quinto, declarandum est a quo rex Franciae teneat regnum suum: utrum scilicet ab homine vel a Deo, et, si a Deo, utrum necesse habeat recognoscere quod ab eius vicario. Ad quod breviter respondemus quod a solo Deo immediate tenet et possidet regnum suum, ita quod non ab homine quocumque. A vicario vero Christi non tenet, nec in quantum homo nec in quantum Christi vicarius. Ad hoc sumamus testimonium ipsius Summi Pontificis, scilicet Innocentii III, Extra. *Qui filii sint legitimi*, cap. *Per venerabilem*, de rege Franciae sic loquentis: *Rex superiorem in temporalibus minime recognoscit*. Si dicas quod, etsi non recognoscat, tamen de iure deberet, respondemus per interemptionem quod non debet, quia Franci³ nulli umquam fuerunt subiecti nec imperatori nec alii, sicut probatur ex antiquis historiis: quod, post eversionem Troiae, duodecim milia Troianorum ad partes Pannoniae pervenerunt, ubi, civitatem Sicambriam construentes,⁴ manserunt ibi usque ad tempora Valentiani imperatoris, semper infesti imperio. Expulsi vero inde ab imperatore praedicto, pro eo quod tributa Romanis solvere recusarent iuxta morem aliarum nationum, habitaverunt iuxta Renum,⁵ in confinio Germaniae et Alemanniae; quos cum multis

¹ habent cognoscere] habent iudicare et cognoscere P⁴ ² de causis... cognoscere] om. P⁴ ³ Franci] francisci P⁴ ⁴ construentes] constituentes P⁴ ⁵ Renum] regnum P⁴ ArBor

such association: see X.4:17:12, *Per tuas* and 14, *Ex tenore*. There are several other special cases in which the ecclesiastical judge takes cognizance of temporals, which Hostiensis enumerates in his gloss on *Novit*.

It is true as a rule, therefore, that the pope and other ecclesiastical judges have sole cognizance of exclusively spiritual matters, whereas kings, emperors and other secular judges have cognizance of exclusively temporal causes. And so the king of France is not under the Supreme Pontiff according to the laws, nor is he bound to answer to him for the fief of his kingdom. He may, however, be subject to him incidentally and in special circumstances, by reason of a connection with some spiritual cause, as we gather from X.2:1:13 *Novit* and X.4:17:13 *Per venerabilem*. And this concludes the fourth article.

V

Fifth, we must show of whom it is that the king of France holds his kingdom: whether of a man or of God, and, if of God, whether he must acknowledge that he holds it of His vicar. As to this, we briefly reply that he holds and possesses his kingdom immediately of God alone, and so not of any man. He certainly does not hold it of the vicar of Christ, either as man or as Christ's vicar. As to this, we cite the testimony of the Supreme Pontiff himself, that is, of Innocent [III], speaking of the king of France at X.4:17:13, *Per venerabilem*: 'The king of France acknowledges no superior in temporal things'. If you say that although he does not acknowledge anyone, he nonetheless should do so as of right, we answer by way of rebuttal that he should not, because France has never been under anyone, neither the emperor nor anyone else, as ancient history proves.¹⁴ For after the fall of Troy, 12,000 Trojans came into the regions of Pannonia, where they built the city of Sicambria, remaining there, ever hostile to the Roman empire, until the time of the Emperor Valentinian. Driven thence by the aforesaid emperor because they refused to give Rome tribute after the fashion of the other nations, they dwelt near the Rhine, between the Germani and the Allemani. After many struggles in which Valentinian

¹⁴ Cf. *Liber historiae Francorum*, 1ff, *Monumenta germaniae historica: Scriptores rerum Merovingicarum*, II, pp. 238ff.

praeliis post, idem Valentinianus¹ sibi subiugare tentasset, nec aliquatenus potuisset, appellavit eos *Franco*s. Et Galliam habitantes, eamque Franciam appellantes, nec Romanis nec aliis quibuscumque voluerunt² esse subiecti. Et dato quod³ imperatori vel papae fuerint aliquando subiecti,⁴ tamen ex tanto tempore praescripserunt, et regnum pacifice possederunt, quod amplius non tenentur alicui respondere. Nam etiam contra Romanam Ecclesiam currit praescriptio centenaria, sicut habetur Extra. *De praescriptionibus*, cap. *Ad audientiam* in fine, ubi sic dicitur: *Contra quam* (scilicet, Romanam Ecclesiam) *non nisi centenaria praescriptio currit*. Praeterea, iustae possessionis et liberae, iustum titulum, sine recognitione cuiusquam superioris, quo dictus⁵ rex nunc possidet regnum suum, et praedecessores eius hactenus possederunt, ac eius successores, omnipotentis Dei dextera protegente, perpetuo possidebunt, rationibus irrefragabilibus declaramus.

[I] Primo quidem, possessionis huius iustum titulum probat unctio sacra, missa divinitus, qua reges Franciae semper, opportunis temporis, iniunguntur. Nonne regnum evidenter approbatur a Deo, cuius reges divino munere consecrantur?

[II] Secundo, hoc idem probant⁶ aperta miracula universo orbi manifeste notoria⁷ et notorie manifesta. Unde dominus rex, de iusto titulo suo respondens, dicere potest illud in evangelio quod respondit Dominus Iesus contra calumnias Iudeorum: *Si mihi non vultis credere, operibus credite* [Ioann. 10:38]. Sicut enim haereditario iure succedit patri filius in adoptione regni sui, sic, quasi haereditario iure, succedit,⁸ faciente⁹ Deo, alter alteri in simili¹⁰ potestate huiusmodi miracula faciendi.

[III] Tertio, hoc idem probat bonitas vitae, claritas famae, devotionis fervor [et] sinceritas fidei Christianae quae semper in regibus nostris viguit et in regno prae caeteris regnis et regibus huius mundi. Dicimus ergo quod dominus noster rex eodem titulo et eodem iure regnum suum tenet et possidet quo tenuit

¹ Valentinianus] Valentinianus P³ ² voluerunt] noluerunt P³ noverunt P⁵ ArBor
³ dato quod] dato quod non credo quod P³ P⁵ ArBor ⁴ Et dato...subiecti] om. P⁴
⁵ dictus] dominus P² ⁶ probant] approbant P⁴ Ar ⁷ notoria] nota P⁴ ⁸ patri filius...succedit] om. P⁵ ArBor ⁹ faciente] facultate P³ faculte P⁴ ¹⁰ simili] saeculi P³ simplici P⁵ ArBor

attempted to subdue them but could not by any means do so, he named them Franks.¹⁵ Dwelling in Gaul, which they called France, they would be subject neither to Rome nor to anyone else. Even given that they were at some time subject to the emperor or pope, their peaceable possession of the kingdom is now prescribed by so long a period of time that they are clearly not answerable for it to anyone; for a prescription of a hundred years runs even against the Roman Church, as we gather from the end of X.2:26:13, *Ad audientiam*: 'Against whom' (that is, the Roman Church) 'no prescription of less than a hundred years runs'. Moreover, we shall show by incontrovertible arguments that the said king has a just title to the just and free possession of his kingdom without acknowledging any superior whatsoever; that his predecessors have so possessed it hitherto; and that, with Almighty God's right hand protecting them, his successors will do so in perpetuity.

I. First, the holy unction, divinely sent, by which the kings of France have always been anointed in due season proves their possession of this just title. Is not that kingdom clearly approved of God whose kings are consecrated by divine gift?

II. Second, clear miracles, manifestly known, and known to be manifest to the whole world, prove the same thing. Hence, the lord king can make the same reply in defence of his just title as the Lord Jesus did in the Gospel against the calumnies of the Jews: 'Though ye believe me not, believe the works' (John 10:38). For just as a son follows his father in succession to the kingdom by right of inheritance, so, by God's agency, the one follows the other as if by right of inheritance in having a similar power to perform miracles.¹⁶

III. Third, the goodness of life, brightness of fame, fervour of devotion and sincerity in the Christian faith which has always flourished in our kings and kingdom above all other kingdoms and kings of this world proves this. We say, therefore, that our lord king holds and possesses his kingdom by the same title and with the same right as the blessed Louis, whom in our own day,

¹⁵ See Introduction, p. xxxix.

¹⁶ For the belief here referred to, that the lymphatic disease called scrofula can be healed by the touch of the king of France or England see Marc Bloch, *Les rois thaumaturges* (Strasbourg, 1924), pp. 97ff., 438ff; F. Barlow, 'The King's Evil', *English Historical Review* XCV (1980), pp. 3ff.

beatus Lodovicus quem, diebus nostris, sedes Apostolica, sanctitas eius eminentia promerente et miraculorum evidentia proclamante, cathalogo sanctorum adscripsit. Ad quaestionem ergo propositam, pro nobis respondeat beatus Lodovicus: respondeat eius vita sanctissima crebraque miracula protestantur.

Contra praemissa arguitur multipliciter, tam per rationes quam per iura canonica et civilia, probando quod rex Franciae et universaliter¹ omnes reges subsint et subesse debeant Summo Pontifice quantum ad temporalia.

