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CRITICAL EDITION OF PIERRE D'AILLY'S
ABBREVIATIO DIALOGI OKAN

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30 OCT 1992



(From Ms. Cambrai 954, fol. 1)

Fifteenth-century miniature of Pierre d'Ailly
kneeling in prayer before the Virgin Mary

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SUMMARY

This thesis consists of a critical edition of the *Abbreviatio dyalogi Okan* of Pierre d'Ailly (1350-1420), a leading figure in the University of Paris and in the western church during the period of the great schism.

Previous discussion of the *Abbreviatio dyalogi Okan* has been dependent on a single manuscript of the work: Paris, Bibliothèque Nationale ms. lat. 14579. This edition makes use of four additional texts of the work: Paris, Arsenal ms. 517; Cologne, Stadtarchiv ms. GB f^o 76; London, Lambeth Palace Library cod. 168; and an early printed version, printed in Paris.

Estimates of the dating of the *Abbreviatio dyalogi Okan* have varied from 1372 at the earliest to 1415 at the latest. On the grounds of internal evidence and by reference to other works of d'Ailly, it is possible to date it prior to 1378, while d'Ailly was still a student in the Faculty of Theology at the University of Paris.

This calls for a revision of the assumption that it was the great schism which led d'Ailly to turn to *Dialogus* primarily for Ockham's theories of ecclesiastical power. The weight of evidence is that d'Ailly's initial interest in *Dialogus* was doctrinal and dogmatic. His abbreviation of the *Dialogue* provides further evidence of his interest in Ockham's theology, and further evidence, too, of the importance of the College of Navarre during the fourteenth century as a centre of interest in the

philosophical and theological writings of William of Ockham.

Beginning with a brief historical survey intended to situate the *Abbreviatio dyalogi Okan* within the context of the life and relevant works of d'Ailly, the thesis then addresses itself to the problem of dating. A survey of some of d'Ailly's major works, extending over the duration of his distinguished career, reveals that his borrowings from Ockham's *Dialogue* were more frequent and more extensive than previously realised. Most of these were taken from *Dialogus* itself rather than from d'Ailly's abbreviation, which served primarily as a reference guide. In d'Ailly's selection and use of material from the *Dialogue* later in his career, it is possible to see a number of significant differences in emphasis, direction and position between d'Ailly and Ockham.

During d'Ailly's own lifetime, and for more than fifty years afterwards, his abbreviation was recognised as a convenient guide to the *Dialogue*. In a number of manuscripts and in the historically important *editio princeps* of *Dialogus*, d'Ailly's abbreviation served as a detailed table of contents.

The edition of the text of the *Abbreviatio dyalogi Okan*, in addition to the identification of sources in the *apparatus fontium*, provides cross-references to other works of d'Ailly. The style of the edition is basically

that being used in the edition of the *Opera Politica* of Ockham; hopefully, it will not be long before it is possible to compare the text of d'Ailly's abbreviation with the first critical edition of Ockham's *Dialogue*.

I hereby declare that the material presented in this thesis has never been part of any thesis submitted for any other degree or diploma at any other university, and that it has never previously been published or written by any other person.

Acknowledgement has been made wherever I have drawn on the work of others.

Ian Murdoch

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Faced with the riddles of palaeography and the technical problems peculiar to editing a late medieval text from Latin manuscripts, I benefited greatly from the expert advice of two specialists. From the unrivalled background of his remarkable studies at the

Équipe de recherche sur l'humanisme français des XIV^e et xv^e siècles, Gilbert Ouy provided me with some amazingly detailed and extremely valuable information about mss. Bibliothèque Nationale 14579, Cambrai 286, and British Library Harley 33, and also supplied me with an offprint of his paper on the College of Navarre. H.S. Offler, formerly Professor of History at the University of Durham, and the editor of the political works of William of Ockham, first directed my attention to Lambeth Palace Library cod. 168 and the *editio princeps* of *Dialogus*, and later alerted me to the existence of Cologne, Stadtarchiv ms. GB f^o 76. He has taken the trouble to read an earlier draft of my reconstruction of d'Ailly's text, and has offered invaluable advice, saved me from many errors, and provided me with copies of some of his own reconstruction of the text of III *Dialogus*.

I am also indebted to three librarians in particular, who answered inquiries about manuscripts and supplied me with photocopies and photographs. They are Mme. J. Schlafer, Department of Manuscripts, Bibliothèque Nationale, Paris; Mme. F. Bertrand Py, Bibliothèque de l'Arsenal, Paris; and M. M. Bouvy, Bibliothèque municipale de Cambrai.

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INTRODUCTION

1. HISTORICAL PERSPECTIVE

Full-length biographies of Pierre d'Ailly have been written by Tschackert (1877) and Salembier (1886 and 1932), and biographical essays by Tschackert (1896), Salembier (1909 and 1912), Coville (1933) and Oakley (1967). D'Ailly's works have been listed by Tschackert and Salembier, and the list has been revised recently by Glorieux (1965). What follows is no comprehensive summary of the life and works of d'Ailly. The selection of details is meant to add a more practical dimension to his portrait, and to situate within their historical context the *Abbreviatio dyalogi Okan* and the other works of d'Ailly that are cross-referenced in the edition.

Pierre d'Ailly was born in 1350 at Compiègne in the Ile de France. In 1364 he entered the College of Navarre at the University of Paris. Founded in 1304 by Jeanne de Navarre, wife of Philip IV, the College of Navarre was at the height of its prosperity and prestige at the end of the fourteenth century. Some of its more illustrious members during d'Ailly's lifetime included Jean Buridan, Nicholas Oresme, Jean de Montreuil, Gilles Deschamps, Jean Courtecuisse, Nicholas de Clamanges and Jean Gerson. Current research on French humanism of the fourteenth and fifteenth centuries would suggest that the teaching of humanities was a special feature of the

College of Navarre, and that it can lay strong claims to being the birthplace of French humanism.¹

Commencing in the Faculty of Arts, d'Ailly went on to the lengthy course of studies in the higher Faculty of Theology, and in 1381 he received both the *licentia docendi* and the *magisterium*, which entitled him to a teaching career as a master in theology at the University of Paris.

By this time, the corpus of d'Ailly's writings had already begun to accumulate. The earliest of these to survive are several treatises written between 1368-1374, when d'Ailly was a young master of arts engaged in the study of theology. They include the *Tractatus de anima* and the *Tractatus super Boethium de consolatione philosophiae*. Among the works that followed were his lectures on the Bible to junior students in the Faculty, given in the academic years between 1374 and 1376; his lectures on the *Sentences* of Peter Lombard, given in the academic year 1376-1377; and his contributions to the formal scholastic disputations in which he was required to take part during the academic years between 1379 and 1381.²

1 On the College of Navarre, cf. Ouy, G., "Le Collège de Navarre, berceau de l'humanisme français", *Actes du 95^e Congrès nat. des sociétés savantes, Reims, 1970*, Vol. 1, 275-299. Paris, Bibliothèque Nationale (1975)

2 The chronology is that established by Glorieux, P., "L'oeuvre littéraire de Pierre d'Ailly: Remarques et précisions", *Mélanges de science religieuse* 22, 61-78 (1965)

In the meantime, two events had led to a crisis at the University of Paris. They were the great schism of the west, beginning in 1378, and the death of Charles V in 1380. In the summer of 1381 there was an exodus of scholars from Paris, and in September of the same year d'Ailly retired to Noyon as a canon of the cathedral chapter, and did not return to Paris until 1384, when he was appointed rector of his old College of Navarre.

D'Ailly soon showed himself to be an energetic and capable administrator. He ordered extensions to be made to the College itself, adding a new house which came to be known in his honour as the *domus Alliaci*. He drew up new statutes designed to share common expenditures and to strengthen the financial administration. Later, he made a number of bequests, including many of his books, to his old College. The College of Navarre rightly remembered him as its second founder. D'Ailly also became one of the principal governors of Ave Maria College, and played a major role in the financial reforms and the drawing up of new regulations for that College in 1387.³

While still rector of the College of Navarre, d'Ailly was a prominent figure in two controversies at the University of Paris, and in both cases was sent by the University as its spokesman to the court of Clement VII in Avignon. The first of these was the conflict

3 cf. Gabriel, A., *Student Life in Ave Maria College, Medieval Paris: History and Chartulary of the College*, pp. 140-150. Indiana, University of Notre Dame (1955)

from 1384-1386 between the corporation of masters and the Chancellor, Jean Blanchard, over his exaction of oaths and payments for the granting of the *licentia docendi*.⁴ The second, from 1387 to 1389, was a theological controversy, in which d'Ailly defended the doctrinal authority of the Bishop of Paris and the Faculty of Theology against the Dominican, Juan de Monzon, who had refused to accept the censure of fourteen propositions, and had appealed to the pope.⁵ D'Ailly's treatises against Blanchard and Juan de Monzon added to his growing list of writings.

In 1389, Clement VII appointed d'Ailly to the highest dignity of the University, the Chancellorship of Notre Dame, a position he retained until 1395. A Work of particular interest because it represents d'Ailly's mature thought and his teaching as a master in theology, and which belongs to this period of his career, is his *Utrum indoctus in iure divino possit iuste praeesse in ecclesiae regno*.⁶

4 cf. Bernstein, A.E., *Pierre d'Ailly and the Blanchard Affair: University and Chancellor of Paris at the Beginning of the Great Schism*, Leiden, Brill (1978), which includes an edition of d'Ailly's speeches against Blanchard.

5 D'Ailly's treatise against Juan de Monzon is printed in C. du Plessis d'Argentré, *Collectio iudiciorum de novibus erroribus*, I, (2), 75-129, Paris (1728)

6 An important redating by Glorieux, "L'oeuvre littéraire de Pierre d'Ailly", p. 65.

In 1397, d'Ailly was made Bishop of the diocese of Cambrai by Benedict XIII, against the candidate favoured by the Duke of Burgundy. Cambrai was an imperial city, and by virtue of his appointment, d'Ailly also became Count of the Cambresis and a prince of the Empire, and he was entrusted by the Emperor Wenceslaus with a diplomatic mission to the papal court at Avignon in an attempt to persuade Benedict XIII to abdicate.

Cambrai was a vast diocese, divided by language, the rival obediences of the schism, and conflicting political loyalties. D'Ailly's thirteen years as its bishop were characterised by his sound administration, his programs for the reform of spiritual and religious life in his diocese, and his efforts towards finding a solution to the schism.⁷ He was opposed to the French withdrawal of obedience from Benedict XIII in 1398, and his proposal of a partial restoration of obedience, contained in his *Tractatus de materia concilii generalis* (1403) triumphed at the Council of Paris in 1406, and was the policy finally adopted by France.

Made a cardinal by John XXIII in 1411, d'Ailly played an important role at the Council of Constance (1414-1418), especially during the early months, when vital procedural matters were being debated. It was due in no small measure to d'Ailly's diplomacy and statesmanship that the Council stayed together and

⁷ cf. Salembier, L., *Le Cardinal Pierre d'Ailly*, pp. 116-152, Tourcoing, Georges (1932)

went on to bring the schism to an end. He insisted that the Emperor Sigismund and the Council Fathers should give audience and due recognition to the ambassadors of Benedict XIII and Gregory XII, arguing that proceeding mildly against them was the course that would promote a settlement to the schism, and he opposed any measures which threatened to break up the Council practically before it began.⁸ His proposals on the right to vote were designed to offset the numerical superiority of John XXIII and his party, and to secure widespread support in implementing the decisions which would bring the schism to an end. It was d'Ailly who presided over the crucial third session of March 26, 1415, when for the first time the Council met without the Pope. He was president of the commission appointed by the Council to examine the heresies of Wyclif and Hus, and also a member of the commission that examined Jerome of Prague. In October, 1416, he read his *Tractatus de potestate ecclesiastica* to the Council, and in November of the same year, a program for the reform of the church which he had adapted from the third part of his earlier *Tractatus de materia concilii generalis*. When the Council went on to the election of Martin V, it was d'Ailly's proposal of two electoral colleges which was the basis of the method eventually agreed on, and which safeguarded the position of the college of cardinals.

8 cf. D'Ailly's proposals, printed in Finke, H., et al., *Acta Concilii Constanciensis*, Vol. 3, 44-65, Münster, Regensburg (1926)

At the close of the Council, d'Ailly was sent as papal legate to Avignon, and died there on August 9, 1420. Recognised as a man of great learning, d'Ailly had also shown himself to be a man of practical action, a capable administrator and a skilled diplomat. A churchman through and through, d'Ailly had spent his years as a bishop and a cardinal working for the reform and unification of the church that he identified with so strongly.

2. THE ABBREVIATIO DIALOGI OKAN

D'Ailly was a prolific and versatile author. Among more than 170 works, ranging from programs for reforming the church and proposals for ending the schism to treatises on geography and astronomy, is an abbreviation which d'Ailly made of the *Dialogue* of William of Ockham. Listed by d'Ailly's biographer, Salembier (1886: XXVI), it was referred to briefly by Little (1892: 231) and Ferét (1897: 218), and later by de Wulf in his *History of Mediaeval Philosophy* (1926: 222). Closer attention was given to it by Roberts in her study of the theories of ecclesiastical power advanced by d'Ailly in response to the crisis of the great schism (1931: 189-200 and 1935: 125-136); its association with the conciliar movement was reinforced

by the authority of Jacob (1943, 3rd.rev.edn.1963: 93) and reiterated by Sigmund (1963: 103). Baudry (1949: 210-211) referred to the abbreviation as further evidence of the incomplete nature of III *Dialogus*. In his study of Ockham's ecclesiology and its influence at the University of Paris, Lagarde (1963: 329) drew attention to d'Ailly's *Abbreviatio dyalogi Okan*. Part of the abbreviation dealing with papal election was edited by Oakley in his book on d'Ailly's political thought (1964: 243; cf. also 202-203); d'Ailly's approving note at the same place was quoted by McGrade in his *The Political Thought of William of Ockham* (1974: 175).

In his classification of the writings of d'Ailly, Salembier (1886: XV and XXVI) placed the abbreviation among the *scholastica*, and dated it within the broad confines of 1372-1395. Other remarks by Salembier, however, indicate that he considered that it belonged to d'Ailly's student or cursor days, which would reduce the *terminus ad quem* considerably to 1377¹⁰. About 1400 was the date given by Little. Following Salembier, Roberts described it as comparatively early in d'Ailly's career, but then correlated it with the issues of the great schism, and in particular with d'Ailly's role at the Council of Constance. It was considered in the same context by Jacob, and following him by Sigmund, who construed Jacob to mean that d'Ailly made the abbreviation at the Council of Constance. Oakley (1964: 202) spoke

10 cf. Salembier, L., *Petrus de Alliaco*, pp. 13 n.1, 144. Insulis, Lefort (1886)

of it, on the contrary, as early in d'Ailly's career. The classification and dating of d'Ailly's writings have been carefully revised by Glorieux (1965), but no mention was made of the *Abbreviatio*.

I have been unable to find in d'Ailly's other writings any direct reference to the abbreviation which would provide a definite *terminus ante quem*. In his commentary on the *Sentences*, however, there is a passage which suggests that he had already made his *Abbreviatio dyalogi Okan*:

"Quarto sequitur quod stat aliquem esse viatorem et tamen ipsum habere notitiam intuitivam Dei. Patet de Paulo quia *secundum Augustinum in questionibus ad Orosium et similiter super Genesim ad Litteram, anima Pauli in raptu clare et sicuti est divinam essentiam vidit*. Unde patet contra Ockam quod intellectus viatoris non bene describit quod est ille qui non habet notitiam intuitivam deitatis sibi possibilem de potentia ordinata ... Quod ei haec descriptio non sit sufficiens patet de Paulo qui ut dictum est *et sicut istemet doctor concedit in secundo tractatu dyalogi de dogmatibus Io. 22 ca. 2* notitiam claram deitatis habuit &c., et tamen tunc non fuit beatus sed viator ut dictum est, quare &c."

(I *Sent.*, Q. 1, Art. 1; italics mine)

The references to Augustine are precisely those given by Ockham in II *Dialogus* 1, 2, and noted by d'Ailly in *Abbreviatio* II, 2. They are from exactly the same chapter of the *Dialogue* that d'Ailly then goes on to cite, and in giving the reference d'Ailly uses the same

distinctive divisions of *Dialogus* that he sets out in his abbreviation: three 'treatises' (rather than 'parts'), and in the second of these, the *De dogmatibus pape Ioannis 22*, the chapters are simply numbered consecutively, without any further subdivision into books (*cf. infra*, p. 71). The abbreviation would have supplied d'Ailly with all this information without having to revert to *Dialogus*.

The commentary on the *Sentences* also contains the earliest mention I have found in d'Ailly's writings of two issues which seem to have captured his attention while reading *Dialogus*. At II *Sent.*, Q. 2, Art. 3, he mentions the incident of Paul's rebuke of Peter, recounted in *Galatians* 2, 11-14 - an incident which Ockham discusses at *Dial.* I, 5, 2 and I, 7, 71, and which d'Ailly noted in *Abbrev.* His interest in it eventually resulted in a short treatise, the *Questio de reprehensione Petri apostoli a Paulo* (date uncertain). References to the incident occur again in his treatise against Juan de Monzon, his *Tractatus de materia concilii generalis*, and his *De potestate ecclesiastica*. At IV *Sent.*, Q. 3, Art. 1, d'Ailly mentions that saints have sometimes held contrary positions on doctrinal issues. The examples he gives - Jerome and Augustine, Cyprian and Augustine, Peter and Paul - are exactly the same examples given by Ockham at *Dial.* I, 2, 4. D'Ailly was to repeat them in his treatise against Juan de Monzon.

By means of a careful chronology of d'Ailly's course of studies in the Faculty of Theology, it is possible to establish that the year when he lectured on the *Sentences* was the academic year of 1376-1377,¹¹ which would then become the *terminus ante quem* for his abbreviation of the *Dialogue*.¹²

Further evidence which suggests a date prior to 1378 can be found in d'Ailly's selection of *notanda* for his abbreviation of the first and third parts of *Dialogus*. In *Dial.* I, 6, 84, Ockham raises the question whether a general council can be summoned without the authority of the pope. Since this was the very question that became the crux of the first phase of the conciliar movement, it seems reasonable to expect that it would be of considerable interest in the years after 1378. D'Ailly passes over it in silence in his *Abbrev.* In *IIusIIIae Dial.*, book two, chapters 14 and 15, Ockham discusses how the electoral rights of the college of cardinals are affected in the event of schism. Again, given the circumstances surrounding the disputed election of 1378 and the controversy over the subsequent actions of the cardinals, d'Ailly's lack of interest suggests that *Abbrev.* predates the schism.

11 Glorieux, "L'oeuvre littéraire de Pierre d'Ailly", p. 62

12 The dating is of added significance since it shows that by the time d'Ailly was composing his commentary on the *Sentences*, the *De dogmatibus* was already considered to be part of the *Dialogue*.

The tendency has been to assume that d'Ailly turned to *Dialogus* for Ockham's theories of ecclesiastical power, and that it was the schism which led him to do so. *Dialogus* is generally classified among Ockham's political and polemical writings; yet it is deeply concerned with theological issues. The distinction between 'political' and 'theological' is hard to maintain, and this is immediately evident from the text of d'Ailly's abbreviation.

In abbreviating Ockham's sustained critique of papal power in the first part of the *Dialogue*, d'Ailly seems most interested in those questions which have broader theological repercussions: How are the orthodox faith on one hand and heresy on the other hand to be determined? In this process, what is the proper role of canonists and theologians respectively? Which doctrines have the official approval of the church? What are the special responsibilities of theologians where doctrinal issues are involved?

Even more striking is the interest d'Ailly so very clearly shows in the second part of the *Dialogue*, which deals with the controversy over John XXII's teaching on the beatific vision.¹³ D'Ailly's abbreviation of this

13 Convenient accounts of the controversy are given in H.S. Offler's introduction to the *Tractatus contra Ioannem* in *Guillelmi de Ockham: Opera Politica*, Vol. 3, 20-28, Manchester, University Press (1956), and in Weakland, J.E., "Pope John XXII and the Beatific Vision Controversy", *Annuaire medievale* 9, 76-84 (1968)

part of the *Dialogue*, focussing on the texts and arguments of a complex theological problem, is relatively more detailed and comprehensive than his abbreviation of either part one or part three. His awareness of the importance of II *Dial.* as a source of Ockham's theology is evident when he cites it against the view Ockham had put forward in his commentary on the *Sentences* (*cf. supra*, p. xvii).

In the first treatise of the third part of the *Dialogue*, Ockham actually discusses a plurality of popes (*IusIIIae Dial.* 2, 25-29). Roberts (1931: 191) remarked of this treatise that it would seem to be the very part of the *Dialogue* which would have held most interest for d'Ailly. The evidence, however, indicates not only that d'Ailly was unaware of the existence of this treatise, but also that he had already made his abbreviation of the *Dialogue* before 1378. It suggests, moreover, that his interest in the *Dialogue* was primarily doctrinal and dogmatic. This is apparent in his abbreviation of the first part and especially the second part of the *Dialogue*. D'Ailly's abbreviation of the third part of the *Dialogue*, described as the most political treatises Ockham ever composed¹⁴, is confined to the treatise on the rights of the Roman empire. Roberts and Oakley have drawn attention to d'Ailly's borrowings from this treatise in his own treatise on ecclesiastical power. But even with this part of

14 McGrade, A.S., *The Political Thought of William of Ockham*, p. 24. Cambridge, University Press (1974)

the *Dialogue*, a too rigid distinction between 'political' and 'theological' breaks down, as it does when it comes to Ockham's discussion of rightful *dominium*, or of papal decisions in matters of faith, both of which captured d'Ailly's attention while he was making his abbreviation (*cf. infra*, pp. 103-105, 110).

The interest in Ockham's theology that d'Ailly showed during his student years is well attested. His commentary on the *Sentences* contained numerous references to Ockham's commentary¹⁵, and a reference to the *De sacramento altaris*¹⁶. Further evidence in support of Oakley's conclusion (1964: 203) that "in his theology d'Ailly was indebted to Ockham more than to any other single thinker" is provided by another work written by d'Ailly between 1368 and 1374¹⁷, the *Tractatus super Boethium de consolatione philosophiae*. There are frequent references to Ockham's theological writings - the commentary on the *Sentences* and the *Quodlibeta* - both in the text and in the margin of the manuscript of this treatise, which was copied together with the *Abbreuiatio dyalogi Okan* and the *Tractatus de anima* in Bibliothèque Nationale ms. lat. 14579¹⁸. At one point in the text,

15 *cf.* d'Ailly's I *Sent.* Q. 6, Art. 3; I *Sent.* Q. 14, Art. 3.

16 *cf.* d'Ailly's IV *Sent.* Q. 5, Art. 2

17 The dating is Glorieux's (1965: 66). Tschackert (1877: 348) and Salembier (1886: XIII) date it 1372.

18 The references occur at fos. 117^v, 126^v, 138, 140^v, 143, 145, 145^v, 150, 151^v, and 153^v of Bib. Nat. ms. lat. 14579

d'Ailly says, "recitabo hic opinionem cuiusdam doctoris cuius pauca dicta plus reputata quam multos codices quorundam aliorum" (fol. 133^v). The doctor whose opinion d'Ailly valued so highly is identified in the margin as Ockham.

In short, there is plentiful evidence that in the years between 1368 and 1376, d'Ailly was busy reading Ockham's theology. It would seem that this was also when he read the *Dialogue* and made his abbreviation of it. From as early as 1327, the College of Navarre had been a centre of interest in the ideas of William of Ockham, but d'Ailly's predecessors, Jean Buridan and Nicholas Oresme, had concentrated on Ockham's natural philosophy¹⁹. D'Ailly's *Tractatus super Boethium de consolatione philosophiae*, his abbreviation of the *Dialogue*, and his commentary on the *Sentences* provide the first substantial evidence of a growing interest in Ockham's theology. The writings of Gilles Deschamps, Jean Courtecuisse and Jean Gerson, who passed through the College of Navarre immediately after d'Ailly, show that they too had read Ockham's *Dialogue*, and drew from it on ecclesiology, the sources of doctrine, and issues raised by the schism²⁰.

19 On Buridan and Oresme, cf. Mocdy (1975: 127-160, 441-451)

20 For Deschamps, cf. Bernstein (1978: 183-186); for Gerson, cf. Morrall (1960: 44-51). Only recently, Oakley (1978) has demonstrated conclusively that the greater part of Courtecuisse's *Tractatus de fide et ecclesia* is heavily indebted to Ockham's *Sentences* and the *Dialogue*. The date of this work is uncertain, but the information given in Coville, A., "Recherches sur Jean Courtecuisse et ses oeuvres oratoires", *Bibliothèque de l'école des chartes* 65, pp. 471 and 487-488 (1904) makes it unlikely that it is any earlier than 1380.

D'Ailly's abbreviation of the *Dialogue*, compiled while he was still a student at the College of Navarre, provides a unique opportunity to examine his use of *Dialogus* later in his career. Making the abbreviation not only helped d'Ailly to follow and assimilate Ockham's long and complex arguments; it also left him with a convenient index to that massive work, the *Dialogue*. The frequently recurring *nota ibi*, the more direct *vide ibi* (*infra*, p. 16), and the occasional cross-reference to another section of the *Dialogue* all indicate that in general the abbreviation was to serve as a reference guide to *Dialogus* rather than as a substitute for it.

D'Ailly would have occasions for recourse to *Dialogus* not only on the issues which captured his interest as a student, but also on a number of issues which did not become pertinent until many years later. The dialectical nature of the *Dialogue* made it an ideal source of arguments for the student and then the master in theology at the University of Paris. It would prove just as useful to the prominent churchman actively involved in the problems caused by the schism and in the attempts to resolve those problems.

3. D'AILLY'S USE OF *ABBREVIATIO* AND *DIALOGUS*

In the course of his inception as a new master in theology at the University of Paris in April and May of 1381, d'Ailly produced his *recommendatio sacrae scripturae*, '*Super hanc Petram*'; his *vesperies*, '*Utrum Petri ecclesia lege reguletur*'; and his *resumpta*, '*Utrum Petri ecclesia fide confirmetur*'.

It is in these formal scholastic disputations of d'Ailly's youth that borrowings from *Dialogus* have frequently been noted (Tschackert, 1877: 43; Salembier, 1886: 234-261 *passim*; Haller, 1903: 343-344; Morrall, 1960: 113-118; Lagarde, 1963: 313-327; Sigmund, 1963: 103; Oakley, 1964: 202-203). Haller and Oakley pointed to a number of parallel passages.

Systematic cross-reference from the edition of the *Abbreuatiatio* to these three treatises establishes that d'Ailly's unacknowledged borrowings from *Dialogus* are even more extensive than has been suggested previously. As Oakley pointed out, most of the borrowings come from the fifth book of the first part of the *Dialogue*, and d'Ailly makes use of passages which he had not included in his abbreviation at all. It was perhaps the annotation *valde notabile* at *Abbrev.* I, 5, 28 (*cf. infra*, p. 34) which directed d'Ailly back to *Dialogus* for a passage of a hundred words or so which appears in his *resumpta*.

The bold speculations he advances on inerrancy within the church and the survival of the true faith,

which he carefully prefaces with statements that he is arguing *solum recitative et non assertive* or *solum disputative et non assertive*, have often been commented on. It is only recently, however, that Tierney (1954: 62-70) has shown that Ockham (and following him, d'Ailly) were drawing on traditions of thought going back to the great decretists of the twelfth and early thirteenth centuries. The speculations of Ockham and d'Ailly also owed much to the theological tradition that the church consisted of one person, Mary, during the three days between Christ's death and resurrection, and that the true faith had remained in her alone²¹. The positions that inerrancy belonged to neither pope nor council, but only to the universal church, and that the true faith could remain in a single individual, represented a respectable tradition of thought on questions that still remained open for discussion. This tradition continued well into the fifteenth century, and was championed by the great canonist Nicholas de Tudeschis in his *Commentary on the Decretals* (1442)²².

21 cf. Congar, Y. M.-J., "Incidence ecclésiologique d'un thème de dévotion mariale", *Mélanges de science religieuse* 7, 277-92(1950)

22 Commenting on X 1.6.4, having stated that "in concernentibus fidem concilium est supra papam...Hinc est quod concilium potest condemnare papam de heresi", Panormitanus adds that a council too may err, because it represents the whole church not "vere" but "representative". He goes on: "in concernentibus fidem, etiam dictum unius privati esset preferendum dicto papae, si ille moveretur melioribus rationibus et auctoritatibus... Universalis ecclesia constituitur ex collectione omnium fidelium...et ista est illa ecclesia quae errare non potest...unde possibile est quod vera fides Christi remaneret in uno solo." Quoted in Black, A., "The Universities and the Council of Basle: Ecclesiology and Tactics", *Annuaire Historiae Conciliorum* 6, p. 351 n.51 (1974)

It is clear from d'Ailly's inception disputes that the great schism, coming immediately after the Avignonese papacy, had given new currency to speculation about the primacy of the Roman See and the survival of the one true church. These were questions that Ockham had dealt with in *Dial.* I, 5, and d'Ailly's debt to Ockham is well established. Insufficient attention, however, has been given to the extent to which d'Ailly is prepared to follow the range of arguments contained in *Dialogus*, and to his use of other sources of arguments. In his discussion of the subsistence of the church in a single individual or a small group, d'Ailly's principal authority is Augustine, *Enarratio in Psalmum cxxviii*²³; his conclusions are that in the universal church there will always be many adults adhering to the true church, and that the promises of Christ to his church could not be fulfilled in baptized infants²⁴. In his discussion of the Petrine primacy, he introduces a distinction between actual *institution* by Christ and *ordination* by Christ, and then goes on to argue that Peter was endowed with a superior *potestas regiminis* by *institution* of Christ²⁵. In both cases, d'Ailly clearly stops well short of the limits of the discussion reached in *Dialogus*, and formulates his own distinctive position.

23 *Recomm. sac. scrip.*, ed. Dupin, L.E., *Joannis Gersonii: Opera Omnia*, I, col. 609; *Vesp.*, *loc. cit.*, col. 666; *Res.*, col. 687

24 *Vesp.*, cols. 670-671; *Res.*, col. 687

25 *Vesp.*, cols. 667-668

One comment on these works of d'Ailly's youth remains. A subject of discussion in a number of recent studies has been the suggestion that the late middle ages saw the growth of a 'two-sources' theory of revelation, in which the origins of the reformation debate on scripture and tradition were to be found²⁶. In his influential book, *The Harvest of Medieval Theology* (1963: 385), H.A. Oberman has drawn attention to d'Ailly's quotation in his *vesperies* of Augustine's famous dictum that he would not believe the truth of the gospel unless the authority of the catholic church moved him to do so. Oberman places special emphasis on the substitution by d'Ailly of *compellere* for *commovere*. The substitution cannot rightly be attributed to d'Ailly, however, since it is to be found in Ockham's *Dialogus*, where d'Ailly encountered it while making his abbreviation (cf. *infra*, p. 2). In his *I Sent. Q. 1, Art. 3*, when d'Ailly discusses the sense in which Augustine's dictum is to be understood, he minimises the apparent duality between scripture and church. There is no evidence that scripture and church were for d'Ailly the opposed and competing principles they were to appear to a later age.

26 cf. Vooght, P. de, *Les sources de la doctrine Chrétienne d'après les théologiens du XIV siècle et du début du XV*, Bruges, Desclée (1954); Tavard, G., *Holy Writ or Holy Church: The Crisis of the Protestant Reformation*, London, Burns & Oates (1959); Oberman, H.A., *The Harvest of Medieval Theology*, Cambridge, Mass., Harvard University Press (1963); Tierney, B., "Sola Scriptura and the Canonists", *Studia Gratiana* 11, 345-366 (1967) and *The Origins of Papal Infallibility 1150-1350*, Leiden, Brill (1972); Oakley, F., *The Western Church in the Later Middle Ages*, Ithaca and London, Cornell U.P. (1979)

D'Ailly's treatise against Juan de Monzon was composed in 1388. Monzon had refused to accept the condemnation by the Faculty of Theology of a number of propositions he had made in his *vesperies* and defended in his *resumpta*²⁷. He appealed to Clement VII, claiming that it was for the Apostolic See alone to declare, condemn and reprove, and that matters of faith were major ecclesiastical causes which had to be deferred for examination and decision to the supreme pontiff alone²⁸.

On behalf of the University, d'Ailly argued that while the Apostolic See had supreme jurisdiction, bishops and doctors in theology also shared in the authority to pronounce on matters of faith. In the course of developing his argument, d'Ailly refers not only to the part the Faculty of Theology at the University of Paris had played in the controversy over the teaching of John XXII on the beatific vision²⁹, but also quite specifically to Ockham's treatment of John's teaching in the *Dialogue*³⁰. In his discussion of the authority attached to the teaching of Thomas Aquinas, he refers quite specifically to Ockham's remarks in the *Dialogue* about Thomas's teaching on the unicity of form³¹; and in the case he builds up to establish the pertinacity of Monzon, he is clearly

27 cf. Denifle, H.S., and Châtelain, E., *Chartularium Universitatis Parisiensis*, III, No. 1559, pp. 491-496 (1894)

28 D'Argentré, *op. cit.*, p. 82

29 cf. Denifle, *Chart. Univ. Paris.*, II, Nos. 981-982, pp. 429-433 (1891)

30 D'Argentré, p. 80

31 *Ibid.*, p. 83

dependent on *Dialogus* I, 4, 13³². Included in a quite remarkable catalogue of erroneous teachings, with examples from Thomas, St. Peter, Cyprian, Jerome, Peter Lombard, Gratian, Anselm of Canterbury and Hugh of St. Victor, is one from the *Decretum Gratiani* which d'Ailly has taken from *Dialogus* I, 7, 68³³.

While *Dialogus* certainly provided d'Ailly with some arguments in his treatise against Juan de Monzon, his dependence on Ockham should not be over-emphasized. McGrade (1974: 52-77) has argued that Ockham's *Dialogue* effectively transformed the idea of legitimate doctrinal correction by treating the process of correction in primarily cognitive terms rather than as an exercise of institutional power. D'Ailly, on the other hand, was committed to a defence of institutional authority. In a situation where the supreme pontiff had been set over and against the local ecclesiastical authorities, d'Ailly did not play one institution off against another, nor did he question the institutions themselves; instead, he set out to establish a framework in which the Apostolic See, the Bishop of Paris and the Faculty of Theology all had their parts to play. *Dialogus* could hardly be expected to supply all the arguments; there is still a need for careful study of the sources of the other arguments d'Ailly uses in his treatise against Juan de Monzon.

32 D'Argentré, *op. cit.*, pp. 88, 106

33 *Ibid.*, p. 121

It was to the third part of the *Dialogue* that d'Ailly turned in his *Utrum indoctus in iure divino possit praeesse in ecclesiae regno*, which he wrote as regent master and Chancellor of the University of Paris.

Under consideration, among other matters, was the doctrine of *dominium* contingent upon grace, expounded by Richard Fitzralph, Archbishop of Armagh, in his *De pauperie salvatoris*, written in 1350. D'Ailly had long been familiar with the writings of Fitzralph, and especially with his controversial teaching on *dominium*. In 1386, in the first of his treatises against Jean Blanchard, he had made use of Fitzralph's *De questionibus Armenorum* to establish that Blanchard was guilty of simony³⁴. Between 1379 and 1381, as the *bachelor responsalis* at an inception dispute, he had attacked the theory of *dominium* contingent upon grace, with particular reference to the *De pauperie salvatoris*³⁵. When he was making his abbreviation of the third part of the *Dialogue*, he had taken particular interest in Ockham's discussion of rightful *dominium*, and at the end of one chapter he had added the comment, "et nota contra Armachanum totum capitulum" (*cf. infra*, p. 104).

The *Utrum indoctus in iure divino* contains a lengthy refutation of Fitzralph's doctrine. Among other arguments, d'Ailly uses material drawn from the pertinent chapters of III *Dial.*, and refers to Ockham as the venerable doctor

34 *cf.* Bernstein, *op. cit.*, pp. 203-210 *passim*

35 The dating is that given by Clerieux (1965: 64-65; 1968: 144). The text of d'Ailly's intervention was edited by Dupin, I, cols. 641-646

who had given marvellous proofs from both the old and new testaments that infidels and even those in mortal sin can possess true *dominium*. The references he gives to the treatise and chapter numbers of *Dialogus* are the distinctly recognisable ones set out in his abbreviation (*cf. infra*, p. 104)³⁶. It is possible that on this occasion, d'Ailly took his material directly from *Abbrev.*

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In 1406, d'Ailly, as Bishop of Cambrai, was one of 64 French prelates and doctors who met at the Council of Paris, called to advise the king on what action he should take in relation to Benedict XIII. The University of Paris argued for the withdrawal of obedience because Benedict had refused to abdicate. During the proceedings, the accusation was brought against Benedict that he was a schismatic and a heretic.

The matter of papal heresy was one that Ockham had dealt with at length in *Dialogus*, but d'Ailly seems to have regarded it as a rather remote contingency when he was making his abbreviation, to judge from his very perfunctory treatment of *Dial.* I, 6 in particular. With the protraction of the schism and the recalcitrance of Benedict XIII, the charge of papal heresy had become a very real issue.

36 Dupin I, col. 650, has lib. 7, cap. 24 rather than lib. 1, cap. 24; this appears to be a misprint.

D'Ailly was one of the advocates for Benedict at the Council of Paris. Despite the anomaly that Ockham had provided the rationale for the prosecution rather than the defence of a pope suspect of heresy, d'Ailly still managed to draw on Ockham and *Dialogus* in his defence of Benedict, but he did so without mentioning his sources³⁷. In arguing that the University of Paris should have referred the matter in the first instance to the Faculty of Theology, d'Ailly reminded the Council of the controversy over John XXII's teaching on the beatific vision, a similar situation in which the advice of the Faculty of Theology had been specially sought³⁸. When d'Ailly went on to defend Benedict against charges of heresy, he used definitions of heresy taken directly from *Dial.* I, 2 and 3, and which he had included in his abbreviation (*cf. infra*, pp. 16, 17).

