

剑桥政治思想史原著系列（影印本）

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

“给托钵修士少数派的信” 及其他著作

A Letter to the Friars Minor and Other Writings

William of Ockham

奥卡姆的威廉

Edited by

ARTHUR STEPHEN

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中国政法大学出版社

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在政治理论领域，“剑桥政治思想史原著系列”作为主要的学生教科丛书，如今已牢固确立了其地位。本丛书旨在使学生能够获得从古希腊到 20 世纪初期西方政治思想史方面所有最为重要的原著。它囊括了所有著名的经典原著，但与此同时，它又扩展了传统的评价尺度，以便能够纳入范围广泛、不那么出名的作品。而在此之前，这些作品中有许多从未有过现代英文版本可资利用。只要可能，所选原著都会以完整而不删节的形式出版，其中的译作则是专门为本丛书的目的而安排。每一本书都有一个评论性的导言，加上历史年表、生平梗概、进一步阅读指南，以及必要的词汇表和原文注解。本丛书的最终目的是，为西方政治思想的整个发展脉络提供一个清晰的轮廓。

本丛书已出版著作的书目，请查阅书末。

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

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Preface

The *Epistola ad Fratres Minores* and extracts from *Opus nonaginta dierum* and *Octo quaestiones de potestate papae* are translated, with the publisher's permission, from the Latin texts established by H.S. Offler and others in *Guillelmi de Ockham opera politica* vols. I (rev. edn.) and II (Manchester: Manchester University Press, 1974, 1963). The translation of III *Dialogus*, II.3, chapter 6, is made, with the permission of the editor of the journal, from H.S. Offler, "The Three Modes of Natural Law in Ockham: A Revision of the Text," in *Franciscan Studies*, 37 (1977), 207-18. The remaining extracts from the *Dialogus* are translated from the text published by Melchior Goldast in volume II of *Monarchia S. Romani Imperii* (Frankfurt: Conrad Biermann, 1614; photographic reprint Graz: 1960). The numerous departures from the Goldast text of the *Dialogus* are listed in the Appendix. See the Appendix also for the practice followed in rendering specifically political terms.

Notes for the present volume have been kept to little more than the minimum necessary for tracking Ockham's explicitly cited sources and the turns of his own argument.¹ The chief exception is that references have been provided to the passages in Marsilius of Padua's *Defender of Peace* which Ockham was clearly arguing against in his discussions of conciliar authority and the authority of Peter over the other apostles. The reader will find fuller information on historical and theological context and fuller comparisons of Ockham's views

¹ For *A Letter to the Friars Minor*, *The Work of Ninety Days*, and *Eight Questions on the Power of the Pope*, the references to sources derive from Professor Offler's edition.

Preface

with those of other political thinkers in our edition of his *Short Discourse on Tyrannical Government* in this series.²

However we assess Ockham – whether we condemn him for shattering medieval Christian spiritual-political unity or praise him for constructively disengaging religious and secular institutions from one another – there can be no doubt that the disproportion between an author's importance and his availability to readers of English is greater in his case than in that of any other western political thinker. The present volume, along with the *Short Discourse*, does much to remedy this lack of access. This is especially true for the *Dialogus*, the text of which as printed in the early editions of Treschel and Goldast requires much correction. We are grateful to Jeremy Mynott and Quentin Skinner for making possible so substantial a presentation of Ockham and are grateful again to Professor Skinner for essential diplomatic aid in bringing the possibility to life.

John Kilcullen, who is responsible for the translation, notes, appendix, and indexes and for the collation of Goldast's text with manuscripts of the *Dialogus*, also wishes to thank: Professor George D. Knysh for the proposed textual emendations credited to him in the Appendix; John Scott, who checked the translation and Appendix and checked the reading of the manuscripts, suggesting innumerable corrections and improvements; the staff of the Macquarie University Library, Marilyn Wagstaff in particular; the staff of the libraries which supplied microfilm of manuscripts; Sue Folwell, Hilary Hatfield, and Maureen Mosely, who word-processed various parts of the translation; and the Australian Research Council, which supported the work financially. A. S. McGrade, who is responsible for general editing and for the introduction, wishes to thank his wife for many helpful suggestions and for unfailing moral support.

A. S. McGRADE
JOHN KILCULLEN

² In our edition of the *Short Discourse*, references to the present volume are made under the working title *Selections from the Major Political Works*.

A note on references

Most citations are by author's name or short title of the work cited; the full title will be found in the Bibliography beginning on page 371.