[I] Primo sic. Secundum beatum Dionysium [*De cael. hier.*, 1:3], militans Ecclesia exemplata² est ad similitudinem Ecclesiae triumphantis, secundum illud Exodi [25:40]: *Inspice et fac secundum exemplar quod tibi in monte monstratum est.* Sed in Ecclesia triumphante non est nisi unus solus et summus hierarcha cui omnes, tam angeli quam homines, in omnibus obediunt³ et intendunt. Ergo et in Ecclesia militante est unus solus et summus hierarcha cui omnes, tam clerici quam laici, tam reges quam alii, tenentur in omnibus spiritualibus et temporalibus obedire. Non est aliquis talis nisi papa. Ergo, etc.

Respondeo: non est simile de hierarcha caelesti et terrena. Quia ille, propter suam summam perfectionem, sufficit per se ipsum regere totam illam monarchiam caelestem. Terrenus autem hierarcha, propter suam imperfectionem, non sufficit per se ipsum⁴ simul regere spiritualia et temporalia;⁵ et propter hoc dicit Apostolus: *Nemo militans Deo implicat se saecularibus negotiis* [II Tim. 2:4]; et beatus Ambrosius ait [quod] qui terrenis occupantur scire divina non possunt, quia, videlicet, terrena distrahunt animum⁶ et a caelestium contemplatione perturbant. Et hoc probat⁷ beatus Bernardus satis diffuse ad Eugenium papam. Cum igitur Summum Pontificem oporteat et expediat summe et praecipue spiritualibus et divinis intendere, non debet eius animus incurvari⁸ ad temporale regimen.⁹ Unde, licet

¹ universaliter] similiter P⁴ ² exemplata] exempta P³P⁴ ³ in omnibus obediunt] in omnibus obediunt ArBor ⁴ regere totam...ipsum] om. P⁵ArBor ⁵ et temporalia] et terrena P² ⁶ secus est de terreno P⁵ArBor ⁷ animum] om. P⁵ ⁸ probat] Ysac ArBor ⁹ incurvari] incarnari P³ ⁹ regimen] regnum P⁴

his conspicuous sanctity meriting it and the evidence of miracles proclaiming it, the Apostolic See has enrolled in the calendar of the saints.¹⁷ As to the present question, therefore, let the blessed Louis answer for us: let his most holy life, confirmed by so many miracles, be our witness.

But there are many arguments against what we have said, derived from reason, canon law and civil law alike, put forward by way of proving that the king of France, and all kings everywhere, are under the Supreme Pontiff and must be subject to him in temporals.

I. The first is this. According to the blessed Dionysius, (*De caelesti hierarchia.*, 1:3)¹⁸ the Church Militant is a pattern in the likeness of the Church Triumphant, according to that verse of Exodus (25:40): 'Look that thou make them after their pattern, which was showed thee in the mountain.' But in the Church Triumphant there is only one Supreme Ruler, Whom all beings, whether angels or men, obey and serve in all things. Therefore in the Church Militant also there is one sole and supreme ruler whom all men, clergy and lay, kings and others, are bound to obey in all things spiritual and temporal; and this is none other than the pope. Therefore, etc.

I reply that the heavenly and earthly rulers are not alike. For God, by reason of His supreme perfection, is in Himself sufficient to rule the whole heavenly realm; but the earthly ruler, by reason of his imperfection, does not in himself suffice to rule spirituals and temporals together. Hence the Apostle says, 'No man that warreth entangleth himself in the affairs of this life' (II Tim. 2:4); and the blessed Ambrose¹⁹ says that those who are occupied with things earthly cannot know things divine: because, that is, earthly things distract the mind and disturb its contemplation of heavenly things; and the blessed Bernard proves this amply enough to Pope Eugenius. While, therefore, it is fitting and expedient for the Supreme Pontiff to care supremely and especially for spiritual and divine things, he must not bend his mind down to temporal government. Hence, though

¹⁷ See Introduction, p. xxxii.

¹⁸ Edd. G. Heil and A.M. Ritter, *Patristische Texte und Studien* 36 (Berlin, 1991).

¹⁹ See Ambrose, *De fuga saeculi* (ed. C. Schenkl, *Corpus Scriptorum Ecclesiasticorum Latinorum* XXXII(ii) (1897)).

Moyses, veteris legislator, fuerit elevatissimus in contemplatione et divinis colloquiis assuetus (loquebatur enim ei Dominus¹ facie ad faciem, sicut² dicitur Num. 12), tamen non fuit sufficiens terrenis intendere, sicut dixit ei Ietro:³ *Stulto labore consumeris, ultra vires tuas est negotium. Esto populo in iis quae ad Deum pertinent*, etc. [Exod. 18:18f]; propter quod Moyses constituit principes qui temporales causas populi iudicarent. Praeterea, in illa hierarchia caelesti est summa pax, concordia et uniformitas voluntatum; hic autem sunt dissensiones, lites et discordiae innumerabiles et fraudes. Ideo non est simile de hac et illa.

[II] Item, secundum eundem Dionysium, omnis multitudo ad unitatem reducitur, sicut ab unitate procedit [*De cael. hier.*, 1:1]. Ergo omnis multitudo praelatorum et principum reducitur ad unum summum qui est super omnes principes et praelatos. Nullus autem talis est nisi papa. Ergo, etc.

Respondeo: dicendum est quod, sicut temporalia sunt propter corpus, et corpus [est] propter animam, ita quod haec omnia inferiora debent ad bonum animae ordinari, aliter non recte uteretur homo temporalibus, sed potius abuteretur,⁴ sic potestas temporalis quodammodo ordinatur ad spiritualem in iis quae ad ipsam spiritualitatem pertinent, id est, in spiritualibus. Et per istum modum multitudo⁵ reducitur ad unitatem.⁶

[III] Item, sicut unus solus est Creator omnium spiritualium et temporalium⁷ a quo omnia producuntur⁸ in esse, et unus finis ad quem omnia sicut ad finalem terminum ordinantur, sicut ipse testatur Apoc. 1[:8]: *Ego sum alpha et omega, principium et finis*: sic unus est omnium gubernator et rector tam temporalium quam spiritualium. Sed in hoc est differentia, quia in creatione non potest Deus habere vicarium, pro eo quod nulla creatura potest esse ultimus finis omnium complectivus.⁹ Sed in gubernatione vel regimine mundi, potest creatura cooperari, sicut ait Apostolus: *Adiutores Dei sumus* [I Cor. 3:9]; et ideo in regimine mundi¹⁰ potest Deus habere vicarium.¹¹ Ergo, unus solus sub Deo vicarius est, habens regimen totius universi et quantum ad temporalia et quantum ad spiritualia.¹²

¹ Dominus] Deus P⁴ ² faciem, sicut] faciem, sicut solet homo loqui ad amicum suum, sicut P²P³ArBor ³ Ietro] Petro Ar ⁴ homo...abuteretur] om. P⁵ArBor ⁵ multitudo] om. P⁴ ⁶ ad unitatem] om. P³P⁴ ⁷ et temporalium] om. P⁴ ⁸ producuntur] procedunt P³ ⁹ complectivus] completurus P² ¹⁰ potest creatura...mundi] om. P⁵ArBor ¹¹ pro eo quod...vicarium] om. P³P⁴ ¹² et quantum ad temporalia...spiritualia] om. P⁵ArBor

Moses, the giver of the Old Law, was most highly raised up in contemplation and accustomed to divine converse (for God spoke to him face to face, as is told in Numbers 12), nonetheless he was not equal to the task of caring for earthly matters, as Jethro said to him: 'Thou are consumed by foolish labour; this task is beyond thy powers. Be thou for the people in those things which pertain to God', etc. (Exod. 18:18f) Moses therefore appointed princes who judged the people's temporal causes. Moreover, there is in the celestial hierarchy supreme peace, concord and uniformity of will; whereas here there are dissensions, lawsuits and innumerable discords and frauds. Therefore the one does not resemble the other.

II. Again, according to the same Dionysius (*De cael. hier.*, 1,1), all multitude is reduced to unity, just as it proceeds from unity. Therefore the whole multitude of prelates and princes is reduced to one supreme ruler who is over all princes and prelates; and this is none other than the pope. Therefore, etc.

I reply: it must be said that, just as temporal things exist for the body's sake and the body for the soul's, so all these lower things must be subordinated to the soul's good; otherwise, man does not use temporals rightly, but abuses them. The temporal power must therefore be in a manner subordinated to the spiritual power in those things which pertain to spirituality itself: that is, in spirituals [but only in spirituals]. In this way, multitude is reduced to unity.

III. Again, just as there is only one Creator of all things spiritual and temporal, from Whom all things come into being, and one end to which all are directed as to their final goal, as Christ Himself attests at Revelation 1:8, 'I am alpha and omega, the beginning and the ending': so there is one governor and ruler of all things both temporal and spiritual. But there is this difference: that, in creating, God cannot have a vicar, because no creature can be the final end by which all things are brought to completion. Creatures can work together with Him in governing or ruling the world, however, as the Apostle says at I Cor, 3:9: 'For we are labourers together with God'. And so God can have a vicar in the government of the world. Therefore there is one vicar only under God, having the rule of the whole world with regard to temporals and spirituals alike.