The whole episode provides a good illustration of how flexible and how selective d'Ailly could be in his use of Ockham. At an earlier Council of Paris, in 1398, d'Ailly's colleague from the College of Navarre, Gilles Deschamps, had specifically quoted Ockham's *Dialogue* as his authority for the view that an heretical or schismatic pope automatically ceased to be pope³⁹. Unlike Deschamps and against Ockham, in 1406 d'Ailly insisted on the need for a formal process against the pope.

37 D'Ailly's speech at the Council of Paris was edited by Chastenot, H. Bourgeois du, *Nouvelle histoire du Concile de Constance*, *Preuves* pp. 149-163. Paris (1718)

38 *cf. Chart. Univ. Paris.*, II, Nos. 981-982, pp. 429-433

39 Quoted in Bernstein, *op. cit.*, p. 184

D'Ailly was Bishop of Cambrai from 1397 to 1411. Among his reform measures to improve the education of the clergy, he established a library at Cambrai⁴⁰. The researches of Gilbert Ouy (1975: 281) have shown that the holdings of the old cathedral chapter library at Cambrai included many books and manuscripts which once belonged to Pierre d'Ailly. Among these was a copy of the *Dialogue*, now ms. 286 of the Bibliothèque municipale de Cambrai⁴¹. The text of the *Dialogus* is incomplete, and corresponds exactly with the text known to d'Ailly when he made his abbreviation, right down to the incomplete sixteenth chapter of *IIusIIIae Dial.*, 3. Discrepancies in chapter numbering and spelling, especially of proper names, indicate that it is unlikely that the manuscript was used by d'Ailly when compiling his abbreviation. It would seem that it did not come into his possession until later.

It is just possible, too, that while he was Bishop of Cambrai, d'Ailly had another manuscript of *Dialogus* copied in his scriptorium. In 1444, Humphrey, Duke of Gloucester, gave the Old University Library of Oxford a manuscript of the first and second parts of the *Dialogue*⁴²,

40 Salembier, *Petrus de Alliaco*, pp. 49-50

41 The information that this ms. "almost certainly belonged to Pierre d'Ailly" was communicated to me by Ouy in a letter of 22/10/'75. The ms. is described in Molinier, A., *Catalogue général des manuscrits des bibliothèques publiques de France*, Vol. 17, p. 109. Paris, Plon (1891)

42 cf. Ker, N.R., "The Chaining, Labelling, and Inventory numbers of manuscripts belonging to the Old University Library", *The Bodleian Library Record* 5, 176-180 (1955)

now British Library Harley ms. 33. The script is early fifteenth century French cursive, and shows strong resemblances to some of the manuscripts copied for d'Ailly at Cambrai⁴³. To date, no stronger confirmation has been forthcoming. But there can be little doubt that d'Ailly had retained a lasting interest in Ockham's *Dialogus*, and continued to find it a useful source of arguments.

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Made a cardinal by John XXIII in 1411, d'Ailly played an important role at the Council of Constance, especially in the procedural debates between the first general session of the Council in November, 1414 and the second general session in March, 1415.

In December, 1414, d'Ailly proposed that the errors of Wyclif should be condemned in the name of the council rather than in the name of John XXIII, arguing that authority to pronounce in matters of the faith belonged to the general council (in which it was to be understood that the pope was included) rather than to the pope alone⁴⁴.

43 Expert opinion of Gilbert Ouy, given in a letter of 12/11/'79. This followed a fascinating meeting I had with Ouy on 18/1/'79 at his *Équipe de recherche sur l'humanisme français des XIV^e et XV^e siècles*, where he has compiled extensive files which provide photographic documentation of autographs of d'Ailly and mss. copied for him by his scribes at Cambrai.

44 D'Ailly's proposal is edited in Finke et al., *op. cit.*, pp. 48-50

To support his arguments, d'Ailly adduced two works which had dealt with the questions of inerrancy in the church, the definition of doctrine, and the relation between pope and council. The first was his own *Tractatus de materia concilii generalis*⁴⁵, which he had written in 1403. The second was Ockham's *Dialogus*⁴⁶.

D'Ailly's proposal was rejected. Before the end of March, 1415, however, events had moved so swiftly that the council would indeed issue decrees and sentences in its own name. In his *Tractatus de potestate ecclesiastica*, which he read to the council in October, 1416, d'Ailly considered that his position had been vindicated⁴⁷.

The *De potestate ecclesiastica* also contains an extensive discussion of the rights of papal elections. D'Ailly's use of passages taken from the third part of the *Dialogue*, without acknowledgement, has already been documented by Roberts (1931: 195-200; 1935: 134-142) and Oakley (1964: 203 and n. 20). The significantly different emphasis added by d'Ailly has not received such careful attention. The difficulties with the theory of the

45 D'Ailly's actual reference is "in tractatu quem scripsi de concilio generali, parte secunda circa finem"; cf. *Tractatus de materia concilii generalis*, ed. Oakley (1964), pp. 303-314.

46 D'Ailly's actual reference is "ex deductione Occam in suo dyalogo parte prima"; note the *parte prima* rather than *primo tractatu*. The relevant chapters would appear to be *Dial.* I, 5, 25-28; I, 6, 9-14; I, 6, 58-60; I, 6, 65-66

47 cf. Dupin II, cols. 953-960

devolution to the Romans of the right to elect the pope are pointed out by d'Ailly⁴⁸; conversely, the position of the college of cardinals in the ecclesiastical hierarchy, and their acquisition of the right to elect the pope, are emphasized⁴⁹. The possibility of the cardinals being deprived of their right, which had been canvassed in *Dialogus* and noted by d'Ailly in *Abbrev.* (*cf. infra*, p. 126), is sidestepped.

At the Council of Constance, d'Ailly was in a situation that he could not possibly have foreseen when he was making his abbreviation of the *Dialogue*. The council had to end the great schism and restore one undisputed pope. In the circumstances surrounding the flight of John XXIII and his deposition by the council, the election of a new pope was no mere routine procedure. The events of the schism had discredited the college of cardinals, and their rights were called into question. Not surprisingly, d'Ailly had included little to do with this in his *Abbrev.*, and turned directly to *Dialogus*. It is hardly surprising, either, that in his last great work, as in his earlier writings, significant differences emerge between d'Ailly and Ockham. Perhaps the fundamental difference between the two was that unlike Ockham, d'Ailly identified closely with the institutional church and its structures, and pursued a highly successful public career in the University of Paris and in the church.

48 *cf.* Dupin II, col. 937

49 *Ibid.*, cols. 929-933, 946

4. HISTORY OF THE *ABBREVIATIO*

In the early fifteenth century, while d'Ailly was still alive, Simon de Plumetot, a member of the secular clergy and a magistrate in the *parlement* of Paris, had the *Abbreviatio* copied by one of his scribes⁵⁰. Simon's library contained works from many different fields, including medieval theology, canon law and civil law, the great schism and the conciliar movement, and classical humanism. Among his books were four manuscripts of Ockham's *Dialogue*, or parts of the *Dialogue*, and of these at least three can be dated before the end of the fourteenth century⁵¹. It seems reasonable to conclude that Simon had d'Ailly's abbreviation copied to serve as an index to these manuscripts of *Dialogus* in his library. In 1436, when Simon left Paris to return to his native Normandy, the *Abbreviatio* and the manuscripts of *Dialogus* were among the books he left with the library of the Abbey of Saint Victor. Simon's manuscript of the *Abbreviatio dyalogi Okan* is now Bibliothèque Nationale ms. lat. 14579, fos. 75-88^v.

By the mid-fifteenth century, the usefulness of d'Ailly's abbreviation as an index to *Dialogus* was sufficiently recognised for it to be copied together with

50 *cf.* Ouy, G., "Simon de Plumetot (1371-1443) et sa bibliothèque", *Miscellanea codicologica F. Masai dicata mcmclxxix*, ed. P. Cockshaw, M.-C. Garand and P. Jodogne. Vol. 2, pp. 353-381. Gand, Editions Story-Scientia S.P.R.L. (1979)

51 *Ibid.*, pp. 375, 379

Dialogus in ms. Arsenal 517, which belonged to the library of the Great Augustine monastery in Paris⁵². The pairing of the two works continued with the copying of *Abbrev.* I and II together with parts one and two of *Dialogus* in ms. Köln, Stadtarchiv, GB f^o 76, which was copied about 1470, and belonged to the Carmelite convent in Cologne⁵³.

In 1476, a hundred years after it was first made, d'Ailly's abbreviation of the *Dialogue* received its widest circulation in circumstances of considerable historical interest, but ironically, d'Ailly was denied any recognition. Dissension between the rival philosophical schools of nominalism and realism at the University of Paris in the second half of the fifteenth century had led to the condemnation of nominalism on March 1, 1474. On the advice of his confessor, Jean Bouchard, Bishop of Avranches, and at the instigation of the realists, Louis XI issued a royal ordinance forbidding the teaching of nominalist doctrines at the University of Paris, and ordering that nominalist works be confiscated. Signed by twenty theologians, the condemnation named Ockham and d'Ailly among the condemned nominalist authors⁵⁴. Although the ban was not lifted officially until 1481, it was not enforced strictly, and

52 cf. Martin, H., *Catalogue des manuscrits de la Bibliothèque de l'Arsenal*, I, p. 366. Paris (1885)

53 cf. Vennebusch, J., *Die theologischen Handschriften des Stadtarchivs Köln*, I, pp. 59-60. Köln-Wien (1976)

54 The royal edict is printed in Ehrle, F., *Der Sentenzenkommentar Peters von Candia, des Pisaner Papstes Alexanders V*, pp. 310-316. Münster, Aschendorff (1925)

several nominalistic works were published in Paris during the period of the condemnation, including Ockham's *Dialogue*, printed for the first time, but without the names of the printers, and dated July 5, 1476⁵⁵.

This two-volume *editio princeps* of the *Dialogue* also included a lengthy synopsis of each of the three parts. Close examination of the *Tabula aurea pro primo tractatu dyalogi venerabilis Guillermi Okam*, printed at fos. 1-14 of volume one, reveals that it is in fact d'Ailly's abbreviation, as is the synopsis to II *Dial.* in the second volume. D'Ailly's abbreviation of III *Dial.*, however, has been continued and extended to the *De potestate papae et cleri* and to the chapters of the *De iuribus Romani imperii* which were not known to him, and in a few places, lengthy passages from d'Ailly's abbreviation have been omitted.

By an irony of history, d'Ailly achieved the notoriety of condemnation in 1474, but not the acknowledgement for his contribution to the *editio princeps* of *Dialogus* in 1476. Like the printers, he remained anonymous. Nevertheless, the appearance of his abbreviation in the *editio princeps* of *Dialogus* testifies to the manner in which the transmission of the *Abbreviatio* had become linked with *Dialogus*, and also to the lasting appreciation

55 cf. Gabriel, A., "Via Antiqua and Via Moderna and the Migration of Paris Students and Masters to the German Universities in the Fifteenth Century", *Antiqui und Moderni, Miscellanea Mediaevalia* 9, pp. 452-453. Berlin and New York, Walter de Gruyter (1974)

of the utility value of d'Ailly's abbreviation. The process continued with the copying of the first printed text of the second and third parts of *Dialogus*, together with what is substantially d'Ailly's abbreviation of those parts, in Lambeth Palace Library cod. 168, some time in the late fifteenth or early sixteenth century⁵⁶. While it seems extremely unlikely that d'Ailly's authorship of the abbreviation was not known to those responsible for the *editio princeps* of *Dialogus*, there was nothing to identify him when it came to the copying of Lambeth Palace Library cod. 168.

The *Abbreviatio dyalogi Okan* has remained unedited ever since. It is hoped that this thesis will both supply the need for a critical edition and help to resolve the uncertainties about the dating, purpose and nature of the work. Where the abbreviation originally served as a useful index to the *Dialogue*, it can now provide a needed index to the nature and extent of Ockham's influence on d'Ailly, which continues to be a subject of discussion.

56 cf. James, M.R., and Jenkins, C., *A Descriptive Catalogue of the Manuscripts in the Library of Lambeth Palace*, Part II, p. 265. Cambridge, University Press (1931)

THE EDITION

The basis for the edition is ms. Bibliothèque Nationale 14579, fos. 75-88^V. (siglum, Pn). This is the earliest complete manuscript of the *Abbreviatio dyalogi Okan*, and the particular qualities of the scribe, Guillaume de Longueil, have been attested by Gilbert Ouy (1979: 369-370). In some instances it is the only manuscript to get things right, e.g., at the confusing *Abbrev.* I, 2, 19, line 194 (*cf. infra*, p. 12); but it is not impeccable.

Because of the nature of the abbreviation, I have been able to make a detailed comparison point by point with Ockham's text in *Dialogus*, adopting the general principle that a reading from even a single manuscript which gave verbatim agreement with Ockham's text was to be preferred to all other readings. Where there is no verbatim agreement, closeness to the sense of Ockham's text has been taken as a guide. In the absence of a modern critical text of *Dialogus*, I have used Goldast's edition of 1614.

The text of ms. Arsenal 517, fos. 1-15 (siglum, Pa) is corrupt: there are many omissions and careless scribal errors. Nonetheless, there are a few occasions, e.g., *Abbrev.* I, 2, 25, line 214 (*cf. infra*, p. 13), and *Abbrev.* III, 1, 2, line 31 (*cf. infra*, p. 96), where I have followed the reading given by Pa because it agrees with *Dialogus* against the other manuscripts.

Köln, Stadtarchiv, ms. GB f^o 76 (siglum, K), although relatively late, and containing many variants, is of particular value; perhaps it is a corrected recension of *Abbrev.* From time to time it offers a better reading than the earlier manuscripts, because nearer to Ockham's text in *Dial.*, e.g., *Abbrev.* I, 1, 4, lines 21-23 (*cf. infra*, p. 2), and *Abbrev.* I, 1, 5, lines 2 and 172 (*cf. infra*, pp. 28, 36).

The readings given in the text of the abbreviation in the *editio princeps* of *Dialogus* (siglum, *ed.*) agree sometimes with Pn and sometimes with Pa. Instances where *ed.* has it right against both Pn and Pa suggest that some recourse has been had to the text of *Dialogus*, e.g., at *Abbrev.* I, 1, 1, line 5 (*cf. infra*, p. 1), *Abbrev.* I, 1, 4, line 21 (*cf. infra*, p. 2), and *Abbrev.* III, 2, 25, line 208 (*cf. infra*, p. 117), but this has not been done consistently; there are many discrepancies, for example, in chapter numbering between *Abbrev.* and *Dial.*, and II *Dial.* is divided differently. Lengthy passages from d'Ailly's abbreviation have been omitted at *Abbrev.* III, 2, 15, lines 117-130 (*cf. infra*, p. 113) and *Abbrev.* III, 3, 5, lines 40-53 (*cf. infra*, p. 120).

Unless sense demands otherwise, I have followed Pn for word order, spellings used with consistency, and arabic numerals.

Titles, words, figures or letters omitted from all versions, judged necessary by me, are enclosed within parentheses. *Abbreviatio dyalogi Okan* is the description of the work given in the colophon of both Pn and Pa, and

that is how it has generally been referred to; accordingly, I have used it as the title in preference to the alternative, *Tabula ...*, adopted by Pa and ed.

Those portions of d'Ailly's text which are the *ipsissima* (though selected) *verba* of Ockham have been italicized. Where d'Ailly alters or distorts Ockham's sense, this has been indicated in the notes. When the context is a quotation within Ockham's text, this has been indicated by the use of single quotation marks.

For the sake of convenience, lines have been numbered continuously by book rather than by chapter. References to the *Abbreviatio* itself have been given using d'Ailly's own terminology. Thus *Abbrev.* I, 2, 5 refers to *Tractatus I, Liber 2, Capitulum 5*, with line numbers following. Cross references from *Dial.* and *Abbrev.* to d'Ailly's other writings are given in the notes.

The style of the edition has been modelled on that used by H.S. Offler in his edition of Ockham's political works, with a view to comparison between the text of *Abbrev.* and the text of *Dial.* when the edition of that monumental work is completed.

THE MANUSCRIPTS

Pn Paris, Bibliothèque Nationale, ms. lat. 14579.

Parchement and paper, beginning of the fifteenth century, 295 x 210 mm., 343 ff., single column, several hands. Contents: collection of treatises of Pierre d'Ailly, Nicholas Oresme, Henry of Langenstein, Jean Gerson, etc. D'Ailly's *Abbreviatio dyalogi Okan*, *Tractatus de anima*, and *Tractatus super Boethium de consolatione philosophiae* are together, from fol. 75 to fol. 154^v.

From the Abbey of Saint Victor in Paris, bearing the press-mark FFF 10 in the catalogue made by Claude de Grandrue in 1514. Originally it belonged to Simon de Plumetot (+ 1443), and is partly written by him, but the *Abbreviatio dyalogi Okan*, fos. 75-88^v (anc. fol. 88-101^v), was copied by Guillaume de Longueuil, one of three scribes who worked for Simon. It is in clear chancellery cursive.⁵⁷ The reference to d'Ailly as a cardinal (colophon, fol. 88^v) indicates that it was copied no earlier than 1411.

Pa Paris, Bibliothèque de l'Arsenal, ms. 517.

(Described in Martin, H., *Catalogue des manuscrits de la Bibliothèque de l'Arsenal*, I, p. 366, Paris, 1885, and adverted to by Ferét, P., in *La Faculté de Théologie de Paris et ses docteurs les plus*

57 My description of Bib. Nat. 14579 is based on information provided by Mme. J. Sclafer of the Department of Manuscripts, Bibliothèque Nationale, and on the article by Gilbert Ouy (1979) on Simon de Plumetot and his library. The specific piece of information that it was Guillaume de Longueuil who copied the *Abbreviatio* was communicated to me by Ouy in a letter of 12/11/'79.

célèbres, vol. 4, p. 218, n.5, Paris, 1897; but later references to d'Ailly's abbreviation of the *Dialogue* have referred exclusively to ms. Bib. Nat. 14579.)

Parchment and paper, fifteenth century, 291 x 213 mm., 303 ff., double column. Contents: William of Ockham, the *Dialogue*, with the table or abbreviation of Pierre d'Ailly. One scribe has written from fol. 17 to fol. 75^v; another has completed the volume and has copied d'Ailly's abbreviation (fos. 1-15). At fol. 1, a later hand has added the superscription, *Tabula dialogi Ocham compilata per cardinalem Petrum de Alliaco*.

From the library of the Great Augustine monastery in Paris.

The watermark at fol. 15 is of a very widespread type, identified by Briquet as "ecu à la fleur des lis au lambel à 3 pendants surmonté de la croix de la passion", with examples extending from 1428 to 1577. The absence of the nail in the shaft of the cross is a feature that the watermark of Arsenal 517 shares with a small group dated between 1467 and 1485; on this evidence, Arsenal 517 was written on paper made in central France (the armorial is that of Orleans) probably not before about 1430 and possibly not for thirty years or so later⁵⁸.

58 cf. Briquet, C.M., *Les Filigranes. A Facsimile of the 1907 Edition, with supplementary material contributed by a number of scholars*, ed. A. Stevenson. 4 Vols. Amsterdam, Labarre Foundation (1968). Vol. 1, pp. 397, 121-124; vol. 3, Nos. 1541-1576. I am indebted to Mme. F. Bertrand Py of the Department of Manuscripts, Bibliothèque de l'Arsenal, who provided me with a tracing of the watermark of ms. Arsenal 517, and also to H.S. Offler for his expert opinion on the dating.

K Köln, Stadtarchiv, ms. GB f^o 76.

(Described in Vennebusch, J., *Die theologischen Handschriften des Stadtarchivs Köln*. Teil I.

Die Folio-Handschriften des Gymnasialbibliothek.

Mitteilungen aus dem Stadtarchiv von Köln.

Sonderreihe: Die Handschriften des Archivs, Heft I, pp. 59-61. Köln-Wien, Böhlau Verlag, 1976)

Paper, fifteenth century, 290 x 210 mm., 315 ff., single column. Contents: William of Ockham, the *Dialogue*, Parts I and II; Pierre d'Ailly, abbreviation of the first two parts of the *Dialogue* (fos. 297^v-313^v).

From the Carmelite convent, Cologne. Dated by Vennebusch about 1470 on the evidence of the watermarks.

ed. *Editio princeps* of *Dialogus*. Two vols., printed in Paris, dated 5 July, 1476.

(Several exemplars are described in *Catalogue général des livres imprimés de la Bibliothèque Nationale*, vol. 126, cols. 363-364. Paris, Imprimerie Nationale, 1934. I have used the version of d'Ailly's abbreviation at fos. 1-14 of volume one and fos. 1-18 of volume two of Bib. Nat. Rés. D. 2194, which once belonged to the Sorbonne Library.)

Contents: volume one: Part I of the *Dialogue*, with d'Ailly's abbreviation of that part; volume two: Parts II and III of the *Dialogue*, and the *Compendium of Errors of John XXII*, with d'Ailly's abbreviation of II and III *Dial.* continued and extended to the *De potestate papae et cleri* and chapters 16-23 of the *De iuribus Romani imperii*.

The print is small but very neat; double column; abbreviations are used consistently.

Recent evidence produced by A.L. Gabriel (1974: 452-453) indicates that the anonymous printers were

not the Germans, Petrus Caesarius Wagner and Johannes Stoll, as suggested in the *Hain Repertorium* number 11937, but the printers working at the sign of the *Soufflet vert* in the Rue St. Jacques: Louis Simond from Bourges, Richard Blandin from Evreux, and others, who were perhaps breakaway apprentices of Wagner and Stoll.

L London, Lambeth Palace Library, cod. 168.

(Described in James, M.R., and Jenkins. C., *A Descriptive Catalogue of the Manuscripts in the Library of Lambeth Palace*, Part II: Nos. 98-202, p. 265. Cambridge, University Press, 1931)

Paper and vellum, 285 x 200 mm., 314 ff., single column. Late fifteenth or early sixteenth century. Contents: Ockham, II and III *Dial.*; *Compendium of Errors of John XXII*; at fos. 1-23, d'Ailly's abbreviation of II and III *Dial.*, continued and extended to the *De potestate papae et cleri* and chapters 16-23 of the *De iuribus Romani imperii*.

Textual comparison leaves no doubt that L has been copied from volume two of the *editio princeps* of *Dialogus*.

ABBREVIATIONS AND EDITIONS

- Abbrev.* D'Ailly, *Abbreviatio dyalogi Okan*
- Bourgeois du Chastenet Bourgeois du Chastenet, H., *Nouvelle histoire du Concile de Constance*, Paris (1718)
- Chart. Univ. Paris.* *Chartularium Universitatis Parisiensis*, ed. H.S. Denifle and E. Châtelain, 4 vols., Paris (1889-1897)
- De legitimo dominio* D'Ailly, *Questio de legitimo dominio*, ed. L.E. Dupin, *Joannis Gersonii : Opera Omnia*, I, cols. 641-646. Antwerp (1706)
- De potestate ecclesiastica* D'Ailly, *Tractatus de potestate ecclesiastica*, ed. Dupin, II, cols. 925-960
- Dial.* William of Ockham, *Dialogus*, in Goldast, *Monarchia*, Vol. 2
- Duchesne Duchesne, L., *Le Liber Pontificalis: Texte, Introduction et Commentaire*. Paris. Vol. 1, 2nd. edn. (1955); Vol. 2 (1892)
- Dupin Dupin, L.E., *Joannis Gersonii : Opera Omnia*. 5 vols. Antwerp (1706)
- Glorieux, "L'oeuvre littéraire de Pierre d'Ailly."
Glorieux, P., "L'oeuvre littéraire de Pierre d'Ailly: Remarques et précisions." *Mélanges de science religieuse* 22, 61-78 (1965)
- Goldast Goldast, M., *Dialogus Guilhelmi de Ockam*, in *Monarchia Sancti Romani Imperii*, Vol. 2, Frankfurt (1614)
- Oakley Oakley, F., *The Political Thought of Pierre d'Ailly : The Voluntarist Tradition*, New Haven and London (1964)
- PG Migne, J.P., *Patrologiae cursus completus : Series Graeca*. 161 vols. Paris (1857ff.)

- PL Migne, J.P., *Patrologiae cursus completus : Series Latina*.
221 vols. Paris (1844ff.)
- Questio de reprehensione Petri apostoli a Paulo.* D'Ailly,
ms. lat. 3122, fos. 64-66, Bibliothèque Nationale
- Recomm. sac. scrip.* D'Ailly, *Recommendatio sacrae scripturae*,
ed. Dupin, I, cols. 603-610
- Res.* D'Ailly, *Questio de resumpta*, ed. Dupin, I, cols. 672-693
- Salembier, "Bibliographie." Salembier, L., "Bibliographie des
oeuvres du Cardinal Pierre d'Ailly, évêque de Cambrai (1350-
1420)." *Le Bibliographe Moderne* 12, 160-170 (1908)
- Sent.* D'Ailly, *Questiones super primum, tertium et quartum
Sententiarum*. Paris, Jean Petit (1505)
- Sermons* *Les Sermons de Jean XXII sur la Vision Béatifique*, ed.
M. Dykmans, Rome (1973)
- Tractatus contra Ioannem de Montesono* D'Ailly, *Tractatus ex
parte Universitatis Studii Parisiensis pro causa fidei contra
quemdam fratrem Johannem de Montesono*, ed. C. du Plessis
d'Argentre, *Collectio iudiciorum de novibus erroribus*, I, (2),
75-129. Paris (1728)
- Tractatus de materia concilii generalis* D'Ailly; ed. F.
Oakley in *The Political Thought of Pierre d'Ailly*, pp. 252-342
- Traité* "Fragments du Traité de Jean XXII sur la Vision béatifique",
ed. M. Dykmans, *Recherches de théologie ancienne et médiévale* 37,
232-253 (1970)
- Utrum indoctus* D'Ailly, *Utrum indoctus in iure divino possit iuste
praeesse in ecclesiae regno*, ed. Dupin, I, cols. 646-662
- Vesp.* D'Ailly, *Questio vesperiarum*, ed. Dupin, I, cols. 662-671

Vulg. Biblia sacra iuxta Vulgatam versionem, ed. R. Weber,
2 vols., Stuttgart (1969)

Column numbers following citations from the *Corpus Iuris Canonici* refer to the edition of E. Friedberg, Leipzig (1879-1881). Glosses to the canon law have been verified from *Decretum Gratiani cum glossis*, Lyons (1584), and *Decretales d. Gregorii Pape IX cum glossis*, Venice (1584). Biblical glosses have been verified from *Biblia sacra cum glossa ordinaria*, 6 vols., ed. L. de St. Martin and J. Gallemart, Antwerp (1617).

SIGLA

Pn Paris, Bibliothèque Nationale, ms. lat. 14579, fos. 75-88^v

Pa Paris, Bibliothèque de l'Arsenal, ms. 517, fos. 1-15

K Köln, Stadtarchiv, ms. GB f^o 76, fos. 297^v-313^v

ed. *Editio princeps* of *Dialogus*, 2 vols., Paris (1476)
Bibliothèque Nationale, Rés. D. 2194, vol. 1, fos. 1-14;
vol. 2, fos. 1-18

L London, Lambeth Palace Library, cod. 168, fos. 1-23

(ABBREVIATIO DIALOGI OKAN)

Dyalogus doctoris venerabilis magistri Guillermi Okan tres tractatus continet, quorum primus, qui est *de hereticis*, habet *septem libros*.

(TRACTATUS I)

(Liber 1)

Primus liber investigat *ad quos, theologos scilicet vel canonistas, principaliter pertinet diffinire que assertiones catholice vel etiam que heretice, qui etiam heretici vel etiam catholici debeant reputari*. Et continet post prologum quindecim capitula. 5

Primum capitulum proponit questionem tractandam in primo libro. Et distinguit de hoc termino, *diffinire*. 10
Et consequenter inducit tres rationes *quod ad canonistas principaliter pertinet diffinire per modum doctrine* que assertiones sint catholice vel heretice, sed hoc ad papam vel concilium auctoritative.

2^m capitulum inducit 8 rationes quod ad solos theologos pertinet dicta diffinitio doctrinalis. 15

3^m capitulum invehit contra ignorantiam canonistarum. Et solvit rationem primam capituli primi.

Sequitur tabula super Dyalogo Okam compilata per reverendum in Christo patrem et dominum Petrum de Aliaco quondam Cameracensis episcopum et Cardinalem Pa; Tabula Dialogi Ocham compilata per cardinalem Petrum de Alliaco *manu recentiore* Pa; Incipit epylogus duorum primorum tractatuum dyalogi magistri G. Ockam editus ab excellentissimo sacre theologie professore domino Petro de Allyaco quondam cardinalis sancti Grisogoni episcopo Cameracensis K; *nullum titulum exhibent* Pn, ed.

1 doctoris venerabilis <i>om.</i> K	5 vel: an K
5 pertinet: spectet K	diffinire: distinguere Pn, Pa; determinare K
6 vel etiam <i>om.</i> K	7 vel etiam: qui K
10 primo: hoc K	termino: tercio Pn
11 rationes probantes <i>add.</i> K	
12 pertinet: spectet K	per modum doctrine: doctrinaliter K
13 sint censende <i>add.</i> K	vel: et que K
sed: licet K	
14 spectet auctoritative <i>add.</i> K	15 inducit: probat K
15 rationes: rationibus K	16 pertinet: spectet K
17 canonistarum: iuristarum K	



4^m capitulum solvit 2^{am} rationem primi capituli
dicendo quod ecclesia capitur multis modis. Aliquando 20
pro loco corporali. Aliquando pro aliquo collegio
speciali clericorum. Aliquando pro tota multitudine
omnium clericorum. Aliquando pro aliqua multitudine
speciali cleri et pape. Aliquando pro tota congregatione 25
fidelium simul in hac vita mortali degentium. Aliquando
pro tota congregatione fidelium simul tam viventium quam
mortuorum; et hoc modo capit Augustinus in libro contra
Manicheos, et recitatur di. 11, 'Palam'. Et sic
intelligitur illud Augustini: 'Non crederem euangelio
nisi me commoveret ecclesie auctoritas.' Unde finaliter 30
concluditur et probatur auctoritatibus canonum quod maior
est auctoritas euangelii quam auctoritas conditoris
canonum aut totius multitudinis Christianorum nunc in
vita mortali degentium.

20 dicendo - multis: distinguendo de hoc homine ecclesia quod
capitur multipliciter K

21 collegio: loco Pn, Pa

22-3 Aliquando pro tota multitudine omnium clericorum om. Pn, Pa, ed.

23 tota aliqua add. K 25 mortali om. K

26 simul om. K

27 capit Augustinus: capitur ab Augustino K

31 probatur: probat K 32 conditoris om. Pa, ed.

32 quam sit add. K 34 vita mortali: hac vita K

27-8 c.9, di.11, col.25= Augustine, *Contra Faustum*, PL 42, col.246

29-30 cf. Augustine, *Contra epistolam Manichei quam vocant fundamenti*,
PL 42, col.175: "Ego vero evangelio non crederem, nisi me
catholicae ecclesiae commoveret auctoritas." Ockham renders
this in *Dial.* as *non crederet evangelium, nisi eum auctoritas
ecclesiae compelleret*, but d'Ailly has restored the quotation,
and cites it in this form in *I Sent.*, Q.1, Art.3, fo.50^v,
and in *Res.*, cols. 691-2. Note that in *Vesp.*, col.666,
however, d'Ailly is following the paraphrase given in *Dial.*

On the growth in the late middle ages of a 'two-sources'
theory of revelation, cf. Tavard, G., *Holy Church Or Holy
Writ?*, London, Burns & Oates (1959); Oberman, H.A., *The Harvest
of Medieval Theology*, Harvard University Press (1963); Tierney,
B., "Sola Scriptura and the Canonists", *Studia Gratiana*, 11,
345-66 (1967), and *The Origins of Papal Infallibility 1150-1350*,
Leiden, Brill (1972). D'Ailly's position is more complex and
more carefully nuanced than has generally been recognised; cf.
especially his discussion of Augustine's famous dictum and
how it is to be understood, *I Sent.*, loc. cit., 49^v-50^v, where
the apparent duality between Scripture and Church is minimised.

5^m capitulum solvit 3^{am} *rationem* primi capituli, 35
ostendens quomodo ad papam pertinet *symbolum ordinare*.

6^m capitulum invehit in canonistas presumptuosos,
ostendens quid ad eos pertinet.

7^m capitulum movet dubitationem *ad quos*, theologos
scilicet vel canonistas, *pertinet principalius et* 40
profundius cognoscere intellectum eorum que in decretis
continentur. Et arguit quod ad canonistas.

8^m capitulum recitat opinionem contrariam, scilicet
quod ad canonistas spectat de multis que reperiuntur in
libris eorum maiorem habere memoriam, et hoc precipue 45
in positivis et hiis *que ex causa* possunt temporaliter
variari; de pluribus autem et tenaciorem memoriam et
profundiolem intellectum habere spectat ad theologos vel
aliarum scientiarum peritos, secundum quod diversa in
libris canonicis ex aliis scientiis colliguntur. 50

Nonum capitulum obicit contra unum dictum in
precedenti capitulo. Et consequenter arguit 3 rationibus
pro eodem. Et ibi nota exemplum de quodam episcopo qui
commentavit libros beati Dyonisii, et fuit in curia
accusatus, sed *ad obiecta iurium*, licet *purus theologus* 55
et philosophus, evidenter respondit.

40 vel: an K pertinet: spectet K 45 eorum: suis K

46 in: de K 50 ex: et K

53 eodem: illo K Nota exemplum de quodam episcopo pure theologus
etc., *in marg. add.* Pa

56 philosophus esset *add.* K

53-6 That the person referred to was a bishop has apparently been added by d'Ailly; it is not to be found in printed *Dial.* The composition of details in Ockham's *exemplum* suggests that the hero is Robert Grosseteste, bishop of Lincoln 1235-53, rather than other possible candidates, among them, Albert the Great. Renowned as philosopher, theologian, and commentator on the pseudo-Dionysius, Grosseteste was involved in contentious cases at the court of Innocent IV at Lyons in 1245 and 1250; it would seem that Ockham has drawn freely on both episodes in order to illustrate the general point about canonists and theologians, and that his *exemplum* echoes a number of details that can be found in Matthew Paris, *Chronica Majora*, ed. H.R. Luard, London, Rolls Series 57, vol. iv, pp. 390-1, 497-501 (1877), and vol. v, pp. 97, 117, 393 (1880); and Callus, D.A. (ed.), *Robert Grosseteste: Scholar and Bishop*, Oxford, pp. xix-xxii, 56-61, 171-77, 209-15 (1955)

Decimum capitulum solvit obiectum precedentis.

Undecimum capitulum movet questionem *an ad theologos vel canonistas spectat inter hereticos et orthodoxos sive catholicos discernere*. Et primo recitat opinionem quod 60 ad canonistas; deinde opinionem contrariam, quod ad theologos spectat quis reputari debeat hereticus, et quis catholicus iudicari, sed canoniste habent iudicare qua pena debent heretici secundum canonica iura puniri.

12^m capitulum movet dubium ad quos, theologos vel 65 canonistas, pertinet principaliter diffinire quis pertinaciter aut non pertinaciter adhereat heretice pravitati. Et arguit 3 rationibus quod non ad theologos.

13^m capitulum arguit oppositum predictae opinionis tribus rationibus. Et ostendit quod licet hoc nomen 70 *pertinacia in euuangelio non habeatur*, tamen *Christus in euuangelio Iudeorum pertinaciam reprehendit*.

14^m capitulum solvit rationes 12ⁱ capituli. Et ibi nota quibus modis potest quis convinci de pertinacia, tam in iudicio quam extra iudicium. Et ideo omnis 75 *contumacia est pertinacia, sed non econtra*.

15^m capitulum recapitulat que ad canonistas et que ad theologos circa hereticos pertinent iudicare. Sequitur 2^{us} liber.

(Liber 2)

Secundus liber investigat que assertiones heretice aut catholice sunt censende. Et continent 32 capitula.

- 59 orthodoxos sive om. K 61 quod id add. K
 62 spectat: pertineat K
 62-3 quis¹ - iudicari: determinare K
 63 iudicare: determinare seu iudicare K
 64 debent: debeant K canonica iura: canones K
 65 scilicet theologos add. K 66 pertinet: pertineat K
 67 adhereat: adheret K 69 opinionis: opinioni K
 73 Nota quotmodis quis potest convinci de contumacia et pertinacia
 in marg. add. Pa
 78 circa hereticos: de hereticis K 79 Sequitur - liber om. Pa, K, ed.
 1 investigat: inquirat K Tabula 2ⁱ libri *in marg. add. Pa*
 2 sunt: sint K

Primum capitulum proponit questionem, que veritates sunt reputande catholice. Et recitat unam opinionem cum suis motivis, scilicet quod ille sole veritates sunt reputande catholice et de necessitate salutis firmiter credende que in canone biblie explicite vel implicite continentur, et que ibi sub forma propria habentur, vel ex ibi contentis consequentia formali et necessaria sequuntur. 5 10

2^m capitulum recitat opinionem predictae opinioni adversam, distinguens diversas veritates secundum magis et minus ad fidem catholicam pertinentes.