Books of the Bible are cited according to the Vulgate, the version Ockham used. Biblical names are as in the Douay version, which was translated from the Vulgate. Ockham gives chapter references only; verse numbers have been added. Bible references in square brackets have been added by editors or translator.

In Aristotle's works the medieval book and chapter divisions are not always the same as in modern editions. We have given the Bekker numbers in footnotes.

References in the text which include the symbols "q." or "dist." are to material included in the first of the various medieval compilations together sanctioned by Pope Gregory XIII in 1580 as the body of canon law (*Corpus iuris canonici*): the *Decretum* of the twelfth-century Bolognese jurist Gratian. Ockham uses the form "X.," expanded here to *Extra* (the books "outside" the *Decretum*), in citing both the second and third parts of the *Corpus iuris canonici*: the five books of *Decretales* promulgated by Gregory IX between 1230 and 1244, and the additional book of decretals (*Liber sextus*) added by Boniface VIII in 1298. The letter "v." indicates a reference to the gloss. Canon law references are separately indexed on page 385, with volume and column of the standard modern edition of A. Friedberg. Footnote references for both text and gloss are to the edition of Lyons, 1671 (Cambridge University Library).

References to Roman civil law, the *Corpus iuris civilis* promulgated in the early sixth century by the emperor Justinian, are keyed to the

edition of Mommsen and Krueger with the English translation of Alan Watson (Philadelphia, 1985) for the *Digest*; to the edition of Mommsen, Krueger, and Schoell (Berlin, 1954) for the *Institutes*, *Code*, and *Novels* (cited by Ockham as *Auth.* = *Authenticum*), and to the edition of Lyons, 1627, for the gloss.

The three major parts of Ockham's *Dialogue* are cited in the form "I–III *Dial.*," with a following Roman numeral (I or II) for the two tracts of Part III and arabic numerals for book and chapter. Thus, "III *Dial.* 1.2.7" refers to chapter 7 of Book 2 of Tract I of Part III. References to works published in the Manchester edition of Ockham's *Opera politica* (ed. H.S. Offler and others) are given in accordance with the conventions of that edition. References to the *Short Discourse* are by page in our edition.

The book and chapter titles at the beginnings of sections in this volume have been provided by the editors.

Abbreviations

<i>Auth.</i>	<i>Authenticum</i> (= <i>Novellae</i>), part of <i>Corpus iuris civilis</i>
<i>EFM</i>	Ockham, <i>Epistola ad Fratres Minores</i>
<i>Extra</i>	The five books of <i>Decretales</i> of Gregory IX and, in Ockham's references, the sixth book added by Boniface VIII (li. 6, <i>Liber sextus</i>)
<i>OND</i>	Ockham, <i>Opus nonaginta dierum</i>
<i>Gloss</i>	See <i>Corpus iuris canonici</i> and <i>Corpus iuris civilis</i> in the Bibliography
<i>OQ</i>	Ockham, <i>Octo quaestiones</i>
<i>Short Discourse</i>	Ockham, <i>A Short Discourse on Tyrannical Government</i>

Introduction

William of Ockham is largely responsible for the widely held modern conviction that religious institutions and secular governments should normally operate independently of one another. In Ockham's view, the separation is not absolute. Secular government does not "regularly" have authority in religious matters, but "occasionally" it does. Conversely, church leaders should not ordinarily have political authority. In extreme cases, however, when secular processes have failed, they must intervene. This complex conception of normally but not invariably independent spiritual and temporal powers is central in the selections included in the present volume.

Partly because of its complexity, Ockham's political thought is controversial. To be sure, Ockham's institutional dualism can be seen as a conservative rationalization of traditional power relations – namely, of the *de facto* independence of priestly and lay authority from one another which was responsible for much of the dynamism of medieval life. Despite frequent expressions of mutual respect, however, medieval ecclesiastical and secular rulers were often far from agreeing in the basic understanding of their relationship. The natural impulse of kings and emperors to assume control of all significant activities within their domains came up especially hard against papal claims to more than ceremonial recognition of Christ's superiority (and Christ's vicar's superiority) to every earthly power. By the time Ockham addressed the issues, the papalist or hierocratic side had achieved unsurpassed theoretical development in such authors as James of Viterbo, Giles of Rome, and Augustinus Triumphus. Among the more moderate thinkers, John of Paris came

closest to asserting the balanced dualism Ockham would develop further. The most radical anti-hierocratic treatise in circulation was Marsilius of Padua's *Defender of Peace*, which assigned all coercive jurisdiction to the (theoretically popularly controlled) lay ruler. The appearance of conservatism of Ockham's position is thus somewhat misleading. In appealing to biblical theology and newly current Aristotelian political ideas in order to distinguish religious and secular authority, Ockham challenged simpler views on both sides.