Respondeo: quando arguitur [quod] unus est Creator, ergo et unus rector, dicendum est quod non est simile. Quia creatio est productio de non esse in esse, ubi est infinita distantia. Ideo in creatione requiritur infinita potentia, quae non potest esse nisi in uno solo principio simplicissimo et potentissimo. In gubernatione autem istorum inferiorum, non requiritur infinita potentia, quia omnia sunt finita, tam spiritualia quam temporalia.¹ Tamen² valde sunt inter se diversa; ideo, diversis egent rectoribus, spirituali scilicet et terreno. Vel si dicas quod nec creatio nec ultima perfectio quae est per beatitudinem sunt communicabiles creaturae, quia unum requirit infinitam potentiam, aliud infinitam bonitatem: gubernatio autem fuit communicabilis. Ideo, licet ipse Deus³ sit principalis rector totius universi, tamen et per angelos sanctos et per homines voluit mundus regi.

[IV] Item, in uno corpore naturali unum tantum est⁴ caput, in quo vigent omnes sensus et omnia membra regit. Ergo et in corpore mystico quod est Ecclesia unum tantum erit caput. Alioquin monstruosum esset Ecclesiam habere duo capita, sicut esset monstruosum in corpore naturali.

Respondeo: dicendum est quod totius Ecclesiae unum solum est caput, sicut una est columba, id est Ecclesia [Cf. Cant. 6:8]. Sed istud caput dicimus esse Christum, qui solus est proprie caput Ecclesiae, a quo derivata est utraque potestas, sicut ait Apostolus Ephes. 1[:22f]: *Omnia subiecit sub pedibus eius et ipsum dedit caput super omnem Ecclesiam quae est corpus ipsius*. Potest nihilominus papa dici caput Ecclesiae in quantum est principalis inter ministros Ecclesiae, a quo dependet tota spiritualis ordinatio sicut a Christi vicario spirituali principali; sicut etiam Romana⁵ Ecclesia dicitur caput omnium⁶ ecclesiarum. Non est autem caput quantum ad regimen temporalium; sed quilibet⁷ rex est caput regni et imperator imperii.

[V] Item, secundum Philosophum, in omni genere rerum ordinarum ad invicem est ponere unum minimum⁸ ad quod omnia

¹ tam spiritualia...temporalia] quia tamen et temporalia P² tam spiritualia quam corporalia P⁴ ² Tamen] om. P² sed ista P⁵ArBor ³ Deus] om. P²P⁵ArBor ⁴ unum tantum est] tantum est unum P³ ⁵ Romana] om. Ar ⁶ omnium] om. P²P⁵ArBor ⁷ quilibet] quibus MSS ⁸ minimum] om. P⁵ArBor

I reply: when it is argued that there is one Creator, and therefore one ruler, it must be said that the two things are not the same. For creation is the leading of something across the infinite distance between not-being and in-being; and creation therefore requires infinite power, which cannot exist other than in one single, entirely simple and most mighty first principle. But the government of lower things does not require infinite power, because all such things, spiritual and temporal alike, are finite, even though there is great diversity among them. They therefore need different rulers: that is, spiritual and temporal. Alternatively, if you say that neither creation nor the ultimate perfection which comes through blessedness is communicable to creatures, because the one requires infinite power and the other infinite goodness, [I reply that] government is nonetheless communicable; therefore, although God Himself is the supreme ruler of the whole universe, He nonetheless wills that the world should be ruled through His holy angels and through men.

IV. Again, in one natural body there is only one head, in which all the senses flourish and which rules all the members. Therefore in the mystical body which is the Church there will also be one head only; for it would be monstrous if the Church were to have two heads, just as this would be monstrous in one natural body.

I reply: it must be said that there is only one head of the whole Church, just as there is one dove, that is, the Church (Cf. Song of Solomon 6:8). But we say that this head is Christ, Who alone is the Church's proper head, from Whom both powers are derived, as the Apostle says at Ephesians 1:22f: 'He hath put all things under His feet, and gave Him to be the head over all things to the Church.' The pope can, of course, be called the head of the Church inasmuch as he is foremost among the Church's ministers, upon whom the whole spiritual order depends as upon Christ's chief spiritual vicar; just as the Roman Church is called the head of all Churches. But he is not the head as regards the government of temporals; rather, whoever is king is the head of the kingdom, and the emperor of the empire.

V. Again, according to the Philosopher, in every genus of things which are mutually ordered, there is something irreducible

reducuntur. Ergo et in Ecclesia, quae maxime debet esse ordinata, oportet esse unum¹ ad quem et per quem omnes alii ordinentur. Hic autem non potest esse nisi papa. Ergo, etc.

Respondeo: illud ad quod universitas tota fidelium reducitur reductione ultima consummativa et finali est solus Deus, qui solus potest omnem appetitum humanum terminare et desiderium adimplere. Tamen sub Deo, illud minimum unicum² et indivisibile ad quod omnes fideles adspiciunt et intendunt, quantum ad ea quae sunt necessaria vel expedientia ad salutem est papa: scilicet, quantum ad spiritualia; sicut rex in regno quantum ad temporalia.

[VI] Item, ab exordio mundi humanum genus, non nisi unum rectorem praecipuum³ legitur habuisse, sicut patet in diversis statibus huius mundi. Ergo et modo debet esse unus praecipuus⁴ rector. Probatur assumptum: in statu innocentiae Adam praefuit omnibus, et semper praefuisset si semper in innocentia perstitisset. Post peccatum vero, in statu legis naturae, Noe, suo tempore, praefuit super omnes. Postmodum vero, Abraham, Ysaac et Iacob, quilibet eorum praefuit populo Dei fueruntque sacerdotes, hostias Domino offerentes. Similiter Melchisedech, rex Salem, fuit sacerdos Dei summi⁵ (unde et ipse Christus dicitur esse *Sacerdos secundum ordinem Melchisedech*⁶ [Heb. 7:17]), cui etiam Abraham patriarcha decimas obtulit, sicut dicitur Gen. 14[:20], in signum quod ei suberat quantum ad temporalia. Similiter in lege Moysaica, Moyses habuit utramque potestatem et utroque gladius usus est. Ergo multo fortius in statu legis evangelicae debet esse unus utramque potestatem habens.⁷

Respondeo: dicendum quod⁸ istud argumentum multas habet particulas ad sui declarationem, et propter hoc⁹ ad singulas illarum oportet speciales¹⁰ responsiones dare.¹¹ Ad primum, quod dicitur de Adam in statu innocentiae, dicendum est quod in illo statu omnia fuissent communia, nec quisquam dixisset aliquid esse suum. Fuisset etiam ibi pax et concordia, non fraus, furtum, rapina, iniuria vel iniquitas. Et ideo, cum omnes homines essent spirituales, nulla fuisset ibi iurisdictio temporalis. Post

¹ unum] ordinata ad illum P⁴ ² unicum] unum P⁴ ³ praecipuum] principem P³ principalem P⁴ ⁴ praecipuus] princeps P³P⁴ ⁵ Melchisedech...summi] Melchisedech sacerdos fuit, hostias domino offerentes P³ Melchisedech rex Iherusalem fuit sacerdos de summis sacerdotibus P⁴ ⁶ unde et...*Melchisedech*] om. P⁴ ⁷ debet esse...habens] om. P⁵ArBor ⁸ Respondeo: dicendum quod] Respondeo quod P³P⁵ArBor Respondeo dicendum quia P² ⁹ et propter hoc] om. P²P⁵ArBor et propter P⁴ ¹⁰ speciales] spirituales Ar ¹¹ dare] om. P⁴

to which all other things are reduced.²⁰ In the Church also, therefore, where there must be the greatest order, there should be one to whom and by whom all others are ordered; and this can be none other than the pope. Therefore, etc.

I reply that it is to God alone, Who alone can bring every human appetite to an end and every desire to fulfilment, that the whole universe of believers is ultimately reduced as to its final consummation and end. Under God, however, Who is the final and indivisible unity and to Whom the sight and effort of all believers is bent, there is the pope, who, with respect to those things necessary and expedient for salvation – in relation that is, to spirituals – is as the king is in his kingdom with respect to temporals.

VI. Again, we read that, from the beginning of the world, the human race has had one chief ruler only, as is clear in the different conditions of this world. Now also, therefore, there must be one chief ruler. The proof is as follows. In the state of innocence, Adam ruled all, and would always have ruled had he remained always in innocence. After the coming of sin, in the state of the law of nature, Noah ruled over all men in his own time; then came Abraham, Isaac and Jacob, each of whom ruled God's people. And these were priests also, offering victims to the Lord. Similarly, Melchizedek, king of Salem, was a priest of the most high God (which is why Christ Himself is called 'a priest according to the order of Melchizedek' [Heb. 7:17]); and Abraham the patriarch offered tithes to him, as is said at Genesis 14:20, as a sign that he was under him in temporals. So too under the Mosaic Law, Moses had both powers and used both swords. Still more under the law of the Gospel, therefore, must there be one who has both powers.

I reply: it must be said that the clarification of this argument involves many aspects, and that it therefore behoves us to answer each of them in turn. First, as to what was said concerning Adam in the state of innocence: it must be said that, in that state, all things were held in common, and no one called anything his own. Also, there was peace and concord then, not fraud, theft, plunder, injury or iniquity. Since all men were spiritual, therefore, there was no temporal jurisdiction there. After the

²⁰ See, perhaps, *Metaphysics* Δ, 6 and I passim.

peccatum vero, non fuit ita, nec modo est, cum multae fiant iniustitiae, fraudes et iniquitates abundant. Ideo non est simile. Ibi tamen bene fuisset spiritualis praelatio, sicut est in angelis sanctis, et fuissent ibi diversi gradus honoris, secundum gradus et ordinem dignitatis, quia quantum aliquis alios praecelleret in bonitate¹ et sapientia, tantum fuisset amplius honoratus.