3^m capitulum inducit auctoritates et rationes ad probandum dicta in precedenti capitulo, scilicet quod aliquibus veritatibus, utpote aliquibus determinationibus ecclesie, sanctionibus sedis apostolice, determinationibus et diffinitionibus Romanorum pontificum, auctoritatibus sanctorum per ecclesiam approbatorum, et historiis vel cronicis quibus ecclesia utitur, oportet firmiter adherere, licet nec in sacris scripturis habeantur, nec ex solis contentis in eis necessario argumento possint inferri, sive tales veritates stricte loquendo catholice debeant reputari sive non. 15 20

Quartum capitulum tangit breviter duas adversas opiniones, quarum una dicit quod universis conciliis generalibus et omnibus summis pontificibus in hiis que diffiniunt est credendum, et omnibus sanctis scripture sacre tractatoribus etiam oportet credere, licet ea que dicant per scripturam sacram nequeant demonstrare. Alia 25 30

- | | |
|--|-------------------------------------|
| 3 questionem predictam <i>add.</i> K | 4 sunt reputande: censende sint K |
| 5 scilicet <i>om.</i> K | 6 reputande: censende K |
| 7 credende: tenende <i>ed.</i> | 9 in ibi <i>add.</i> K |
| 9-10 formali et <i>om.</i> K | 10 sequuntur: consequuntur K |
| 12 adversam: oppositam K | 15 probandum: quedam Pa, <i>ed.</i> |
| 22 eis: ea K argumento <i>om.</i> K | 26 universis: omnibus K |
| 27 et omnibus: ac K | 28 similiter et <i>add.</i> K |
| 28-9 sanctis scripture sacre: sacrosancte scripture <i>ed.</i> | |
| 29 etiam <i>om.</i> K licet etiam <i>add.</i> K | 30 nequeant: nesciant K |

vero dicit quod licet assertioni generalium conciliorum sit universaliter adherendum, licet etiam multis decretis vel decretalibus ac diffinitionibus Romanorum pontificum et pluribus opusculis sanctorum doctorum, pro quanto ea que in eis inveniuntur constat esse consona catholice 35 veritati, oportet catholicos consentire, non tamen eo ipso quod Romani pontifices vel sancti tradunt aliquid esse tenendum est hoc tamquam consonum veritati catholice necessario acceptandum. De generalibus autem conciliis et Romanis pontificibus reservat usque inferius. Sed de 40 sanctorum opusculis duas recitat conclusiones predictae opinionis. Prima est quod non eo ipso quod aliquis sanctus aliquid dicit esse credendum est a fidelibus tamquam veritati catholice consonum approbandum. Nam sancti quandoque contra veritatem catholicam erraverunt. 45 2^a est quod non omnibus sententiis que inveniuntur in sanctorum opusculis iam per ecclesiam divulgatis est firmiter adherendum. Nam inter se quandoque reperiuntur contrarii. Et ubi nota de approbatione doctrinarum ab ecclesia. 50

33 vel om. K ac: vel K

34 opusculis scripsi; epistolis Pn, Pa, ed.; dictis K

34 quanto: quatenus K

36 oportet catholicos consentire: oporteat adherere K

38-9 est -- acceptandum om. Pa, ed. 40 Romanis: summis K

42 est om. K quod²: quo K 43 tenendum credendum add. Pn

43 esse credendum om. ed. illud est add. K, ed.

46 est cm. K

40-50 Pursued at greater length by d'Ailly in his *Questio de reprehensione Petri apostoli a Paulo*, and *Tractatus contra Ioannem de Montesono* pp. 115-129

48-9 The examples Ockham gives - Jerome and Augustine, Cyprian and Augustine, Peter and Paul - are repeated by d'Ailly in *IV Sent.*, O. 3, Art. 1, fo. 240 B-D, and *Tractatus contra Ioannem de Montesono* p. 120

Quintum capitulum recapitulat secundum predictam
 opinionem *quinque genera veritatum quibus non licet*
Christianum aliquo modo dissentire. Primum est earum
que in scriptura sacra habentur, vel ex eis argumento
necessario possunt inferri. 2^m est earum que ab apostolis 55
ad nos per succedentium relationem vel scripturas fide
dignas pervenerunt, licet in scripturis sacris non
inveniuntur inserte, nec ex eis solis possunt necessario
argumento concludi. 3^m est earum quas in fide dignis 60
cronicis vel historiis relationibus fidelium invenimus.
4^m est earum que ex veritatibus primi generis et
secundi tantum modo, vel ex eis aut alteris earum una
cum veritatibus 3ⁱⁱ generis, possunt manifeste concludi.
5^m est earum quas Deus preter veritates revelatas 65
apostolis, aliis revelavit vel inspiravit, aut revelaret
vel inspiraret, que revelatio vel inspiratio ad
universalem ecclesiam pervenit vel perveniret. Veritates
quas ecclesia determinat vel diffinit sub aliquo 70
predictorum generum secundum illam opinionem continentur,
quia ecclesia rite procedens nichil diffinit nisi
fundando se in eis. 70

Sextum capitulum movet questionem, quid est heresis.
 Et ponit diffinitionem heresis secundum unam opinionem

51 Nota de 5 generibus veritatum *in marg. add. Pa*

53 aliquo modo *om. K*

58-9 necessario argumento: necessaria consequentia *K*

60 relationibus: religionem *Ph, Pa, ed.*; alias relationibus *add. K*

62 modo *om. K* 65 vel ¹: aut *K*

66 sine dubitatione *post inspiratio add. ed.*

67 Omnes veritates *add. ed.* 68 determinat vel *om. K*

72 Nota quod est heresis *in marg. add. Pa*

73 eius diffinitionem *add. K* heresis *om. K*

66 *Dial. I, 2, 5* has *absque dubitatione*

67 *Dial. I, 2, 5* has *Omnes veritates*

quod est dogma falsum fidei contrarium orthodoxe; cui concordat dictum Ieronimi, 24 q.3, 'Inter scisma', ubi ponit quod heresis est 'peruersum dogma'. Et non capit peruersum pro qualicumque pernicioso seu nociuo, quia multa sunt talia dogmata que non sunt hereses; sed capit peruersum pro pernicioso in doctrina religionis, quemadmodum ponit Augustinus 'unum genus mendacii' in doctrina religionis. 75 80

Septimum capitulum obicit contra predictam descriptionem, quia quandoque sunt nove hereses, et numquam sunt nove falsitates in fide que non prius fuerint contraria fidei orthodoxe. 85

Octavum capitulum solvit predictam obiectionem uno modo quod nulla heresis proprie est nove, sed dicitur nova quia noviter publicata vel dogmatizata; alio modo quod sicut fides quandoque capitur pro actu vel habitu credendi, quandoque pro obiecto talis habitus vel actus, ita similiter heresis. Primo modo multe possunt esse nove hereses, 2^o modo non nisi ad sensum predictum. 90

Nonum capitulum adhuc obicit contra predictam descriptionem ex dicto Ieronimi ubi supra dicentis quod 'Heresis Grece ab electione dicitur, eo scilicet quod per eam eligit unusquisque doctrinam quam putat esse meliorem'. 95

75 Cum inter scisma *add. ed.*

84 numquam sunt: tamen non sunt K 91 ita: et K

94 dicto: dictis K

94 ubi supra dicentis: quod ubi supra Pn; dicentis K; ubi scilicet *ed.*

95 scilicet *om.* Pa, K 96 elegit sibi *add.* K

96 unusquisque: quisque K esse *om.* K

74-6 *cf.* D'Ailly at the Council of Paris, 1406, Bourgeois de Châstenet, *Preuves*, p. 159

75-6 c.27, C.24, q.3, col. 997 = Jerome, *Comment. in ep. ad Titum*, PL 26, col. 633

80-1 *cf.* Augustine, *In ep. Ioann. ad Parthos*, PL 35, col. 2000

94-6 *cf.* Jerome, *Comment. in ep. ad Gal.*, PL 26, col. 445. D'Ailly's citation differs both from the canon at c.27, C.24, q.3, cols. 997-8, and from *Dial.* 1, 2, 9

Decimum capitulum solvit predictam obiectionem, ostendens quod non omnis electio doctrine false et ecclesie contrarie debet heresis reputari, et quod assertiones infidelium non sunt hereses. 100

Undecimum capitulum inquit an omnes assertiones que quomodolibet sacre scripture adversantur sint inter hereses computande. Et recitat unam opinionem quod multe assertiones sunt que in rei veritate adversantur sacre scripture, sed quia non sunt ab ecclesia condempnate, non sunt inter hereses computande; sed postquam assertiones divine scripture contrarie sunt vel fuerunt per summum pontificem condempnate, pro heresibus sunt habende. Et ita de veritatibus catholicis dicunt isti proportionaliter. Propter quod dicunt quod papa potest facere novum articulum fidei, et quod assertio que prius non fuit heretica, postea per condemnationem eius fiat heretica. Et inducit ad hanc opinionem auctoritates et rationes. 105 110 115

Duodecimum capitulum recitat opinionem contrariam predictae, scilicet quod veritates fidei sunt immutabiles et immutabiliter catholice sine quacumque approbatione ecclesie, nec ecclesia vel papa potest facere novum articulum fidei, nec de assertionem non hereticam hereticam; sed ecclesia aliquam heresim condempnando determinat et diffinit eam esse et fuisse hereticam. Unde ad hoc facit 4 rationes. 120

- | | |
|--|-----------------------|
| 105 rei om. K | 107 inter om. K |
| 107 computande: reputande K | 108 vel fuerunt om. K |
| 109 summum pontificem: papam K | |
| 111 proportionaliter: proportionabiliter K | |
| 114 ad hanc opinionem: pro hac opinione K | |
| 117 predictae om. K | 121 sed: et Pa, ed. |
| 122 et diffinit om. K hereticam om. Pa | |
| 123 Unde: Et K Unde - rationes om. Pa | |

111-14 This was the view of the English canonist, Alanus, and was repeated in the *Rosarium super decreto* of Guido de Baysio; cf. Tierney, *art. cit.*, p. 358 and n.21

13^m capitulum solvit rationes 11ⁱ capituli, ostendens quod Greci et alii qui nunc per ecclesiam reputantur 125 heretici etiam ante determinationem erant heretici sed erant occulti, declarans etiam quomodo determinatio seu diffinitio pape *plus operatur quam determinatio doctoris*.

14^m capitulum invehit in canonistas ineruditos in theologia qui ex ignorantia veri intellectus scripture 130 sacre in suis iuribus allegare vel veritatis catholice ibi approbate, presumunt astruere *quod papa potest facere novum articulum fidei*. Et consequenter distinguit quod *articulus fidei* uno modo *accipitur stricte pro veritate catholica in symbolo auctentico sub propria forma* 135 *inserta*, sic non capitur hic; alio modo *pro omni veritate catholica*.

15^m capitulum movet questionem, *an heresis sit species specialissima vel sub se plures species habens*. Et distinguit iuxta duas de veritatibus catholicis 140 contrarias opiniones superius recitatas, etiam diversos modos heresum.

16^m capitulum recitat opinionem quorundam quod *preter hereses predictas sunt quidam alii errores mortiferi et sapientes heresim qui tamen non debent stricte hereses* 145 *appellari*. Et consequenter distinguit tres modos errorum tam hereticorum quam sapientium heresim quorum quilibet plures partiales modos sub se continet. *Primus est illorum errorum qui solis contentis in scriptura divina repugnant; secundus eorum qui doctrine apostolice extra* 150

126 sed: si K

127 occulti: pertinaces Pn, Pa, K

131-2 vel - approbate *om. ed.*

132 ibi: in Pa

132 presumunt: presumant Pa

134 accipitur: capitur K

137 Et sic accipitur hic *post catholica add. ed.*

139 sub se: sit species *ed.* habens: habeat K

141 etiam: et K

146 appellari: dici K

149 solis: formaliter *ed.*

140-1 *cf. Abbrev. I, 2, 5*

146sq. D'Ailly reduces Ockham's five modes of error to three, conflating Ockham's third, fourth, and fifth modes.

*scripta eorum quoquo modo obviant: tertius eorum qui
revelatis ecclesie et alii veris que negari non
possunt impossibiles sunt, licet ex forma
propositicnum solis contentis in scripturis divinis
et solis revelatis ecclesie nequaquam appareant* 155
contrarie.

17^m capitulum inquit utrum omnis heresis sit per
ecclesiam condempnata. Et recitat unam opinionem que
tenet quod sic, et hoc per illud capitulum 'Dampnamus',
Extra, de hereticis, in quo dicitur: 'Excommunicamus et 160
anathematisamus omnem heresim extollentem se adversus
hanc sanctam', etc. Deinde distinguit quatuor modos
heresum explicite dampnatarum. Primus est earum que
specialiter et sub forma propria in condempnatione
ecclesie continentur. 2^{us} earum quarum contrarie in 165
determinatione ecclesie sub forma propria approbantur.
3^{us} est earum quarum contrarie in aliquo libro, volumine,
vel tractatu specialiter approbato tamquam catholico
sub propria forma continentur. 4^{us} earum ex quibus
patenter omnibus laicis usum habentibus rationis 170
sequitur aliqua heresis sub aliquo predictorum modorum
comprehensa. Hereses autem implicite condempnate dicuntur
ille de quibus viris literatis et in sacris scripturis
eruditis solum modo per subtilem considerationem patet
quomodo catholice veritati seu contentis in sacris 175
scripturis vel doctrina expressa universalis ecclesie
adversantur.

152 veris om. Pa, ed.	155 solis om. K
155 nequaquam: non K	157 utrum: an K
158-9 que tenet: tenentem K	159 et hoc om. K
160 in quo: ubi K	167 est om. K
171 predictorum: precedentium K	174 modo om. K

18^m capitulum declarat secundum predictam opinionem quod episcopi et inquisitores heretice pravitatis omnes tenentes pertinaciter heresim aliquo predictorum modorum 180 condempnatam explicite possunt legitime iudicare.

Tenentes autem hereses dampnatas tantum modo implicite iudicare non possunt; de talibus etiam (causam) ventilare possunt et investigando discutere, sed de eis nequeunt diffinitivam proferre sententiam. Sed huiusmodi hereses 185 asserens vel defendens summi pontificis vel generalis concilii est reservandus examini.

19^m capitulum facit tres instantias contra predictum. Prima est de universitate Parisiensi, que multas opiniones, etiam Thome de facto, ipso vivente, tamquam 190 erroneas condempnat; 2^a de duobus archiepiscopis Cantuariensibus, quorum primus erat doctor theologie in ordine predicatorum, 2^{us} erat doctor theologie in ordine minorum; 3^a de ordine minorum, qui doctrinam fratris Petri Ioannis condempnavit. 195

180 prius predictorum add. Pa

181 condempnatam: condempnatorum Pn, Pa

182 modo om. K 183-4 de talibus - possunt om. Pa

183 etiam: tamen K causam supplevi

184 sed de eis nequeunt: sed non K 186 asserens: tenens K

186 summi pontificis: pape K

190 Thome de facto ipso vivente: sancti Thome ipso etiam vivente K

192-3 doctor - ordine: magister in theologia ordinis K

193 doctor - in: magister in theologia de K

194 3^a de ordine minorum om. Pa, K, ed.

195 condempnavit: dampnaverunt K

183-4 *Dial.* I, 1, 18 has nec de talibus causam ventilare valet nec investigando discutere

189-91 cf. *Chart. Univ. Paris.*, I, No. 523, pp. 634-5, and Weisheipl, J., *Friar Thomas D'Aquino*, New York, Doubleday (1974) pp. 255-6 and n.30

191-4 Robert Kilwardby O.P. and John Pecham O.F.M.; cf. Weisheipl, *op. cit.*, pp. 337-3

194-5 At the General Chapter of Marseilles, 1319; cf. Partee, C., "Peter John Olivi: Historical and Doctrinal Study", *Franciscan Studies* 20, pp. 239-40 (1960)

20^m capitulum et alia usque ad 25^m solvunt predictas instantias.

25^m capitulum inquit *quo fundamento papa vel concilium generale debet inniti dampnando explicitè aliquam assertionem prius non dampnatam tamquam hereticam.* Et recitat duas opiniones, quarum una dicit *quod tante auctoritatis est papa quod ad placitum potest quamcumque assertionem tamquam hereticam dampnare.* Et hec opinio dicitur imitari opinionem sequacium *pape Sergii persecutoris pape Formosi, qui asserebant papam non posse dampnari, sed quod quicquid faceret, salvaretur.* Alia opinio est *quod papa et concilium generale ac etiam universalis ecclesia, si rite dampnat aliquam assertionem tamquam hereticam, stricte loquendo de assertione heretica uni vel pluribus de tribus fundamentis debet inniti.* *Primum est super sacram scripturam;* et adhuc dicunt aliqui quod istud solum fundamentum sufficit. *2^m est doctrina apostolica in scripturis apostolicis non redacta, sed relatione auctorum fidelium vel ex scripturis fide dignis ad nos pervenit.* Et isti

196 25^m capitulum - pape Formosi (*infra*) trs. Pa

198 quo: cui K

201 quarum *om.* K

201 dicit: est K

205 Sergii: Sagerii Pn; Sagery Pa

205 20^m capitulum - instantias (*supra*) post Formosi trs. Pa

206 posse: esse Pn

207 ac: aut Pa, K, *ed.*

210 de tribus: ex hiis tribus K

211 super sacram scripturam: doctrina sacra K

212 fundamentum *om.* K

214 sed relatione: sed non relatione Pn; sed que relatione K

214 auctorum: auctoris Pa

196 c. 24 refers to the teaching of Thomas Aquinas on the unicity of substantial form, condemned by Kilwardby and Pecham. D'Ailly does not include this in *Abbrev.*, but he borrowed from this chapter of *Dial.* in his *Tractatus contra Ioannem de Montesono*, p. 83

204-6 On Formosus (891-896) and Sergius III (904-911), *cf.* Duchesne, *Le Liber Pontificalis*, II, pp. 236-7

fundamento innititur Nicholas papa, qui diffinivit. hereticum fore Romanam ecclesiam non esse caput omnium aliarum ecclesiarum. 3^m fundamentum est revelatio vel inspiratio nova divina, de qua non est credendum sine miraculo manifesto. Et dicunt consequenter quod licet quandoque per malos fiant miracula, numquam tamen fiunt ad confirmationem falsitatis, sed solum veritatis. Ideo si fiat miraculum pro aliqua assertione confirmanda, tenendum est indubie quod talis assertio sit vera sive illa revelatio fiat bonis sive malis. 220 225

26^m capitulum querit an ad hoc quod catholici aliquam assertionem habere debeant pro dampnata explicite, oporteat in dampnatione adiungere hanc modificationem seu determinationem, dampnamus. Et circa hoc recitat duas sententias adversas. 230

27^m capitulum et 28^m et 29^m agunt de theologis qui in hiis que spectant ad scripturam sacram opiniones contrarias tenet, et de summis pontificibus qui circa inquisitionem talium minus diligenter se habent. Et optime punguntur ibi summi pontifices qui non sunt in sacris scripturis eruditi. 235

216 fundamento *om.* K diffinivit: diffinit K

217 fore: esse quod K esse: sit K

218 aliarum *om.* K 220-2 Nota bene *in marg. add.* Pa

221 quandoque: aliquando K 226 querit: inquirit K

234 minus - habent: sunt minus diligentes K

235-6 qui - eruditi: in sacris scripturis ineruditi K

216 Nicholas papa: *potius* Peter Damian, *Opusc. v (ad Hildebrandum)*, PL 145, col. 91; *cf.* c.1, di.22, col. 73

231-6 Issues pursued by d'Ailly in his *Questio de reprehensione Petri apostoli a Paulo, Tractatus contra Ioannem de Montesono*, p. 80, and *Utrum indoctus in iure divino possit iuste praesse in ecclesiae regno*, Dupin, I, cols. 646-62

235-6 Implied reference to John XXII in particular, linking *Dial.* I and II; *cf.* *Abbrev.* I, 4, 10-11

30^m capitulum probat 7 rationibus valde notabilibus quod papa in hiis que sunt fidei et in condemnatione heretice pravitatis non debet inniti consciencie hominum vel sapientie sed soli auctoritati divine vel 240 miraculo manifesto. Et nota totum capitulum.

31^m capitulum inquit an liceat pape alios errores quam hereses condemnare. Et distinguit huiusmodi errores in 3 differentias. Primi sunt qui non variantur nec contrariantur hiis que pertinent ad bonam fidem et bonos 245 mores, nec eos tenere aliquod anime infert periculum. Quales sunt in puris philosophicis et etiam errores aliqui circa divina de quibus inveniri non potest quid indubie sit tenendum; et hos non debet papa dampnare. Alii sunt errores repugnantes hiis que in gestis 250 fidelium, cronicis vel historiis fide dignis habentur. Et de istis dicunt aliqui quod papa eos potest dampnare, non tamquam hereticos, sed tamquam periculosos et ecclesie perniciosos. Alii sunt ex quibus cum aliquibus veris que negari non possunt contingit aliquam heresim 255 inferre. Et tales potest papa tamquam sapientes heresim condemnare.

32^m capitulum querit an liceat alicui alteri inferiori pape predictos errores condemnare. Et recitat circa hoc adversas sententias. Sequitur 3^{us} liber. 260

240	soli: solum Pa, ed.	243	distinguit: diffinit Pn
244	differentias: modos K variantur nec om. K		
244-5	nec contrariantur om. Pa	245	bonam om. K
246	aliquod: quod Pa	247	sunt errores add. K
247	puris: paucis Pa	250	repugnantes: contrarii K
254	aliquibus: aliis K	255	veris: verbis ed.
257	condemnare: dampnare K	258	querit: inquit K
258	alteri om. K	259	pape om. Pa
260	Sequitur 3 ^{us} liber om. Pa, ed.		

(Liber 3)

Tertius liber investigat quis errans est inter hereticos computandus. Et habet 12 capitula.

Primum capitulum querit *quis debet catholicus reputari. Et respondet quod ille qui integram et inviolatam fidem servat catholicam, quod fieri potest 5 dupliciter, vel explicite vel implicite. Credere implicite est alicui universali ex quo multa sequuntur firmiter assentire, et nulli contrario firmiter et pertinaciter adherere.*

2^m capitulum distinguit *significationes huius 10 nominis, hereticus, et sunt quinque. Vide ibi.*

3^m capitulum querit quis est hereticus secundum illam significationem secundum quam *hereticus dicitur excommunicatus propter errorem in fide; et qui, si fuerit legitime convictus, et non correxerit se secundum formam 15 ecclesie, est tradendus curie seculari. Et ponit hanc descriptionem: hereticus est seriose baptisatus, vel pro baptisato se gerens, pertinaciter dubitans vel errans contra catholicam veritatem.*

4^m capitulum obicit contra illam particulam, *seriose 20 baptisatus, de illis qui baptisantur extra formam ecclesie. Et solvit per distinctionem, quia variis modis dicuntur aliquae foris ecclesiam. Item obicit de amentibus*

1 Nota in marg. add. Pa investigat: inquirit K est: sit K

2 12: sic Pn, Pa, K, ed.; rectius 11

3 capitulum om. K debet: debeat K

11 nominis: termini K

22 quia: quod Pa

23 esse foris add. K

11 Like the recurring *nota ibi*, D'Ailly's remark indicates that he intended *Abbrev.* as a reference guide to *Dial.* rather than as a substitute for it.

17-19 *cf.* D'Ailly's speech at the Council of Paris, 1406: "hereticus est seriose baptisatus, vel se gerens pro tali, qui pertinaciter dubitat vel errat in fide catholica"; Bourgeois du Chastenet, *Preuves*, p. 159

vel non habentibus usum rationis quando baptisantur.
 Item de deridentibus vel contradicentibus quantum 25
 possunt. Item *de cathecumenis*; et solvit.

5^m capitulum obicit contra illam *particulam*,
pertinaciter. Et arguit multipliciter quod *ad hoc*, quod
aliquis sit hereticus, non oportet quod sit pertinax,
 sed sufficit quod sit dubius in *fide* vel *errans*. 30

6^m capitulum probat *auctoritate Augustini* quod *ad hoc*,
 quod *aliquis sit hereticus*, oportet quod sit pertinax. Et
 nota ibi quod licet *ad hoc*, quod *aliquis sit hereticus*,
 sufficiat mentalis pertinacia, tamen *secundum Augustinum*,
 quod *ad hoc*, quod *aliquis tenens contra fidem sit per* 35
ecclesiam inter hereticos computandus, requiritur aliqua
quatuor conditionum, vel omnes simul. *Prima*, quod errorem
suum pertinaci animositate defendat. 2^a, quod talem
errorem audacia presumptionis invenerit et non a seductis
parentibus, atque in errorem lapsis acceperit. 3^a, quod 40
non querat tanta quanta potest sollicitudine veritatem.
 4^a, quod *non sit paratus corrigere se quando invenerit*
veritatem. Et nota ibidem declarationem istarum *quatuor*
conditionum que sumuntur ex dicto *Augustini*, 24 q.3,
 'Dixit apostolus'. 45

7^m capitulum probat idem quod precedens alia

24 vel: et K quando: ante K 25 vel: et K
 26 Item: et K
 30 sit - errans: dubitet vel erret in fide K
 34 sufficiat: sufficit Pa 35 quod¹ om. K
 36 inter hereticos computandus: hereticus reputandus K
 37 simul om. K 37 Prima est add. K
 42 non sit paratus: sit paratus Pa

31-45 cf. c.29, C.24, q.3, col. 998 = Augustine, *Ep. xliii*, PL 33,
 col. 160

cf. D'Ailly at the Council of Paris, 1406: "Augustinus bene
 dicit quod pertinacia mentalis sufficiat ad heresim, sed non
 est computandus inter hereticos, nisi appareant aliquae signa,
 seu aliquod de quatuor signis notatum per doctrinam in cap.
Dixit apostolus, 24 q.3"; Bourgeois du Chastenot, *Preuves*,
 p. 159

auctoritate Augustini contra Manicheos.

8^m capitulum probat idem quatuor rationibus valde efficaciter.

9^m capitulum respondet ad obiecta 5ⁱ capituli. Et 50
distinguit *genera hominum* diversimode profitentium
publice seu publicantium errorem contra catholicam
veritatem. Et illud sumit pro glosa Innocentii 3ⁱⁱ,
Extra, de verborum significatione, 'Super quibusdam'.
Et nota totum valde bene. 55

10^m capitulum solvit obiecta per ordinem et distincte
que soluta sunt confuse in capitulo precedenti. Et nota
ibi de duplici recessu *ab ecclesia, corporali scilicet*
et spirituali, et qualiter *dubius in fide* infidelis est,
et quomodo *fides debet esse firma*, et hoc *in universali*. 60

11^m capitulum obicit contra *descriptionem heretici*
supradictam ex verbis Augustini, 24 q.3, ubi dicit quod
'hereticus est qui alicuius temporalis commodi et maxime
vane glorie vel principatus causa, falsas et novas
opiniones gignit aut sequitur'. Et repondetur ibi quod 65
Augustinus non intendit ibi diffinire hereticum, sed
assignare unum modum cognoscendi hereticum. Ex quo
infert quod aliqui veraciter *non sunt heretici*, nec
heretici in corde, qui tamen sunt tamquam *heretici*
reputandi. Sequitur 4^{us} liber. 70

47 in hoc contra Manicheos *add.* Pn; libro contra Manicheos *add.* K

50 10^m capitulum Pn 53 pro: ex ed. 3ⁱⁱ om. K

55 valde: ibidem Pa; om. K 56 11^m capitulum Pn, K

58 scilicet om. Pn 59 qualiter: quomodo K

60 et hoc sic *add. ed.* 61 12^m capitulum Pn, K

62 24 q.3, ubi om. K dicit: dicentis K

65 respondetur: respondet K 66 ibi om. Pn

67 assignare: dare K 68 infert: infertur Pa

70 Sequitur 4^{us} liber om. Pa, ed.

46-7 cf. c.31, C.24, q.3, col. 998 = Augustine, *De civit. Dei*, xviii,
PL 41, col. 613

53-4 V, 40, 26, col. 923

62-5 c.28, C.24, q.3, col. 998 = Augustine, *De utilitate credendi*,
PL 42, col. 65

(Liber 4)

Quartus liber investigat qualiter de pertinacia pravitatis heretice debeat quis convinci. Et habet 30 capitula.

Primum capitulum querit descriptionem pertinacis. Et ponit hanc secundum unam opinionem: *pertinax est qui persistit in eo quod debet dimittere.* Et intelligitur de debito necessitatis. Hec autem descriptio communis est, et non appropriata pertinaci in fide. Ideo potest sic appropriari: *pertinax in fide est qui persistit in errore vel dubitatione circa ea que sunt fidei,* quem errorem vel dubitationem debet de necessitate salutis dimittere.

2^m capitulum querit quomodo de pertinacia valeat quis convinci. Et distinguit de pertinacia interiori et exteriori, ostendendo quod tripliciter potest aliquis errare pertinaciter in mente. Primo, si non obstantibus miraculis que audit fuisse facta pro fide firmanda, putat fidem esse falsam vel incertam. 2^o, si in genere credit totam fidem esse veram, alicui tamen errori in speciali, quem nescit explicite ad fidem pertinere, adheret tam fortiter quod quantumcumque sibi ostenderetur ad fidem pertinere, nullo modo errorem dimitteret, sed ante putaret fidem esse falsam. 3^o potest quis mentaliter esse pertinax, scilicet si alicui errori inheret, et negligit quomodo et quando debet inquirere veritatem,

1	Nota in marg. add. Pa	investigat: inquirat K
4	capitulum om. K	8 appropriata: approbata Pa
8	Et ideo add. K	13-14 valeat - pertinacia om. Pa
15	aliquis: quis Pn	21 sibi: ei K
21	quod post ostenderetur add. K	22 pertinere: pertinere K
22	nullo modo tamen add. K	24 inheret: adheret K

quia talis non est paratus corrigi, sed persistit in errore quem debet de necessitate salutis dimittere. Unde patet quod quamvis negligentia et pertinacia distinguantur, tamen aliqua negligentia est pertinacia. Postea distinguit de heretico et pertinaci scienter et 30 inscienter: pertinax scienter est qui scit assertionem circa quam errat vel dubitat esse contrariam fidei Christiane; pertinax inscienter est qui assertionem suam nescit esse contrariam fidei.

3^m capitulum obicit contra predictam distinctionem, 35 arguens quod nullus est hereticus vel pertinax nisi scienter, quia errans inscienter habet fidem implicitam, que sufficit ad hoc quod aliquis sit catholicus. Postea distinguit de nesciente heretico, quia quidam sunt nescientes heretici, quia scienter et explicitate 40 arbitrantur aliquas assertiones sub forma propria contentas in scriptura divina ad fidem Christianam nullatenus pertinere, sicut Manichei. Alii sunt nescienter heretici, qui nullam assertionem pertinentem ad fidem catholicam sub forma propria in scriptura 45 divina repertam dubitant esse veram, quia scripturam divinam recipiunt, sed tamen aliquas assertiones sequentes ex illis non credunt esse veras, propter hoc, quod aliter intelligunt scripturas divinas quam spiritus sanctus flagitat. Unde ambo isti in genere credunt 50 totam fidem Christianam esse veram.

28 quamvis: licet K

29 distinguantur: distinguuntur K, ed.

34 fidei Christiane add. K

36 vel: aut K

41 arbitrantur: opinantur K

42 divina: sacra K

46 divina: sacra K

47 divinam om. K

48 propter hoc: ex eo K

49 divinas: sacras K; om. Pa

50 Unde: et ed.

4^m capitulum solvit obiecta precedentis capituli. Et distinguit quod duplex est fides implicita, quedam falsa et quedam vera. Vera est illa fides implicita que omnem assertionem pertinacem respectu cuiuscunque falsitatis heretice excludit, et habens eam sufficienter est catholicus vel fidelis. Falsa autem est illa fides implicita qua creditur quod fides Christiana est vera, sed non de illa que est Christiana, et que pro Christiana habetur; et talem fidem habuerunt Manichei et alii nescienter heretici.

5^m capitulum tractat de pertinacia exteriori, secundum quam in iudicio exteriori potest quis de pertinacia iudicari. Et ponit primum modum secundum quem aliquis potest de pertinacia deprehendi, scilicet si facto vel verbo monstrat se non firmiter credere fidem Christianam esse veram, puta si dicat fidem esse falsam vel dubiam, vel ad sectam aliam se convertat. Et quantum ad fidei negationem, est unus solus casus qui excusat ab heresi, licet non a peccato, scilicet metus mortis. Sed quantum ad factum hereticale, sicut esset adoratio idoli, duo sunt casus, unus excusans ab heresi sed non a gravi peccato, scilicet metus mortis, sicut fuit in Marcellino papa, alius excusans ab omni peccato, scilicet absoluta coactio.

53-4 quedam falsa et quedam vera: scilicet vera et falsa Pn

59-60 sed - habetur: sed non de illa que in veritate est Christiana, et talis reputatur et habetur K

59 pro om. Pa

62-3 secundum - iudicari: secundum quem modum quis possit in foro exteriori pertinax iudicari K

64-5 aliquis - deprehendi: potest aliquis pertinax deprehendi K

65 deprehendi: reprehendi Pn; comprehendi Pa, ed.

66 monstrat: manifestat Pn; iurat Pa, ed.

67 puta: ut K fidem om. Pa 68 quantum: quo ad K

70 scilicet: ut K 71 quantum: quo ad K

71 sicut: ut K 73 sicut: ut K fuit om. K

74 On Pope Marcellinus (296-304), cf. Duchesne, L., *Le Liber Pontificalis*, I, pp. 72, 162-3

6^m capitulum ponit 2^m modum quo quis potest de
*pertinacia convinci, scilicet qui dicit aliquam partem
 novi vel veteris testamenti aliquod falsum asserere, aut
 non esse recipiendam a catholicis, sicut dixerunt
 Manichei. Et hoc est verum de literato, non de simplici 80
 vel illiterato.*

7^m capitulum movet unum dubium circa predictum modum
*pertinacie. Et solvit distinguendo de impenitente et
 incorrigibili, scilicet quia uno modo dicitur qui
 penitere vel corrigi non potest. Qualis nullus est in 85
 hac vita communiter. Alio modo qui est in proposito
 nullatenus penitendi aut corrigendi. Et talis debet
 vocari pertinax, contumax, obstinatus et induratus.*

Octavum capitulum ponit 3^m modum pertinacie, scilicet
*si quis tenet universalem ecclesiam errare vel errasse 90
 ex quo cepit ecclesia Christiana congregari, licet
 credat veram fidem a Christo et apostolis esse datam.
 Et hoc dicunt aliqui esse verum in literatis, non in
 simplicibus.*

Nonum capitulum arguit ad utramque partem assertionum 95
*positarum in precedenti capitulo. Et nota ibi quod
 magis tenetur quis credere explicite conclusionem quam
 premissas, propter hoc, quod conclusio magis quam
 premissae apud catholicos divulgatur, sicut est de ista
 conclusione, ecclesia universalis non errat. Nec per hoc 100
 habetur quod divulgatio apud omnes Christianos sit
 maioris auctoritatis quam scriptura sacra, sed hoc est
 quia est magis nota quam scriptura divina. Item nota ibi*

77 qui - aliquam: cum quis diceret K

77 dicit - partem: ad aliquam pertinaciam Pa

78 vel: aut K

80 Et hoc: quod K est om. Pn

81 vel: seu K

84 scilicet om. K

85-6 Qualis - communiter om. K

93 non aut add. K

96 positarum: predictarum Pn.

103 divina: sacra K; om. Pa

quod per *universalem ecclesiam* non intelligitur tota
multitudo vel maior pars Christianorum, quia *fides* 105
universalis ecclesie potest salvari in paucis, vel etiam,
 ut quidam *dicunt*, in uno solo.

Decimum capitulum ponit quartum modum pertinacie,
 scilicet *si aliquis capax rationis*, et presertim bene
intelligens, negaret aliquam veritatem *catholicam que* 110
apud omnes catholicos et cum quibus conversatur divulgata
 est. Et hoc probat fortiter 3 rationibus contra papam
 Ioannem 22.

11^m capitulum excusando Ioannem 22 allegat contra
 predictum modum; et solvit. 115

12^m capitulum ponit quintum modum pertinacie, scilicet
 si sit *violenta presumptio quod aliquis negat assertionem*
quam ipse scit in scriptura sacra vel determinatione
ecclesie contineri. Et hoc diffuse tractat. Et nota ibi
 quod *presumptio violenta sufficit ad sententiam* 120
diffinitivam, exemplo Salomonis, 3ⁱ Regum 3.

106 etiam *om.* K

111 et apud eos *add.* K

117 sit: *scit* Pa

117 ipse *om.* Pn, K

105-7 One of the limit cases in medieval theology, this was the subject of widespread speculation. Its bases were both theological (*cf.* Congar, Y., "Incidence ecclésiologique d'un thème de dévotion Mariale", *MSR* 7 (2), pp. 277-92 (1950), and canonistic (*cf.* Gierke, O., *Political Theories of the Middle Age*, trans. F.W. Maitland, C.U.P., p. 62 and n. 214 (1968), and Wilks, M., *The Problem of Sovereignty in the Later Middle Ages*, C.U.P., p. 515 and n. 2 (1964). Its flexibility is demonstrated by its use in both Augustinus Triumphus (*cf.* Wilks, *ibid.*) and Nicholas de Tudeschis (*cf.* Black, A., "The Universities and the Council of Basle: Ecclesiology and Tactics", *AHC* 6, p. 351 and n. 51 (1974).

D'Ailly discusses the question in his *Recomm. sac. scrip.*, Dupin, I, col. 609, *Vesp.*, col. 666, and *Res.*, col. 687. Note, however, that d'Ailly's principal authority is Augustine, *Enarr. in Ps. cxxviii*, and d'Ailly stops considerably short of following Ockham to the limits of the discussion at *Dial.* I, 5, 29-31.