A further source of controversy is the fact that a number of Ockham's political works are directed against a reigning pope. Ockham's career in politics began with this confrontation.

The poverty controversy and the *Letter to the Friars Minor*

As the leading Franciscan thinker at Oxford in the generation after Duns Scotus, Ockham produced important texts in logic, natural philosophy, metaphysics, and theology. These have no overt political content. Ockham was required, however, to defend the orthodoxy of some of his early theses on grace and divine power before an examining commission at the papal court in Avignon. These views were never formally condemned, but while he was at Avignon in the mid-1320s Ockham became convinced that Pope John XXII was himself a heretic on points of doctrine central to Franciscan belief and practice.

In the religious order founded by Francis of Assisi in the early years of the thirteenth century, renunciation of both individual and communal ownership came to be a central commitment. In the course of the century, the ideal of gospel poverty achieved increasing doctrinal recognition in papal pronouncements on the poverty of Christ and his apostles which closely reflected Franciscan teaching. The common belief of the friars in Ockham's time was that Nicholas III's bull *Exiit qui seminat* (1279) indisputably defined the complete poverty of Christ and the apostles as part of the Christian faith.

The Franciscan understanding of Christ's poverty was not, however, a part of John XXII's faith. In a series of bulls promulgated during the 1320s, John rejected a previous arrangement whereby the papacy had held ownership of goods used by the friars, and he declared it heretical to deny that Christ and the apostles had

had rights of ownership in the things they used. Through much of this period the Franciscan Minister General Michael of Cesena was in residence at the papal court, trying, in increasing desperation, to bring the pope to a position clearly consistent with earlier Franciscan and papal teaching. It was at this time that Ockham read John's constitutions. As he explains in the first selection translated here, he found many of John's pronouncements "heretical, erroneous, silly, ridiculous, fantastic, insane, and defamatory" (p. 3). Accordingly, in the spring of 1328, Ockham, Michael of Cesena, and a few other friars, fled Avignon and sought refuge with Ludwig of Bavaria, whom John had excommunicated in 1324 for functioning as Roman emperor without papal approval of his disputed election ten years before.

Ockham was excommunicated for leaving Avignon without papal permission, and he was regarded as a heretic by John XXII and succeeding popes for rejecting John's teachings on poverty. He thus became the first major western theologian to enter into protracted dispute with the papacy on matters of Christian doctrine – at first the doctrine of poverty and then the less well-defined doctrines of supreme spiritual and temporal power.

Our first selection is the account of his actions which Ockham addressed to the Franciscans assembled at a general meeting of the Order in 1334. Some of the seventy propositions in John XXII's bulls which Ockham lists as erroneous in the *Letter to the Friars Minor* are discussed in the next selection. The import of others can be grasped only in the light of detailed further argumentation which cannot be reviewed here. In its framework, however, the *Letter* is grippingly accessible: the opening, closing, and a brief central narrative passage express in the clearest possible terms both the depth of Ockham's conviction that John XXII had deviated from the Christian faith and the strength of his own determination to oppose John's errors to the utmost of his means and ability.

The Work of Ninety Days

When he wrote his *Letter to the Friars Minor*, Ockham had already completed, in the time indicated by its title, the next work represented in this volume, *The Work of Ninety Days*. Here he deals at length with errors listed in the *Letter* and attacks several hundred

subordinate assertions by John XXII which he regarded as heretical or erroneous. *The Work of Ninety Days* is the first of three "impersonal" works which together make up the bulk of Ockham's political writing. The discussion is carried on through alternating passages from John XXII's *Quia vir reprobis* with arguments by unnamed "attackers" of John's doctrine, who uphold the position of "the appellant," Michael of Cesena, to whose appeal against John's earlier bulls *Quia vir* was a detailed response. John is referred to simply as "the attacked." Despite this involuted format, Ockham succeeds in laying out a coherent statement of the Franciscan position on gospel poverty as this had existed prior to John XXII's blitzkrieg against it. In so doing, he also advances a number of important propositions about property, power, and natural rights.

Some of the issues in dispute are vividly stated at the beginning of chapter 2. In the remainder of this chapter Ockham surveys the various senses of the key terms in which these issues had been stated: "using," "use of fact," "use of right," "right of using," "simple users," "things consumed by use," "lordship," "property," and words such as "mine," "yours," and "his." Points debated in later chapters typically turn on the meanings of one or more of these terms.