Ad illud quod arguebatur de Noe, dicendum quod Deus, ante diluvium, rexit omnia per se ipsum, et homini² quem formaverat praecepta dedit et transgredienti poenam imposuit, sicut legimus Gen. 2 et 3. Postmodum, alios delinquentes per se ipsum punivit usque ad tempus Noe, sicut patet in Chaym et Lameth. In tempore vero Noe et citra, cepit creaturas suas regere per ministros, quorum primus fuit Noe, quod ex eo apparet, quia Deus sibi commisit gubernationem archae per quam figurabatur Ecclesia, sicut dicit beatus Petrus [I Pet. 3:20]. Deus etiam Noe et filiis eius dedit legem, et rectoriam commisit, Gen. 9. In hac autem rectoria successerunt patriarchae, duces et iudices, reges et sacerdotes, et alii qui pro tempore fuerunt rectores³ populi Iudeorum. Tamen, usque ad Moysen, proprie loquendo non fuit verum sacerdotium, nam Aaron, iussu divino, primus summus sacerdos legitur institutus, et alii inferiores sacerdotes ex ordinatione divina instituti sunt in lege Moysi. Noe vero, Abraham, Ysaac et Iacob sacerdotes non fuerunt, licet, iubente Deo, altaria contruxisse et Deo hostias obtulisse legantur. Abel, Gedeon, Iepte, Manne, David et multi alii hostias obtulerunt, de quibus constat quod sacerdotes non fuerunt. De Moysen nulli est dubium quod frequenter hostias immolavit, et tamen sacerdos non fuit; nec obstat quod in psalmo [98:6] dicitur: *Moyses et Aaron in sacerdotibus eius*. Dicit enim ibi glossa: *Moyses in Dei sacerdotibus nuncupatur non quia sacerdos fuerit, sed quia vota⁴ sua Deo obtulit et pro populo supplicavit*. Igitur, Noe, Abraham, Ysaac et Iacob, etsi dicantur in populo Dei principes extitisse,⁵ non tamen fuerunt sacerdotes, ut dictum est, nisi valde

¹ in bonitate] in dignitate et bonitate P⁴ ² homini] huiusmodi P⁴ ³ fuerunt rectores] fuerunt reges et iudices et etiam rectores P⁴ ⁴ vota] loco Ar ⁵ extitisse] exercuisse Ar

coming of sin, this was no longer so, nor is it so now, when there are many injustices, and frauds and iniquities abound. The two conditions are therefore not the same. There would, however, have been a due order of spiritual precedence there, just as there is among the holy angels, and different degrees of honour according to the degree and order of worth; because, as one outshone another in goodness and wisdom, so would he have been more fully honoured.

As to the argument concerning Noah, it must be said that, before the Flood, God did all things Himself. He gave commandments to the man whom He had formed, and imposed punishment upon him when he transgressed, as we read at Genesis 2 and 3. Subsequently, when others went astray He punished them Himself, down to the time of Noah, as is clear in the case of Cain and Lamech. But from the time of Noah onwards, He allowed His creatures to be ruled by ministers, of whom the first was Noah. And this is clear from the fact that God entrusted to him the government of the ark, by which, as the blessed Peter says, is prefigured the Church (I Pet. 3:20). God also gave law and entrusted rulership to Noah and his sons: see Genesis 9; and to that rulership the patriarchs, chieftains and judges, kings and priests and the others who for the time being ruled the people of the Jews succeeded. Properly speaking, however, there was no true priesthood before the time of Moses. For we read that Aaron, who was the first to be appointed high priest by divine command, and the other lesser priests, were appointed under the law of Moses by divine institution. Thus, Noah, Abraham, Isaac and Jacob were not priests, even though we read that, by God's command, they built altars and offered victims to God. Abel, Gideon, Jephtha, Manoh, David and many others offered victims, yet it is clear that they were not priests. There is no doubt that Moses himself often sacrificed victims to God, yet he was not a priest. Nor is it an objection that the Psalm (99:6) speaks of 'Moses and Aaron among His priests'; for the gloss says, 'Moses is numbered among the priests of God, not because he was a priest but because he made his offering to God and prayed for the people'. Noah, Abraham, Isaac and Jacob, therefore, though they may be said to have excelled as rulers of God's people, were not priests, as we have said, except in the broad sense in which anyone may be called a

large dicatur sacerdos quicumque offert Deo sacrificium laudis et spiritus contribulati in altari cordis sui, quos faciunt omnes iusti. Isto modo cunctis fidelibus dicit beatus Petrus: *Vos estis genus electum regale sacerdotium* [I Pet. 2:9]. Omnes enim Christi fideles, in quantum sunt unum cum Christo capite, qui est rex et sacerdos,¹ sunt in ipso reges et sacerdotes.

Quod autem² dicitur de Melchisedech, quod scilicet fuit rex et sacerdos,³ dico quod verum est,⁴ sicut Scriptura sacra testatur. Non tamen fuit monarcha totius mundi, sed solum rex Salem. Hunc autem praemisit Deus ad praefigurandum Christum, non solum quantum ad utramque dignitatem, sacerdotalem et regiam, sed etiam quantum ad alia multa, sicut ostendit Apostolus, Heb. 7[:1ff], quia videlicet interpretatur *Rex iustitiae et Rex pacis*. Describitur etiam *sine patre, sine matre, sine genealogia, neque initium neque finem vitae habens*, praefigurans Christum, qui est rex regum et per quem reges regnant, cui dicitur in psalmo [109:4]: *Tu es sacerdos in aeternum secundum ordinem Melchisedech*. Isti autem Melchisedech dedit Abraham decimas, non necessitate censionis, sed ex donatione propriae voluntatis, cum in nullo legatur fuisse subiectus, sed forte, illuminatus a Deo, adorabat Christum quem intelligebat praefigurari per illum.

Ad illud quod arguebatur de Moyse, quod utramque iurisdictionem habuit et utroque gladio usus est, dicendum quod vere fuit populi dux et princeps, sed non fuit sacerdos, ut dictum est. Nam, antequam vellet a Deo recipere principatum, adiunctus est ei Aaron in solacium et iuvamen, qui postmodum, ex praecepto Dei, institutus est summus sacerdos, unde habuerunt distincta officia et distinctas ad invicem potestates, ita quod unus non usurpabat officium alterius. Quia vero carnalis⁵ erat populus Iudaeorum, carnalibus utens sacrificiis et non nisi carnalia seu temporalia sapiebat, ideo principatus temporalis superior sacerdotio⁶ [eis] videbatur. Unde Aaron obediebat Moysi, et Moyses ipsum ut subditum arguebat. Sed in populo Christiano, qui legem non carnaliter sed spiritualiter intelligit, potestas spiritualis debet iudicari⁷ dignior et sublimior temporalis.

priest who offers to God the sacrifice of praise and a troubled spirit on the altar of his heart (Cf. Psalm 51:17), which all righteous men do. In this sense the blessed Peter said to all believers, 'You are a chosen people, a royal priesthood' (I Pet. 2:9). For all Christ's faithful, inasmuch as they are one with Christ their head, Who is both king and priest, are kings and priests in Him.

As to what was said of Melchizedek, that he was both king and priest: I say that this is true, as the sacred Scriptures attest; but he was not the sole ruler of the whole world, but only the king of Salem. And God sent him forth to prefigure Christ, not only in respect of the two dignities, priestly and royal, but with regard to many other things also, as the Apostle shows at Hebrews 7:1ff, where his name is interpreted as 'King of Righteousness' and 'King of Peace', and he is described as being 'Without father, without mother, without descent, having neither beginning of days nor end of life', thereby prefiguring Christ, Who is King of kings, by Whom kings reign and to Whom it is said in the Psalm (110:4): 'Thou art a priest for ever, according to the order of Melchizedek'. To this Melchizedek, Abraham gave tithes: not because he was required to do so, but as a gift of his own free will; for nowhere do we read that he was subject to him. Rather, enlightened by God, perhaps, he adored the Christ Whom he understood to be prefigured in him.

As to the argument concerning Moses, that he had both jurisdictions and used both swords: it must be said that he was truly the people's chieftain and prince; but, as we have said, he was not a priest. For before he was willing to receive ruling authority from God, Aaron was united with him in solace and aid; and it was Aaron who was subsequently appointed high priest by God's command. Thereafter, their offices and powers were distinct and different from each other, so that the one did not usurp the other's office. Because, however, the people of the Jews was carnal, practising carnal sacrifice and knowing nothing save carnal or temporal things, temporal rule seemed to them superior to priesthood. Hence Aaron obeyed Moses, and Moses reproved him as a subject. But among the Christian people, who understand the Law not carnally, but spiritually, the spiritual power must be judged worthier and more sublime than the temporal.

¹ rex et sacerdos] summus sacerdos P⁴ ² Quod autem] dico quod verum est P⁴
³ et sacerdos] om. P⁵ ArBor ⁴ dico...est] om. P⁴ ⁵ carnalis] cardinalis ArBor
⁶ superior sacerdotio] sacerdotio dignior P⁴ ⁷ iudicari] esse P⁴

[VII] Item, Christus, qui est caput Ecclesiae, de tribu sacerdotali et regia fuit ortus, utramque dignitatem¹ in se uniens. Ergo et eius vicarius utramque dignitatem habebit, ita quod omnes reges erunt ei subiecti, sicut omnes pontifices.