121 III Reg. 3, 24-7

13^m capitulum recitat secundum unam opinionem unum modum pertinacie, scilicet si quis scienter negat sanctorum doctrinam. Quia tamen multis videtur quod in hoc non sit pertinacia, ideo ponit sextum modum, 125 scilicet si aliquis correctus legitime se non corrigit nec emendat, scilicet suam heresim revocando. Et duo tractat circa istum modum: primo, de correctione, qualis debet esse ad hoc, quod ipsa legitima et sufficiens reputetur; 2^o, de corripiente ad quem pertinet illa 130 correctio. De primo dicit quod illa correctio est sufficiens per quam erranti ostenditur patenter iudicio sapientium quod assertio sua catholice obviat veritati, aut quod ecclesie determinationi repugnat. De 2^o dicit quod quidam corripiunt increpando et penitentia debita 135 puniendo, alii caritative monendo et errorem tantummodo reprobando; primum pertinet ad prelatos et alios iurisdictionem habentes, 2^m vero spectat ad quemlibet Christianum.

14^m capitulum movet questionem utrum errans correctus 140 a prelato suo vel habente super eum iurisdictionem, ad solam monitionem prelati vel increpationem teneatur errorem suum patenter revocare, licet non fuerit patenter sibi ostensum per eundem quod error suus catholice veritati repugnat. Hoc pulchre et diffuse tractat usque 145 ad capitulum 19^m. Et ibi nota de doctoribus, et inquisitoribus heretice pravitatis, et quomodo ignorantia excusat et quomodo non. Et nota totum.

125 sextum: 5^m Pa

126 scilicet: sed Pa, ed.

129 debet: debeat K

130 pertinet: spectet Pn

134 quod - repugnat: determinationi ecclesie K

136 tantummodo: tantum K

138 vero spectat om. K

140 movet questionem: querit K

142 sui prelati add. K

142 vel increpationem om. K

146 19^m: 18^m K

19^m capitulum querit *an sciens aliquam heresim esse dampnatam, quam putat esse ambiguam et duos sensus habentem, si teneat eam in sensu dampnato in quo nescit eam esse dampnatam, valeat de pręvitate heretica per ignorantiam excusari.* Et respondet *quod si teneatur scire sub quo sensu est dampnata illa heresis, tunc non excusabitur ab heresi per ignorantiam. Si vero ipse non teneatur hoc scire, tunc excusabitur donec sibi aperte ostendatur quis sensus catholice veritati repugnat.* 150 /a.

20^m capitulum querit *an propter simplicem correctionem pape, absque tali correctione que supra dicta est legitima, teneantur nescientes errantes suas hereses revocare.* Et recitat suam opinionem *quod non, quam prolixè tractat.* 160

21^m capitulum agit *de errante correcto a simplici socio vel alio qui super ipsum nullam iurisdictionem noscitur obtinere.* Et respondet secundum unam opinionem *quod correptus legitime de heresi a socio vel a subdito aut quocumque tenetur statim absque mora heresim suam dimittere.* Et consequenter ostendit *differentiam inter correptum a prelato, et correptum ab alio non prelato, etiam subdito, et inter papam corripientem et alios prelatos.* 165 170

22^m capitulum ponit 7^m modum pertinacie, scilicet *si quis per potestatem suam alios ad defendendum errorem*

151 dampnato *om.* Pa valeat: possit K

153 illam ignorantiam *add.* K 154 est: sit K

155 ab illa heresi *add.* Pa, *ed.* ipse *om.* K

159 supra dicta: predicta K 160 legitima *om.* K

161 suam *om.* Pn, K 163 simplici *om.* Pn, K

164 alio: aliis Pa

164-5 qui - obtinere: non habente in eum iurisdictionem K

165 noscitur *om.* Pa

166-7 vel - quocumque: aut quocumque alio non prelato K

168 ostendit: dat K 169 alio: aliquo K

170 et etiam *add.* K

preceptis, comminationibus, premiis, promissionibus, vel quovis alio modo inducere nititur. Et ad hoc 175 probandum arguit 6 rationibus.

23^m capitulum ponit 8^m modum, scilicet *si quis cogat aliquam veritatem catholicam abiurare, aut penis aut premiis talem veritatem negare compellat. Nec talis potest per ignorantiam excusari.* 180

24^m capitulum ponit 9^m modum pertinacie, scilicet *si quis abiurando catholicam veritatem, iuret assertionem que in rei veritate est heretica tamquam catholicam se servaturum. Nec talis potest per ignorantiam excusari, sed solum metu mortis vel gravissimorum tormentorum 185 excusatur a pertinacia, licet non a peccato mortali.*

25^m capitulum ponit 10^m modum pertinacie, scilicet *si quis errans contra fidem, prosequitur vel molestat aut impedit veritatem catholicam defendentes aut pravitatem hereticam impugnantes. Hoc probat. Et ibi 190 nota quod non minor est confirmatio veritatis catholice per scripturam sacram quam per operationem miraculi.*

26^m capitulum ponit 11^m modum pertinacie, scilicet *si quis errans contra fidem, correctioni vel emendationi illius vel illorum cuius vel quorum interest subicere se 195 recusat. Et hoc probat. Unde infert quod ubi papa aliquam heresim dogmatizat, et impedit generale concilium celebrari ne sua assertio discutiatur, hereticus est censendus.*

27^m capitulum ponit alios modos pertinacie. Et est 200 12^{us} *si quis de veritate renuit informari, quamvis de*

174 promissionibus: vel promissis K 175 vel: aut K

175-6 Et - rationibus: Et hoc ibi probat 6 rationibus K

177 ponit: extendit Pa, ed. 179 compellat: compellit K

181 9^m om. Pa pertinacie om. K 183 rei om. K

185 solum: tantum K 188 vel om. K

192 per om. Pa 195 cuius vel om. K

suo errore reprehendatur a peritis, et de eius heretica
 dogmatizatione scandalizatur fides. Et hoc probat 4
 rationibus. Deinde ponit alios modos pertinacie. 13^{us}
 modus est si quis verbis vel factis protestatur se 205
 assertionem suam hereticam minime revocaturum. 14^{us}
 modus est si quis in favorem heretice pravitatis prohibet
 legi scripturas catholicas et probari catholicas
 veritates. 15^{us} modus est si quis in et pro defensione
 (heretice) pravitatis, novos errores fingit. 210

28^m capitulum ponit 16^m modum pertinacie, quo papa
 potest specialiter de pertinacia convinci, scilicet si
 errorem contra fidem diffinit solempniter. Et hoc probat
 quinque rationibus.

29^m capitulum ponit 17^m modum pertinacia, scilicet 215
 si quis diffinitioni pape supradicte consentit, aut
 consulendo aut cooperando aut inducendo aut per
 sententiam diffinitivam determinando.

30^m capitulum ponit 18^m modum pertinacie, scilicet
 si quis habens potestatem pravitati heretice non 220
 resistit. Et talis magis propria dicitur fautor heretice
 pravitatis quam hereticus. Sequitur quintus liber.

205 modus *om.* K vel: aut K

206 minime: non K

207 est *om.* Pn

208 probari: predicari K; promulgari *ed.*; *Dial.* I, 4, 27 has publicari

209 si quis in et pro: si quismet pro Pa, *ed.*; in et *om.* K

210 (heretice) pravitatis *scripsi*; veritatis Pn, Pa, K, *ed.*

211 pertinacie *om.* Pa, K, *ed.*

213 Et hoc: quod K

222 Sequitur quintus liber *om.* Pa, *ed.*; liber *om.* K

204-10 Ockham's 13th., 14th., and 15th. modes of pertinacity, which
 D'Ailly resumes under chapter 27, occur in chapter 28 of the
 printed editions of *Dial.*

211 28^m = *Dial.* I, 4, 29

215 29^m = *Dial.* I, 4, 30

219 30^m = *Dial.* I, 4, 31

219 D'Ailly has reduced Ockham's 19 modes of pertinacity to 18,
 omitting Ockham's 18th. mode, possibly on the grounds that it is
 related closely to the 16th. mode - as Ockham remarks, what is
 true of the pope applies a *fortiori* to lesser bishops.

(Liber 5)

Quintus liber investigat qui possunt pravitate heretica maculari. Et habet 35 capitula.

Primum capitulum proponit questionem in hoc libro tractandam. Et recitat circa eam quinque assertiones. Nam primo, omnes Christiani sentire videntur quod tota 5 multitudo Christianorum hereticari non potest. 2^o, quidam dicunt quod nec concilium generale. 3^o, alii quod nec ecclesia Romanā. 4^o, quidam quod nec collegium cardinalium. 5^o, alii quod nec etiam papa canonice intrans potest heretica pollui pravitate. Et ad hanc 10 ultimam inducit plures auctoritates probando quod sic.

2^m capitulum ad eandem assertionem inducit pro parte affirmativa plura exempla, quibus ostenditur quod plures Romani pontifices erraverunt contra fidem. Primum est de beato Petro, ad Gal., 2^o capitulo, et ibi nota. 2^m est 15 de beato Marcellino, di. 21, 'Nunc autem'. 3^m exemplum est de Liberio papa, qui consensit perfidie Arriane, ut in cronicis habetur. 4^m est de Anastasio 2^o, ut di. 19 legitur. 5^m est de Symmacho, qui fuit coram synodo

- 1 Nota in marg. add. Pa investigat: inquiri K
 2 35: 34 Pn, Pa, ed. 3 proponit: ponit K
 11 ultimam probandam add. K probando quod sic om. ed.
 12-13 ad - exempla: ad eandem assertionem improbandam inducit plura exempla K

5-10 cf. Vesp., col. 669

- 15 Gal. 2, 11-14. Pursued at some length by d'Ailly in his *Questio de reprehensione Petri apostoli a Paulo*; cf. also *Tractatus contra Ioannem de Montesono*, pp. 80, 104, 120; *Tractatus de materia concilii generalis*, ed. Oakley, pp. 307, 310; *De potestate ecclesiastica*, cols. 958-9
 16 c.7, di.21, col. 71
 17-18 cf. Duchesne, *Le Liber Pontificalis*, I, pp. 207-10
 18-19 c.9, di.19, col. 64

accusatus, 2 q.7, 'Balaam'. 6^m est de papa Leone, quem 20
convincit beatus Hylarius. 7^m exemplum est de pluribus
summis pontificibus tenentibus in fide assertiones
contrarias, sicut Ioannes 22 et Nicholas 3, item
Innocentius 3 et Ioannes 22, etc.

3^m capitulum arguit pro predicta parte affirmativa 25
illius quinte assertionis. Et arguit 15 rationibus
efficacibus.

4^m capitulum arguit pro parte opposita 8 rationibus
probando quod papa intrans canonice non potest hereticari.

5^m capitulum solvit rationes precedentis capituli. 30
Et ibi nota pro prima ratione, quod licet tota multitudo
Christianorum non possit hereticari, tamen hoc potest
quilibet Christianus. Item pro 2^a, nota quod ad aliquem
qui potest fieri hereticus, licet non sit, sunt omnes
cause fidei deferende. Item pro tertia, nota quod papa 35
potest scribere decretales que non sunt a catholicis
acceptande, scilicet si non sint sacre scripture vel
doctrinis sanctorum patrum consone, vel si sint adverse.
Item pro 4^a, nota quod secundum legem veterem, Deu. 17,

22 summis: Romanis K

25 predicta om. K

26 quinte om. Pa, ed.

34 licet non sit: quando tamen non est hereticus K

39 Deu. 17 scripsi; Diu. 27 Pn, Pa; om. K, ed.

20 Gratian post c.41, C.2, q.7, col. 497

20-1 cf. Vincent of Beauvais, *Speculum historiale Vincentii*, lib. xiv,
cap. 23 (Venice, 1494; fol. 176r)

21 D'Ailly reduces Ockham's 8 examples to 7, omitting Ockham's 7th.
example, and truncating the 8th. example.

23-4 Alluding to the different positions taken by John XXII and
Nicholaus III on questions relating to the controversy over
the poverty of Christ and his apostles, and by John XXII and
Innocent III on questions relating to the controversy over
the beatific vision.

26 The fifth assertion - i.e., that a canonically elected pope cannot
be tainted with heretical depravity (*Abbrev.* I, 5, 1, 9-10, *supra*)

summis pontificibus veteris legis erat *obediendum* quando 40
 nichil *contra legem divinam* precipiebant, alias non.
 Item pro 5^a, nota quod *papatus non necessario confert*
suscipienti in nomine sanctitatem, sicut multis exemplis
 declarat. Et breviter, totum capitulum est notabile.

6^m capitulum querit de 4^a assertione supradicta, an 45
scilicet collegium cardinalium possit pollui heretica
pravitate. Et arguit pro una assertione 10 rationibus
 que tenet *quod non*.

7^m capitulum arguit ad oppositum 10 rationibus valde
 notabilibus. 50

8^m capitulum solvit rationes 6ⁱ capituli. Et ibi nota
quod ecclesia Romana et sedes apostolica multipliciter
sumuntur.

9^m capitulum solvit breviter rationes 7ⁱ capituli. 50

10^m capitulum querit *an papa simul cum cardinalibus* 55
possit heretica pravitate maculari. Et recitat de hoc
 assertiones duas contrarias.

11^m capitulum querit de 3^a assertione supra in
 capitulo primo recitata, *scilicet an ecclesia Romana*
seu sedes apostolica valeat hereticis infici pravitate. 60 /a
 Et circa hoc recitat quinque assertiones contrarias.

Quidam enim dicunt absque distinctione quod nec ecclesia
Romana nec sedes apostolica potest errare contra fidem,
intelligentes per ecclesiam Romanam vel sedem apostolicam
vel collegium cardinalium tantummodo, vel simul papam 65
et cardinales. Alii dicunt quod ecclesia Romana, que

40 pontificibus - legis: sacerdotibus in veteri lege K

41 divinam: dei K

43 suscipienti in nomine *om.* K; in nomine *om. ed.*

44 breviter *om.* K 45 4^a *om.* Pa

46 pollui: maculari K

49-50 ad - notabilibus: 10 rationibus pro parte negativa K

56 recitat: narrat K 60 valeat: possit K

61 contrarias *om.* K 65 tantummodo: tantum Pa, K

39-41 cf. *Res.*, col. 690

55-7 cf. *Tractatus de materia*, p. 31; *De potestate ecclesiastica*,
 col. 960

comprehendit omnes clericos in quibuscumque partibus mundi constitutos, errare non potest. Et isti variantur, quia quidam dicunt quod licet aliqui clerici possint errare contra fidem, tamen maior pars numquam errabit contra fidem. Alii dicunt quod licet maior multitudo clericorum possit errare, tamen aliqui clerici semper in fide manebunt. Alii vero dicunt de ecclesia Romana distinguendo quod aliquando papa, aliquando collegium cardinalium, aliquando papa cum cardinalibus, aliquando, totus clerus Romanus, quandoque tota Romana diocesis, et quandoque tota congregatio fidelium importatur nomine Romane ecclesie. Et in hac ultima significatione dicunt quod ecclesia Romana non potest errare contra fidem, sed bene potest in aliis significationibus.

12^m capitulum ostendit quomodo tota congregatio fidelium nomine ecclesie Romane significatur auctoritate Pauli, Actuum 16.

13^m capitulum arguit multis rationibus quod ecclesia Romana, que distinguitur a tota congregatione fidelium sicut pars a suo toto, contra fidem errare non potest.

14^m capitulum ostendit a quo Romano ecclesia super omnes alias obtinet principatum. Et circa hoc recitat assertiones. Prima est quod beatus Petrus ex ordinatione

67-8 in quibuscumque - constitutos: totius mundi K

68 mundi om. Pn, ed.

69 variantur: dividuntur K

70-1 tamen - fidem: non tamen unquam errabit maior pars K

72 clericorum om. K

73 vero om. K, ed.

76 quandoque: aliquando K, ed. sedis diocesis add. Pa

80 errare om. Pa

84 Actuum 16 scripsi; Actuum 6 Pn, Pa, K, ed.

87 suo om. K

87 potest: possit K

88 Nota bene in marg. add. Pa

89 obtinet: obtineat K; obtinuit ed.

90 varias assertiones add. K Prima est: una K

73-84 cf. *Vesp.*, cols. 666-7, where d'Ailly has borrowed more from *Dial.* than he included in *Abbrev.*

84 Act 16, 37; cf. also Act. 22, 25-29

Christi non habuit super alios apostolos principatum. 2^a, quod beatus Petrus non fuit Romanus episcopus. 3^a, quod beatus Petrus ex ordinatione apostolorum super alios apostolos principatum obtinuit. 4^a, quod ex ordinatione Christi nullus sacerdos super alios habet maiorem potestatem. 5^a, quod Romana ecclesia ab ipso Constantino imperatore super alias ecclesias principatum accepit. 95

15^m capitulum diffuse arguit pro prima assertione. Et est capitulum totum notabile. 100

16^m capitulum contra illam primam assertionem obicit.

17^m capitulum arguit pro 2^a, 3^a, et 4^a assertionibus supradictis.

18^m capitulum arguit pro quinta assertione, scilicet quod Romana ecclesia ante tempora Constantini super alias non habuit principatum, sed hunc accepit a Constantino. 105

19^m capitulum probat assertionem contrariam, scilicet quod Romana ecclesia ante tempora Constantini super alias habuit principatum. Et ponit primum modum, scilicet quod hunc principatum habuit auctoritate conciliorum generalium. 110

92 beatus *om.* K

96 ab ipso: a K

99 assertione: opinione K

100 Nota totum Pa; Et est totum notabile K, *ed.*

88-112 *cf. Vesp.*, col. 667

94 *principatum: Dial.* I, 5, 14 has *papatum*

97 *principatum: Dial.* I, 5, 14 has *primatum*

100 D'Ailly's comment indicates interest, but does not necessarily imply agreement. In his *Vesp.*, cols. 667-8, he distinguishes between institution by Christ and ordination by Christ, and argues that Peter was endowed with a superior *potestas regiminis* by institution of Christ.

20^m capitulum ponit 2^m modum assertionis predicte, scilicet quod Romana ecclesia a Christo immediate, quando ipse ordinavit beatum Petrum in summum pontificem, dicens: 'Tu es Petrus', etc., super omnes ecclesias primatum accepit. 115

21^m capitulum ponit 3^m modum assertionis predicte, scilicet quod Romana ecclesia non habuit immediate a Christo principatum super alias, immo mediante ecclesia Anthioceana, cui primo beatus Petrus presedit, et qua in ecclesiam Romanam, Christo iubente, transtulit sedem suam. Et nota totum illud capitulum. 120

22^m capitulum, redeundo ad primum propositum principale, arguit una ratione principali, quod ecclesia Romana, que est distincta a congregatione fidelium, errare potest contra fidem. 125

23^m capitulum arguit ad idem cum 9 rationibus difficilibus.

24^m capitulum respondit ad rationes 13ⁱ capituli, quibus arguebatur quod Romana ecclesia distincta a congregatione fidelium contra fidem errare non potest. Et est capitulum notabile. 130

115 ipse: Christus K beatum om. K in om. K

117 primatum: principatum ed. 119 immediate om. Pn, ed.

120 immo om. Pa

121 Anthioceana: Anthiochena Pa; Antiochena K beatus om. K

123 illud om. K, ed. 128 9 om. Pn, Pa, ed.

133 capitulum: valde K

113-7 cf. *Vesp.*, col. 667

116 Matth. 16, 18-19

118-23 cf. *Vesp.*, cols. 667-8, and *De potestate ecclesiastica*, cols. 928-9, which show verbal dependence on this chapter of *Dial.* rather than *Abbrev.*

25^m capitulum querit *an concilium generale labi possit in hereticam pravitatem*. Et arguitur quod sic 135
quinque rationibus.

Et capitulum sequens hoc idem probat 4 exemplis.

27^m capitulum arguit 8 rationibus *pro assertione contraria*, scilicet *quod concilium generale errare non potest contra fidem*. 140

28^m capitulum solvit rationes precedentis capituli. Et est capitulum valde notabile.

29^m capitulum arguit 10 rationibus quod soli clerici non sunt illa *ecclesia* de qua verum est quod ipsa *non potest errare contra fidem*. 145

30^m capitulum arguit ad oppositum 8 rationibus.

31^m capitulum solvit rationes precedentis capituli. Et ibi nota quod hoc nomen *ecclesia* habet varias significaciones. Uno modo capitur *pro domo materiali*, sicut *1 ad Cor. 11*. 2^o modo capitur *pro congregatione fidelium Christianorum generali vel particulari*, que tam viros quam mulieres comprehendere potest. Et sic capitur *Actuum 20*, et in *epistola ad Philemonem*, et de consecratione, *di.1, c. 'Ecclesia'*. Et in hiis 150

138-40 scilicet - *fidem om. K*; quas solvit capitulum sequens, quod est valde notabile *post contraria K*, conflating c.27 and c.28

146 quas solvit capitulum sequens; ubi nota hoc nomen *ecclesia* accipi multipliciter *post rationibus K*, conflating c.30 and c.31

154 Et tantum in hiis *add. K*

134-6 *cf. Res.*, col. 689, where d'Ailly draws a passage of some 30 words from this chapter of *Dial.*

137 The second of these examples - the synod of Ephesus - is cited by d'Ailly in his *Res.*, col. 689

141-2 D'Ailly draws extensively (more than 100 words, practically verbatim) from this chapter of *Dial.* in his *Res.*, col. 689

150 I Cor. 11,22 153 Act. 20,28; Phil. 1,2

154 c.8, *de consecratione*, di.1, col. 1296

duabus significationibus dicunt aliqui nomen ecclesie 155
solummodo accipi in scriptura divina. In iure autem
canonico, hoc nomen ecclesia significationes habet alias
a predictis, quia clerici nomen ecclesie ad clericos
restrinxerunt, clericos solummodo vocantes ecclesiam,
cum tamen secundum usum scripture divine, laici et 160
mulieres sint ecclesia vel ecclesiastici sicut clerici.
Et adhuc restringendo nomen ecclesie solum ad clericos
habet etiam diversas significationes, sicut notatur
Extra, de verborum significatione, 'Clerici', et plenius
(Extra), ne prelati vices suas, capitulo finali. 165

32^m capitulum arguit tribus rationibus quod tota
multitudo virorum, tam clericorum quam laicorum, potest
contra fidem errare, et fides catholica in mulieribus
conservari.

33^m capitulum arguit ad oppositum 2 rationibus, et 170
capitulo sequenti respondet ad eas. Et est notabile.

156 solummodo om. K divina: sacra K

159 solummodo: solos K 160 divine: sacre K

161 ecclesia vel om. K sicut: vel ed. 165 Extra supplevi

171 capitulo sequenti: consequenter Pn, Pa, ed.

171 Et est notabile om. ed.

164 V, 40, 19, col. 917

165 V, 4, 4, col. 768; but it is in the *Glossa ordinaria* to that
chapter, s. vv. 'prefatam ecclesiam', that occurs the discussion
of the various meanings of 'ecclesia'.

The reference to Extra, *ne prelati vices suas*, seems to have
been added by d'Ailly; it is not to be found in Goldast.

156-65 cf. *Vesp.*, col. 666, where d'Ailly discusses the narrow
understanding of 'ecclesia' in canon law, and cites Extra,
de verborum significatione, 'Clerici'.

170 D'Ailly seems to have drawn from chapter 33 in his *Vesp.*,
col. 671

35^m capitulum querit an tota multitudo Christianorum valeat heretica pravitate fedari. Et probat 5 rationibus quod tota multitudo Christianorum usum rationis habentium possit contra fidem errare, quia hoc stante, omnes promissiones Christi possent in parvulis baptizatis servari. Sequitur 6^{us} liber. 175

(Liber 6)

Sextus liber agit de punitione hereticorum, et maxime pape se efficiatur hereticus. Et habet 99 capitula.

Primum capitulum querit an papa habeat iudicem superiorem in terris. Et circa hoc recitat 4^{or} assertiones. Quidam enim dicunt quod papa non habet superiorem in terris. Alii quod licet in terris nulla persona sit superior pape, universalis tamen ecclesia et etiam concilium generale est supra papam. Dicentium autem papam superiorem non habere in terris, quidam dicunt quod qui semel est canonice ad papatum assumptus, nisi renuntiaverit spontanee, numquam poterit, nisi per divinam potentiam, a papatu iuste privari, etiam si efficiatur hereticus. Alii dicunt quod quamvis papa non

172 35^m: 34^m Pn, Pa, ed.

173 valeat -- fedari: possit hereticari K

177 servari: impleri et salvari K

177 Sequitur 6^{us} liber om. Pa, cd.

2 efficiatur: fiat K 8 etiam om. Pn, ed.

10 qui om. Pa, K

11-13 nisi per - hereticus: nisi sponte cedat, non poterit iuste privari papatu, nisi per potentiam dei, etiam si fiat hereticus K

13 efficiatur: fiat K

172-7 cf. *Vesp.*, cols. 670-1, and d'Ailly's conclusions, "Quod semper in ecclesia universalis erunt plures adulti illustrati veritate fidei... Unde patet quod promissiones Christi de fide ecclesie... non possunt salvari in parvulis baptizatis", also *Res.*, col. 687

2 100 chapters in the printed editions of *Dial.*

habeat superiorem in terris quamdiu est papa, si tamen efficiatur hereticus, ipso facto iure divino, non humano, est papatu privatus, et inferior factus catholicis. Et consequenter arguit 6 auctoritatibus et duabus rationibus quod papa non habet superiorem in terris. 15

2^m capitulum ponit motivum dicentium quod papa habet superiorem in terris. Isti autem diversificantur, quia quidam dicunt quod imperator, aut alius iudex, aut princeps secularis, aut populus seu multitudo aliqua, est iudex ordinarius pape. Alii dicunt quod nec ecclesia universalis nec aliqua congregatio aut persona habet potestatem iudicandi aut coercendi papam, nisi in duobus casibus. Primus, si fuerit de heresi graviter diffamatus, etiam licet false. 2^{us}, si in aliquo crimine de quo scandalizetur ecclesia sit notorie deprehensus, et ipse se incorrigibilem ostendat. Et consequenter inducitur motivum primum prime opinionis, quia papa non habet iurisdictionem coactivam. 25 30

3^m capitulum diffuse arguit quod papa coactivam iurisdictionem non habet.

4^m capitulum diffuse tractat 2^m motivum prefacte opinionis, que dicit quod papa habet superiorem etc. 35

5^m capitulum adducit ad idem 3^{am} et 4^{am} rationes.

6^m capitulum arguit ad oppositum predicte opinionis, et specialiter quod imperator non sit iudex pape.

7^m capitulum respondet ad rationes primi capituli, et hoc in generali et confuse, distinguens duos modos 40.

21 quia *om.* K

27 primus est *add. ed.*

28 diffamatus: infamatus Pa, K, *ed.* in *om.* Pa

31 quia: quod *ed.*

32 coactivam: tractivam Pa

18 *Dial.* I, 6, 1 gives three reasons.

dicendi. *Quidam enim dicunt quod papa in spiritualibus imperatori non est subiectus, sed quantum ad iurisdictionem temporalem est sibi subiectus. Et hoc quantum est ex ordinatione Christi, intelligentes per hoc quod forte iure humano, imperator est pape subiectus in temporalibus. Alii vero dicunt quod imperator, in quantum gerit personam populi Christiani in omnibus, tam spiritualibus quam temporalibus, est iudex ordinarius pape. Intelligent autem isti per temporalia non solum predia, possessiones, aut temporales divitias, sed etiam personas. Per spiritualia vero intelligunt ea que religioni Christiane sunt propria, nec in aliqua alia secta sunt reperta, nec ad legem nature spectantia, sicut sunt ea que pertinent ad sacramenta ecclesiastica dispensanda, vel ad causas fidei terminandas. Et nota totum capitulum.*

8^m capitulum solvit in speciali et per ordinem 5 rationes primi capituli.

9^m capitulum querit an ecclesia universalis, si papa esset de heresi graviter diffamatus, super ipsum potestatem haberet. Et recitat de hoc duas assertiones, unam dicentium quod sic, aliam dicentium quod non, et quod licet papa effectus hereticus, ecclesie sit

42 enim om. ed.

44 sibi: ei K

47 vero om. Pn, ed.

55 nota bene add. K

59 huius primi capituli add. Pa

61 ipsum: eum K

64 effectus: factus K

43 quantum ad: quo ad K

46 iure om. Pa

50 autem om. Pn, ed.

58 5 om. Pa

61 diffamatus: infamatus K

62 de hoc: ad hoc Pn, ed.

42 *Quidam enim dicunt, etc.*: what follows is in chapter 8 in printed *Dial.*

58 8^m = *Dial.* I, 6, 9

59 *primi capituli*: the reference should be to *Dial.* I, 6, 6 & 7, where the 5 reasons are enumerated.

60 9^m = *Dial.* I, 6, 10

subiectus, quia eo ipso quod est hereticus efficitur non papa, si tamen false fuerit de heresi diffamatus, in hoc casu non habet ecclesia aliquam potestatem super ipsum. Et arguit pro ista 2^a assertionem. 65

10^m capitulum arguit ad oppositum predicte 2^e assertionis, et pro prima assertionem. 70

11^m capitulum querit an concilium generale super papam de heresi diffamatus iurisdictionem vel potestatem obtineat. Et recitat unam assertionem que dicit quod non, et ponit rationes eius.

12^m capitulum arguit ad oppositum predicte assertionis. 75

13^m capitulum recitat unam assertionem que dicit quod non solum propter infamiam falsam habet ecclesia iurisdictionem supra papam. Si tamen fuerit papa de heresi taliter diffamatus quod sine scandalo ecclesie vel periculo fidei tollerari non possit, tunc non solum universalis ecclesia aut concilium generale, sed etiam episcopi habent potestatem inquirendi de ipso; quem si deprehenderit manifeste hereticum, ipsum debent coercere, vel aliis denunciare ipsius pravitatem. 80
85

65 eo ipso: episcopo Pa quod est: quo efficitur K

72-3 diffamatam - obtineat: habeat iurisdictionem K

75 predicte: illius K 78 non solum: nedum K

81 non solum: nedum K

83-4 si deprehenderint: sibi deprehenderint Pa; si deprehendant K

69 10^m = Dial. I, 6, 11

71 11^m = Dial. I, 6, 12

75 12^m = Dial. I, 6, 13

77 13^m = Dial. I, 6, 14

78-9 Dial. I, 6, 14 has quod propter nullam infamiam falsam habet ecclesia iurisdictionem super papam.

14^m capitulum ponit rationes predictae assertionis, et sunt notabiles.

15^m capitulum querit an propter appellationem aliquorum contra papam pro causa heresis interiectam, catholici habeant potestatem inquirendi de summo pontifice. Et circa hoc recitat duas assertiones, unam dicentium quod in nullo casu est appellatio contra summum pontificem deferenda, nec propter eam aliquid aliud est agendum; aliam dicentium quod appellationem contra papam pro causa heresis interiectam debent prelati admittere, et quod propter eam oportet eos de iure de tali appellatione cognoscere. Et consequenter pro prima assertionem arguit auctoritatibus et rationibus.

16^m capitulum arguit pro 2^a assertionem, quam dearticulat per 3 conclusiones. Prima est, quod a papa catholico quamvis de heresi publice diffamato pro causa heresis, directe appellare non licet, nisi forte aliquis deceptus haberet iustam causam credenti papam esse hereticum. 2^a est, quod a papa heretico licet appellare. 3^a, quod si de facto aliquis appellaret a papa catholico, antequam constaret quod appellatio huiusmodi esset legitima, esset appellationi deferendum. Et consequenter arguit pro prima conclusione, quam

88 propter: papa ed.

89 papam: ipsum Pa

89 heresis interiectam om. ed.

93 aliquid om. K

97 cognoscere: cogitare ed.

106 catholico: heretico K

106 antequam: quamquam Pa

107 deferendum: differendum Pa

86 14^m = Dial. I, 6, 15

88 15^m = Dial. I, 6, 16

92-3 appellatio - deferenda: Dial. I, 6, 16 has appellationi contra summum pontificem deferendum

94-6 appellationem - admittere: Dial. I, 6, 16 has appellationi pro causa heresis contra summum pontificem interiecte debent prelati deferre

99 16^m = Dial. I, 6, 17

107 esset legitima: Dial. I, 6, 17 has non esse legitimam

dearticulat in 3 partes. Prima est, quod deceptus de infidelitate pape, quia scilicet non habet probabilem causam credendi ipsum esse hereticum, non debet ab eo directe pro causa heresis appellare, sibi videlicet heresim imponendo, vel ipsum de heresi accusando aut quomodolibet diffamando. 2^a est, quod in casu liceret non decepto de infidelitate pape catholici indirecte contra ipsum appellare, papam scilicet ad iudicium provocando, non sibi heresim allegando seu imponendo, sed allegando quod papa dicitur crimine heresis mendaciter diffamatus, et ideo exortum scandalum sedare tenetur. 3^a est, quod deceptus habens iustam causam credendi papam esse hereticum, posset licite a papa catholico appellare. Et hoc consequenter declarat.

17^m capitulum declarat 2^{am} conclusionem principalem precedentis capituli. Et distinguit quod appellatio dicitur dupliciter. Quedam enim est que continet querelam inique sententie et fit a iudice. Alia est que continet querelam inique sententie que quandoque non est a iudice, sed est provocatio quedam ad causam ne aliquid fiat illicite. Primum dicitur proprie appellatio; sed in conclusione predicta, capitur large appellatio. Et tunc predicta assertio duo ponit. Primum, quod a papa heretico in casu licet appellationem stricte sumptam

- 110 quia: qui K 117 alegando seu om. Pa, K
 119-20 et ideo - tenetur om. ed. 120 iustam: maximam ed.
 124-5 quod - dupliciter: de appellatione quod dupliciter accipitur K
 126 et fit: que fit K 129 proprie et stricte add. K
 130 conclusione: consideratione Pa 132 sumptam: dictam K

109-10 *Dial. I, 6, 17* has *prima est quod qui non est deceptus de fidelitate pape*

115 *Dial. I, 6, 17* has *non decepto de fidelitate pape*

123 17^m = *Dial. I, 6, 18*

127 *inique: Dial. has aliq*

emittere, illam appellationem scilicet que est provocatio
 inique sententie querelam continens, puta si aliquibus
 litigantibus coram ipso super causam fidei, pro altero 135
 eorum contra fidem proferret sententiam. 2^m dictum est
 quod si papa fiat hereticus ex causa quacumque, etiam
 ille qui non litigat coram ipso potest appellare contra
 ipsum. Et ista appellatio est provocatio, et non proprie
 dicta appellatio. 140

18^m capitulum probat 13 rationibus quod in casu a
 papa heretico liceat appellare. Et ponit casum in quo
 hoc apparet magis clarum, scilicet si papa diffinitivam
 daret sententiam pro illo qui teneret et asserreret fidem
 catholicam esse falsam, et sectam Saracenorum tenendam. 145

19^m capitulum obicit contra predictam conclusionem
 et casum positum in precedenti capitulo, quia pronuncians
 diffinitive legem Christianam esse falsam est inter
 infideles indubie enumerandus; ab infideli autem fideles
 appellare non licet. Ad hoc duo dicit. Primum est quod 150
 non est necessarium appellare a papa iniquam contra fidem

133 illam appellationem stricte sumptam *add.* Pa

133 scilicet *om.* Pn, *ed.*

133-4 illam - continens *om.* K

135 ipso super causam fidei: eo in causa fidei K

136 proferret sententiam: sententiaret K

137 etiam: tunc Pa 138 ipso: eo K

142 casum: causum Pa

142-3 in quo - clarum: in quo videtur probabilius K

143 papa *om.* K

144 illo - asserreret: eo qui diceret K

147 casum: causum Pa 148 legem: fidem K

149 infideles: fideles Pa

149 indubie enumerandus: numerandus est utique K

150-1 quod non *om.* Pa necessarium: necesse K

141 18^m = *Dial.* I, 6, 19

146 19^m = *Dial.* I, 6, 20

proferente sententiam, sed in multis casibus sufficit talem sententiam impugnare, et tamquam abhominabilem detestari. 2^m est quod tamen aliquando expedit appellare, exemplo Pauli qui ad Cesarem appellavit. Unde hoc probat 155 consequenter quod hec appellatio pro causa fidei fuit.

20^m capitulum obicit contra dicta movendo dubium utrum ad papam hereticum vel hominem alterius secte, sicut erat Cesar, in causa fidei liceat appellare. Et distinguit quod dupliciter contingit pro causa fidei 160 appellare. Uno modo tamquam ad illum qui habet iuxta doctrinam sacram de causa fidei terminare. Alio modo tamquam ad illum qui ex officio vel ex electione appellantis vel alio quovis modo potest cognoscere an appellans debeat pro causa huiusmodi ab emulis accusari, 165 vel in iudicio aliquē debeat conveniri. Primo modo non licet ad hominem hereticum vel alterius secte pro causa fidei appellare, sed 2^o modo bene licet. Et sic fecit Paulus, ut consequenter declarat.

21^m capitulum facit 4 obiectiones contra dicta. Et 170 ibi nota distinctionem quod dupliciter potest aliquis esse iudex in causa fidei. Uno modo tamquam habens ex officio potestatem questiones fidei terminandi. Et ad talem iudicem licet pro causa fidei appellare, sed talis iudex in causa fidei non potest esse alterius secte. 175

152 proferente sententiam: sententiante K

154 appellare: expellare Pa 161 iuxta: iustam Pn

166 aliquo: alio Pn, Pa, ed. 167 hominem om. K

171 aliquis: quis K

155 cf. Act 23-25

157 20^m = Dial. I, 6, 21

170 21^m = Dial. I, 6, 22

Alio modo potest esse aliquis iudex quasi arbiter electus. Et hoc contingit dupliciter sicut dupliciter contingit compromittere in aliquem super causa fidei, vel scilicet promittendo quod illus tenebitur quod ille secundum suam conscientiam reputaverit tenendum, vel quod illud tenebit quod ipse iudicabit esse consonum fidei Christiane. Primo modo non licuit compromittere in aliquem infidelem, sed bene 2^o modo. Et sic fecit Athanasius, qui sicut in libro de altercatione eius contra Arrium, cum emulis suis paganum in iudicem elegit. Et de hoc materia diffuse loquitur. Nota totum.