In chapters 26–8, for example, the senses of lordship and the nature of property are crucial. Michael of Cesena had held that in their renunciation of temporal possessions the apostles had returned, as far as property was concerned, to the state of innocence described early in the book of Genesis. In that state, he contended, there had been use of material things without any property or lordship. John XXII argued, to the contrary, that God's order to Adam and Eve to subject and dominate the earth was clear proof of human lordship in the state of innocence and that, before Eve's creation, Adam was sole proprietor of the world.

Ockham's reply on behalf of the Michaelist attackers is that Adam and Eve did indeed have a lordship of effective control over material things, but not the exclusive lordship of owners (chapter 26). Even if Adam alone was in charge of the world initially, this would not show that his lordship was proprietary (chapter 27). Lordship is not ownership because of belonging *in fact* to one person. It is ownership only when appropriated to one person in such a way that it cannot belong to anyone else without the

owner's gift, other act of transfer, or death. Ockham illustrates this distinction by reference to the possession of property in a traditional monastic house. If someone founded a monastery and endowed it with many goods, the first monk there would not have exclusive lordship over those goods. He would not be their owner, since if a second man became a monk in the same monastery, he too would have some kind of lordship over the monastery's goods without any special act of transfer from the first monk.

The application of this example to the state of innocence is clear. Whatever lordship Adam may have had when he was alone in the world, it was not exclusive to him. It was for Eve and their posterity, since no act of his was necessary to make Eve a participant in that lordship. Eve was not an economic creature of her husband, nor are later generations economic creatures of those before them, gleanings whatever is left from the previous generation's enjoyment of its own private property.

In chapter 65 it is the concept of a right (*ius*) that is crucial. John XXII presented the Michaelists with a dilemma. Did Franciscans have a right to their food, clothing, and shelter, or did they not? If they did, then their claim to have renounced all ownership was void. But if they did not have a right to the things they used, then their use of them was unjust (*iniustum*) and wrong.

Ockham's response is one of the most important texts on natural rights to be found in his work. He distinguishes between a right of the forum or law-court (*ius fori*) and a right of heaven (*ius poli*), essentially a natural right. The latter is that by which persons living without positive legal institutions can licitly use material things for their preservation or comfort. The effect of property rights embodied in positive legal institutions (rights of the forum) is to abridge the original common right of heaven, so that ordinarily (the case of extreme need is an exception) no one can licitly use anything belonging to another without the owner's permission. The effect of the "licences to use" granted by others to the Franciscans is not to confer a positive legal right on the friars but to cancel the abridgment of their original common natural right. The proof of this distinction is that, if a donor withdrew his licence, the friars would have no recourse in a court of law, as they would if a legal right had been granted them.

Thus the response to the dilemma posed by John XXII is that the friars' mode of possessing and using material goods – one of several modes of possession other than ownership which Ockham considers in this chapter – is not unjust, for it is in accord with the right or law of heaven. But neither do the friars have positive legal rights. Their poverty is intact.

According to John XXII's attackers, as we have seen, there was no property in Paradise. How, then, did property come into the world? Ockham defends five conclusions on this matter in chapter 88 of *The Work of Ninety Days*. (1) There was no exclusive lordship or property in the state of innocence. (2) After the fall, the first exclusive lordship of temporal things was introduced by human law, or by human ordinance or will. The first exclusive lordships Ockham finds indicated in the Bible were those of Cain, a farmer, and Abel, a shepherd, but since there is no suggestion that the property division implied by this division of labor was made by divine command, the inference is that it was a product of human ordinance or will. (3) Distinct lordships over many things were introduced at various times by human laws other than the laws of kings. Ockham argues that we need not think of all property divisions as having been made by rulers: perhaps Cain and Abel divided property on their own authority, just as Abraham and Lot seem to have divided territory between themselves on their own authority. (4) In course of time *some* lordships of temporal things *were* introduced by direct divine ordinance. To the many texts cited by John, Ockham adds the divine grants of Mount Seir to the children of Esau and of Ar to the sons of Lot (Deuteronomy 2:4 and 9). Ockham is far from questioning God's authority to grant ownership of whatever He pleases to whomever He pleases, but he denies that all property titles have such a direct theological foundation. In particular, (5) after the promulgation of the gospel, all new property divisions have been made by human law, not by divine law or by any special grant of God.

Ockham's secularization of property rights in chapter 88 of *The Work of Ninety Days* is complemented in chapter 93 by what might be called, from a secular standpoint, an impoverishment and marginalization of Christ and the apostles. In *Quia vir* John XXII had argued that Christ was universal king and lord of all temporal