[VIII] Item, Christus utraque potestate usus est: temporali quando vendentes et ementes eiecit de templo, Ioann. 2[:14ff], spirituali seu pontificali quando semetipsum obtulit hostiam Deo, sicut ait Apostolus ad Heb. [9:11]: *Christus assistens pontifex*, etc. Ergo et vicarius eius utraque potestate² fungetur.

Respondeo: dicendum est quod Christus ex utraque tribu nasci voluit quia haereditario iure rex erat et sacerdos, et ab ipso tamquam a capite derivanda erat utraque potestas. Sed ea quae sunt unita in capite non est necesse unita esse³ in membris; quin potius, ea quae sunt unita in capite et in membris⁴ distinguuntur, et perfectiones⁵ omnes quae simul sunt in Deo, immo sunt idem, quia Deus per creaturas singulas distribute, participante ab eis particulariter, et in diversis diversimode distinguit. Ad illud quod dicebatur quod Christus utraque potestas usus est,⁶ dicendum quod ideo hoc fecit ut ipso facto ostenderet quod utraque potestas ab eodem fonte procederet. Vel aliter dici potest quod sacerdotalis quidem officium⁷ voluit exercere et sacerdotalem instituere dignitatem, sed temporali usus non est, quia illa eieccio vendentium et ementium in templo magis fuit actus sacerdotalis officii quam regalis, ad purgandum scilicet templum a negotiatione rerum venalium,⁸ ut dictum est supra. Unde, quando quaerebatur a populo ut facerent eum regem, fugiens, regale fastigium recusavit, ut aperto monstraret exemplo quod eius vicarius et omnes successores eius simili modo contemnerent. Non ergo voluit eos reges esse, nec sibi dignitatem regiam vindicare.

Hoc autem praetermittendum non est quod, cum Christus in infantia sua, se regem credi et ut regem quaeri permisit, sicut habetur Math. 2[:2]: *Ubi est qui natus est rex Iudaeorum?* Et a regibus adorari, ibidem; et, proximus passioni, voluit rex proclamari et sicut vere rex a populis honorari; ac denique, pendens

¹ dignitatem] unitate P⁴ ² utraque potestate] om. ArBor ³ non est...esse] om. P⁴ ⁴ quin potius...membris] om. P⁴ ⁵ perfectiones] per sectiones P⁵ ⁶ Ad illud...est] om. P⁵ ArBor ⁷ officium] om. P⁴ ⁸ rerum venalium] rerum temporalium seu venalium P⁴

VII. Again, Christ, Who is the head of the Church, sprang from both the priestly and royal tribes (Cf. Matt. 1), thereby uniting both dignities in Himself. Therefore His vicar will have both dignities, so that all kings are subject to him as well as all pontiffs.

VIII. Moreover, Christ used both powers: the temporal, when He drove the sellers and buyers from the Temple (John 2:14ff); and the spiritual or pontifical when He offered Himself as a victim to God, as the Apostle says at Hebrews 9:11, 'But Christ being come an high priest', etc. Therefore His vicar also will discharge both powers.

I reply: it must be said that Christ willed to be born of both tribes because by right of inheritance He was both king and priest, and both powers are derived from Him as from a head. But those things which are united in the head are not necessarily united in the members. On the contrary, those things which are united in the head are separated in the members, and the same is true of all the perfections which exist together in God; for God assigns a particular share of them to each of his creatures individually, and He distinguishes the various creatures in different ways. As to the statement that Christ made use of both powers, it must be said that He did this in order to show thereby that both powers proceed from the same source. Alternatively, it can be said that He did indeed choose to exercise the priestly office, and to establish the priestly dignity, but that He did not use the temporal power, because, in driving the sellers and buyers from the temple – that is, in purging the temple of the conduct of venal business – He performed a duty more priestly than royal, as we have said. Hence, when the people sought Him, to make Him a king, He withdrew, refusing royal exaltation in order to show clearly by His own example that His vicar and all his successors should disdain it in the same way. He did not wish them to be kings, therefore, or to claim royal dignity for themselves.

This is not to pass over the fact that, when Christ was in His infancy, He permitted Himself to be believed in, and to be sought, as a king, as we gather from Matthew 2:2: 'Where is he that is born King of the Jews?' In the same Gospel, He was willing to be adored by kings and, as His passion drew nigh, to be hailed as a king and honoured by the people as a true king.

in cruce, regiae dignitatis titulo insigniri *Iesus Nazarenus, rex Iudaeorum* [Ioann. 19:19], volens quidem credi rex esse secundum fidei veritatem, licet uti noluerit, sed oblatam renuerit, regiam dignitatem. Unde et in passione sua, interrogatus specialiter a Pilato si rex esset, non negavit se regem esse,¹ sed tamen, ut patenter ostenderet quod, etiam in articulo mortis, uti tali potestate nolebat, respondit: *Regnum meum non est de hoc mundo, si de hoc mundo esset regnum meum, ministri utique mei decertarent ut non traderet Iudeis* [Ioann. 18:36].

[IX] Item, utramque potestatem videtur Christus² commisisse Petro quando dixit: *Tu es Petrus et super hanc petram aedificabo Ecclesiam meam*. Quia, sicut in aedificio materiali est unus lapis primarius et fundamentalis, sic in Ecclesia debet esse unus princeps principalis totius Ecclesiae fundamentum.

Respondeo: dicendum quod haec Petri firmitas super quam fundanda erat Ecclesia non est dominatio temporalis sed molabilis et immobilis³ stabilitas fidei Christianae, sicut insinuat Christus, dicens: *Ego pro te rogavi, Petre, ut non deficiat fides tua* [Luc. 22:32]. De potestate enim temporali nullam fecit mentionem quando dicit *Tu es Petrus*, etc., sed solum de potestate spirituali quae est in ligando et absolvendo a peccatis in foro conscientiae.

[X] Item, tempore passionis, discipuli Christi duos gladios ostenderunt Christo, dicentes: *Ecce gladii duo hic*, et respondit: *Satis est* [Luc. 22:38]; per quos gladios, secundum doctrinam sanctorum, significantur duae potestates quae sunt in Ecclesia penes Summum Pontificem principaliter residentem, qua utraque, contra quoscumque, quando necessitas imminet potest uti etiam contra reges et imperatores. Ergo, etc.

Respondeo: si concedamus duos gladios significare duas in Ecclesia potestates, dicemus quod, re vera, duae sunt, sed unam habent terreni principes et aliam habet Summus Pontifex. Non enim dicuntur duo gladii fuisse Petro, sed unus tantum, sicut insinuat Dominus, dicens ei: *Converte gladium tuum in vaginam* [Matt. 26:52]. Reprehensus autem est Petrus non quia evaginandus non esset ab eo opportuno tempore,⁴ quando necessitas immineret, sed quia evaginavit eum modo et tempore

¹ non negavit...esse] om. P³P⁴P⁵ArBor ² Christus] Ihesus P⁴ Deus ArBor
³ molabilis et immobilis] molabilis et inviolabilis P³ inviolabilis et immobilis P⁴ArBor ⁴ esset...tempore] esset tempore opportuno P³ esset ab eo pro tunc tempore Ar

Moreover, as He hung upon the cross, His royal dignity was shown by the inscription, 'Jesus of Nazareth, King of the Jews' (John 19:19). He was indeed willing to be believed in as a king according to the truth of faith. He refused to use the royal dignity, however, and declined it when offered. Hence also, during His passion, asked outright by Pilate if He was a king, He did not deny that He was a king; but, in order to show clearly that He would not use such power even in the face of death, He answered, 'My kingdom is not of this world. If my kingdom were of this world, then would my servants fight, that I should not be delivered to the Jews' (John 18:36).

IX. Again, Christ seems to have entrusted both powers to Peter when He said, 'Thou art Peter, and upon this rock I will build my Church.' For, just as there is one main and fundamental stone in a material building, so in the Church there must be one principal ruler who is the foundation of the whole Church.

I reply: it must be said that Peter's strength, upon which the whole Church is founded, lies not in temporal lordship but in the massive and immovable stability of the Christian faith, as Christ suggests when He says, 'I have prayed for thee Peter, that thy faith fail not' (Luke 22:32). When He said, 'Thou art Peter', etc., He made no mention of temporal power, but of spiritual power only, which consists simply in binding and loosing from sin in the court of conscience.

X. Again, at the time of His passion Christ's disciples showed Christ two swords, saying, 'Behold, here are two swords'; and He answered, 'It is enough' (Luke 22:38). According to the teaching of the saints, these two swords signify the two powers which are in the Church, residing principally in the Supreme Pontiff, which he can use against anyone whatsoever, even kings and emperors, if the need arises. Therefore, etc.