22^m capitulum assignat 3 rationes propter quas expedit ab heretica sententia pape appellare, licet non semper sit necessarium, ut dictum fuit capitulo 19.

23^m capitulum arguit quinque rationibus quod non semper sit necessarium ab heretica pape sententia appellare, servando scilicet formam et puncta que oportet secundum iura humana in appellationibus observare.

- | | | | |
|-------|---|-----|----------------------|
| 176 | aliquis: quis K | 178 | super: pro Pa; in K |
| 179 | quod illus: quicquid ed. | 180 | secundum: iuxta K |
| 182 | licuit: licet K | 183 | aliquem om. K |
| 183-4 | Et - libro: quo modo beatus Athanasius, ut dicitur in libro K | | |
| 184 | Athanasius: Anastasius Pn; Anathasius Pa, ed. | | |
| 184 | qui sicut habetur add. ed. | 188 | licet hoc add. K |
| 189 | fuit: est K | 190 | non om. Pa |
| 191 | necessarium: necesse K | | |
| 192 | servando - oportet post appellare (supra, line 188) trs. ed. | | |
| 192 | scilicet om. ed. | 193 | observare: servare K |

178 *compromittere: Dial. has committere*

183-6 The work referred to is in fact the *Altercatio s. Athanasii contra Arrium, Sabellium vel Photinum* of Vigilii Tapsensis; cf. PG 28, col. 1439; PL 62, cols. 179-238

187 22^m = *Dial. I, 6, 23*

190 23^m = *Dial. I, 6, 24*

24^m capitulum declarat usque ad capitulum 32 quare
 prius posita est illa modificatio, scilicet non oportet 195
 appellare servando formam et puncta que debent secundum
 iura humana in appellationibus observari. Et ibi nota
 quod appellatio a sententia lata contra fidem
 quadrupliciter accipitur. Primo modo capitur pro libello
 continente formam appellationis que communiter consuevit 200
 in aliis appellationibus observari. 2^o modo pro voce qua
 quis in presentia iudicis dicit, appello. 3^o modo pro
 impugnatione inique sententie. 4^o modo potest dici
 appellatio omne factum quo quis se ostendit latam
 sententiam reprobare aut tamquam abhominabilem detestari. 205
 Unde quod non solum verbo sed etiam facto appellare
 contingat probat auctoritate Innocentii 3ⁱⁱ, *Extra, de*
appellationibus, 'Dilecti'. Duobus igitur primis modis
 non est necesse appellare ab heretica pape sententia.
 Et propter hoc in assertione predicta addita fuit 210
 modificatio memorata, sed servando etc. Necesse tamen
 est appellare 3^o et 4^o modis a sententia pape heretica
 quando scitur esse heretica. Et hoc potest non solus ille
 contra quem lata est sententia talis, nec soli prelati
 hoc possunt, sed hoc potest et debet quilibet catholicus 215
 talem sententiam sciens hereticam, quia aliter esset
 fautor heretice pravitatis. Et istam materiam diffuse
 tractat.

- | | | | |
|-------|--|------------------------|----------------------|
| 197 | observari: servari K | 199 | Primo: Uno ed. |
| 203-4 | potest - factum: dicitur omne factum K | | |
| 204 | omne: esse Pa | 206 | non solum: nedum K |
| 206 | appellare: approbare Pa | | |
| 209 | necesse: necessarium Pn, Pa, ed. | pape: proprie Pn, ed. | |
| 210 | propter hoc: ideo K | addita: audita Pn, ed. | |
| 211 | memorata: predicta K | 213 | scitur: scilicet ed. |
| 213 | non solus: nedum K | 214 | talis om. K |
| 214 | nec soli: nedum K | 215 | quilibet: quidem ed. |
| 216 | sciens esse hereticam add. K | | |

194 24^m = *Dial.* I, 6, 25 207-8 II, 28, 1, col. 409
 208-17 *Duobus - pravitatis* = *Dial.* I, 6, 27

32^m capitulum querit *an a sententia pape quamcumque heresim continente liceat appellare*. Et circa hoc 220 recitat diversas assertiones, et arguit pro assertionem que dicit quod sic. Et consequenter capitulum 33^m et 34^m de appellatione contra doctrinam pape hereticam licet non esset diffinitiva sententia idem ponunt quod prius dictum est de diffinitiva sententia contra fidem. 225

35^m capitulum querit *an impugnantes papam hereticum sint ab aliis catholicis defendendi etiam contra papam taliter impugnantes punire volentem*. Hanc questionem tractat recitando circa eam contrarias assertiones et arguendo pro et contra, obiciendo et solvendo obiecta 230 et distinguendo diversos modos defensionis, et ostendendo quando, qualiter et quomodo huiusmodi defensio fieri debeat, et que persone ad hoc teneantur. Et hec omnia diffuse prosequitur usque ad capitulum 54^m.

54^m capitulum revertitur ad materiam 15ⁱ capituli 235 solvendo auctoritates et rationes ibi factas quibus probatur *quod a papa non liceat appellare* in quocumque casu. Et ibi nota *quod verbum generale non semper generaliter est intelligendum*, quod probatur multis exemplis scripture. Et sic auctoritates ibi inducte 240 licet sint generales tamen sunt intelligende nisi in causa heresis vel de appellatione que *transit in rem iudicatam*.

222 que -- sic: affirmativa K 224-5 idem - sententia om. Pa

227 deferendi et defendendi add. Pn, ed.

228 eum impugnantes add. K volentem: nolentem Pa

228-9 Hanc - eam: Et circa hoc recitat K

235 revertitur: redit K 237 quocumque: nullo K

242 que transit om. Pa

219 32^m = Dial. I, 6, 33

222 33^m et 34^m = Dial. I, 6, 34 & 35

226 35^m = Dial. I, 6, 36

235 54^m = Dial. I, 6, 55

235 15ⁱ capituli = Dial. I, 6, 16

55^m capitulum querit *quid sit agendum si postquam catholici zelo fidei ceperint inquirere de papa super crimine heresis diffamato, papa taliter diffamatus totis viribus eos molitus fuerit impedire aut nullo modo ab huiusmodi impedimento desistere voluerit.* Hanc materiam diffuse prosequitur secundum unam assertionem. 245

56^m capitulum ostendit secundum predictam assertionem ad quod spectat predicta inquisitio contra seu supra papam. Et dicit quod primo et principaliter ad universalem ecclesiam si essent ita pauci catholici quod omnes in unum possent leviter convenire. 2^o ad concilium generale quod vicem gerit universalis ecclesie. 3^o, si nec universalis ecclesia conveniret in unum nec concilium generale, spectaret ad diocesanum in cuius diocesi moraretur papa cum concilio vicinorum episcoporum si essent. Si autem diocesanus negligeret, ad sedem vel clerum ubi papa moraretur. Si vero omnes clerici essent dampnabiliter negligentes, talis inquisitio spectaret ad laicos. Et ita dicit hec assertio de punitione pape. 250 255

57^m capitulum querit propter quam infamiam secundum predictam assertionem est de papa inquisitio facienda. Et hanc materiam diffuse prosequitur usque ad 62^m capitulum. Et ibi nota de submissione pape voluntaria alterius iudicio, et de purgatione ab eo facienda ab infamia contra eum laborante. Et nota totum. 265

247 eos om. Pn, ed. fuerit: fuit Pa

248 voluerit: noluerit Pa

251 seu supra om. Pa, K, ed.

254 leviter scripsi; leniter Pn, Pa; breviter ed.; faciliter K

257 in cuius diocesi: loci in quo K 266 nota: vide K

267 ab eo: per eum K

268 nota totum bene add. K

244 55^m = Dial. I, 6, 56

250 56^m = Dial. I, 6, 57

258-9 si essent: Dial. has si esset necesse

263 57^m = Dial. I, 6, 58

266-8 = Dial. I, 6, 60

62^m capitulum solvit auctoritates et rationes primi capituli quibus probatur quod papa non habet superiorem 270 in terris.

63^m capitulum solvit rationes 6ⁱ capituli quibus probatur quod imperator non sit iudex pape.

64^m capitulum solvit rationes 10ⁱ capituli quibus arguitur quod ecclesia universalis supra papam non habet 275 potestatem.

65^m capitulum solvit rationes 11ⁱ capituli quibus arguitur *quod concilium generale iurisdictionem supra papam non habet.*

66^m capitulum enumerat *modos in quibus catholici et 280 fideles habent potestatem supra papam.* Et loquitur non solum de vero papa, sed de quolibet gerente se pro papa. Loquitur etiam non solum de iudiciaria seu ordinaria sed de qualibet licita potestate. Primo igitur potest quis habere potestatem in in papam, scilicet potestatem 285 secundum quid *quam quis potest in eum exercere ipso volente, et hoc quando papa alicuius iudicio voluntarie se submittit, sicut Leo papa iudicio imperatoris et suorum se submisit, 2 q.7, 'Nos'.*

269-71 62^m - terris om. Pa 272 63^m: 61^m Pa
 273-5 imperator - quod om. Pa 281-2 non solum: nedum K
 283 non solum: nedum K
 286-7 potest - hoc: exercere potest in eum volentem ut K
 287 volente *scripsi*; nolente Pn, Pa, *ed.*

269 62^m = *Dial. I, 6, 62* 272 63^m = *Dial. I, 6, 62*
 274 64^m = *Dial. I, 6, 63* 277 65^m = *Dial. I, 6, 64*
 280 66^m = *Dial. I, 6, 65*
 280sqg. *cf. Tractatus de materia, p. 304, and De potestate ecclesiastica, col. 957, where d'Ailly cites 2 q.7, 'Nos'*
 286 *in eum: Dial. has in alium* 288-9 c.41, C.2, q.7, col. 496

Deinde enumeratur 4^{or} casus in quibus potest quis 290
 in papem habere potestatem scilicet potestatem
 simpliciter quam potest in eum exercere ipso etiam
 nolente immo penitus renitente. Primus est si papa in se
 vel in alium manus crudeles irrationabiliter cupiat
 mittere ut se ipsum vel alium sine causa occidere. 2^{us}, 295
 si papa qui fuit verus papa et adhuc cupit se gerere pro
 papa in heresim lapsus fuerit manifeste. 3^{us}, si papa in
 aliquo crimine fuerit deprehensus de quo scandalizatur
 ecclesia et ipse incorrigibilem se ostendat. 4^{us}, si
 fuerit de heresi mendaciter diffamatus, tunc enim 300
 catholici habent potestatem iudicandi ipsum ubi cum
 scandalo ecclesie irrevocabiliter sive pertinaciter se
 submittere vel purgare renuit. Nec ista assertio negat
 alios casus.

67^m capitulum querit an si papa efficiatur hereticus, 305
 ipso facto sit omni ecclesiastica dignitate et
 auctoritate privatus. Et recitat de hoc unam assertionem
 que dicit quod sic, et hoc de iure divino, licet in
 scriptura divina de papa heretico nulla fiat mentio
 specialis. Et ad hoc facit 16 rationes pulchras. 310

291 scilicet potestatem om. Pa, K

292-3 quam - renitente: quam in eum etiam invitum exercere potest K

293 immo: primo Pa

293-4 si papa - vel: si papa vi semel K

294 in om. K

296 cupit: vult K

302 irrevocabiliter: incorrigibiliter K; irrationabiliter ed.

305 efficiatur: fiat K

308 que dicit: dicentem K

309 divina: sacra K

301 Ockham's meaning has been altered by the omission, perhaps by
 homeoteleuton, of *potestatem (inquirendi de ipso, licet non
 habeant potestatem) iudicandi*

301 ubi: Dial. has nisi

305 67^m = Dial. I, 6, 66

310 Dial. I, 6, 66 gives 15 reasons

68^m capitulum facit 7 rationes contra predictam
assertionem.

69^m capitulum solvit predictas 7 rationes valde
diffuse. Et nota totum.

70^m capitulum querit *quam potestatem habet ecclesia* 315
supra papam labem hereticam incurrentem. Et circa hanc
materiam tractat 4^{or} opiniones usque ad capitulum 76^m.
Et nota ibi diffuse in capitulo 75^o de repulsione a
testimonio hereticorum et aliorum criminorum.

76^m capitulum querit *qua pena papa hereticus est* 320
plectendus. Et repondet quod omni pene est *subditus* cui
alii heretici et *saltem episcopi* sunt plectendi.

77^m capitulum incipit enumerare *penas quibus papa*
hereticus est plectendus. *Prima pena hereticorum, sive*
sit papa sive alius, est privatio omnis ecclesiastice 325
prelacionis licet non characteris.

78^m capitulum ponit 2^{am} penam, scilicet *penam infamie*
quam iure divino vel naturali licet non semper de facto
omnis hereticus incurrit. Et nota ibi distinctionem de
infamia et quid est *infamia iuris.* Item nota ibi diffuse 330
de testimonio criminorum non credendo, quam materiam
sequens capitulum prosequitur probando aliquibus
rationibus *quod pape heretico in nullo sit credendum.*

312^o quas sequens capitulum diffuse solvit, et nota totum *post*
assertionem K, conflating c.68 and c.69

316 labem: pravitatem K 320 querit *om.* Pa

321 subditus: subiectus K 322 sunt *om.* Pa

324-5 sive - alius: omnium K 330 iuris talis *add.* Pa

331 credendo: recipiendo K

311 68^m = *Dial.* I, 6, 67

315 70^m = *Dial.* I, 6, 69

320 76^m = *Dial.* I, 6, 74

327 78^m = *Dial.* I, 6, 76

330-33 = *Dial.* I, 6, 80

313 69^m = *Dial.* I, 6, 68

318 75^o = *Dial.* I, 6, 77

323 77^m = *Dial.* I, 6, 75

329-30 = *Dial.* I, 6, 78-79

80^m capitulum ponit 3^{am} penam, scilicet *sententiam excommunicationis* quam de facto incurrit quilibet 335
hereticus.

81^m capitulum ponit alias quinque penas quibus papa hereticus est plectendus. Unde 4^a pena est quod ipse est *a sede apostolica repellendus*, etiam per potestatem 340
temporalem. 5^a est quod ab omni ecclesiastico ordine degradandus. 6^a, quod est curie seculari tradendus nisi ad fidei unitatem redierit; si autem redierit, est 345
perpetuam carceri mancipandus, *Extra, de hereticis, 'Ad abolendam'* et capitulo *'Excommunicamus'*. 7^a, quod bona eius si habuerit propria penitus sunt confiscanda, *Extra, de hereticis, 'Vergentis'*. 8^a pena, quod si papa sit hereticus et de alio crimine pariter sit convictus, etiam puniendus erit pena tali crimini congruenti.

82^m capitulum querit an ad unum vel plures iudices de iure pertineat pape heretico penas infligere 350
supradictas, scilicet expulsionem a sede apostolica, degradationem, incarcerationem, traditionem curie seculari et confiscationem propriorum bonorum. Et respondet secundum unam opinionem quod predicta pertinent ad generale concilium si fuerit congregatum, et ad papam 355
catholicum si electus fuerit canonice. Si autem nec generale concilium fuerit congregatum nec papa electus canonice, predicta spectant ad collegium cardinalium;

334 *sententiam om. Pn, ed.*

351 *expulsionem: eiectionem K*

356-8 *Si - canonice om. ed.*

358 *canonice om. Pa, K*

358 *predicta spectant: tunc K*

334 80^m = *Dial. I, 6, 81*

337 81^m = *Dial. I, 6, 82*. The *magister* enumerates 3 other penalties; d'Ailly arrives at 5 by breaking the second of these into two parts (his 5th. and 6th. penalties), and by counting another penalty which the *magister* adds in his conclusion.

343-4 *V, 7, 9, cols. 780-2; V, 7, 15, col. 789*

346 *V, 7, 10, col. 782*

349 82^m = *Dial. I, 6, 83*

et si illi fuerint negligentibus, pertinent ad episcopum
 in cuius diocesi papa commoratur. Si autem prelati et 360
 clerici papam hereticum dampnabiliter neglexerint
 coercere, pape punitio ad principes seculares et laicos
 catholicos pertinebit. Et hanc materiam diffuse
 prosequitur usque ad capitulum 99^m declarando per quem
 in casu quod papa notorie fieret hereticus generale 365
 concilium debeat congregari. Unde ponit secundum unam
 assertionem quod hoc principaliter spectat ad prelatos
 et in lege divina peritos; 2^o, ad reges et principes et
 alias publicas potestates; 3^o, ad omnes clericos et
 generaliter ad omnes catholicos viros aut mulieres 370
 scientes papam esse hereticum et negligentiam superiorum
 suorum videntes. Et sic secundum hanc assertionem 3^a
 conceduntur: primum, quod generale concilium absque
 auctoritate pape in casu possit et debeat congregari;
 2^m, quod reges, principes et alii laici ad generale 375
 concilium debeant convenire; 3^m est quod mulieres
 possint et debeant generali concilio interesse. Et hoc
 diffuse tractat per multa capitula.

Ostendit etiam consequenter in multis capitulis
 quando, qualiter et quomodo pape heretici et aliorum 380
 hereticorum punitio ad principes seculares et alios

359 et si illi: qui si K

360 prelati scripsi; papa Pn, Pa, K, ed.

365 quod: quo K 367 principaliter: specialiter ed.

371-2 negligentiam - videntes: et videntes superiores in hoc
 negligentibus K

375 laici om. Pa

364-77 = *Dial.* I, 6, 84

373-4 D'Ailly does not advert to the fact that the discussion deals
 with the broader problem of whether a general council can be
 summoned without the authority of the pope, regardless of
 whether he be a true pope or a heretical pope - which became
 a very live issue in the aftermath of 1378, during the first
 phase of the conciliar movement.

laicos spectare possit, et quomodo ad ipsos fidei questio pertineat et quomodo non. Et omnia sunt valde notabilia.

99^m et ultimum capitulum solvit diffuse plures rationes factas in pluribus capitulis contra aliquas assertiones predictas. Et est capitulum valde prolixum et notabile. Sequitur 7^{us} liber. 385

(Liber 7)

Septimus liber agit de credentibus, fautoribus, defensoribus et receptatoribus hereticorum. Et continet 72 capitula.

Primum capitulum disserit qui sint censendi credentes hereticis. Et distinguit quod huiusmodi credentes sunt in duplici differentia. Quidam enim sunt qui explicite hereticorum credunt erroribus; alii qui licet non credant explicite hereticorum erroribus, credunt tamen hereticis, censentes eos inter catholicos computandos et eorum doctrinam catholicam reputantes, sed in quo discrepent a doctrina catholica explicite ignorant. Primi autem adhuc sunt in multiplici differentia. Quidam enim sunt qui sciunt ipsos errores ab ecclesia esse condemnatos; quidam vero hoc nesciunt. Et istorum quidam adherent pertinaciter talibus erroribus, quidam vero non, sed parati sunt corrigi. De primis agit usque ad 7^m capitulum; de 2^{is} veris vero a 7^o capitulo usque ad 10^m capitulum. 10 15

388 et notabile *om. ed.*; Sequitur 7^{us} liber *om. Pa, K, ed.*

1 Nota in marg. add. Pa 2 receptatoribus *om. Pa*

3 72: sic Pn, Pa, K, *ed.*; rectius 73

7-8 alii - credunt *om. Pa* 8 hereticorum: eorum K

9 inter catholicos computandos: catholicos K

14 istorum: illorum K

385 99^m = *Dial. I, 6, 100*

Et ibi nota de credentibus determinationi pape obviante fidei Christiane usque ad 6^m capitulum. Item nota in 6^o capitulo quis plus peccat apud Deum et quis gravius 20
puniendus est apud ecclesiam: vel ille qui credit errori pape explicite dampnato quem scit esse dampnatum, vel ille qui non credit tali errori quem scit esse dampnatum, tamen timore pene aut alia illicita causa tractus, talem errorem publice vel occulte confitetur, 25
laudat, docet et predicat tamquam catholicam veritatem. Et nota ibi an peccatum infidelitatis sit gravissimum. Item nota ibidem de mendacio. Item nota in capitulo 9^o quomodo detractores, calumpniatores, diffamatores et criminum impositores in casu sunt in iudicio audiendi, 30
et quomodo eis credendum et quomodo non.

10^m capitulum diffuse arguit 8 rationibus quod catholici imponentes pape hereticam pravitatem sunt ab ignorantibus ipsum esse hereticum audiendi, illi precipue qui ante fuerunt bonae fame. 35

11^m capitulum declarat secundum predictam assertionem qualiter ignorantes ignorantia dampnabili papam esse hereticum quia nolunt vel non curant hoc scire sunt puniendi, et an sint heretici vel credentes aut fautores vel defensores pape heretici iudicandi. 40

12^m capitulum arguit aliquibus rationibus et auctoritatibus contra assertionem predictam.

13^m capitulum premissis 5 distinctionibus ponit circa hanc materiam 7 conclusiones, quarum prima est ista quod loquendo de credulitate que spectat ad iudicem, nullus 45
debet credere referentibus papam esse hereticum nisi sit notorium vel iudiciario ordine servato probatum. 2^a conclusio quod loquendo de credulitate que est inter socios, secundum quod unus socius extra iudicium credit

24 aut: vel. aut Pn; vel K

26 predicat om. K

36 secundum: iuxta K

38 non om. Pn, ed.

46 referentibus om. Pa, ed.

47 servato om. Pa

alteri, nullus tenetur credere uni soli cuiuscunque 50
 fame vel opinionis existat asserenti papam esse
 hereticum. 3^a est quod uni soli bone opinionis vel fame
 referenti per certam scientiam papam esse hereticum
 potest quis credere absque peccato vel excommunicationis
 sententia, licet ei credere minime teneatur. 4^a est quod 55
 pluribus hominibus et discretis referentibus per certam
 scientiam papam esse hereticum tenetur quis credere. 5^a
 est quod referentibus providis et honestis per famam
 publicam papam esse hereticum debet quis credere. 6^a est
 quod quibuscunque criminosis adducentibus legitima 60
 documenta quod papa est hereticus est credendum. 7^a
 conclusio, quod quibuscunque criminosis vel male fame
 si non declaraverint papam esse hereticum minime est
 credendum. Iestas conclusiones per ordinem pulchre
 declarat. Et ibi nota in capitulo 18 utrum omnes 65
 catholici teneantur scire constitutiones pape. Et alia
 multa notabilia sunt circa hanc materiam usque ad
 capitulum 22^m.

22^m et 23^m capitula agunt de scripturis catholicorum
 volentium perfidiam pape heretici declarare sicut prius 70
 dictum est de dictis eorum.

24^m capitulum usque ad 27^m solvit rationes factas
 contra assertionem predictam supra, capitulo 12^o. Et
 nota bene capitulum 25^m, in quo agitur quibus magis sit
 credendum: vel accusantibus papam vel alium magnum 75
 prelatum, vel accusantibus aliquem pauperem vel alium
 impotentem.

51 existat: sit K

55 minime: non K

57 papam om. Pa

65 utrum: quod Pa

66 pape om. Pa

70 prius: primo ed.

73 supra: super ed.

76-7 alium impotentem: alios impotentes Pa, aliter impotentem ed.

63 Dial. has si non declaraverint per legitima documenta

69 scripturis: Dial. has scriptis

27^m capitulum querit *qui hereticorum fautores debeant reputari*. Et distinguit quod quidam sunt fautores hereticorum qui non sunt fautores heretice pravitatis, 80 quidam vero sunt fautores heretice pravitatis qui non sunt fautores hereticorum. Alii vero simul sunt fautores hereticorum et heretice pravitatis. Item de fautoribus hereticorum: *quidam scienter favent hereticis scientes eos esse hereticos*, alii vero inscienter. *Primi qui 85 favent scienter hereticis et non favent eorum erroribus, non sunt credentes nec hereticis nec eorum erroribus.* Alii vero *qui ignoranter favent hereticis sunt aliquo modo censendi credentes hereticis quia scilicet reputant eos inter catholicos numerandos.* 90

28^m capitulum agit *de fautoribus heretice pravitatis*. Et premitit quod fautor heretice pravitatis aliquo modo distinguitur a credente, *quia favor videtur actum exteriorem respicere, credere autem actum interiorem*. Deinde distinguit aliquos modos quibus quis potest 95 favere heretice pravitati. Et est totum notabile.

29^m capitulum agit in speciali *de fautoribus consentientibus diffinitioni hereticali pape*. Et ibi nota de quadruplici consensu, scilicet *negligentie, consilii, cooperationis et auctoritatis sive 100 defensionis*, iuxta glosam *Extra, de officio et potestate iudicis delegati*, capitulo primo.

78 querit *om.* Pa

80-3 qui - pravitatis: et non heretice pravitatis, quidam heretice pravitatis et non hereticorum, quidam autem simul hereticorum et heretice pravitatis K

93 a credente *om.* Pn, Pa, *ed.* aliquo modo *post* videtur *add.* Pa

93 favor: fautor Pn, Pa, *ed.* 94 respicere: aspicere Pa

95 Deinde *om.* *ed.*

96 Et est totum notabile: Et totum capitulum notabile Pa; *om.* *ed.*

- 30^m capitulum declarat 4^{or} predictos modos consensus.
- 31^m capitulum agit in speciali *de consensu negligentie*. Et est totum notabile. 105
- 32^m capitulum agit in speciali *de consensu consilii*. Non agit de consensu defensionis nec de consensu auctoritatis, sed remittit inferius.
- 33^m capitulum declarat *qua pena consentientes diffinitioni heretici pape sunt plectendi, et an debeant heretici iudicari; et arguit quod puniri pena hereticorum*. 110
- 34^m capitulum arguit quod predicti consentientes *heretici sunt censendi*.
- 35^m capitulum usque ad 42^m tractat diffuse et pulchre 115 *an episcopi et prelati publicantes et divulgantes vel per se vel per alios aut publicantibus non resistentes aut resistentibus obviantes doctrinam erroneam pape heretici sint fautores pravitatis heretice reputandi*.
- 42^m capitulum querit an magistri et doctores docentes 120 errorem pape heretici sint fautores heretice pravitatis. Et intelligit per doctores *omnes habentes officium predicandi vel docendi catholicam veritatem*. Deinde solvit per distinctionem.
- 43^m capitulum declarat *quod loco et tempore doctores, sive fuerint magistri sive in alio gradu docendi habentes exercere officium predicandi ad populum, de necessitate salutis tenentur doctrinam pape erroneam, presertim si apud illos inter quos predicta exercent officia divulgatur, efficaciter reprobare et contrariam 130 veritatem firmiter approbare et affirmare, quia in bello*
- 103 consensus: assensus K 107 *de consensu post nec om. Pa, K*
- 112 et capitulo sequenti arguit *post hereticorum K, conflating c.33 and c.34*
- 113 predicti consentientes *om. K* 115 et pulchre *om. K*
- 116-7 vel per se vel per alios: per se vel alios K
- 118 erroneam *om. K* 122 per *om. Pa*
- 125 quod: quo Pn, *ed.*
- 130 aut tenentur *post divulgatur add. Pn, K, ed.*
- 131 approbare et *om. Pa, K*

aut in exercitu contra agmina hereticorum, inter catholicos doctores huiusmodi primum aut saltem non infimum obtinent locum. Ideo parati debent esse ad bellum contra papam hereticum. Deinde obicit contra hoc 135 quod nullus debet bellare sine auctoritate principis; ideo doctores papam hereticam sine auctoritate principis impugnare non debent, sed quamdiu ab ecclesia tolleratur tacere tenentur. Consequenter solvendo dictam obiectionem ostendit usque ad 46^m capitulum quod illa obiectio 3^a 140 falsa innuit. Primum est quod contra papam hereticum non eo ipso quod sit hereticus (sed) ex edicto principis bellus gerendum est spirituale. Nam edictum de bello gerendo contra hereticos et specialiter contra papam hereticum tamquam contra fortiorem inimicum a Christo 145 principe iam exivit, iuxta illud Christi, Matthei 10: 'Non veni pacem mittere sed gladium', et illud apostoli ad Ephesios: 'Accipite armaturam Dei . . . gladium spiritus quod est verbum Dei', et illud Matthei 16: 'Cavete a fermento phariseorum' etc., et Matthei 24: 150 'Videte ne quis vos seducat', et illud I Petri 5: 'Estote fortes in fide' etc. 2^m falsum quod innuit dicta obiectio est quod papa hereticus quamdiu ab ecclesia tolleratur est nullatenus impugnandus. Nam hoc includit quod papa hereticus aliquando ab ecclesia tolleratur, 155

135 papam: ipsum Pa 142 sit: est K sed *supplevi*
 142 edicto: dicto Pa, edito ed. 143 edictum: editum ed.
 154 impugnandus: exprimendus Pn, ed.; exspirandus Pa
 154 includit: implicat K 155 aliquando diu *add.* K

136 cf. Russell, F.H., *The Just War in the Middle Ages*,
 Cambridge University Press (1975), *passim*

146-7 Matth. 10, 34

148-9 Ephes. 6, 13-17

149-50 Matth. 16, 6

150-1 Matth. 24, 4. *Dial.* refers
 to Mc. 13,5

151-2 I Petr. 5, 8-9

154sqg. = *Dial.* I, 7, 44

quod falsum est nisi forte de ecclesia heretica. Unde contra hoc probat duo: *primum, quod ecclesia catholica papam hereticum nullatenus tolleraret scienter; secundum, quod illi doctores et alii scientes papam hereticum deberent hoc ecclesie catholice nuntiare quando possent* 160 *hoc probare. 3^m falsum quod innuit est quod in nullo casu absque auctoritate principis licet alicui bellum sive generale sive particulare contra hostem suscipere. Nam hoc non est verum nisi quando auctoritas principis potest convenienter haberi.* 165

46^m capitulum concludit ex predictis quod licet doctoribus et predicatoribus contra papam hereticum absque auctoritate prelati cuiuscumque mortalis bellum spirituale suscipere eius doctrinam erroneam reprobando. Et hoc iterum multipliciter probat. 170

47^m capitulum ostendit quod si pauci doctores vel predicatoribus in doctrina catholica remanserint et maior multitudo pape heretico consenserit, illi pauci debent ei resistere modis omnibus toto posse, nec debent de victoria desperare; et ita si unus solus remaneret. 175

48^m capitulum ostendit quomodo se debent habere in casu predicto doctores, predicatoribus et literati ne fiant fautores heretice pravitatis. Et est totum notabile.

49^m capitulum querit quid de illis doctoribus et predicatoribus qui impugnatores pape heretici improbant, persequerentur aut quomodolibet infestarent. 180

158 nullatenus tolleraret: nequaquam tolleret K

159 alii om. K

162 licet: liceat K

165 convenienter: consequenter Pa

168 cuiuscumque: alicuius K

170 iterum om. K, ed.

171 ostendit: probat K

172 doctrina: fide K

176 48^m: 47^m Pa

178 Ek est totum notabile om. ed.

179 doctoribus om. Pa

181 improbant om. K

Et premissis distinctionibus ponit 5 conclusiones.
 Prima est quod predicatorum et doctorum assertiones
 impugnantium papam hereticum de assertionem que non est
 dampnata explicite improbantur solo sermone intendendo 185
 convincere per rationes et auctoritates quod ipse non
 continent veritatem, non sunt censendi fautores heretice
 pravitate, nec ex hoc solo sunt reputandi peccare
 mortaliter. 2^a conclusio est quod predicatorum aut
 doctores qui impugnatores doctrine erronee pape quantum 190
 ad assertionem explicite non dampnatam non solum
 rationibus et auctoritatibus sed detractionibus et
 improperiis et quibuscumque molestiis impugnant, peccant
 mortaliter et sunt fautores heretice pravitate. 3^a
 conclusio, quod illi predicatorum et doctores qui 195
 impugnatores pape heretici propter assertionem dampnatam
 explicite quam non possunt faciliter scire sic esse
 dampnatam aut propter imperitiam in scripturis
 authenticis aut propter defectum librorum aut propter
 quamcumque aliam causam propter quam nesciunt papam de 200
 heresi reprehendere impugnant, assertionem pape solum
 rationibus et auctoritatibus muniendo et contrariam
 reprobando, non peccant mortaliter nec sunt fautores
 heretice pravitate. 4^a conclusio est quod predicatorum
 et doctores qui impugnantes papam hereticum pro 205

- 182 Et: Ex *ed.* 184 papam hereticum *om.* K
 185 improbantur: impugnantes K intendendo: intendunt *ed.*
 186-7 non continent veritatem: non sunt vere K
 190 impugnatores: impugnantes K 190-1 quantum: quo ad K
 191 non solum: nedum K 193 quibuscumque: quibuslibet K
 193 impugnant: persequerentur K
 196 impugnatores pape heretici: impugnantes papam hereticum K
 197 sic: sicut *ed.*
 199 authenticis: sacris K, auctoritatis *ed.*
 200 propter *om.* Pa 203 nec sunt: et sunt Pa

assertione dampnata explicite quam possunt faciliter
 scire sic esse dampnatam impugnant, peccant mortaliter
 nec excusantur quin fautores sint heretice pravitatis.
 5^a conclusio est quod predicatorum et doctorum
 impugnatores doctrine erronee pape heretici dampnate 210
 explicite propter impugnationem huiusmodi persequentes
 contumeliis, impropertiis aut aliis molestiis
 quibuscumque, peccant mortaliter et sunt fautores
 heretice pravitatis. Gravius tamen peccant illi qui
 sciunt doctrinam papam esse hereticam quam illi qui 215
 ignorant. Unde contra illos specialiter invehit in
 capitulo 50^o.

51^m capitulum querit an religiosi qui pape heretico
 non resistunt sint inter fautores heretici computandi.
 Et solvit per distinctionem de diversitate religiosorum. 220

52^m capitulum querit an reges et principes qui
 permittunt in suis regnis et dominiis doctrinam pape
 heretici doceri aut publicari sint inter fautores
 heretice pravitatis computandi. Et solvit per
 distinctionem de regibus literatis vel non literatis. 225

53^m et 54^m capitula circa narrata in capitulo
 precedenti probant 3^a. Primum est quod si reges qui
 potentiam temporalem pape et suorum nequaquam metuerunt
 audirent papam de doctrina heretica a viris in sacra
 pagina eruditis et qui semper ante bone fame et 230
 opinionis fuerunt fortiter impugnari, debent diligenter

206-11 quam - explicite om. K 207 impugnant: impugnantes ed.
 212 in contumeliis add. Pn, ed.
 217 capitulo 50^o: capitulo 5^o Pn, ed.; hoc libro Pa
 219 computandi: reputandi K
 222 regnis et dominiis: terris K 223 doceri aut om. K
 225 non literatis: illiteratis K
 228 nequaquam metuerunt: non timentes K

211 D'Ailly has omitted, perhaps by homeoteleuton, *dampnate explicite*
 (sive sciunt sive ignorant eam esse dampnatam explicite) propter
 impugnationem

inquirere vel per concilium generale vel alium modum
 quatenus veritas fidei ostendatur et distincte pateat
 catholicis universis. 2^m est quod reges et principes si
 per quemcumque modum legitime possunt scire vel eis 235
 constet doctrinam pape esse erroneam, tenentur ne publice
 doceatur in suis regnis et dominiis prohibere si per
 talem prohibitionem non timeant dispendium populi
 Christiani. 3^m est quod si rex aliquis propter potentiam
 temporalem pape vel suorum sequacium probabiliter ex 240
 causis urgentibus formidaret quod ex prohibitione
 doctrine pape heretici in regno suo nulla utilitas neque
 temporalis neque spiritualis fidelium sequeretur, sed
 magis catholici turbarentur et plures averterentur a
 fide, a tali prohibitionem cessare deberet, et quod in 245
 suo regno publicaretur permittere.

55^m capitulum idem querit et idem concedit de publicis
 potestatibus et communitatibus quod nunc dictum est de
 regibus.

56^m capitulum querit de simplicibus nullam super 250
 alios potestatem habentibus an sint fautores hereticorum
 vel heretice pravitatis si doctrine pape heretici non
 resistant. Et solvit per distinctionem.

57^m capitulum inquit qui sunt fautores hereticorum
 et non heretice pravitatis, et de pena eorum. Et de hoc 255

- 234 universis: omnibus K 235 quemcumque: illum K
 236-7 ne publice - prohibere: prohibere ut in terris suis non
 doceatur K
 242 doctrine: huiusmodi K; om. Pa regno suo: terris suis K
 244 averterentur: adverterentur Pn, Pa
 245-6 et quod - permittere: et permittere eam doctrinam in terris
 suis publicari K
 247-53 55^m - regibus post distinctionem trs. Pa
 250-1 nullam super alios potestatem habentibus: super alios
 potestatem non habentes K
 253 resistant: resisterent Pa

breviter transit remittendo ad capitulum 27^m et ad capitulum 'Excommunicamus', *Extra, de hereticis*, ubi de pena in # credentes.

58^m capitulum querit an communicantes et obedientes pape heretico sint censendi fautores hereticorum et heretice pravitatis. Et primo agit de communicantibus, distinguens quod contingit sic communicare dupliciter: uno modo tantum corporaliter, scilicet tantum comedendo, loquendo, conversando; alio modo spiritualiter, scilicet quomodolibet in crimine consentiendo. De primo modo probat quod illi qui sic communicant pape heretico non sunt propter hoc fautores hereticorum aut heretice pravitatis. Sed numquid hoc possit sine peccato? Duas ponit sententias circa hoc: una est quod nullo modo licet cuicumque catholico communicare pape heretico; alia quod immo in casu licet ei tantum corporaliter communicare. Et pro utraque arguit, sed declinat ad 2^{am}.

59^m capitulum agit de 2^o modo communicandi, recitans unam sententiam scilicet quod pape heretico licet communicare in divino officio et eum habendo pro papa quo usque per sententiam generalis concilii fuerit condemnatus. Et pro hac opinione multipliciter arguit.