I reply: if we concede that the two swords signify two powers in the Church, we shall say that, as a true fact, there are two, but that earthly princes have one and the Supreme Pontiff has the other. For it is not said that both swords belonged to Peter, but only one, as the Lord indicated when He said to him, 'Put up thy sword into its sheath' (Matt. 26:52). Moreover, Peter was reproached, not because he did not draw it at the proper time, when necessity arose, but because he drew it in a fashion not appropriate to the time; for the ecclesiastical judge must use the

non congruo;¹ quia non debet iudex ecclesiasticus uti spirituali gladio² nisi cum multa deliberatione et in magna necessitate.³

[XI] Item, binarius est numerus infamis, quia principium divisionis; divisio autem fons est et origo dissensionis, et [dissensio est] causa confusionis. Ergo, si essent duae potestates in Ecclesia distinctae in duas personas, quarum una non dependeret ab alia, esset in Ecclesia maxima confusio.

Respondeo: dicendum quod binarius, sicut secundum unam acceptionem,⁴ pro eo quod est principium divisionis, est infamia, sic secundum aliam est numerus sacratus, propter duas tabulas decalogi, in quarum prima continentur praecepta ordinantia ad Deum, in secunda praecepta ordinantia ad proximum; vel propter duo praecepta caritatis, sicut ait beatus Gregorius super illud Lucae 10[1], *Misit illos binos ante faciem suam: Duo, inquit, sunt praecepta caritatis Dei, videlicet, amor Dei et proximi* [Homil. 27]. Si autem istae duae potestates essent omnino distinctae, ita quod una non dependeret ex alia, ista dualitas⁵ esset occasio divisionis. Sed inter eas est mutua dependentia, quia temporalis indiget spirituali propter animam, spiritualis vero indiget temporali propter temporalium rerum usum; et hoc expresse habetur XCVI Dist., *Cum ad verum*.

[XII] Item, hoc idem probatur multipliciter per iura canonica. Primo sic. XXII Dist., c. *Omnes* dicitur sic: *Romanam Ecclesiam solus ille fundavit, et super petra fidei mox nascentis erexit, qui beato Petro, aeternae vitae clavigero, terreni simul et caelestis imperii iura commisit; et illius privilegio fungitur, cuius auctoritate fulcitur. Unde non dubium est quia quisquis cuiuslibet ecclesiae ius suum detrahit iniustitiam facit; qui autem Romanae Ecclesiae privilegium ab ipso summo omnium ecclesiarum capite traditum auferre conatur, hic procul dubio in haeresim labitur et, cum ille vocetur iniustus, dicendus est haereticus.*

Respondeo: ubi quaeritur de potestate Summi Pontificis in temporalibus, efficax est testimonium imperatoris pro papa,⁶ sed

¹ non congruo] omnino incongruo P⁴ ² uti spirituali gladio] om. P³P⁴P⁵
³ necessitate] necessitate uti suo gladio P⁴ ⁴ acceptionem] acceptionem capitur scilicet P⁴ ⁵ dualitas] diversitas P³P⁴ ⁶ om. pro papa] ArBor

spiritual sword only after much deliberation and in great necessity.

XI. Again, 'two' is an ill-omened number, because it is the beginning of division; for division is the fount and origin of dissension, and dissension is the cause of confusion. Therefore if there were in the Church two powers distinct in two persons, one of which did not depend upon the other, there would be great confusion in the Church.

I reply: it must be said that just as, on one view, two is an ill-omened number because it is the beginning of division, on another view it is a sacred number, because of the two tables of the decalogue, in the first of which were contained the commandments relating to God and in the second the commandments relating to our neighbour; or because of the two precepts of charity, as the blessed Gregory, commenting on Luke 10:1, 'He sent them two and two before His face', says: 'The precepts of charity are two, namely, love of God, and of neighbour' (*Homilia* 27).²¹ Now if the two powers were entirely distinct, so that the one did not depend upon the other, this duality would be the occasion of division. But there is a mutual dependency between them, because the temporal power needs the spiritual for the sake of the soul, and the spiritual needs the temporal for the sake of the use of temporal things; and this is expressly stated at Dist. 96, c.6, *Cum ad verum*.

XII. Again, the same is proved by many examples from canon law. First, it is said at Dist. 22, c.1, *Omnes* that 'The Roman Church was founded upon the rock of the emerging faith by Him Who conferred upon the blessed Peter, bearer of the keys of eternal life, the rights over an earthly and a heavenly empire simultaneously; and she acts by the privilege of Him by Whose authority she is sustained. There is no doubt, therefore, that whoever diminishes the right of any church does injustice; but he who endeavours to remove the privilege bestowed upon the Roman Church by the Supreme Head of all churches here falls beyond doubt into heresy. Whereas the former may be called unjust, the latter must be declared a heretic'.

I reply: where it is a question of the Supreme Pontiff's power in temporal matters, the testimony of emperors on the pope's

²¹ J.-P. Migne, *Patrologia Latina*, 76.

non multum est efficax testimonium papae pro seipso, nisi dictum eius¹ fulciatur ratione vel auctoritate Scripturae: maxime quando imperator dicit contrarium, et etiam alii Summi Pontifices, sic est in proposito. Ideo, etc. Potest tamen verbum praedicti canonis sane intelligi² quod Dominus Petro terreni simul et caelestis imperii iura commisit in quantum dedit ei potestatem solvendi et ligandi in terra, cuius sententia ligationis maxime quando imperator dicit contrarium, et etiam alii Summi Pontifices, sic est in proposito. Ideo, etc. Potest tamen verbum et solutionis approbatur in caelo; et ita exponunt glossae illud verbum sibi dictum in traditione clavium: *Quodcumque ligaveris super terram erit ligatum et in caelis*, etc. [Matt. 16:19].

Aliter potest dici quod, cum sermones inquirendi sint secundum³ materiam, sicut ait Philosophus⁴ [*Rhet.* 3:12], et intentio Gratiani in tota illa distinctione sit ostendere praeeminentiam Sedis Apostolicae ad sedes patriarchales;⁵ quia Sedes Apostolica illas instituit et auctoritatem dedit. Unde sedes patriarchales,⁶ quidquid potestatis et auctoritatis habent, dubium non est a Sede Apostolica emanare. Item, sedes patriarchales⁷ auctoritatem habent limitatam in aliqua mundi parte, Sedes autem Apostolica in toto orbe. Unde, quantum se potest extendere in longum et latum temporalis potestas imperii, tantum se extendit amplitudo spiritualis potestatis Sedis Apostolicae; et quicumque istud singulare privilegium conaretur auferre, asserendo quod sedes patriarchales⁸ potestatem et auctoritatem suam a Sede Apostolica non habent, vel quod Sedes Apostolica non haberet⁹ spirituales potestatem ubique,¹⁰ iste merito dicendus¹¹ esset haereticus.

[XIII] Item, Extra. VI^o, *De electione*, cap. *Fundamenta*, dicit Bonifacius papa: *Constantinus imperator, quarto die sui baptismatis, una cum omnibus satrapis et universo senatu optimatibusque, et cuncto populo*,¹² *in personam beati Silvestri [sibi] Romanam concedendo urbem, relinquens ab eo et successoribus eius, per pragmaticum*¹³ *statutum disponendam esse, decernens in ipsa urbe*¹⁴ *utriusque potestatis monarchiam*

¹ demum eius] demum cras P³ demum P⁴ ² intellegi] intellegi pro eo P³ intellegi puta ArBor ³ secundum] penes Ar ⁴ Philosophus] apostolus P³P⁴ ⁵ patriarchales] patriarchales quidquid potestatis P⁴ ⁶ sedes patriarchales] patriarche ArBor ⁷ sedes patriarchales] patriarcha P³ patriarcha potestatem et P⁴ ⁸ patriarchales] patriarcharum Ar ⁹ vel quod...haberet] om. P³P⁴ ¹⁰ ubique] utique P⁴ ¹¹ dicendus] attendendus P⁴ dividendus Ar ¹² populo] clero et populo P⁴ ¹³ pragmaticum] gramaticum P⁴ ¹⁴ universo senatu...urbe] om. ArBor

behalf carries weight, but the pope's testimony on his own behalf does not carry much weight unless what he says is supported by reason or scriptural authority: especially when, as in the present case, the emperor, and even other Supreme Pontiffs, have said the opposite. Therefore, etc. The words of the canon just quoted can, however, properly be understood to mean that the Lord entrusted to Peter the rights over an earthly and a heavenly empire simultaneously inasmuch as, when He gave to him the power of binding and loosing on earth, his sentence of binding and loosing was also to be approved in heaven. This is the interpretation given by the glosses of what was said to him when the keys were bestowed: 'Whatever thou shalt bind on earth shall be bound in heaven' (Matt. 16:19).

Again, it can be said that all discourse must be interpreted according to its subject matter, as the Philosopher says (*Rhet.* 3:12); and Gratian's intention in the whole of Dist. 22 is to show the supremacy of the Apostolic See in relation to the patriarchal sees which the Apostolic See has established and to which it has given authority. Hence there is no doubt that whatever power and authority the patriarchal sees have emanates from the Apostolic See. Again, the authority which the Patriarchs have is restricted to a particular part of the world, whereas that of the Apostolic See extends over the whole world. Thus, wherever the temporal power of the empire can extend itself in length and breadth, the scope of the spiritual power of the Apostolic See also extends; and whoever endeavours to take away this singular privilege, asserting that the patriarchal sees do not have their power and authority from the Apostolic See, or that the Apostolic See does not have spiritual power everywhere, is rightly to be declared a heretic.²²

XIII. Again, at VI^o 1:6:17, *Fundamenta*, Pope Boniface says: 'On the fourth day after his baptism, the Emperor Constantine, with all his satraps, and the whole senate, and the magnates and the whole people, granted and conveyed to the blessed Sylvester in person, to him and to his successors, the City of Rome, to dispose of as they might see fit. He proclaimed that the Roman pontiff should be the sole ruler in that city with respect to both powers, deeming it not right that an earthly emperor should have

²² See *New Catholic Encyclopaedia*, 10, s.v. 'Patriarchates'.