60^m capitulum recitat sententiam oppositam que distinguit quia aut communicantes pape heretico sciunt ipsum esse hereticum aut ignorant, et si ignorant aut

258 # credentes om. Pa

259 Nota in marg. add. Pa.

259 obedientes et credentes add. Pa

260 pape post fautores add. Pa

263 scilicet om. Pn

266 illi om. K

268 numquid: numquam Pa, utrum ed.

270 cuicumque: alicui K

271 alia conclusio add. Pa ei om. Pa

272 declinat: declarat Pa

274 licet: liceat K

280 ipsam: eum K

laborant ignorantia invincibili aut crassa et supina.
 De primis tenet ista opinio quod scienter communicantes
 pape heretico, in hiis que spectant ad papatus officium
 seu quodcumque ecclesiasticum ministerium excepta
 baptismi susceptione in necessitatis articulo, aut 285
 quomodocumque verbo, scripto vel facto habendo eum pro
 vero papa aut pro catholico, sicut ab eo missam audiendo,
 ecclesiasticam dignitatem, beneficium vel officium
 ecclesiasticum recipiendo, vel aliquam reverentiam qua
 aperte papa vel catholicus protestur exhibendo, sunt 290
 fautores heretici et heretice pravitatis, nisi metu
 mortis vel gravissimorum tormentorum hoc faciant, quamvis
 tunc peccent mortaliter.

Unde hec opinio 4^{or} ponit. Primum est quod non licet
 modo predicto communicare pape heretico. 2^m est quod 295
 communicantes predicto modo pape heretico absque metu
 mortis aut tormentorum sunt fautores hereticorum et
 heretice pravitatis. 3^m, quod communicantes predicto
 modo pape heretico metu mortis aut tormentorum non sunt
 fautores hereticorum aut heretice pravitatis. 4^m est 300
 quod tales peccant mortaliter. Ista 4 dicta probat,
 primum in presenti capitulo et alia 3^a in sequenti. Et
 in probatione primi dicti solvendo due dubia incidentia,
 declarat quod si papa in concilio generali legitime
 convincatur pertinaciter adhesisse cuicumque heresi 305

282 scienter: scientes ed. 284 ministerium: misterium Pn, Pa

286 scripto om. Pn, ed.

287-90 sicut - sunt: sicut missam eius audiendo, dignitatem,
 beneficium ecclesiasticum aut officium ab eo suscipiendo,
 vel ei aliquam reverentiam exhibendo qua cum esse
 catholicum vel papam protestatur, sunt K

289 recipiendo: suscipiendo Pa 290 papa om. Pa

293 peccent: peccant ed. 294 non om. Pa

297 et: aut Pn

298 communicantes post pravitatis add. ed.

299 sunt om. Pn 301 nichilominus peccant add. K

301 Ista 4 dicta: Horum 4^{or} dictorum K

qualitercumque dampnate, quantumcumque in concilio generali paratus sit corrigi, pro deposito est habendus, nec potest licite fungi papalio officio nisi in summum pontificem noviter eligatur. Immo si papa pertinaciter tenuerit errorem contra fidem etiam solum dampnatum 310 implicite, quamvis de hoc non vincatur, accusetur aut diffametur, tamen si cognoscat se sic errasse, debet seipsum depositum reputare et renuntiare papatui.

62^m capitulum agit de *communicantibus ignoranter pape heretico*. Et loquitur de utraque ignorantia. 315

63^m capitulum agit de *obedientibus pape heretico* distinguendo de duplici obedientia, in temporalibus et spiritualibus.

64^m capitulum solvit rationes factas in 59^o capitulo pro assertione ibidem recitata. Et nota ibi de 320 sacerdotibus veteris legis, de quibus Christus dicit leproso, Matthaei 8: 'Vade, ostende te sacerdotibus'; et tamen illi erant heretici, quia doctrinam Christi pertinaciter impugnantes. Nota totum.

65^m capitulum agit de defensoribus hereticorum et 325 heretice pravitatis. Et querit qui sunt censendi esse tales, respondens *quod cum defendere aliquid sit illud ab impugnatione tueri vel rei impugnatæ contra impugnantem opem ferre, ideo sicut impugnatione potest tripliciter fieri scilicet verbo, scripto et facto, ita 330*

307 generali: ipso K

308 fungi: ut Pn, *ed.*; ut in Pa

309 papa *om.* K 310 solum: tantum K

320 ibidem: ibi K 324 impugnantes: impugnabant K

324 Nota totum *om.* K

325 defensoribus: sessoribus Pn, Pa; cessoribus *ed.*

326-7 qui - tales: qui sint censendi tales K

328 tunc post impugnatæ *add. ed.*

329 impugnantem: impugnationem Pn, *ed.* ferre: scire *ed.*

etiam defensio, et utroque modo dupliciter, vel in iudicio vel extra iudicium. Et de quolibet predictorum modorum breviter tangit, consequenter tractans de pena defensorum hereticorum in hoc capitulo et in sequenti de pena defensorum heretice pravitatis. Et est totum notabile. 335

67^m capitulum agit de receptatoribus hereticorum querendo primo *quomodo a credentibus, fautoribus et defensoribus distinguuntur*, et qui censentur receptatores. Et ibi nota in solutione quarumdam difficultatum *quod ecclesia non potest aliquem obligare sub pena excommunicationis ut nec metu mortis aut perditionis rerum communicet excommunicato*, quia ad illa que sunt *supererogationis vel excessive gravia ad que quis nec iure divino nec humano nec naturali nec spontanea voluntate noscitur obligari*, non potest ecclesia de plenitudine potestatis fideles artare, nec ad talia se extendit plenitudo potestatis ecclesie. 340 345

68^m capitulum agit de *pena quo receptatores pape heretici sunt plectendi*. Et circa hoc contrarias recitat 350 opiniones, quarum una dicit *quod pena hereticorum sunt plectendi* et heretici reputandi, pro quo est glosa, *Extra, de hereticis, 'Excommunicamus', # credentes*. Alia opinio dicit *quod illi qui solum sunt receptatores hereticorum*

331	utroque: quolibet K	341	quod: et Pn
343	rerum om. Pa	343-4	Nota in marg. add. Pa
344	supererogationis: super errogationis Pn, Pa		
346	noscitur obligari: obligatur K		
348	plenitudo potestatis: potestas K	350	recitat: narrat K
350-2	Et - plectendi om. ed.	351	quarum om. K
353	# credentes: a credentibus Pa	354	illi om. K
354	solum: tantum K		

352-3 Gl. ord. ad V, 7, 13, s. vv. 'receptatores, defensores'.

et non approbant eorum errores licet amore vel 355
 cupiditate tracti aut alia mala causa eos nolunt de
 terra sua fugare nec etiam retinere, non sunt heretici
 propter hoc reputandi nec quo ad omnia pena hereticorum
 plectendi. Et hoc probat. Respondendo autem ad glosam in
 contrarium tenet quod non est inconueniens negare glosam 360
 decretorum cum etiam ipse textus decretorum aperte
 negetur eo quod in textu assertiones erronee inserantur,
 ut patet 23 q.4, 'Sed obicitur', ubi Gratianus narrat
 tempore Achab illos duos quinquagenarios missos fuisse
 ad Heliam, qui secundum scripturan missi fuerunt tempore 365
 Othozie. Et dicit ibi glosa quod textus Gratiani
 confundit historiam. Et ita in pluribus locis.

69^m capitulum querit an omnes credentes, omnes
 fautores, omnes defensores et similiter omnes
 receptatores pape heretici vel aliorum hereticorum sint 370
 equaliter reprehensibiles iudicandi. Et respondet
 secundum humanus iudicium quantum ad credentes quod inter
 eos grauius peccant ceteris paribus theologi quam alii,
 et inter eos grauius illi qui nutriti sunt in contraria
 veritate; et inter eos magis peccant magis literati, 375

- 355 amore: errore K 356 eos: res ed.
 356 eos retinere add. Pa 360 tenet: que continet ed.
 361-2 decretorum - inserantur: negetur cui erronee assertiones
 inserantur K
 363 ubi om. Pa
 368-70 omnes - receptatores: universaliter omnes credentes, fautores,
 defensores et receptatores K
 372 quantum: quo ad K 373-4 peccant - grauius om. Pa

355 amore: Dial. has timore

363-5 Gratianus post c.29, C.23, q.4, col. 913

364-6 cf. IV Reg. 1, 1-11

366-7 Gl. ord. ad c.29, C.23, q.4, s. v. 'Achab'

360-7 cf. *Tractatus contra Ioannem de Montesono*, p. 121, where d'Ailly
 takes more from this chapter of *Dial.* than he includes here.

*sive sint magistri sive discipuli. Inter fautores vero
 gravius peccant reges et principes, intelligendo etiam
 per principes prelatos illos qui habent magnam potentiam
 temporalem, alios non. Inter fautores autem inferiores
 regibus et principibus aliqui plus et aliqui minus 380
 peccant secundum diversitatem status. Inter defensores
 gravius peccant reges et principes et potentes, et hoc
 quantum ad defensores scienter; sed quantum ad defensores
 ignorantes ignorantia crassa, gravius peccant doctores
 et prelati. Inter receptatores gravius peccant qui 385
 muniuntur maiori potentia temporali et minus timent
 temporalem potentiam quam heretici.*

70^m capitulum agit de gravitate periculi tempore
 pape heretici. Et ibi nota diversas falsas estimationes
 quas habent diversi de papa, et plures alias occasiones 390
 propter quas verisimile est tempore pape heretici sibi
 plurimos adherere. Et est totum notabile, sed magis
 morale quam disputabile.

71^m capitulum tractat qui ad impugnandam papam
 hereticum sint idonei reputandi, ostendens quod licet 395
 omnes catholici discretionem habentes alio et alio modo
 debeant ad hoc idonei reputari, tamen virtutibus
 excellentes, in sacris literis eruditi, in arduis rebus
 experti, et potentia pediti temporali tamquam duces et
 principales, ad illud sunt idonei. Et inter omnes 400

376 sive sint magistri *om.* Pn, *ed.* 377 gravius: magis Pn, *ed.*

379-81 Inter - status *om.* *ed.* 382 gravius: magis Pn, *ed.*

382 reges et *om.* K 383 sed quantum ad: sed quo ad K

384 ignorantes: ignoranter K crassa et supina *add.* K

389 estimationes: opiniones K

391-2 pape ~ adherere: pape etiam heretico multos adhesuros K

395 reputandi *om.* K 400 inter: nunc *ed.*

prerogativas quas habere talis idoneus impugnator
 tenetur, prima est quod, tam firmiter stabilitus in
 veritatibus oppositis erroribus pape heretici ut nulla
 ratione ab eis possit avelli, nec quantum ad huiusmodi
 veritates assertiones suas nec correctioni pape neque
 concilii generalis neque etiam angelorum de celo debet
 submittere, sed quemadmodum apostolus scribit ad Galatas
 dicens: 'Licet angelus de celo aliud euangelizet vobis
 preterquam euangelizavimus, anathema sit'. Ex quo
 convincitur error quorundam dicentium quod Christianus
 debet fidem suam supponere correctioni pape, quod probant
 exemplo Ieronimi, qui fidem suam quam didicerat in
 ecclesia in qua nutritus fuit supposuit correctioni
 beatissimi pape Damasi, ut 24 q.1, 'Hec est fides'.
 Unde in contrarium est exemplum Pauli ad Galatas 2^o,
 ubi reprehendit Petrum et corrigit. Nec Ieronimus ibi
 supposuit simpliciter fidem suam correctioni pape, sed
 conditionaliter supposuit expositionem circa eam: 'Ac si
 quis postillator euangelii diceret: hoc est euangelium;
 in quo si aliquid minus bene dixi, paratus sum corrigi'.
 Totum nota ibidem.

402 tenetur: debet K quod sit add. K

404 quantum: quo ad K

407 quemadmodum: sicut K

408 vobis: nos Pa

409 preterquam: preter id quod K

412 didicerat: dicerat Pa

413 fuit: fuerat Pn, Pa, ed.

414 Damasi om. Pn, Pa, ed.

421 Totum nota ibidem om. ed.

407-9 Gal. 1, 8

412-14 c.14, C.24, q.1, col. 970. Ieronimus: potius Pelagius,
Libellus fidei ad Innocentium papam, Pl 45, col. 1718

415-6 Gal. 2, 11, cf. *Questio de reprehensione Petri apostoli a
 Paulo; Tractatus contra Ioannem de Montesono*, p. 120

418-20 cf. *Dial.*: ut iste sit sensus verborum suorum: id est circa
 quam scilicet fidem exponendam et explanandam, si minus
 perite aut parum caute forte aliquid est positum, emendari
 cupimus a te etc. Quemadmodum si quis postillator evangelii
 diceret: hoc est evangelium; in quo si aliquid minus bene
 dixi, paratus sum corrigere.

72^m capitulum numerat *prerogativas communes* omnibus *pape heretici* impugnatoribus sive *corporaliter* sive *spiritualiter*. Et est totum morale.

73^m et ultimum capitulum numerat *aliquas prerogativas* 425 *speciales* quibus *expedit* premunire *impugnatores* *spiritualiter pape heretici* scilicet *per testimonia* *scripturarum*. Et nota totum.

Et sic in laudem Dei terminatur 7^{us} liber prime partis. Sequitur secunda pars.

430

424 impugnent *post* spiritualiter *add. ed.*

425 et ultimum *om. Pn, ed.*

429-30 Et in hoc finitur septimus liber prime partis, et per consequens tota prima pars K; Tabula aurea pro primo tractatu dyalogi venerabilis Guillermi Okam compendiose et breviter ipsum dyalogum comprehendens finit feliciter *ed.*

(TRACTATUS II)

Tractatus 2^{us} huius operis sive 2^a pars principalis est de dogmatibus pape Ioannis 22, cuius prologus incipit, '*Verba oris eius iniquitas et dolus*', ubi invehit contra *revocationem seu retractationem verbalem fictam et frivolum* erroris dicti Ioannis 22, quo 5 dogmatizavit *quod anime sanctorum purgate non vident nec videbunt facialiter Deum usque post diem iudicii*. Et habet pars ista plura capitula.

Primum capitulum tractat primam viam seu rationem illius erroris que fuit hec: Quia *cum clara visione 10 sanctorum non stat spes, sed anime sanctorum sperant corporis resurrectionem usque ad diem iudicii, igitur usque tunc non habent claram visionem*. Maior est sancti Thome 1^a 2^e. Minor patet quia Iob dicit: '*In novissimo die de terra surrecturus sum*', et quia anime sanctorum 15

- 1 sive - principalis om. K 3 eius: mei Pn et dolus om. K
 4 seu retractationem om. K, ed., L 8 plura: 22 K
 9-10 primam - hec: primum motivum ipsius Ioannis predicto errore quod fuit istud K
 14 patet quia: probatur quod K
 15 surrecturus sum om. Pn, K, ed., L

-
- 3 Ps. 35, 4
 4-8 cf. Chart. Univ. Paris., II, No. 983, pp. 434-7. For John XXII's teaching on the beatific vision, cf. Dykmans, M., "Fragments du Traité de Jean XXII sur la Vision béatifique", RTAM 37, pp. 232-53 (1970), and *Les Sermons de Jean XXII sur la Vision Béatifique*, Rome, Pontificia Universitas Gregoriana (1973)
 8 The first indication of d'Ailly's uncertainty about the structure and composition of II Dial. D'Ailly simply numbers the chapters consecutively from 1 to 22 without the division into Book 1 and Book 2 which comes at the end of chapter 12 in printed Dial.; but at the beginning of his résumé of what he calls chapter 13, d'Ailly takes particular care to identify the chapter by giving its *incipit*.
 10-13 cf. Dykmans, *Traité*, pp. 242-3 and n.47, p. 253 and n.83
 13-14 Thomas, *S. theol.* IaIIae, q.18, a.2
 14-15 Iob 19, 25

martirorum in Apocalypsi postulant et murmurando implorant vindictam de sanguine suo. Unde ostendit quod hec ratio preter heresim principalem aliam includit, scilicet quod omnis sperans aliquod futurum non videt clare divinam essentiam. Nam Christus ante passionem 20 divinam essentiam clare vidit et tamen tunc speravit gloriam impassibilitatis. Angeli etiam qui 'semper vident faciem Patris', Matthei (1)8, sperant hominum resurrectionem futuram. Igitur etc.

Tunc respondet ad rationem predictam. Et consistit 25 responsio in 4 dictis. Primum est quod sicut fides potest capi pro habitu vel pro actu, sic etiam spes potest capi pro habitu qui est quedam virtus theologica, vel pro actu sperandi. 2^m est quod visio clara Dei non stat cum spe primo modo dicta que est virtus theologica, 30 nec per talem sperant anime sanctorum corporum resurrectionem. 3^m est quod quamvis visio facialis divine essentie et actus sperandi visionem eandem simul stare non possint, tamen visio huiusmodi et actus sperandi aliquid aliud quam illam visionem simul stare 35 possunt in eodem, ut patuit de anima Christi et ita est de animabus sanctis. Et hoc ostendit esse de intentione sancti Thome. 4^m dictum est quod male allegat adversarius auctoritatem Apocalypsis, quia quamvis dicatur quod clamant etc., non tamen quod murmurando, quia murmurare 40

19 omnis: aliquis Pa, ed., L aliquod: aliquid K

20 Christus: anima Christi K

23 Matthei 18 *scripsi*; Matthei 8 Pn, Pa, K, ed., L

27-8 vel - habitu om. Pa 28 quedam om. K

39 quamvis: licet ibi K 40 tamen dicatur *add.* K

16-17 *cf.* Apoc. 6, 9-11

17 *ostendit*: i.e., Ockham

22-3 Matth. 18, 10. The erroneous Matth. 8 is also in printed *Dial.*

semper in scriptura capitur in mala significatione. et ut habet quamdam tristitiam annexam. Et sic innuitur in hoc verbo heresis nova, scilicet quod anime sanctorum eliciunt aliquem actum malum et quod aliquam tristitiam habent.

45

Secundum capitulum tractat 2^{am} rationem que fuit hec: *Ultra visionem claram divine essentie anime non possunt exaltari, quia ultra summum nihil est altius; et illa visio clara est summa exaltatio animarum. Sed in die iudicii Deus sanctos et illorum animas exaltabit; igitur usque tunc non vident facialiter Deum, alias tunc non exaltarentur. Minorem huius rationis probavit ex illo dicto apostoli Petri: 'Ut nos exaltet in salutem paratam', etc. Unde ostendit quod hec ratio manifeste continet aliqua heretica et aliqua ambigua et disputabilia.*

55

Primum hereticum est quod anima videns divinam essentiam ad maiorem gradum exaltari non potest. Nam secundum Augustinum expresse ad Orosium et similiter libro 12 super Genesi ad litteram, anima beati Pauli in raptu clare et sicuti est divinam essentiam vidit,

60

47 claram om. K

50 illorum: eorum K

51 igitur: ergo ed., L

54 manifeste post unde trs. K

59 expresse om. K

60 beati om. K, ed., L

61 raptu: textu Pa

47-8 cf. Dykmans, *Traité*, p. 243 and n.48; p. 253, n.83

53-4 cf. I Petr. 1, 5

54 ostendit: i.e., Ockham

59-61 Pseudo-Augustine, *Dialogus quaestionum 65 Orosii et Augustinii*, PL 40, col. 752; Augustine, *De Genesi ad litteram*, PL 34, cols. 453-8, 478

Quoted by d'Ailly in his commentary on the Sentences, giving as his source "Ockham ... in secundo tractatu dyalogi de dogmatibus Ioannis 22, capitulo 2"; *I Sent.* Q.1, Art.1, fo. 34^v. D'Ailly's commentary on the Sentences is dated 1375 by Salembier, "Bibliographie", p. 162, and 1376-77 by Glorieux, "L'oeuvre littéraire de Pierre d'Ailly", pp. 62-3

et tamen de facto illa adeptā est in gloriam *maiores* gradum visionis quam fuerit ille etc. Intelligendo etiam illud dictum de potentia absoluta manifeste est hereticum, ut clare probat. 65

2^m hereticum est quod si anima alicuius videt divinam essentiam, totus homo compositus ex anima illa vidente Deum et suo corpore exalti non potest. Nam apostolus ad Philippenses 2^o aperte dicit oppositum ubi loquens de Christo ait: 'Humiliavit semetipsum ... propter quod et Deus exaltavit illum', etc. Similiter apostolus Petrus, Actuum 2^o, loquens de Christo post resurrectionem, dicit ipsum exaltatum. Et euangelista Ioannis 7^o, loquens de Christo ante passionem, dicit quod ille nondum fuerat glorificatus; sed hec glorificatio potest dici exaltatio; ergo post exaltatus fuit et tamen ante vidit divinam essentiam; igitur etc. 70 75

3^m hereticum est quod anime sanctorum usque ad diem iudicii non vident facialiter Deum. Sed de hoc breviter hic pertransit, inducens solum contra hoc auctoritatem apostoli 2^e ad Corinthios 5^o: 'Dum sumus in corpore, peregrinamur a Domino. Per fiden enim ambulamus et non per speciem'. Et hoc desiderabat apostolus ante diem iudicii, scilicet non peregrinari a Domino etc. 80

62 de facto: deffectio L

65 ut clare probat *om. ed.*, L

69 2^o scripsi: 1^o Pn, Pa, K, *ed.*, L dicit *om.* Pa

71 apostolus *om.* K

72 2^o scripsi: 1^o Pn, Pa, K, *ed.*, L post eius *add.* K

74 ante passionem *om. ed.*, L

75 nondum: numquam Pn, Pa, *ed.*, L

76 ergo: igitur *ed.*, L

77 ante *om. ed.*, L

77 clare vidit *add.* K

80 pertransit: transit K

83 speciem: spem Pa, *ed.*, L

65 probat: i.e., Ockham

70-1 Philipp. 2, 8-9

72-3 Act. 2, 32-34

74-5 cf. Ioann. 7, 39

78-9 diem iudicii: printed *Dial.* has *finem iudicii*

81-3 II Cor. 5, 6-7

4^m dictum quod est *ambiguum et disputabile est quod* 85
ultra visionem claram divine essentie anime non possunt
exaltari. Hoc enim potest habere multiplicem intellectum.
Unus est quod ultra illam anime non possunt exaltari ad
quemcumque gradum clarioris visionis nec ad aliam
perfectionem vel gaudium aut honorem vel ad aliud quod 90
non habent. Et iste sensus est hereticus, ut iam patet.
 2^{us} est quod *ad aliquam perfectionem distinctam specie*
ab illa visione maiorem et perfectiorem illa anime non
possunt exaltari. Et iste conceditur, quia licet anime
post iudicium exaltabuntur ad clariorem visionem, non 95
tamen ad clariorem distinctam specie a precedente. Et
iste sensus in nullo concludit intentum illius erroris.

5^m dictum *ambiguum etiam et disputabile est quod*
visio Dei clara est summa exaltatio animarum, quod
potest habere triplicem intellectum. Unus est quod inter 100
omnes exaltationes animarum distinctas specie huiusmodi
visio est summa. Et de hoc sunt varias opiniones, quia
quidam tenet quod fruitio est maior, quidam quod visio
est perfectior fruitione, quidam quod visio ideo est
summa quia non distinguitur a fruitione etc. 2^{us} 105
intellectus est quod illa visio est sic summa exaltatio
animarum quod ille ad nullam perfectionem distinctam
specie maiorem illa quam habent possunt exaltari. Et hoc

- 88 Unus: Primus Pn, Pa, ed., L 89 aliam: illam ed., L
 90 gaudium scripsi: gradum Pn, Pa, K, ed., L
 90 ad aliud: aliquid aliud ed., L 91 iam: statim K
 91 patet: patuit ed., L 92 2^{us} sensus add. ed., L
 93 illa¹: ipsa K et perfectiorem om. K illa² om. K, illam K
 97 concludit: concedit ed., L 100 Unus: Primus Pn, Pa, ed., L
 101 specie a visione add. K
 102-3 Et - tenet: de quo sunt opiniones. Quidam enim dicunt K
 103-4 quidam² - fruitione om. K
 104 quidam: alii K; quidam autem ed., L
 107 ille: ipse K 107-8 distinctam specie om. K
 108 possunt: potest ed., L

est verum. 3^{us} intellectus est quod anima videns Deum
 nec ad ulteriorem gradum visionis divine nec ad 110
 quodcumque aliud perfectius vel imperfectius illa visione
 potest exaltari. Et in hoc sensu procederet predicta
 ratio, alias non. Et iste est erroneus.

6^m dictum etiam ambiguum et multiplex est quod ultra
 summum nichil est altius. Nam hoc habet multiplicem 115
 sensum, quia summum dicitur aliquid multipliciter. Uno
 modo simpliciter; et sic solus Deus est summus et quo
 nichil altius. Alio modo in uno genere dicitur aliquid
 summum secundum speciem, sicut inter omnes species
 coloris albedo potest dici summa. Et sic summo nichil 120
 distinctum specie potest esse altius in genere suo,
 sed bene aliquid eiusdem specie potest esse altius, sicut
 in genere coloris nullus color distinctus specie ab
 albedine potest esse altior, una tamen albedo potest esse
 altior alia. Et sic de visione Dei in genere 125
 cognitionum. Alio modo potest aliquid dici summum quadam
 congregatione scilicet quia omnia possibilis ad
 perfectionem alicuius spectantia comprehendit, sicut
 intensissima albedo potest dici summa. Et sic summo
 nichil est altius in illa specie sed bene in alia. Ex 130
 predictis solvit rationem.

Tertium capitulum tractat 3^{am} rationem predicti
 erroris que fuit hec: *Visio beata non stat cum doctrina
 quia quicumque clare videt Deum videt et omnis secundum*

113 alias: vel Pa

115 Nam hoc: Hoc enim K

120 summo nichil: summa quod nichil ed., L

131 predictis: dictis K

Gregorium dicentem: 'Quid est quod non videt qui
videntem omnia videt?'. Et per consequens qui videret
facialiter Deum non ignoraret aliqua que hic apud
videntes fiunt, nec doceretur de aliquo nec revelaretur
ei aliquid quod prius non vidisset. Sed secundum
Augustinum, de cura pro mortuis agenda, anime sanctorum 140
ea que fiunt hic apud videntes ex se non cognoscunt sed
ex eis ignotescent aut per animas noviter decedentes aut
per revelationem angelorum qui curam habent de viventibus
aut per revelationem immediate a Deo. Igitur cum hoc non
videant nec facialiter Deum vident. 145

Unde ostendit quod hec ratio fundatur in una heresi
manifesta, scilicet quod clara Dei visio sine
omniscientia esse non potest vel saltem non est; quod
aperte obviat dicto apostoli ad Ephesios 3 dicenti:
'Michi autem omnium sanctorum minimo data est gratia 150
hec, in gentibus euuangelizare investigabiles divitias
Christi, ut ignotescent principibus et potestatibus in
celestibus per ecclesiam multiformis sapientia Dei', etc.

- 135 Gregorium: illud Gregorii K 136 videret: videns K
137 ignoraret: ignorat K hic om. K
138 nec²: et Pa doceretur: docentur Pn, K; docerentur ed., L
138 revelaretur scripsi; revelarent Pn, ed., L; revelarentur Pa;
revelatur K
139 ei: eis ed., L non vidisset: incognitum K
140 agenda cm. Pn, Pa, ed., L 142 ex om. K
146 Unde: Et K una om. K
147-9 sine ~ dicenti: non potest esse vel non saltem non est de facto
sine omniscientia, quod est contra illud apostoli ad Ephesios
dicentis K
149 3 om. Pn, Pa, K 153 celestibus: celo ed., L

135-6 cf. Gregory the Great, *Dial.*, IV, c.33, PL 77, col. 376:
"... quid est quod ibi nesciant, ubi scientem omnia sciunt"

140-4 cf. Augustine, *De cura pro mortuis gerenda*, PL 40, cols. 604-6

146 ostendit: i.e., Ockham

149-53 Ephes. 3, 8, 10. Vulg. omits autem and reads principatibus

Ex quibus verbis et glosa ibidem colligitur quod angelis
videntibus clare Deum aliqua latuerunt que per ecclesiam 155
et apostolos predicantes cognoverunt etiam de
spectantibus ad misterium redemptionis humane. Et hoc
verum est licet forte de aliquibus non de omnibus
secundum Augustinum, *super Genesim*, et habetur 2^o
Sententiarum, di. XI. Ad idem est auctoritas Christi, 160
Matthei 24: 'De die autem illa et hora nemo novit, neque
angeli celorum'. Etiam singulare privilegium Christi est
omnia nosse secundum illud apostoli ad Colossenses 2^o:
'In quo sunt omnes thesauri sapientie et scientie'.

Ex quibus omnibus concluditur quod visio beata stat 165
cum doctrina, et quod aliqua anima facialiter videt Deum
que ignorat aliqua et cui revelantur aliqua prius sibi
ignota. Et sic soluta est ratio; nec auctoritatas Gregorii
est contra illa, quia secundum magistrum libro 2^o

- 155 videntibus clare: videntes K 156 de om. ed., L
157 misterium: ministerium Pn, Pa, ed., L
161 Matthei 24 dicentis add. ed., L De die: Hodie Pa
162 Hoc etiam add. K
165 visio beata: visio facialis Dei K
166-8 et quod - ignota: et quarundam rerum ignorantia K
167-8 prius sibi ignota: que prius fuerunt sibi ignota ed., L
168-9 Et sic - quia: Et in hoc solvitur ratio; nec obstant verba
Gregorii que K

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- 154 glosa: cf. Peter Lombard, *Collect. in Epp. Pauli*, PL 192, col. 189
158-9 Augustine, *De Genesi ad litteram*, PL 34, cols. 334-5
159-60 Peter Lombard, *Sentent. II*, di. 11, PL 192, cols. 674-5
161-2 Matth. 24, 36 164 Coloss. 2, 3
165 concluditur: i.e., by Ockham

Sententiarum, di. XI, illa verba debent intelligi de 170
 visione seu cognitione illorum 'quorum cognitio beatum
 facit cognitorem, et sunt illa que ad misterium
 trinitatis et unitatis pertinent' etc.

Quartum capitulum tractat 4^{am} rationem predicti 175
 erroris que fuit hec: *Visio beata reddenda est toti
 supposito et non anime separate, igitur anime sanctorum*
ante diem iudicii non vident Deum. Antecedens probat
 multis auctoritatibus scripture. Unde *Iacobus* ait:
 '*Beatus vir qui suffert temptationem*'; et certum est
 quod *anima non est vir.* Item *Christus* dicit: '*Omnis qui* 180
reliquerit patrem . . . vitam eternam habebit', et iterum,
 '*Vos qui reliquistis omnia*' etc.; et certum est quod
illi quibus loquebatur erant supposita et non anime
separate. Item *merces illa dabitur pro operibus*
misericordie dicente *Christo*: '*Esurivi et dedistis michi* 185
potum' etc.; et certum est quod *suppositum et non anima*
separata dedit elemosinam; igitur etc.

170 *Sententiarum om.* Pn, Pa, ed., L

170-1 illa - illorum: intelligenda sunt de visione eorum K

172 misterium: ministerium Pn, Pa, ed., L

172 aliquod ministerium add. ed., L 176 sanctorum om. K

177 diem iudicii: iudicium K 179 temptationem om. Pa

179 et certum est: certum est autem K

182 et certum est: certum est autem K

183 illi: hii K

186 potum: cibum K

170-3 *Peter Lombard, Sentent. II, di. 11, PL 192, col. 675*

175-7 cf. *Dykman's, Traité*, p. 239, p. 253 and n.83; *Sermons*,
 pp. 103-4, 139-40

179 *Iac. 1, 12*

180-1 cf. *Matth, 19, 29*

182 cf. *Matth. 19, 27*

185-6 cf. *Matth. 25, 35*

Unde quia ista ratio fuit principale motivum illius erroris et reputatum fortius, ideo probat hic veritatem contrariam huic errori que continet tria dicta. *Primum* 190 *est quod merces que includit gloriam anime et corporis soli supposito seu homini integro ex anima et corpore constituto promittitur. 2^m quod illa de communi lege non dabitur ante diem iudicii generalis. 3^m quod merces que non includit gloriam anime et corporis sed gloriam anime* 195 *tantum scilicet visionem Dei et fruitionem promittitur anime antequam corpus resumpserit, et illa dabitur ante generale iudicium multis animabus separatis. Duo prima dicta sunt clara, sed 3^m probatur quia animabus separatis aliqua merces promittitur. Hoc est clarum; sed quod* 200 *visio Dei eis promittitur patet ex illo dicto Christi Ioannis 17: 'Pater, quos dedisti michi volo et ubi sum et illi sint mecum, ut videant claritatem meam' etc. Et loquitur de claritate non humanitatis solum sed Deitatis, ipso ibidem dicente: 'Clarifica me Pater apud* 205 *temetipsum claritate quam habui priusquam mundus esset apud te'. Per predicta solvit auctoritates et patet solutio et ostendit quomodo male applicantur.*

189 reputatum: reportatum ed., L 190 contrariam om. Pa

190 huic: illi K

192-3 ex anima et corpore constituto om. K

196 promittitur: promitti L 197 dabitur om. K

199 sed 3^m probatur: 3^m probat K 200 est om. Pn, Pa, ed.

201 dicto: verbo K

206 temetipsum: te ipsum Pn, Pa

207-8 et patet solutio om. K

189 probat: i.e., Ockham

202-3 Ioann. 17, 24

205-7 Ioann. 17, 5

Quintum capitulum tractat 5^{am} rationem que fuit hec
 sumpta ex parte temporis pro quo dicta merces 210
 promittitur, quia si attendatur sacra scriptura
 invenitur solum quod post iudicium quia tunc dicitur:
 'Venite benedicti Patris mei' etc., et 'Cum sederit
 filius hominis in sede maiestatis sue, sedebitis et
 vos' etc. Unde ostendit ex iam dictis in capitulo 215
 precedenti quod iste auctoritates non concludunt quod
 nulla anima separata ante iudicium videbit Deum, quia
 aliquibus animabus separatis huiusmodi visio promittitur
 pro tempore ante iudicium cum dixit Christus latroni
 Luce 23: 'Hodie mecum eris in paradiso'. Hoc enim dixit 220
 Christus latroni pro anima non pro supposito, nec solum
 pro sua sed pro omni anima purgata. Et intelligit per
 paradysum idem quod Christus intelligere sciebat
 latronem per regnum suum, scilicet beatitudo celestis
 quo non est sine visione Dei, acsi diceret Christus: 225
 'Hodie' etc., id est, sicut hodie video et videbo
 Deitatem, ita tu hodie mecum videbis eam etc.

209 hec: hic Pa, om. K	214-5 sue - vos om. Pa
214 sedebitis: sequitur ed., L	215 ex his add. L iam om. K
219 pro tempore om. K	219 dixit: dixerit K
220 Luce 23: Luce 13 Pn, Pa, ed., L	221 Christus om. K
221 solum: tantum K	222 sed etiam add. Pa
222 anima om. Pn, Pa, ed., L	

210-12 cf. Dykmans, *Traité*, p. 239, and p. 253 n.83; *Sermons*, pp. 104-8, 140-1, 155-6

213 cf. Matth. 25, 34 213-15 cf. Matth. 19, 28
 215 ostendit: i.e., Ockham
 220 Luc. 23, 43

Sextum capitulum tractat 6^{am} rationem que sumitur ex parte finis ad quem *generale Dei iudicium ordinatur*, quia *videtur quod frustra fiat si merces supradicta ante 230 iudicium animabus reddatur*. Unde ostendit quod hec ratio non valet, quia per similem *probaretur quod anime sanctorum nec sunt in celo nec aliquod gaudium habent*, imo quod anime malorum dampnandorum ante iudicium nullam penam habent. Ideo ad rationem dicit quod *licet anime 235 etc.*, tamen *iudicium illud non fiet frustra*, quia *ad multa alia ordinatur*, scilicet ut *supposita integra Deum videant*, et ut visio et tota beatitudo anime *augeatur*, ut *etiam multe anime que prius non viderunt Deum quia prius non fuerunt purgate tunc videant*, ut 240 *etiam mali in anima et corpore cruciantur*, ut etiam tunc cesset *omnis status merendi*.

Septimum capitulum narrat 6 puncta posita in ficta et frivola revocatione Ioannis 22. *Primo ipse ponit motivum propter quod predictam materiam indagavit. 2^o 245 dixit quod conclusioni sue amore veritatis adhesit. 3^o manifestat quare ipsam assertionem suam voluit*

- 229 generale: generaliter Pn, Pa, ed., L
 230 supradicta: predicta K
 232 per similem: per eam similiter K; per falsum ed., L
 235-6 licet ante anime Deum videant add. K tamen om. K
 238 Deum videant: etc. Pn, Pa, ed., L
 238-9 et ut - augeatur om. Pa
 239 prius non viderunt: tunc non viderant Pn, Pa, ed., L
 240 prius: tunc Pn, ed., L; om. Pa fuerunt: erant Pn, Pa, ed., L
 241 tunc cruciantur add. Pa 242 cesset: cessat Pa
 244 ponit: posuit Pn, Pa, ed., L 247 manifestat: explicat K
 247 ipsam: hanc K suam om. K

228-31 cf. Dykmans, *Traité*, p. 240 231 ostendit: i.e., Ockham
 232-5 cf. Dykmans, *Sermons*, pp. 144-8, 149-52, 160-1
 243 .sqg. cf. *Chart. Univ. Paris.*, II, No. 983, pp. 435-6

promulgare. 4^o dicit quod non fuit intentionis sue
 aliquid dicere contra fidem. 5^o verbis dolosis et
 ambiguis se non pertinaciter adhesisse predicte 250
 assertioni pretendit. 6^o de revocatione sua petivit
 fieri publicum instrumentum. Quantum ad primum punctum
 dicit quod ideo super ista questione voluit vigilare
 quia iudicium generale non est solum verbale, inane, et
 fictum. In quibus verbis heresim manifestam includit: 255
 quod si anime etc., iudicium erit frustra.