Romanis pontificibus, declararet,¹ non iustum arbitrans ut, ubi sacerdotii principatum et Christianae religionis caput Imperator caelestis instituit, illic imperator terrenus habeat potestatem.²

Respondeo: si ex institutione divina papa dicit se esse dominum omnium temporalium, quae necessitas est dicere quod ex donatione Constantini sit monarcha utriusque potestatis in urbe Romana?³ Si dicas quod hanc monarchiam Constantinus non instituit sed⁴ solummodo⁵ declaravit (et ideo caute dictum est non *instituit* sed *declararet*), respondeo quod, ex institutione divina, monarchia totius mundi, quantum ad utramque potestatem, non fuit concessa Petro nec successoribus eius, sicut est superius declaratum. Sed ex dono Constantini potest ibi esse monarchia sic intelligendo: quod, cum papa spiritualem potestatem haberet in urbe et in orbe, Constantinus ipse temporalem illam potestatem quam habebat in urbe Romana⁶ transtulit in papam, ut in ipsa urbe utraque potestas, quae in duabus personis erat, esset in solo papa. Sicut dicimus quod aliquis episcopus est dominus temporalis et spiritualis in sua civitate, et sic est ibi monarcha, utrumque obtinens principatum, sic ergo concedimus quod papa habet monarchiam utriusque potestatis in urbe Romana,⁶ non tamen in orbe.

[XIV] Item, XCVI Dist., *Constantinus dicitur sic: Constantinus imperator coronam et omnem dignitatem in urbe Romana, et in Italia et in partibus occidentalibus, [Vicario] Apostolico concessit. Item, cap. sequenti, unde sumitur quod dictum est in illa decretali Fundamenta, dicitur sic: Decernentes sancimus ut principatum teneat Silvester, scilicet papa, et successores eius, tam super quatuor sedes quam super omnes in universo orbe terrarum⁷ Dei ecclesias. Et pontifex qui per tempora ipsius sanctae Romanae Ecclesiae extiterit, celsior et princeps cunctis sacerdotibus et totius mundi existat. Et infra: Ecce, palatium nostrum et Romanam urbem et omnis Italiae sive occidentalium regionum provincias beatissimo pontifici Silvestro concedimus atque relinquimus, et ab eo et successoribus eius decernimus disponenda,⁸ atque iuri Romanae Ecclesiae concedimus permanenda.⁹ Et infra: Quoniam ubi principatus sacerdotii et christianae religionis caput ab Imperatore nostro caelesti constitutum*

power there, where the rule of priests and the head of the Christian religion have been appointed by the Emperor of Heaven'.

I reply: if the pope says that he is lord of all temporals by divine institution, why is it necessary to say that it is by the Donation of Constantine that he is sole ruler in the City of Rome with respect to both powers? If you say that his sole rulership was only proclaimed by Constantine, which is why the decretal carefully says that he 'proclaimed' rather than 'established' it, I reply that sole rulership of the whole world with respect to both powers was not granted to Peter or his successors by divine institution, as was shown above. The sole rulership granted by the Donation of Constantine can, however, be understood in the following way: that although the pope already had spiritual power in the City and in the world, Constantine then transferred to the pope the temporal power which he himself had in the City of Rome, so that, in the City itself, both powers, which had been in two persons, were now in the pope alone. Thus, just as we say that any bishop is lord of both temporals and spirituals in his own city, and thus is sole ruler there, holding both kinds of authority, so we concede that the pope is sole ruler with respect to both powers in the City of Rome: not, however, in the whole world.

XIV. Again, at Dist. 96, c.13, *Constantinus*, it is said that 'The Emperor Constantine granted to the Apostolic Vicar the crown and all dignity in the City of Rome and in Italy and the regions of the West'. In the chapter following, from which the words already quoted from the decretal *Fundamenta* are taken, it is said: 'We ordain and decree that Sylvester' (that is, the pope) 'and his successors shall hold sway as well over the four principal sees as over all the churches of God in the whole world; and the pontiff who for the time being presides over the Holy Roman Church shall be the head and chief of all priests in all the world'. Then: 'Behold: to the most blessed Pontiff Sylvester we grant and convey our palace and the City of Rome and all districts of Italy and of the regions of the West, and we decree that they are to be placed at the disposal of him and his successors, and we lawfully grant them to the Roman Church in perpetuity'. Then: 'For it is not right that an earthly emperor should have power there, where the rule of priests and the head

¹ *declararet*] *declararet* ut in textu *ArBor* ² *non iustum...potestatem*] *om. ArBor*
³ *urbe Romana*] *urbe P²P³ orbe ArBor* ⁴ *non instituit sed*] *om. P³P⁴P⁵*
⁵ *solummodo*] *om. P³* ⁶ *Romana*] *om. P²P³P⁵ArBor* ⁷ *terrarum*] *om. P³P⁴P⁵*
⁸ *disponenda*] *respondenda Ar* ⁹ *permanenda*] *promanenda Ar*

est, iustum non est ut illic imperator terrenus habeat potestatem.

Respondeo: de ista donatione Constantini dicunt iuristae¹ communiter quod non valuit multiplici ratione. Primo quidem, quia ideo dicitur imperator *Semper Augustus* quia eius propositum esse debet semper augere imperium, non minuere; et ideo dicta donatio non videtur valuisse maxime cum nimis excessiva fuerit et immensa. Secundo, quia imperator administrator est imperii et reipublicae, ut dicunt iura. Tertio, quia non potuit praeiudicare successoribus, quin eam revocare possent, quia non habet imperium par in parem. Quarto, quia quae eadem ratione potuit dare unam partem, posset successor eius aliam partem dare, et sic detruncaretur imperium. Haec habentur in Auth., *Quomodo oporteat episcopos*, in principio, coll. I, in glossa. Dico quod, dato quod dicta donatio valuerit, tamen Ecclesia non fuit in possessione nisi illius portionis terrae² quae dicitur patrimonium beati Petri.

Item, non potuit valere quantum ad illos qui non erant subiecti imperio, quia non potuit dare quod suum non erat. Franci³ autem non erant ei subiecti, ut dictum est supra; vel, dato quod essent subiecti (quod non concedimus), tamen praescriptio longissimi temporis currit contra imperatorem et papam, sicut dictum est supra.

[XV] Item, papa potest absolvere vassallos a iuramento fidelitatis debito domino temporali, quod non esset nisi haberet potestatem in temporalibus. Ergo, etc.

Respondeo: in casu in quo potest agere contra principem, potest etiam absolvere vassallos a iuramento fidelitatis, vel potius absolutos declarare, utpote ratione haeresis vel schismatis vel contumaciae contra Romanam Ecclesiam.

[XVI] Item, Zacharias papa deposuit regem Franciae, sicut habetur XV, Quaest. vi, c. *Alius*. Ergo, etc.

Respondeo: nusquam legitur quod regem Franciae deposuerit, sed deponendum consuluit, ut dicunt quidam. Interrogatus enim quis potius regnare deberet, an ille qui agebat⁴ regni negotia vel ille qui non agebat, respondit quod primus; quo facto, rex Childericus depositus est a baronibus, et Pipinus ordinatus et iniunctus

¹ dicunt iuristae] dicunt alias legiste *ArBor* dicunt iuliste P² ² terrae] certe P⁴
³ Franci] stoici P⁴ ⁴ agebat] habebat P³P⁴

of the Christian religion have been established by the Emperor of Heaven'.

I reply: the jurists, considered generally, say that the Donation of Constantine is not valid for a number of reasons. First, the emperor is called *Semper Augustus* because his purpose must ever be to increase [*semper augere*] the empire, not to diminish it; and so the said Donation is seen to be invalid precisely because it would do so to such an excessive and immense degree. Second, as the laws say, the emperor is the administrator of the empire and commonwealth [and not a proprietor, who can give the empire away]. Third, he cannot bind his successors, who can, indeed, revoke what he does, because an equal has no authority over an equal. Fourth, if Constantine could give away part of the empire, then his successors could by the same token give away the other part, thereby dismantling the empire. These arguments are derived from the gloss on Novellae 6, Preface. Even if the Donation of Constantine were valid, I say that the Church would still possess only that piece of territory called the Patrimony of the Blessed Peter.

Again, it cannot be valid in relation to those who are not subject to the empire, because Constantine could not give what was not his; but France was not subject to him, as we have said above. Or, if she was subject to him (which we do not concede) a prescription of very long duration will run against both emperor and pope, as we have also said above.

XV. Again, the pope can absolve vassals from the oaths of fealty which they have sworn to temporal lords, which would not be possible if he did not have power in temporals. Therefore, etc.

I reply: in a case where he can act against a prince, as it may be by reason of heresy or schism or contumacy against the Roman Church, he can indeed absolve vassals from their oaths of fealty, or declare them absolved [but not generally].