Octavum capitulum tractat 2^m punctum supradictum quo
 iste vult se ab heresi excusare quia sue assertioni amore
 veritatis adhesit, quod ostendit per hoc, quia libentius
 esset pro conclusione opposita si probaretur esse vera. 260
 Unde ostenditur quod per hoc non excusatur sed potius
 accusatur. Nam heretici, Iudei, et pagani amore veritatis
 suis erroribus assentiunt; nam 24 q.3, capitulo
 'Heresis', dicitur quod 'Heresis Grece ab electione
 dicitur, quia scilicet eam unusquisque sibi eligat 265
 disciplinam quam putat esse meliorem'. Et de Iudeis
 dicitur ad Romanos 10: 'Testimonium perhibeo illis quod
 emulationem quidem Dei habent sed non secundum scientiam',
 et Ioannis 16: 'Venit hora ut omnis qui interfecerit vos
 arbitretur se obsequium prestare Deo'. Et tamen isti 270

250 pertinaciter om. ed., L

252 fieri om. ed., L

252 Quantum ad: Quo ad K

256 quod si anime etc.: scilicet quod anime ante iudicium divinam
 essentiam viderent K

257 punctum: dictum Pn, ed., L

258 quia: per hoc quod K

262 accusatur: excusatur Pa

262 Nam ~ pagani: Nam et heretici omnes et Iudei et Sarraceni K

263 assentiunt: adherent K

266 esse om. K

269 Ioannis 16: Ioannis 6^o K

262-6 c.27, C.24, q.3, cols. 997-8

267-8 Rom. 10, 2

269-70 Ioann. 16, 2

non excusantur. Nec *semper ignorantia excusat* quia etiam *perfidis Iudeis* dicebat Petrus, Actuum 3: '*Fratres, scio quod per ignorantiam fecistis*' etc. Ita in proposito.

Nonum capitulum recitat 3^m punctum supradictum in quo iste assignat rationem quare ipse predictum 275 errorem voluit promulgare et publice predicare, scilicet quia ipse habuit et studuit, ut dicit, originalia sanctorum, et alii vel non habent vel non student. Ideo

(I) Istam assertionem tamquam ignotam aliis voluit divulgare. Unde ostenditur quod in verbis illis declarat quare 280 incidit in errores, quia scilicet in originalibus sanctorum et scripturis divinis absque doctore et exercitio scolastico et sine aliis scientiis que theologie adminiculantur studere presumpsit. Ideo iste videtur ille delirus senex quem beatus Ieronimus 285 reprehendit qui ante scripturam docet quam discat.

Decimum capitulum recitat 4^m punctum supradictum quo iste se excusare nititur ne de heresi condampnetur, dicens quod *numquam fuit sue intentionis aliquid dicere contra fidem, et 'si aliquid dixerimus, totum ex nunc 290 revocamus'*. Unde circa hoc 3^a facit.

272 dicebat Petrus: dixit Christus K

273 Ita est *add.* K

274 recitat: tractat K

274 supradictum: predictum K

274-5 in quo - rationem: ubi narrat causam K ipse *om.* K

276 predicare: probare Pn, Pa, ed., L 277 dicit: dicunt ed., L

280-1 quod - errores: hic ex verbis illis causa quare in illos errores incidit K

282 divinis: sacris K

285 beatus *om.* K

287 recitat: tractat Pa, K

288 se *om.* Pa

288 excusare - condampnetur: excusat de heresi K

289 sue *om.* Pa

290 totum: tamen Pn, Pa; tunc ed., L

272-3 Act. 3, 17

285-6 cf. Jerome, Ep. liii (ad Paulinum), PL 22, col. 544

291 facit: i.e., Ockham

Primo probat quod verba predicta ipsum nullo modo
 excusant quin fuerit et adhuc sit hereticus. Ubi primo
 notandum quod due sunt differentie credendorum, quia
 quedam implicite et quedam explicite sunt credenda, et 295
 hoc declarat. 2^o notandum quod aliqua sunt credenda
 explicite ab omnibus Christianis de communi lege, alia
 non ab omnibus de necessitate credenda sunt, sed ab
 aliquibus tantum. Prima credenda sunt illa que sunt apud
 omnes catholicos tamquam catholica divulgata, sicut 300
 articuli fidei contenti in 'Credo in Deum' etc. Et preter
 illa etiam sunt aliqua alia que ibi explicite non
 continentur, sicut quod anime reproborum descendunt in
 infernum. 2^a vero credenda explicite non ab omnibus sed
 ab aliquibus, scilicet prelatiis et maxime pape, sunt in 305
 duplici differentia, quia quedam sunt que de necessitate
 spectant ad officium aliquorum, sicut ad officium
 predicationis, quedam vero ideo sunt ab aliquibus
 credenda explicite et non ab aliis quia ad illorum
 pervenit notitiam quod in sacra scriptura aut ecclesie 310
 universalis doctrina explicite continentur. Et sic potest
 contingere quod laicus tenetur aliquid explicite credere
 quod non tenetur episcopus vel magnus clericus in
 theologia. 3^o notandum quod heretici sunt in duplici
 differentia. Quidam sunt scienter heretici et quidam 315

292 probat: ostendit K ipsum: eum K, om. Pa

293 primo om. ed., L

294 quia: enim K

297 alia: quedam autem ed., L

298 de necessitate: necessario K

299 tantum om. Pa illa: ea K

300 sicut: ut sunt K

302 illa: ista Pa aliqua om. ed., L

303 sicut: ut sunt K

304 non tamen add. K

305 pape om. Pa

305-6 in duplici: inducitur Pa

308 predicationis: predicatorum ed., L

309 illorum: eorum K

310 quod: quia K

312 tenetur: teneatur K

315 Quidam enim add. K

315 heretici om. Pa

nescienter. Illi primi sunt qui sciunt se catholice
 fidei obviare, sicut apostate a fidei qui credunt fidem
 Christi esse falsam. 2ⁱ vero sunt qui putant se tenere
 fidem Christi sed reputant quamdam veritatem seu fidem
 esse Christianam que in rei veritate non est. 4^o 320
 notandum quod dupliciter contingit errare contra
 veritatem catholicam, quia aut contra veritatem quam
 quis tenetur explicite credere aut contra veritatem quam
 non tenetur explicite credere. Et utroque modo contingit
 dupliciter, quia aut pertinaciter aut non pertinaciter. 325
 Primi sunt heretici manifeste, similiter 2ⁱ et 3ⁱⁱ, sed
 non 4ⁱ. Et hoc declarat ex auctoritate Augustini, 24 q.3,
 'Dixit apostolus'. 5^o notandum quod non solum per verba,
 predicationes, et assertiones errantes contra fidem de
 pertinacia convincuntur, sed etiam per facta et opera 330
 sepe pertinaces probantur. De hoc libro 4^o. 6^o notandum
 est quod differentia est inter revocationem et
 protestationem, quia protestationem potest facere tam
 ille qui errat quam ille qui non errat contra fidem, sed
 revocatio solum pertinet ad errantem, et debet talis 335
 316 illi om. K 317 sicut: ut K
 317 qui credunt: credentes K 318 se om. Pn, ed., L
 319-20 quamdam - est: aliquam assertionem esse de fide Christiana
 que tamen non est de fide K
 322 quia aut contra veritatem om. Pa, ed., L
 324 tenetur quis add. K modo om. Pn
 325 quia - pertinaciter²: scilicet pertinaciter et non pertinaciter K
 331 pertinaces probantur: convincuntur K
 332 est om. K 334 ille² om. K
 334-5 sed revocatio: revocatio autem K
 335 et: ut Pa

327-8 c.29, C.24, q.3, col. 998 = Augustine, Ep. xliii, PL 33, col. 160

331 D'Ailly's own cross-reference to Dial. I, 4, 5 & 22-28

confiteri se errasse et promittere quod numquam contra
 fidem errabit. 7^o notandum est quod revocatio non debet
 esse conditionalis, sed pura, sicut nec penitentia de
 peccato etc., alias esset protestatio solum. Ex
 predictis notabilibus probat primum prius propositum, 340
 circa quod primo declarat quod iste per verba supradicta
 nullo modo excusatur, et hoc quia illa sunt tam communia
 catholicis quam hereticis et obduratis, 2^o quod iste
 tenet et predicat heresim contrariam veritati quam
 tenetur credere explicite. Unde statim et sine maiori 345
 examinatione est hereticus reputandus, quia antequam iste
 esset et diu post, illa veritas sic erat apud omnes
 catholicos divulgata quod nullus eam in dubium revocavit.
 Ideo eam tenetur credere explicite nisi probet
 ignorantiam, scilicet quod numquam audivit aliquem 350
 catholicum illam veritatem tenere, docere, aut predicare.
 Et hoc probat.

2^o principaliter probat quod dictus errans, licet
 possit converti ad catholicam veritatem, tamen nec per
 protestationem nec alio modo poterit excusari quin 355
 fuerit hereticus. Et hoc probat multipliciter per dicta
 eius et facta probando eius pertinaciam.

- | | |
|---------------------------------------|-------------------------------|
| 336 confiteri: fateri K | 337 est om. K |
| 338 nec om. Pa | 340 predictis: dictis autem K |
| 340 propositum: dictum ed., L | 341 verba supradicta: dicta K |
| 342 excusatur ab heresi add. K | illa verba add. K |
| 343 quam etiam add. K | et om. K |
| 344 veritati catholice add. K | quod: quia K |
| 346 examinatione: excommunicatione Pn | 345 maiori: ampliori K |
| 354 veritatem: fidem K | per om. Pa |
| 355 protestationem predictam add. K | modo aliquo add. K |
| 355 poterit: potest K | 357 eius: sua Pn, Pa, ed., L |

3^o principaliter ostendit *qualem revocationem oportet ipsum facere si velit inter catholicos reputari. Et multis rationibus et exemplis concludit quod debet talem 360 revocationem facere per quam ostendat se fuisse hereticum et se esse correctum. Ideo pure sine conditione et palliatione debet suam heresim revocare, scilicet hiis verbis vel equipollentibus: 'Abnego heresim quam approbavi et docui, quod anime sanctorum in celo non 365 vident clare Deum. Consentio fidei orthodoxe, et corde ac ore confiteor quod anime sanctorum vident facialiter Deum'.*

Undecimum capitulum tractat 5^m punctum supradictum quo iste vult pertinaciam suam ostendere, dicens quod 370 '*si aliquis magnus vel parvus aliquid habet pro conclusione affirmativa, det nobis et libenter recipiemus*'. Unde ostendit quod hec verba dolosa sunt et ambigua et ad deceptionem simplicium.

Duodecimum capitulum tractat 6^m punctum in quo 375 *petivit super sua frivola revocatione sibi fieri publicum instrumentum. Unde ostendit quod hoc non prodest sicut nec protestatio. Et consequenter omnia supradicta correctioni illius vel illorum cuius vel quorum interest submittit.* 380

- 358 3^o principaliter ostendit: Principaliter probat ostendit Pn, Pa;
Principaliter probat ostendens ed., L
- 359 ipsum: eum K 362 et: aut K
- 362-3 et palliatione om. Pa 363 scilicet om. K
- 364 equipollentibus: equivalentibus K
- 367 Deum ante corporum resurrectionem add. K
- 369 supradictum: predictum K 370 suam om. Pa
- 370 ostendere: purgare K quod: et Pa, K
- 371 si om. Pa 376 super om. ed., L sibi om. K
- 377 Unde: et K 378 nec: ut Pa
- 378 predicta protestatio add. K supradicta: premissa K
- 378-80 Et consequenter - submittit om. ed., L
- 379 cuius vel om. K

Decimum tertium capitulum quod incipit, '*Qualis est rector civitatis, tales et habitantes in ea*', invehit contra adultores pape Ioannis 22 et sui erroris sequaces et defensores. Unde consequenter eorum rationibus sophisticis respondet in sequentibus 385 capitulis.

Decimum quartum capitulum solvit unam rationem que talis est: *Tempus credendi et tempus beatifice videndi non compatiuntur se secundum doctrinam apostoli, quia fidei succedit visio, sed tempus credendi secundum omnes 390 sanctos durabit usque ad diem iudicii iuxta illud apostoli ad Ephesios 4: 'Dedit quosdam quidem apostolos ... Donec occurramus omnes in unitatem fidei et agnitionis filii Dei in virum perfectum'* etc. Iste enim occursus non erit ante diem iudicii, igitur fides durabit in omnibus 395 tam vivis quam mortuis usque tunc, igitur antea anime sanctorum non videbunt Deum beatifice etc. Unde huius rationis maior est distinguenda, quia si intelligatur quod illa tempora non compatiuntur se pro diversis locis, falsa est; si vero intelligatur quod non pro eodem loco, 400 vera est. 2^o dicitur ad minorem quod tempus credendi durabit usque ad diem iudicii scilicet in terra inter vivos, sed in celo non est tempus credendi. 3^o ad

382	tales sunt <i>add. ed., L</i>	384	et: seu K
384	Unde: et K	385	sophisticis <i>om. K</i>
387	unam illorum <i>add. K</i>	388	beatifice: beati <i>ed., L</i>
389	doctrinam apostoli: apostolum K	390	secundum <i>om. Pa</i>
391	durabit <i>om. ed., L</i>	392	apostoli <i>om. K</i>
396	antea <i>om. ed., L</i>		
398	intelligatur: intelligat Pn, <i>ed., L</i>		
399	quod si <i>add. ed., L</i> se <i>om. ed., L</i>		
400	si vero: si autem <i>ed., L</i>		

381	ch. 13 = II <i>Dial.</i> 2, 1	381-2	<i>Eccli.</i> 10, 2
387	ch. 14 = II <i>Dial.</i> 2, 2		
388-97	<i>cf. Dykmans, Traité, pp. 240-1, and Sermons, p. 216</i>		
392-4	<i>Ephes.</i> 4, 11-13		

auctoritatem apostoli dicitur quod secundum glosam
 ibidem quod nichil aliud intendit apostolus nisi quod 405
*prelatio durabit usque ad diem iudicii. Prelatio autem
 illa non est nunc in celo inter animas sanctas nec fides,
 sed est et erit in vita mortali usque ad diem iudicii.*
 Et hoc ostendit esse in intentione glose.

Decimum quintum capitulum solvit aliam rationem que 410
 fundatur in oratione ecclesie que dicitur *pro defunctis*:
 '*Qui nos precesserunt et dormiunt in sompno pacis*' et
 quietis, *pro quibus orat ecclesia ut lucem diei Deus eis
 concedat in futurum scilicet post diem iudicii.* Et non
 fit hec oratio pro illis qui sunt in purgatorio, quia 415
 illi non dormiunt in sompno pacis et quietis; igitur etc.
 Unde distinguit quod nomen *pacis accipitur* tripliciter
 in scriptura. Primo modo pro concordia unius ad alterum.
 2^o modo *pro reconciliatione ad Deum que fit per
 caritatem.* 3^o modo *pro tranquillitate mentis.* Et ponit 420
 concordantias in verbis apostoli. Item pax 3^o modo dicta
*sicut et tranquillitate mentis est duplex: una perfecta
 que omnem anxietatem excludit, alia imperfecta que
 aliquam anxietatem compatitur.* Item quies in scriptura

404 quod: quia *ed.*, L

405 quod *om.* K nisi *om.* Pa

408 diem iudicii: iudicium K

409 in: de *ed.*, L

415 quia: et Pa dormiunt: sunt *ed.*, L

417 accipitur: dicitur *ed.*, L

419 2^o modo: Alio modo K

421 in: ex Pa, K

422 mentis *om.* K

422 una: scilicet K

423 alia: et K

404-6 *cf.* Peter Lombard, *Collect. in Epp. Pauli*, PL 192, col. 201

409 *ostendit*: i.e., Ockham

410 ch. 15 = II *Dial.* 2, 3

411-14 The prayer referred to is the commemoration for the dead during the canon of the mass, from the Roman missal.

cf. Dykmans, *Traité*, pp. 249-50 and n.76

capitur dupliciter prout sufficit ad propositum. Uno 425
modo pro quiete *ab actibus vitiorum, Isaie 1: 'Quiescite
agere perverse'* etc. Alio modo pro quiete eterna que
omnem penam et afflictionem excludit. Et per ista patet
solutio. *Aliter* etiam posset solvi quod *ecclesia orat*
pro animabus sanctis in celo ut ampliorem pacem habeant, 430
quod fiet in die iudicii quando cum corpore etc.

Decimum sextum capitulum solvit aliam rationem que
fundatur in auctoritate Ambrosii libro de bono mortis,
ubi dicit quod *anime purgate visione spirituali que est*
per speciem vident Deum. Et certum est ut dicunt illi 435
quod nulla species est medium ita efficax sicut humanitas
Christi, etc. Unde ostendit quod hec ratio est contra
facientes eam, quia videre per speciem est clare videre,
quia *videre per speciem distinguitur contra videre per*
speculum et in enigmatē. Et hoc probat ex verbo apostoli 440
2^e ad Corinthios 5^o: 'Per fidem enim ambulamus, non per
speciem'. Et ideo supposuit falsum, scilicet quod videre
per speciem sit videre per mediam creaturam, quia
huiusmodi visio per speciem est illa quam vocat apostolus
facie ad faciem. Nec humanitas Christi est 445
efficacissimum medium, imo magis natura cognitiva vel
visio intuitiva.

425 prout: ut K

429 Aliter: Alio modo ed., L

429 solvi: dici K

431 in die iudicium: post iudicium K

431 quando cum corpore: cum corpora resumpserint K

433 bono: pmo Pn, ed., L

436 medium om. Pn, ed., L

438 videre per speciem om. K

440 Et hoc: quod K

440 ex verbo illo add. K

442 speciem: spem ed., L

443 mediam: eandem ed., L

444 illa om. K vocat om. ed., L

446 vel om. ed., L

426-7 Is. 1, 16

432 ch. 16 = II Dial. 2, 4

433-5 cf. Ambrose, *Liber de bono mortis*, c.11, PL 14, cols. 590-1

437 ostendit: i.e., Ockham

439-40 cf. I Cor. 13, 12

441-2 II Cor. 5, 7

444-5 cf. I Cor. 13, 12

Decimum septimum capitulum solvit falsam allegationem qua isti dicunt beatum Bernardum fecisse tres sermones specialiter quod anime sancte non vident ante diem iudicii divinam essentiam immediate sed bene tamen Christi humanitatem, igitur etc. Unde ostendit quod false allegant et male intelligunt beatum Bernardum. Ideo distinguit quomodo beatitudo et aliqui alii termini quibus utitur Bernardus et sancti accipiuntur multipliciter. 450 455

Decimum octavum capitulum solvit aliam rationem fundatam in hoc quod apostolus dicit: 'Omnes quidem currunt, sed unus accipit bravium'. Ubi dicit glosa quod licet unus accipiat bravium in stadio huius vite, tamen in alia omnes simul. Et ita nulla anima habebit bravium visionis divine ante diem iudicii. Unde ostendit quod male intelligunt glosam. 460

- 449 qua istidicunt: istorum dicentium K
 450 specialiter quod: in quibus dicunt Bernardum sensisse K
 452-3 false - Bernardum: male intelligunt et false et male intelligunt beatum Bernardum Pn, ed., L; false allegant Bernardum et male intelligunt K
 454 alii om. K 455 accipiuntur: capiuntur K
 458 in hoc - dicit: in illo verbo apostoli K
 461 alia vita add. K 462 diem iudicii: iudicium K

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- 448 ch. 17 = II Dial. 2, 5
 449-52 cf. Bernard of Clairvaux, *In festo omnium sanctorum, Sermones* II, III, and IV, PL 183, cols. 462-75
 452 ostendit: i.e., Ockham 457 ch. 18 = II Dial. 2, 6
 458-9 I Cor. 9, 24
 459-61 cf. Peter Lombard, *Collect. in Epp. Pauli*, PL 191, cols. 1615-16
 462 ostendit: i.e., Ockham

Decimum nonum capitulum solvit auctoritatem apostoli
ad Thimotheum: 'Reposita est michi corona iustitiae quam 465
reddet michi Deus in illa die' etc. Unde ostendit quod
 potest intelligi de die resolutionis sue de qua prius
 dixerat: '*Ego autem iam delibor et tempus resolutionis*
mee instat''; vel si intelligitur de die iudicii tunc
 apostolus intelligit de corona iustitiae quantum ad 470
stolam corporis, vel loquitur de supposito toto. Igitur
 etc.

Vicesimum capitulum solvit instantiam sumptam ex
 verbis Ioannis in Apocalypsi male intellectis.

Vicesimum primum capitulum refellit frivolam 475
 evasionem istorum quam dant ad omnes auctoritates
sanctorum que sunt contra eos, dicentes quod omnes
accipiende sunt secundum loquutionem devoti affectus,
accipiendo presens pro futuro, etc. Unde ostendit hoc
 esse falsum. 480

Vicesimum secundum et ultimum capitulum refellit
 quoddam falsum dictum predictorum sequacium asserentium
quod simplices inferiores de questione predicta non
debent se intromittere, et quod debent credere explicite

465 ad Thimotheum primo add. K	467 sue: sive ed., L
468 autem om. K	467-8 sue - resolutionis om. Pa
470 quantum: quo K	473 sumptam om. K
475 refellit: revellit ed., L	482 predictorum om. Pa
482 sequacium asserentium: sequentium asserantium ed., L	
482 asserentium: dicentium K	

464 ch. 19 = II Dial. 2, 7	465-6 II Tim. 4, 8
468-9 II Tim. 4, 6	473 ch. 20 = II Dial. 2, 8
474 i.e., Apoc. 6, 9-11	475 ch. 21 = II Dial. 2, 9
479 ostendit: i.e., Ockham	481 ch. 22 = II Dial. 2, 10

illud quod ecclesia explicavit et alia implicite donec 485
 ecclesia aliter declaraverit, intelligentes per ecclesiam
 papam et cardinales. Unde utrumque istorum ostendit esse
 falsum, et specialiter circa secundum insistit. Et est
 totum notabile. Explicit secundus tractatus Dialogi Okam.

487 ipsum papam *add.* K

488-9 Et est totum notabile *om. ed.*, L

489 Explicit secundus tractatus dialogorum *ed.*, L; Et hoc de secundo
 tractatu Pa; Et sic finit epilogus 2¹ tractatus K

487 ostendit: i.e., Ockham

(TRACTATUS III)

*Tractatus tertius est de iuribus Romani imperii,
et habet 5 libros.*

*Primus inquirat an toti generi humano expediat unum
imperatorem universo orbi preesse, et quibus excellentiis 5
vel gratiis, moribus et virtutibus talis debet fulgere;
a quo processit Romanum imperium, et an de iure destrui
seu cassari, minui, dividi valeat seu transferri.*

2^{us} liber que iura habeat imperator Romanorum
investigat.

3^{us} liber perscrutatur an imperator super spiritualia 10
habeat aliquam potestatem vel sit capax talis potestatis.

4^{us} liber an quicumque fuerit imperator Romanorum
iura Romani imperii contra quemcumque impugnatorem,
invasorem vel quomodolibet impeditorem, etiam contra 15
papam, cardinales et clerum, non obstante quacumque
ordinatione, sententia vel excommunicatione, seu
constitutione aut processu pape vel cardinalium aut
quorumcumque aliorum, etiam armorum potentia si aliter
non potest, de necessitate salutis defendere teneatur,
et si turbata fuerint, restaurare. 20

1 iuribus: viribus Pn

5 moribus: in omnibus Pa

8 liber om. Pn, ed., L Nota in marg. add. Pa

10 liber om. Pn, ed., L

12 liber om. Pn, ed., L

18 quorumcumque - armorum: quorumcumque etiam aliorum armorum ed., L

1 = *IIusIIIae Dial.*; cf. Little, A.G., *The Grey Friars in Oxford*, Oxford, Clarendon Press (1892), p. 231 and n.4; Baudry, L., *Guillaume d'Occam: sa vie, ses oeuvres, ses idées sociales et politiques*, Paris, Vrin (1949), p. 210 and nn.3, 4; p. 211 and n.3

3 sqq. The prologue of *IIusIIIae Dial.* in Goldast is badly defective, and the corrective notes of Baudry, *op. cit.*, p. 210 n.3, are not wholly adequate. Thanks to the kindness of H.S. Offler, I have been able to use the text he has reconstructed from Cod. Vat. lat. 4115; Paris, Mazarine 3522; and Frankfurt am Main, Stadtbibliothek cod. lat. quart. 4

5^{us} liber tractat de rebellibus, proditoribus, destructoribus, divisoribus et etiam usurpatoribus Romani imperii vel alicuius partis illius.

(Liber 1)

Primum capitulum libri primi proponit questionem principalem, circa quam recitat unam opinionem scilicet 25
quod per unum principem secularem, qui imperatoris nomine censetur, mundus quo ad temporalia optime regeretur, nec sufficienter paci et quieti totius societatis humane potest per aliud regimen provideri.
 Et inducit ad hoc multas rationes. 30

Secundum capitulum narrat aliam opinionem quod non expedit mundo quod universitas mortalium uni imperatori seu principi seculari sit subiecta. Et inducit rationes.

3^m capitulum aliam narrat opinionem quod expedit unum principem non secularem sed ecclesiasticum universitati 35
mortalium presidere. Et unam rationem ponit.

4^m capitulum opinionem aliam recitat quod non est expediens unum principem secularem vel ecclesiasticum sic preesse, nec etiam plures superiores non habentes in diversis provinciis aut regnis, sed quod plures 40
mundi simul dominium obtinerent, sicut in pluribus civitatibus non unus solus sed plures dominantur, et sicut fuit a principio de Romanis, I Machab. 8.

21 liber om. Pn, ed., L

26 qui est add. Pa

26 imperatoris: imperator Pa, ed., L

30 Et facit rationes ad hoc ed., L

31 non om. Pn, ed., L

34 narrat: ponit Pa

40 sed: secundum Pa

43 I Machab. 3 scripsi; I Matth. 8 Pn, Pa, ed., L

43 I Machab. 8, 12-16

5^m capitulum aliam tractat opinionem scilicet quod
 secundum varietatem temporum expedit dominia et regimina 45
 mortalium variari secundum modos supradictos, sicut de
 legibus, et quia sic fuit quandoque de regimine populi
 Israelitici.

6^m capitulum secundum opinionem ultimam respondet ad
 rationes prime opinionis et specialiter ad primam. Unde 50
 ponit duos casus, unum propter malitiam subditorum, alium
 propter malitiam vel insufficientiam imperantis, propter
 quos contingere posset quod non esset verum illud quod
 asseruit opinio prima, scilicet quod sub uno principante
 mali magis arcerentur et boni quietius viverent. Et in 55
 illis esset assumptio cuiuscunque ad imperium differenda.

7^m capitulum respondet ad probationem illius quod
 assumitur in predicta ratione.

8^m capitulum respondet ad secundam rationem prime
 opinionis ostendendo quod licet expediat unum principari 60
 in omnibus spiritualibus, non tamen oportet sic esse in
 temporalibus, quia primum est de ordinatione divina, 2^m
 vero de ordinatione humana. Item tangit alium modum
 dicendi quod ordinatio Christi de uno summo pontifice,
 cum sit affirmativa, obligat ad illam subiectionem 65

47 sic: ita ed., L

56 esset acceptio cuiuscunque assumptio add. Pn

58 assumitur: sumitur ed., L

59 secundam rationem principalem add. Pa

60 expediat om. Pa

61 oportet om. ed., L

63 Item: Nam licet Pa

65 subiectionem: obiectionem Pa

46-7 sicut de legibus: Dial. reads Nam sicut leges pro communi
 utilitate debent institui, di.4, 'Erit autem', sic principes,
 rectores et domini, tam seculares quam ecclesiastici, pro communi
 utilitate prae caeteris sunt praeponendi, quam etiam ipsi magis,
 quam propriam procurare tenentur.

50 cf. IlusIIIae Dial., 1, 1

semper sed non pro semper, et quod electio summi pontificis posset rationabiliter differi, etiam ad magnum tempus, sed non potest statui quod numquam aliquis in summum pontificem eligeretur. Et sic de imperio etiam.

9^m capitulum solvit 3^{am} rationem prime opinionis. Et 70 ibi (nota) quod non semper est eadem ratio de toto et de parte, scilicet de toto mundo et de uno regno. Nec semper expedit quod uni regno preficiatur unus rex, sed interdum plura regna uniri.

10^m capitulum solvit omnes alias rationes prime 75 opinionis tam generaliter quam specialiter. Et ibi nota quod licet per unum imperatorem sit simpliciter melius dominari, tamen quandoque propter indignitatem hominum tale dominium haberi non potest. Ideo et in casu et sub 80 conditione tale esset iuri naturali seu rationi contrarium, licet regulariter esset iustum et rationi consonum.

11^m capitulum respondet ad rationes 2^e opinionis. Et ibi nota quare Deus reprehendit populum Israeliticum de petendo regem, non quia malum petebant sed quia mala 85 voluntate, scilicet ut essent in hoc similes infidelibus et ut declinarent iustum regimen Samuelis, licet ad colorandum eorum malitiam allegarent malitiam filiorum eius. Item reprehendit eos quia irrationabiliter petebant 90 mutationem modi regendi eis a Deo ordinati. Nec ex hoc sequitur quod habere regem sit regulariter malum.

68 potest: posset Pn, oportet Pa 69 eligeretur, eligitur Pn, Pa

71 nota *supplevi*

73 preficiatur: presideat Pn, ed., L

77 per *scripsi*; circa Pn, Pa, ed., L

81 regulariter: realiter Pa

83 cf. *IIusIIIae Dial.*, 1, 2

84 sqq. cf. *I Reg.* 8, 1-22

12^m capitulum respondet ad rationes 3^e opinionis. Et ibi (nota) qualis *sapientia de divinis* debet esse in regibus, et qualis *peritia secularium negotiorum* debet esse in sacerdotibus. 95

13^m capitulum solvit rationes 4^e opinionis. Et ibi nota quod *regulariter principatus unius virtuosi et prudentis prevalet principatui plurium virtuosorum et sapientum, quia mortales proni sunt ad discordiam et ad bonum privatum*. Item unus potest et debet querere *consilia sapientum*. Ideo Romani licet per multitudinem *cotidie consulerent, tamen uni magistratum commiserunt*. 100

14^m capitulum presupposito quod *regulariter sit expediens ut omnes mortales uni principi seculari sint subiecti*, inquit quibus *virtutibus et gratis talis* debet fulgere. Et ibi ostendit quod *fides, iustitia, veritas, peritia, potentia, divitie, liberalitas et fortitudo*. Et querit ibi specialiter de peritia, utrum scilicet *peritia sacrarum scripturarum, legum, civilium, et excellens notitia negotiorum secularium* requiratur. 110
Item ibi nota de *ignorantia iuris naturalis*, et huiusmodi iurisdictionem. Item solvit auctoritatem *Ecclesiastici*

93 nota *supplevi*

95 sacerdotibus notatur *add. ed., L*

97 regulariter: realiter Pa

98 principatui *scripsi*; principatu Pn, Pa, *ed., L*

101-2 Romani - commiserunt *om. ed., L*

103 regulariter: realiter Pa 104 seculari: regulari *ed., L*

107 liberalitas: libertas *ed., L*

92 cf. *I Ius IIIae Dial., 1, 3*

96 cf. *I Ius IIIae Dial., 1, 4*

101-2 cf. *I Machab. 8, 15-16*

108 *sqq.* = *I Ius IIIae Dial., 1, 15*

6^o, '*Consiliarius sit tibi unus de mille*', ostendendo 115
quomodo consilium diversis causis queritur.

15^m capitulum querit de iustitia imperatoris, utrum
semper et in omni casu debeat rigorem iustitiae exercere
et an *apud eum omnes pene sint arbitrarie*. Et de hoc
ponit varias opiniones, et probabilius tenetur quod non. 120
Et ibi nota quomodo pene sunt arbitrarie.

16^m capitulum querit de veracitate, utrum imperator
tanta debeat fulgere quod sicut non licet ei falsum
asserere vel dolose aut fraudulenter promittere, sic non
liceat ei promissum revocare aliquo modo vel differre. 125
Item de divitiis, potentia, liberalitate, querit similiter
an in imperatore requirantur, et similiter de fortitudine.

17^m capitulum querit a quo Romanum processit imperium,
utrum scilicet ab hominibus vel a Deo. Et recitat tres
opiniones. Prima est quod fuit a Deo institutum et non 130
ab hominibus. 2^a quod fuit ab hominibus et non a papa
sed a populo Romano. 3^a quod verum imperium Romanum fuit
a papa, et quod antequam Constantinus reciperet ipsum a
successore beati Petri, non fuit verum imperium sed
usurpatum ab hominibus et permissum a Deo, non concessum 135
nec ordinatum. Et pro hac primo arguit per multa
capitula, et solvit ad allegata. Et ibi (nota) utrum

115 Consiliarius - ostendendo *om. ed.*, L

116 diversis - queritur: de diversis querit *ed.*, L

122 veracitate: veritate *ed.*, L 123 fulgere dignitate *add.* L

123 ei *om. Pn, ed.*, L

126-7 querit - fortitudine: et fortitudine, querit similiter an
in imperatore requirantur *ed.*, L

137 nota *supplevi*

115 Eccli. 6, 6

117 15^m = IIusIIIae *Dial.*, 1, 16

122 16^m = IIusIIIae *Dial.*, 1, 17

128 17^m = IIusIIIae *Dial.*, 1, 18

papa possit deponere imperatorem vel regem Francie, et
 utrum *regnum Francie sit subiectum imperio*. Ibi nota quod
Zacharias papa deponendo regem Francie potuit hoc facere 140
ex commissione imperatoris, vel hoc faciendo misit falcem
suam in messem alienam, vel quod non deposuit sed
mandavit quod ei non obediretur, vel 'deposuisse dicitur
quia deponentibus consensit'. Et ibi multa notanda.

18^m capitulum solvit illam auctoritatem Nicholai pape 145
 quod *Christus beato Petro simul terreni et celestis*
imperii iura commisit. Et ostendit quomodo est
 intelligenda.

19^m capitulum ostendit quomodo respondetur ad rationem
 que ponit quod *papa potest transferre Romanum imperium*. 150
 Et ibi (nota) quod Deus non dedit Petro aliquam
potestatem super imperium quod non dederit super regnum
Francie et quodlibet aliud regnum. Ibi (nota) qua
 auctoritate *Zacharias deposuit regem Francie*, scilicet
 consimili qua *transtulit imperium quia* scilicet 155
deponentibus consensit, vel quia illa vice illa
 auctoritas fuit sibi commissa, ita quod quandoque papa
 dicitur sedes apostolica.

139 nota om. Pn, Pa; Nota quod ibi trs. ed., L

141 misit falcem: facit saltem Pa 142 suam om. ed., L

143 deposuisse: deposuisset ed., L 144 notanda: nota ed., L

151 ibi om. ed., L nota supplevi 153 quodlibet: quod licet Pn

153 nota supplevi 155 consimili: consilii Pn, ed., L

155-6 quia - vel om. ed., L

140 sqq. cf. c.3, C.15, q.6, col. 756

143-4 Gl. ord. ad c.3, C.15, q.6, s.v. 'deposuit'

145 18^m = IusIIIae Dial., 1, 19

145-7 *Decretum Gratiani* c.1, di.22, col. 73. Nicholas papa: potius
 Peter Damian, *Opusc. v (ad Hildebrandum)*, PL 145, col. 91; cf.
 Matth. 16, 19

149 19^m = IusIIIae Dial., 1, 20



20^m capitulum arguit de examinatione, confirmatione, unctio-
 ne, coronatione imperatoris a papa. Ibi (nota) de 160
 iuramento imperatoris Othonis *quod fecit Ioanni pape*, et
 quod *non fuit iuramentum* vassali scilicet *fidelitatis*
 talis que debetur domino a vassalo. Et idem de episcopis,
 et quod *papa non est dominus* eorum *iuxta illud*, 'non
 quasi *dominantes in clero*'. Item ibi (nota) quod Otho 165
 nec alius *imperator tenetur ad illud iuramentum*, sicut
 nec *Francie rex*.

21^m capitulum tractat alias rationes. Ibi (nota) quod
papa vacante imperio non intromittit se plus de
 administratione ipsius quam regis Francie auctoritate 170
 papali, sed concessa ab electoribus. Ibi (nota) quod
papa non habet gladium temporalem. Et reprobatur glosam
 33 q.2, capitulo '*Inter hec*', que dicit ibi contrarium,
 quod ostendit multipliciter hereticum esse. Ibi (nota)
 quod Petrus non erat papa quando sibi fuit dictum, 175
 '*Converte gladium tuum in vaginam*'.

159 confirmatione *scripsi*; confirmationis Pn, Pa, ed., L
 160 unctio: *victorie ed.*, L nota *supplevi*
 161-2 imperatoris - iuramentum *om. ed.*, L
 164 et quod papa *om. Pa*
 165-6 Item - iuramentum *om. Pa* 165 nota *supplevi*
 168 ibi *om. ed.*, L nota *supplevi* 169 plus *om. Pa*
 169 de *om. ed.*, L 171 concessa est *add. ed.*, L
 171 nota *supplevi* 174 nota *supplevi*

159 20^m = *IusIIIae Dial.*, 1, 21
 161 *cf. c.33, di.11, col. 246*
 164-5 *cf. I Petr. 5, 3*
 168 21^m = *IusIIIae Dial.*, 1, 22
 172-3 *Gl. ord. ad c.6, C.33, q.2, s.v. 'gladium'*
 176 The text conflates Matth. 26, 52 with Ioann. 18, 11

22^m capitulum arguit de potestate ligandi et solvendi et de plenitudine potestatis papalis. Ibi (nota) quod hereticum est quod generaliter *papa omnia possit, quia nichil potest quod est contra ius divinum et naturale,* 180 et *quia multa alia non potest que tamen non sunt contra ius divinum aut naturale.* Et de hoc ponit 15 casus. Ibi (nota) quod *nichil supererogationis potest alicui precipere sine culpa et absque causa patenti, nec ieiunia nec continentiam.* Etiam ibi (nota) de votorum et 185 religionis dispensatione. Et ibi multa alia bona.