XVI. Again, as we gather from C.15:6:3, *Alius item*, Pope Zacharias deposed a king of France. Therefore, etc.

I reply: nowhere do we read that he deposed a king of France; rather, as some say, he gave advice as to the deposition. For he was asked, Who is more fit to rule: one who conducts the affairs of the kingdom, or one who does not? And he answered in favour of the former. This done, king Childeric was deposed by the barons and Pepin was acclaimed and anointed king. Or, as

in regem. Vel, sicut alii dicunt, rex Childericus non est depositus, sed, sponte ingressus monasterium, monasticam vitam assumpsit. Barones autem regni, super electionem Pipini et institutione praedicta haesitantes,¹ an licitum eis esset, consulerunt papam, quod tamen sine papa facere potuerunt.²

[XVII] Item, Extra. VI^o *De immunitate Ecclesiae*, cap. I: *Non licet iis qui iurisdictionem obtinent temporalem vel iustitiam³ exercent, ipsas ecclesias vel personas ad distrahendum vel alienandum aut extra manum suam ponendum acquisita, vel quae deinceps acquirant aliquatenus coarctare.* Sed hoc non posset papa statuere nisi dominus esset omnium temporalium. Ergo, etc.

Respondeo: ista constitutio nova est, nondum a principibus approbata, quam, cum ad discussionem⁴ pervenient, numquam fortisan approbarent; quia per istum modum personae ecclesiasticae tantas possent possessiones acquirere quod in damnum et praeiudicium intolerabile principibus et reipublicae proveniret.

[XVIII] Item, papa, Christi vicarius, Dei locum tenens in terra,⁵ dicitur habere plenitudinem potestatis; sed non haberet plenitudinem nisi esset dominus omnium temporalium et spiritualium,⁶ ut de ipso vere dicatur: *Domini est terra et plenitudo eius.*⁷

Respondeo: patet⁸ per dicta in corpore quaestionis quod Christus, triplicem potestatem habens, scilicet corporum,⁹ animarum et rerum temporalium, prima usus est sed non commisit, secunda usus est et commisit,¹⁰ tertia nec uti voluit nec commisit. Ergo papa¹¹ nec super humana corpora nec super res temporales potestatem habet, sed solummodo ligandi animas et solvendi; nec, quantum ad animas, dicendus est habere plenitudinem potestatis nisi in ligando vel solvendo, clave tamen non errante. Non enim potest animas creare, nec in eas gratiam infundere, nec salvare, nec damnare, nec peccata remittere nisi ministerialiter. Dicitur ergo plenitudinem potestatis habere tantum in spiritualibus, et non absolute, sed in comparatione¹² inferiorum praelatorum qui ad partem sollicitudinis sunt vocati.

¹ haesitantes] heresitantes Ar ² potuerunt] non potuerunt P⁴ ³ iustitiam] iustitiam secularem P² ⁴ discussionem] discretionem P³ discretionem P⁴ ⁵ Christi vicarius...terra] Dei vicarius in terra P⁴ ⁶ esset dominus...spiritualium] haberet dominium temporale et spirituale P⁴ ⁷ eius] eius orbis terrarum P³P⁴ ⁸ patet] placet ArBor ⁹ corporum] rerum corporalium P⁴ ¹⁰ secunda...commisit] om. P³P⁴P⁵ArBor ¹¹ commisit. Ergo papa] commisit, 2^o usus est et commisit etc., nec papa P⁴ ¹² comparatione] cooperacione P⁴

others say, king Childeric was not deposed, but entered a monastery and embraced the monastic life of his own choice. The barons of the kingdom, uncertain as to whether it would be lawful for them to choose and appoint Pepin, then consulted the pope, although they could have acted without the pope.²³

XVII. Again, at VI^o 3:23:1, *Quia nonnulli*, it is said: 'It is not lawful for those who obtain temporal jurisdiction or who administer justice to coerce churches or ecclesiastical persons by distraining or alienating, or otherwise removing from their control, the property which they have acquired or may acquire henceforth'. But the pope could not make such a decree unless he were lord of all temporals. Therefore, etc.

I reply: This constitution is new,²⁴ and has not yet been approved by the princes; and, when they come to consider it, they may well not approve it because, by means of it, ecclesiastical persons may acquire possessions so great as to bring intolerable harm and prejudice to princes and commonwealths.

XVIII. Again, the pope, the vicar of Christ, holding God's place on earth, is said to have fullness of power; but he would not have fullness of power if he were not lord of all temporals and spirituals, so that it might be said of him, 'The earth is the Lord's and the fullness thereof' (Psalm 24:1).

I reply: it is clear from what has already been said in the body of the discussion that Christ had a threefold power: over bodies, over souls, and over temporal things; that He made use of the first, but did not entrust it; that He used and entrusted the second; and that He wished neither to use nor entrust the third. Therefore the pope does not have power over human bodies or over temporal things, but only over the binding and loosing of souls. Nor, granted that he does not err when he uses the key, can he be said to have fullness of power over souls except with regard to binding and loosing; for he cannot create souls, nor imbue them with grace, nor save them, nor damn them, nor remit their sins other than as a minister. He is said to have fullness of power only in spiritual things, therefore, and even then not absolutely, but only in comparison with the lesser prelates who are called to a partial ministry.

²³ Cf. e.g. Walter Ullmann, *Medieval Papalism*, pp. 177ff.

²⁴ See Introduction, n. 52.

[XIX] Item, qui potest in maius potest in minus. Sed spiritualia maior sunt temporalibus, id est digniora. Ergo, etc.

Respondeo: illa maior propositio *Qui potest in maius*, etc., veritatem habet in rebus eiusdem generis, ut, si rex potest expugnare civitatem, ergo et castrum. Sed non habet veritatem in rebus¹ diversorum generum. Non enim sequitur quod qui potest generare hominem possit generare muscam. Cum igitur spiritualia et temporalia sint res diversorum generum, non sequitur quod qui habet potestatem in spiritualibus habeat eam in temporalibus. Rursus, dicta propositio non tenet in illis quae ex sola commissione vel delegatione habentur. Videmus enim quod, in curiis principum, confessoribus commissa est cura et regimen animarum, et medicis cura corporum, nec sequitur confessor potest in maius, id est in animas, ergo potest in minus, id est in corpora.

[XX] Item, I Cor. 6[:3]: *Nescitis quoniam angelos iudicabimus, quanto magis saecularia?* Quasi diceret, Si possumus spiritualia iudicare, multo magis saecularia² possumus et debemus. Ergo, etc.

Respondeo: nuper conversos ad fidem reprehendit Apostolus quia pro negotiis vel controversiis quas inter se habebant super rebus temporalibus, relictis vel contemptis iudicibus Christianis, recurrebant³ ad⁴ iudicia infidelium, quasi non haberent Christianos iudices sufficientes de huiusmodi iudicare. Ideo, ipsos arguendo, dicit Apostolus, Si habetis viros spirituales industrios sufficientes ad iudicandum maiora et difficiliora, quanto magis sufficerent iudicare minora?

Omnia praemissa et singula dicta sint sine praeiudicio sententiae melioris, opinando tantum, non temere sententiando. Licet autem multae rationes ad primam partem adductae sint solubiles, et necessario non concludant, quia ad istam materiam non possunt demonstrationes adduci, tamen, causa brevitatis, eas non solvimus.⁵

¹ in rebus] om. P³ ² Quasi diceret...saecularia] om. P⁴ ³ recurrebant] remeabant P³P⁴ ⁴ ad] adhuc ad P⁵ ad hunc ArBor ⁵ solvimus] solvimus. sic et finis huius questionis P⁴.

XIX. Again, he who can act in greater things can also act in smaller ones; but spirituals are greater, that is, worthier, than temporals: therefore, etc.

I reply: the major premise, that he who can act in greater things, etc., is true in respect of things belonging to the same genus. For instance, if a king can attack a city he can therefore also attack its castle. It is not, however, true of things belonging to different genera: it does not follow that one who can beget a man can also beget a fly. Since, therefore, spirituals and temporals belong to different genera, it does not follow that he who has power in spirituals also has it in temporals. In any case, the said premise does not apply to things held merely by commission or delegation. For we see in the case of those who have care of princes that the care and regulation of their souls is entrusted to confessors, whereas the care of their bodies is entrusted to physicians: it does not follow that because the confessor can act in greater matters – that is, in relation to souls – he can also do so in smaller ones, that is, in relation to bodies.

XX. Again, I Cor. 6:3 – ‘Know ye not that we shall judge angels? How much more things that pertain to this life?’ – seems to say, If we can judge spiritual things, so much the more can and should we judge secular things. Therefore, etc.

I reply: The Apostle was reproaching those newly converted to the faith who, forsaking or despising Christian judges, brought their business or the disputes which had arisen among them over temporal things before unbelieving judges, as if not having Christian judges adequate to give judgment in such matters. Therefore, by way of reproof, the Apostle says to them, If you have zealous spiritual men among you, able to judge greater and more difficult things, will they not be all the more able to judge lesser things?

Each and every one of the foregoing arguments is stated without excluding the possibility of a better one: by way of opinion only, rather than rash pronouncement. But although many of arguments adduced in the first part are open to refutation and of necessity are not conclusive, because it is not possible to produce demonstrations in this matter, nonetheless, for the sake of brevity, we do not refute them here.

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