23^m capitulum tractat alias 4 rationes pro opinione predicta. Ibi (nota) quod *hereticum est dicere quod Christus in quantum homo fuerit rex in temporalibus, sed remittit alibi.* Ibi solvit illud quod dicitur *Ieremie 1, 190 'Ecce constitui te super gentes et regna'.* Item solvit de duobus luminaribus *Genesis 1* quod non oportet omnino esse simile de summo sacerdotio et imperatore.

24^m capitulum improbat predictam 3^{am} opinionem ostendendo quod *duo dicit: primum, quod imperium est a 195 papa; secundum, quod nullum potest esse verum imperium*

178	nota <i>supplevi</i>	181	quia: quod <i>ed.</i> , L
183	nichil: vel Pa	185	nota <i>supplevi</i>
185	de votorum: devotorum <i>ed.</i> , L	187	4 <i>om.</i> Pa
188	nota <i>supplevi</i>	190	alibi <i>om.</i> Pa
190	ibi: ubi Pn, <i>ed.</i> , L	193	simile: si est Pa
195	ostendendo quod duo dicit: ostendendo duo <i>ed.</i> , L		
196-7	secundum - papa <i>om.</i> Pa		

177 22^m = *IIusIIIae Dial.*, 1, 23 187 23^m = *IIusIIIae Dial.*, 1, 24
 190-1 *cf.* *Ier.* 1, 10
 192 *cf.* *Gen.* 1, 16
 194 24^m = *IIusIIIae Dial.*, 1, 25

nisi a papa. Et primum ostendit esse falsum, secundum
 vero esse hereticum. Et hoc probat ex scriptura, quia
 plures non Christiani fuerunt imperatores veri, et quod
 verum dominium tam in veteri testamento quam in novo 200
 potest competere infidelibus. Ibi (nota) quod Paulus
 fuit civis Romanus ex Romanorum concessione. Ibi (nota)
 de Iuliano apostata et heretico. Utrum heretici habeant
 dominium, dicit quod sic de iure communi antequam ius
 positivum esset de hoc factum. Et nota contra Armachanum 205
 totum capitulum.

25^m capitulum tractat opinionem primam quod imperium
 statutum fuit a Deo et non ab hominibus. Et omnes
 auctoritates solvit per hoc quod licet omnis potestas
 licita sit a Deo, non tamen ab ipso solo, sed quedam ab 210
 ipso per homines; et sic est de imperio.

201 nota supplevi

202 Romanus: Romanorum ed., L

202 nota supplevi

205 Armachanum scripsi; Almachum Pn, Pa, ed., L

208 statutum: institutum Pa

209 licet om. ed., L

211 est om. Pa, ed., L

197-201 cf. *Utrum indoctus in iure divino possit iuste praesse in ecclesiae regno*, Dupin I, cols. 650-1, where d'Ailly gives as his source, "venerabilis doctor Guillielmus Ockham, in tertio tractatu sui dialogi lib. 7 (lib. 1?), cap. 24". This tract belongs not to d'Ailly's youth but to his maturity, when he was chancellor of the University of Paris; cf. Glorieux, "L'oeuvre littéraire de Pierre d'Ailly", p. 65

201-2 cf. Act. 16, 22

203 cf. *Decretum Gratiani* c.94, C.11, q.3, col. 669

205 Richard Fitzralph, Oxford theologian and Archbishop of Armagh 1347-60, who expounded his doctrine of *dominium* founded upon grace in his *De pauperie salvatoris* (printed at the end of R. Lane Poole's edn. of Wycliffe, *De Dominio Divino*, London, Wycliffe Soc., 1890, pp. 273-476); discussed by d'Ailly in *De legitimo dominio*, Dupin I, col. 643, and *Utrum indoctus*, loc. cit., col. 650

207 25^m = *IlusIIIae Dial.*, 1, 26

26^m capitulum tractat 2^{am} opinionem scilicet quod licet a Deo tamen per homines scilicet per Romanos fuit institutum Romanum imperium. Et instat quod Romani usurpaverunt dominium; sed respondet quod Romani videbant esse expediens modo unum esse imperatorem, ideo illos qui contradicebant unitati imperii tamquam impediens bonum commune poterant licite subiugare. Aliter respondet quod licet a principio et multo post iniuste compulissent alios sibi obedire, tamen successive ceperunt consentire et sic acceperunt unum imperium. Et tunc querit utrum oportuit quod totus mundus consentiret; respondet quod sufficit quod maior pars. Instat per dictum Augustini; et respondet quod solum reprehendit libidinem dominandi sed non dominium, et quod corrupta intentio non impedit semper acquisitionem veri dominii. Et ibi nota quod non omnia sunt iustorum quo ad dominium, sed quo ad dignitatem meriti; hoc est quod soli iusti sunt digni vero dominio. Ibi (nota) qualiter intelligitur illud Rom. 14, 'Omne quod non est ex fide peccatum est', id est, quod fit extra conscientiam. Item ibi (nota) quod Constantinus non resignavit Silvestro imperium, ut habetur ex hoc quod legitur di.96, 'Constantinus'.

213 licet sit *add. ed.*, L

218 *commune om. Pa*

219 multo: male Pa

223 respondet: usque Pa

230 nota *supplevi* Rom. 14: Rom. 13 *ed.*, L

232 nota *supplevi*

233 di.96: di.97 *ed.*, L

212 26^m = Iulianae Dial., 1, 27

224-5 *Decretum Gratiani* c.4, C.23, q.1, col. 892 = Augustine, *Contra Faustum*, lib. 22, cap. 74, PL 42, col. 447

227-9 c.1, C.23, q.7, col. 950 = Augustine, *Ep. xciii*, PL 33, col. 345. *cf. Utrum indoctus*, loc. cit., col. 653, where d'Ailly refers to "Okam, libro praesallegato, cap. 26".

230 *cf. Rom. 14*, 23

232-4 c.14, di.96, cols. 342-5

27^m capitulum inducit aliquas rationes quod imperium 235
 non fuit a papa et maxime in quantum est successor Petri.
 Ibi (nota) quod in aliquibus casibus licet ab imperatore
 appellare et a papa.

28^m capitulum inquit an Romanum imperium potest 240
 transferri. Et probat 3 exemplis quod sic. Et postea
 inquit a quo et qualiter. Et ibi nota distinctionem
 quod Romanum imperium transferri potest multipliciter
 intelligi. Uno modo quod sic transferatur quod non sit
 amplius Romanus. Alio modo quod remaneat aliquod ius
 Romanis ultra alias nationes, et hoc adhuc tripliciter. 245
 Uno modo quod detur alicui imperium iure successionis;
 alio modo alicui nationi iure electionis; 3^o modo quod
 alicui vel aliquibus detur potestas eligendi imperatorem
 de quacumque natione. Ibi (nota) quod potestas sic vel
 sic transferendi est apud universitatem mortalium, et 250
 quod sine culpa Romanorum vel patenti causa totum
 residuum universitatis mortalium non potest ipsum
 transferre ipsis contradicentibus. Item nota duas
 sententias de modo transferendi imperium per Romanos:
 unam quod Romani non possunt transferre a se imperium 255
 Romanum primo modo; aliam quod sic, et quod potuit
 cedere omni iuri quod habuit super imperium, quia iuri
 publico potest derogari consensu totius communitatis.

237 nota *supplevi*

242 multipliciter: tripliciter *ed.*, L

243 sic: si *ed.*, L

246 quod: ut *ed.*, L

249 nota *supplevi*

257 cedere: credere Pa

258 consensu: consensus Pn, *ed.*, L

235 27^m = IIusIIIae *Dial.*, 1, 28

239 28^m = IIusIIIae *Dial.*, 1, 29

29^m capitulum recitat illam sententiam que ponit
 quod Romani non solum potuerunt transferre sed de facto 260
 transtulerunt ius suum in papam, et extunc imperium fuit
 a papa. Non tamen transtulerunt particularia iura que
 habebant aliquae persone particulares seu particulares
 multitudines, sicut imperator, prefectus, vel senatus
 urbis. Et quia totalis communitas non habebat 265
 executionem gladii temporalis, sed imperator vel aliqua
 persona aut communitas sub eo, ideo non potuerunt illam
 in papam transferre. Item ibi (nota) quod Romani
 potuerunt in papam ius eligendi imperatorem transferre
 vel aliis committendi illam electionem; sed utrum talem 270
 de facto transtulerint in eum potestatem, nemo debet
 hoc dicere nisi constet per documenta fide digna. Nec
 in preiudicium Romanorum esset in hoc credendum persone
 pape nisi deceret, nec consuetudo valet nisi legitime
 prescripta. 275

30^l capitulum inquit an Romanum imperium possit
 dividi, minui, destrui seu cassari. Et per distinctionem
 respondet. Ibi nota quod dominium rerum temporalium
 specialissime et principalissime spectat ad communitatem
 universalem mortalium iuxta illud, 'Crescite ... et 280
 replete terram et subicite'. Et sic Romanum imperium
 259 illam: aliam ed., L 260 solum om. Pn, ed., L
 264 multitudines: magnitudines ed., L
 265 totalis communitas: totaliter urbis communitas Pa
 267 illam: illa ed., L 268 nota supplevi
 271 transtulerint scripsi; transtulerit Pn, ed., L; transtulerunt Pa
 274 deceret scripsi; doceret Pn, Pa, ed., L

259 29^m = IIusIIIae Dial., 1, 30

272-4 Dial. reads *assertioni solius papae in praeiudicium Romanorum
 est in hac parte fides minime adhibenda, nisi probationes
 adhibeat competentes*

276 30^m = IIusIIIae Dial., 1, 31 280-1 Gen. 1, 28

ad eam spectat. Ibi (nota) quod ex culpa sua *quelibet persona vel communitas particularis potest privari iure quod habet in communi super Romanum imperium*. Unde quidem dicunt totum illud ius esse devolutum ad Christianos 285 *propter culpam infidelium et hereticorum*.

(Liber 2)

Secundus liber investigat que iura habeat imperator super temporalia.

Et primum capitulum querit *an potestas imperatoris et potestas pape sint potestates distincte*. Et arguit quod sic. 5

2^m capitulum investigat *qualiter distinguuntur*. Et respondet *quod per hoc, quod papa habet potestatem in spiritualibus, imperator in temporalibus*. Et hoc probat auctoritatibus.

3^m capitulum ostendit *que sunt spiritualia et que temporalia*. Et ponit circa hoc plures distinctiones. 10

4^m capitulum de dictis infert quamdam brevem distinctionem inter spiritualia et temporalia, *ut per temporalia intelligantur illa que respiciunt regimen humani generis in solis naturalibus constituti absque 15 omni revelatione divina, per spiritualia autem illa que respiciunt regimen fidelium in quantum divina revelatione instruuntur*.

282 nota *supplevi*

283 particularis: personarum Pa

1 Nota *in marg. add.* Pa

3 querit *om.* Pn, *ed.*, L

4 arguit: arguitur Pa

6 distinguuntur: distinguitur Pn, *ed.*, L

7 quod per hoc: quod ad hoc Pn; ad hoc *ed.*, L

8 imperator in temporalibus *om.* Pa 13 ut: vel Pa

18 instruuntur *scripsi*; instruitur Pn, Pa, *ed.*, L

5^m capitulum querit *an imperator per universum mundum*
super temporalia habeat potestatem itq̄ ut cuncte 20 /
regiones ei sint in temporalibus subiecte. Et inducit
pro opinione que tenet quod sic quod aliquando sic fuit,
et Romanum imperium non est isto iure privatam, nam
neque a iure neque ab homine etc. Et instat contra
tripliciter; et solvit quod neque per rebellionem seu 25
potentiam rebellantium, neque per culpam seu
negligentiam imperatoris, nec prescriptione iuris.

6^m capitulum recitat opinionem contrariam, scilicet
quod licet imperator aliquando fuerit dominus mundi,
nunc tamen non est dominus omnium regnorum. Et arguit 30
pro ista opinione. Ibi (nota) de regno Francie et de
sancto Ludovico qui non regnum suum cognovit tenere ab
imperatore; et excusat eum per ignorantiam iuris et per
malam instructionem consiliariorum. Ibi (nota) de summo
pontifico, qui deberet de hoc instruere fideles 35
subiectos imperio, si illud esset verum. Ibi (nota) de
clericis et religiosis qui de facto possident ea que
recipiunt a regibus et principibus qui Romano imperio
subdi recusant.

7^m capitulum adhuc allegat pro opinione predicta 40
Extra, de hereticis, 'Excommunicamus'. Et deducit ibi
quod imperator licet possit multa privilegia concedere
regi Francie, non tamen ab imperio eximere.

19 imperator Romanorum add. Pa	20-21 habeat - Et om. Pa
25 quod: quia ed., L	28 6 ^m : 8 ^m ed., L
30 tamen: nec ed., L	31 nota <i>supplevi</i>
34 nota <i>supplevi</i>	35 de hoc om. ed., L
36 si <i>scripsi</i> ; sed Pn, Pa, ed., L	esset: est Pa, ed., L

8^m capitulum respondet ad rationes 6ⁱ capituli
 scilicet ad primam. Ibi nota quod illud quod approbat 45
 papa nos approbare debemus. Hoc verum est quando
 auctoritati papali aliquid diffiniendo et determinando
 approbat iuste et catholice, aliter non. Et ibi (nota)
 quomodo plus approbare debemus quod papa approbat quam 50
 quod approbat quicumque inferior, quia quando sic
 approbat, nisi sumus certi quod errat contra fidem vel
 iustitiam, possumus et debemus in casu illud publice et
 occulte approbare. Sed de aliis inferioribus possumus
 dubitare vel negare, non tamen pertinaciter. Ibi (nota)
 quod si papa vel curia Romana diffiniendo vel 55
 determinando errat contra fidem vel bonos mores aut
 iustitiam, quicumque per scripturas sacras vel
 determinationes catholicas ecclesie est certus de
 veritate, potest et debet partem falsam respuere et
 apertissime reprobare. Et ibi (nota) de quadam 60
 constitutione facta super ordinem fratrum minorum que
 sapit heresim pessimam, scilicet quod papa sic dominatur
 fidei Christiane quod ipsa tota sic dependet ex eius
 determinatione et approbatione quod nullus Christianus
 debet aliquid in ea firmiter credere antequam constet 65
 quod papa illud tenet et approbat. Et ostendit
 absurditates que ex hoc sequuntur, etiam que suo tempore
 secute sunt.

45 Ibi om. ed., L illud: istud Pa

47 et: vel ed., L

48 nota supplevi

53 inferioribus: infidelibus Pa

54 nota supplevi

59 et debet om. Pn, ed., L

60 nota supplevi de om. ed., L

61 constitutione: institutione ed., L

60-65 The constitution *Redemptor noster* of Benedict XII, 28 Nov.
 1336; cf. *Contra Benedictum*, iv, 2, in *Guillelmi de Ockham:*
Opera Politica, Vol. III, ed. H.S. Offler, Manchester
 University Press (1956), pp. 244-5

67-8 cf. *Contra Benedictum* iv, 2-4, pp. 244-53

9^m capitulum respondet ad 2^{am} rationem 6ⁱ capituli
 et etiam ad 3^{am} et 4^{am}. Ibi (nota) quomodo recusantes 70
subdi imperio licet sint de iure subiecti, per
ignorantiam tamen sunt excusati, et ipsi ac illi quibus
dant elemosinas possunt dici bone fidei possessores, ac
per hoc etiam auctoritate iuris imperialis possunt multa
prescribere. 75

10^m capitulum inquit *an imperator valeat punire*
omnes sibi subiectos pro quocumque crimine seculari quod
non est ecclesiasticum. Et arguit pro opinione que tenet
quod non.

11^m capitulum tractat opinionem contrariam, que duo 80
 ponit: *primum est quod ad iudicem secularem spectat*
punire huiusmodi criminosos; 2^m est quod hoc non spectat
ad iudicem ecclesiasticum. Et arguit pro primo dicto
auctoritatibus sacre scripture et canonum.

12^m capitulum arguit pro 2^o dicto opinionis predictae 85
 multis auctoritatibus et rationibus.

13^m capitulum tangit opinionem mediam per quam possunt
 opiniones predictae et earum allegationes concordari,
 scilicet dicendo *quod ad ecclesiam spectat duplex*
punitio, una in foro penitentiali, alia vero in foro 90
contentioso. Prima enim spectat ad iudicem ecclesiasticum
respectu cuiuslibet Christiani et pro quocumque peccato.
Et de illa multe auctoritates allegatae intelligende sunt.

70 nota *supplevi*

77-8 quod non *om. ed., L*

83 primo *om. Pa*

87 possunt: non possunt *Pa*

89 concordari: corrigi *Pa*

92-3 respectu - de *om. Pa*

75 *prescribere: prescribi ed., L*

78 Et arguit: Nec arguit *ed., L*

84 *sacre om. Pn*

88 earum *om. Pa*

90 vero *om. Pa, ed., L*

93 sunt *om. ed., L*

2^a vero in criminibus secularibus in triplici casu spectat ad iudicem ecclesiasticum. Primus quando 95
 criminosi iurisdictioni temporali iudicis ecclesiastici sunt subiecti. 2^{us} quando non est iudex secularis vel quando ipso est negligens facere iustitiam. 3^{us} quando iudex secularis non potest delinquenti penam inferre, cui tamen iudex ecclesiasticus, quod contingit quando 100
 crimen est manifestum sed persona delinquens est ignota, ut 5 q.1, 'Quidam', et sic sepe excommunicantur fures.

14^m capitulum distinguendo secundum casum predictum inquirat an sit alius casus a tribus predictis in quo iudex ecclesiasticus possit crimina secularia punire. 105
 Et inducit glosam *Extra, de foro competenti, 'Licet'*, que ponit 3 alios casus. Sed respondet quod in illis et quibusdam aliis casibus potest iudex ecclesiasticus instruendo, monendo et etiam precipiendo immiscere se causis secularibus, in quibus tamen crimina secularia 110
 invito iudice seculari qui paratus est exhibere iustitie complimentum punire non potest nec diffinitivam proferre sententiam. Et si aliter intelligit, glosa predicta sacris canonibus contradicit, ut patet *Extra, de foro competenti, 'Ex transmissa'*, et *'Ex tenore'*. 115

94 in¹: ex ed., L

98 3^{us}: tertia ed., L

102 sepe: semper ed., L

109 monendo om. ed., L

115 et 'Ex tenore' om. ed., L

96 iudicis: iudices ed., L

102 ut - 'Quidam' om. ed., L

108 casibus om. Pn, ed., L

112 nec om. Pa

102 c.2, C.5, q.1, col. 544

106 Gl. ord. ad. II, 2, 10, s.vv. 'vacante imperio', col. 547

114-15 II, 2, 6, col. 249; II, 2, 11, col. 251

15^m capitulum respondet ad illa que glosa predicta allegat in contrarium. Ibi nota de difficili et ambiguo qualiter recurrendum est ad sacerdotes Levitici generis, scilicet in illis in quibus veritas absque auctoritate sacrarum scripturarum iudicari non potest, et precipue 120 ad summum pontificem et eius coadiutores, Extra, qui filii sunt legitimi, 'Per venerabilem', ut iudicet iudicii veritatem, non quidem in omnibus diffiniendo sed docendo, monendo, et si opus est, precipiendo. Et hanc potestatem habet secundum unam opinionem ex 125 ordinatione Christi, secundum aliam ex consuetudine prescripta et rationabili. Ibi nota quod in decretali 'Per venerabilem' aliqua sunt violenter exponenda ut ab heretica pravitate salventur, sicut quod lex Deuteronomii in novo testamento sit servanda. 130

16^m capitulum respondet particulariter ad auctoritates quibus videtur quod crimina secularia sint a iudice ecclesiastico punienda. Ibi (nota) quod (tam) crimen adulterii quam causa matrimonialis aliquo modo spectat ad iudicem ecclesiasticum et aliquo modo ad secularem, 135 scilicet in quantum respiciunt legem divinam vel legem humanam. Ibi (nota) quod nullus debet duplici pena puniri quando una sufficit quia nec per duplicem iudicem.

117-30 Ibi - servanda om. ed., L 122 ut: et Pn
 123 iudicii scripsi; iudici Pn Pa 124 est om. Pa
 129 salventur: serventur Pn sicut: sic Pa
 133 nota supplevi tam supplevi 134 quam: et ed., L
 137 nota supplevi

117-23 IV, 17, 13, cols. 714-16; cf. Deut. 17, 8-12

17^m capitulum respondet ad auctoritates scripture
 sacre specialiter. Ibi (nota) quod per illam 140
 auctoritatem, '*Si peccaverit in te frater tuus ... dic*
ecclesie', non datur auctoritatibus iudicibus
ecclesiasticis puniendi plusquam secularibus, quia ibi
capitur ecclesia pro congregatione fidelium, nec datur
 auctoritas puniendi sed corrigendi et ipsum vitandi. 145

18^m capitulum respondet ad auctoritatem apostoli
 prime ad Corinthios 6, '*Nescitis quoniam angelos*
iudicabimus', etc., quod ibi reprehendit illos qui
indiscrete, maliciose vel scandalose, relictis iudicibus
fidelibus, apud infideles iudicari volebant sine 150
 auctoritate, necessitate vel utilitate.

19^m capitulum respondet ad aliquas alias auctoritates
 generaliter concludendo quod si laici circa temporalia
 non essent defectuosi aut negligentes, clerici et
 maxime episcopi de illis in nullo se intromittere 155
 deberent, sed solum verbo predicationis, lectioni et
 orationi vacare.

20^m capitulum querit de potestate quam habet imperator
 super bonos sibi subiectos, scilicet utrum omnes
 teneantur sibi obedire, et in quibus, et utrum magis ei 160

140 nota *supplevi*

143 quia: et Pa

145. sed corrigendi *om. ed., L* vitandi: utendi *ed., L*

147 ad Corinthios 5^o Pa, ad Corinthios 8 *ed., L*

148 reprehendit: comprehendit Pn, *ed., L*

150 apud: ad *ed., L* volebant: nolebant Pa

151 auctoritate *om. Pa*

154 et: aut Pn, autem Pa

160 teneantur *om. Pa*

141-2 *cf.* Matth. 18, 15-17

147-8 I Cor. 6, 3

quam alicui inferiori *puta regi aut duci*. Et respondet quod in omnibus licitis et honestis et que spectant ad officium imperatoris, scilicet ad temporale regimen mortalium, *magis est obediendum imperatori quam cuicumque domino inferiori*. Et respondet ad duo obiecta. 165 Ibi nota quod *quicumque venit cum domino suo ad bellum iniustum contra imperatorem incidit in crimen lese maiestatis*. Nec excusatur si ignoret bellum esse iniustum, quia *magis debet presumere pro imperatore qui est superior quod habeat iustum bellum quam pro domino suo* 170 *inferiore*. Ideo nisi sit certus quod *dominus inferior habeat iustum bellum*, non debet esse contra imperatorem. Secus autem esset si quis bellaret contra alium qui non esset eius *dominus*, quia tunc posset excusari *dum modo non constaret sibi quod bellum esset iniustum*, ut patet 175 per Augustinum, 23 q.1, '*Quid culpatur*', quia '*innocentem militem ostendit ordo serviendi*'.

21^m capitulum querit an imperator sit dominus omnium *temporalium rerum que ad ecclesiam non spectant*. Et arguit pro opinione que tenet quod *non est dominus* 180 *omnium*.

22^m capitulum arguit *pro opinione contraria*. Et ibi (nota) de iure regis, 1 Regum 8.

161 aut: vel ed., L 164 mortalium: moralium Pa
 169-7 dominus superior add. Pa
 176-7 quia - serviendi om. ed., L 180 arguit: arguitur L
 183 nota *supplevi*

166 sqq. cf. Russell, F.H., *The Just War in the Middle Ages*, Cambridge University Press (1975), *passim*

176-7 c.4, C.23, q.1, cols. 892-3 = Augustine, *Contra Faustum*, lib. 22, cap. 75, PL 42, col. 448

183 I Reg. 8, 10-17

23^m capitulum recitat opinionem 3^{am} mediam, scilicet
quod imperator non est sic dominus omnium ut ad libitum 185
suum libeat sibi aut valeat de omnibus huiusmodi rebus
prout voluerit ordinare. Est tamen quodam modo omnium
talium dominus pro eo quod de eis quocumque contradicente
potest eis uti et eas applicare ad utilitatem communem
quandocumque viderit utilitatem communem esse 190
preferendam utilitati private. Et hoc declarat.

24^m capitulum respondet ad rationes prime opinionis.
 Et ibi nota quod <dominium> illarum rerum que in nullius
 bonis sunt, dominium principale post dominium divinum
 est apud totum genus humanum. Nec imperator potest eas 195
 appropriare sibi ut occupanti non concedantur, nisi pro
 culpa sua aut ex causa et pro utilitate communi. Ibi
 nota quo modo imperator est diversimode dominus
 diversarum rerum, et pinguius ius habet in rebus fisci
 quam in aliis. Ibi (nota) quod imperator est dominus 200
 omnium iure humano non tamen iure imperatoris sed populi.
 Quando autem Augustinus dicit, di.8, c. 'Quo iure',
 quod iura humana sunt imperatoris, hoc tunc dixit quando
 populus iam transtulerat in imperatorem iura condendi
 leges et iura humana. 205

- 185 est sic: sit Pa, ed., L ut: et ed., L
 187 prout: ut Pa Est: et ed., L 189 eis: ei ed., L et om. Pa
 189 communem esse preferendam add. Pn
 190 quandocumque: quandoque Pn quandocumque - communem om. ed., L
 191 utilitati private om. ed., L 195 humanum: hominum Pn, Pa
 196 occupanti: occupati Pa pro: quod Pa
 197-200 Ibi - aliis om. ed., L 199 fisci: festi Pa
 200 nota *supplevi* 202 Quando: Cum ed., L
 202 di.8: di.6 ed., L 203 dixit: dicit ed., L
 204 iam transtulerat: illis transtulit ed., L

25^m capitulum respondet ad rationes 2^e opinionis.
 Et ibi nota quo modo rex est aliquo modo dominus omnium
 que sunt in regno suo quia pro bono communi potest de
 eis ordinare. Et sic intelligitur auctoritas primi Regum
 8. Et quia utilitas regis est utilitas communis, ideo 210
 si non posset propria negotia per se et servos proprios
 expedire, potest ad hoc capere servos et res aliorum
 sibi subiectorum, alias non potest.

26^m capitulum querit an imperator in temporalibus
 habeat plenitudinem potestatis. Et recitat opinionem 215
 que dicit quod ipse sic habet plenitudinem potestatibus
 in temporalibus quod omnia potest que non sunt contra
 ius divinum vel naturale ita quod in omnibus huiusmodi
 tenentur sibi obedire omnes eius subiecti. Et arguit
 pro ea. 220

27^m capitulum recitat opinionem contrariam, scilicet
 quod limitata est eius potestas quo ad liberos eius
 subiectos et res eorum sic quod solum illa potest que
 prosunt ad utilitatem communem. Et arguit pro ea. Ibi
 nota in quo potest assignari differentia servi a libero. 225

207	dominus: rex Pn, ed., L	208	communi om. Pn, Pa
212	expedire - servos om. Pa	potest alias posset add. Pn	
219-20	Et arguit pro ea om. ed., L	222	eius: ei Pa
223	illa: ea Pa	224	pro ea om. Pa

209-10 I Reg. 8, 10-17; cf. supra, cap. 22

28^m capitulum respondet ad rationes prime opinionis. Ibi nota distinctionem legum humanarum, quia quedam imperatoris seu alterius persone vel communitatis, alie *totius communitatis mortalium, que quodam modo sunt naturales et quodam modo humane sive positive.* Ibi 230 (nota) quomodo *quod principi placuit legis habet vigorem, scilicet quando placet propter bonum commune.* Et si concedat aliqua *privilegia propter bonum privatum non ordinatum ad bonum commune, non sunt iusta sed iniqua, et continent vitium acceptionis personarum.* 235

29^m capitulum querit *an electus in imperatorem, eo ipso antequam electio presentetur aut notificetur pape, de iure valeat aut debeat se intromittere de regno in temporalibus disponendo.* Et declinat ad opinionem que tenet quod sic. 240

(Liber 3)

Tertius liber investigat de potestate imperatoris in spiritualibus.

Et primum capitulum querit *an imperator super aliquas personas spirituales habeat potestatem.* Et distinguit de personis spiritualibus scilicet quia spiritualia 5 *viventibus vel quia illis qui ad spiritualia deputantur. De spiritualibus 2^o modo sunt opiniones contrarie.*

228 communitatis fidelium *add.* Pn, ed., L

230 naturales - modo *om.* Pa 231 nota *supplevi*

237 electio: electus *ed.*, L

5 quia *scripsi*; quod Pn, Pa, *ed.*, L

6 quia *scripsi*; quod Pn, Pa, *ed.*, L

2^m capitulum proseguendo materiam *de spiritualibus* 2^o modo dictis querit an in electione summi pontificis imperator habeat ius seu potestatem aliquam. Et arguit 10 quod non.

Tertium capitulum recitat opinionem contrariam scilicet quod imperator licet ratione imperialis dignitatis non habeat ius eligendi summum pontificem vel alios, in quantum tamen catholicus tale ius potest sibi competere 15 ita quod est capax huiusmodi potestatis. Et arguit pro ista opinione, et ostendit per aliqua iura quod aliquando sic fuit et de Karolo et de Othone, item quia nec iure divino vel humano irrevocabili est sibi prohibitum; et hoc deducit. 20

Quartum capitulum respondet ad rationes prime opinionis. Ibi nota quod imperator et alii laici sunt capaces illorum iurium spiritualium que possunt alicui competere, non secundum ordinem quem habet, nec propter aliquod divinum officium cui mancipatus est, sed propter 25 communem utilitatem ecclesie. Et tale est ius eligendi summum pontificem. Ideo talis iuris laici sunt capaces absolute, sed non secundum constitutiones et consuetudines humanas que nunc servantur. Item nota licet potestas secularis et ecclesiastica sint distincte, 30 tamen habens unam potest habere aliquam actum qualem habet persona habens aliam, licet non actum eius potissimum. Item nota qualiter non est omnino simile de membris corporis humani et de membris corporis mistici.

16 ita om. ed., L

17 opinione om. Pa

19 irrevocabili: irrevocabiliter ed., L

22 Ibi nota: Ita ed., L

28 secundum: solum Pa

29 nunc: non Pa

29-33 Item - potissimum om. ed., L

17-18 cf. *Decretum Gratiani* cc.22-23, di.63, col. 241

Quintum capitulum querit *si imperatori potest* . 35
competere ius eligendi summum pontificem, unde hoc habet.
 Et respondet quod si intelligitur questio ut sit sensus,
unde habet quod sit capax talis potestatis, dicendum
quod ex hoc ipso quod est Christianus catholicus,
discretus, et Romanus. Si autem intelligitur questio 40
(alio) modo, ut sit sensus, unde id est a quo habet vel
habere potest tale ius eligendi, dupliciter potest
responderi. Uno modo quod a summo pontifice, qui tale
ius potest concedere clerico vel laico. Et ad hoc arguit
tripliciter. Alio modo potest dici quod imperator, eo 45
ipso quod est Christianus catholicus, discretus, et
Romanus, habet ius eligendi summum pontificem, nisi
eidem iuri tacite vel expresse renunciaret, vel electio
huiusmodi et ius eligendi de consensu Romanorum alteri
concessa existiterit, ita quod Romani non habent a papa 50
potestatem huiusmodi, quia aliter posset deficere
huiusmodi potestas in ecclesia Christi. Sed contra hoc
instat tribus rationibus; et solvit. Et ibi nota quod
in casu electio summi pontificis potest spectare ad 55
quoscumque catholicos. Item quod summus pontifex est
 36 unde hoc habet *om. ed., L.*
 37-8 *si - habet: sic, sed unde habet ed., L*
 37 questio; quo Pn
 40-53 *Si autem - solvit om. ed., L. 41 alio supplevi*
 50 existiterit *scripsi; existerit Pn, Pa*
 55 quod: quia Pa

43-5 *cf. De potestate ecclesiastica, Dupin II, col. 931, where*
d'Ailly borrows more from this chapter of Dial. than
he included here in Abbrev.; cf. also ibid., col. 936

quodam modo specialis episcopus Romanorum; ideo ad eos specialiter spectat eius electio quando sunt catholici, quia etiam electio debet concedi paucis qui possint faciliter convenire. Ideo non habent alii catholici regulariter ius eligendi summum pontificem, nisi quando ad Romanos non pertineret. 60

Sextum capitulum ostendit quod extendendo ius divinum ad omne ius naturale, Romani ex iure divino habent ius eligendi summum pontificem. Et ibi nota distinctionem de iure naturali valde bonam. Item qualiter omne ius naturale potest vocari ius divinum quia est a Deo qui est conditor nature et quia aliquo modo explicite vel implicite continetur in iure divino scilicet in divinis scripturis. Item quod Romani de iure naturali 3^o modo dicto habent ius eligendi summum pontificem, quia supposito aliquis sit aliquibus preficiendus prelatus, princeps, vel rector, evidenti ratione colligitur quod nisi per illum vel illos quorum interest ordinetur contrarium, illi quibus est preficiendus habent ius ipsum ordinarie eligendi. Unde nullus debet dari ipsis invitis. Et hoc probat. Et ibi nota quod Christus et 70

57 eius scripsi; eorum Pn, Pa, ed., L

58 paucis: possis L

61 . pertineret: pertinet ed., L

65 valde bonam om. ed., L

69-76 Item - probat om. ed., L

56-9 cf. *De potestate ecclesiastica*, loc. cit., col. 931

62 sqq. cf. *ibid.*, cols. 930-2, 936, which show verbal dependence on *Dial.* rather than *Abbrev.*; cf. Roberts, A.E., *The Theories of Cardinal Pierre d'Ailly concerning forms of government in Church and State, with special reference to his interest in suggestions made by William of Occam*, University of London M.A. thesis (1931), p. 195; "Pierre D'Ailly and the Council of Constance: A Study in 'Ockhamite' Theory and Practice", *TRHS*, 4th. ser., 18 (1935), pp. 134-5; and Oakley, F., *The Political Thought of Pierre d'Ailly: The Voluntarist Tradition*, New Haven and London, Yale University Press (1964), pp. 141-2, 203 and n.20

non papa potuit privare Romanos iure eligendi summum pontificem; hoc tamen Christus non fecit, sed magis oppositum docuit. Item nota quare magis (proprie) dicitur quod Romani habent predictam potestatem iure divino vel naturali quam iure gentium, scilicet quia ad gentium ius non spectat habere episcopum catholicum. 80

Septimum capitulum respondet ad allegationes inductas contra opinionem predictam. Et ibi nota quod si Romani vel catholici alii nollent aut non possent uti iure suo predicto, tunc haberet papa potestatem ordinandi de electione successoris sui. Item (nota) ibi quod papa in spiritualibus habet plenitudinem potestatis quo ad necessaria ecclesie salvo iure aliorum quando debite volunt et possunt uti iure suo. Item nota ibi de hoc quod beatus Petrus sibi elegit successorem non est trahendum ad consequentiam. Et ibi reprobatur glosam decreti in hac materia, et respondet quod Petrus hoc fecit ex speciali revelatione spiritus sancti vel ex consensu Romanorum catholicorum qui habebant ius 95

79 proprie *supplevi*

84 inductas: predictas *ed.*, L

84 predictam: inductam *ed.*, L

87 nota *supplevi*

88 in: *ex ed.*, L

90 volunt: nolunt Pa

86 *haberet*: Goldast has *non haberet*

90-93 *cf. Gl. ord. ad c.7, C.8, q.1, s.v. 'beatus', and Post, G., "Copyists' Errors and the Problem of Papal Dispensations contra statutum generale ecclesie or contra statum generalem ecclesie according to the Decretists and Decretalists ca. 1150-1234", Studia Gratiana 9 (1966), pp. 389-90*

90 *sqq. cf. De potestate ecclesiastica, loc. cit., cols. 931-2, where d'Ailly draws more from this chapter of Dial. than he included here in Abbrev.*

eligendi. Item ibi (nota) qualiter potestatem instituendi electores summi pontificis potuerunt in alium vel alios transferre, sicut et canonici ecclesiarum cathedralium de electione sui episcopi. Et satis probabile est quod Romani tale ius transtulerunt quandoque in papam, et 100 ideo tunc potuit illud conferre vel imperatoribus vel vicinis episcopis vel cardinalibus vel Romano clero vel canonicis alicuius ecclesie Romane vel aliis, secundum utilitatem ecclesie.

Octavum capitulum tractat an in aliquo casu ius eligendi vel ordinandi de electoribus pape revertatur ad Romanos. Et respondet secundum unam opinionem quod solum in uno casu, scilicet si papa et electores omnes essent infecti heretica pravitate, et hoc papa vivente et pro illa vice. Ibi nota quod quando laici essent 110 discretiores et meliores clericis, ius eligendi deberet auferri a clericis. Et ibi multa bona.

9^m capitulum allegat pro opinione predicta scilicet quod electores pape quicumque sint, sive clerici sive laici, si efficerentur heretici, eo ipso essent privati 115 tali iure eligendi, quia tales non essent de corpore ecclesie, nec cum ipsis debent catholici communicare, quare etc.

96 nota supplevi qualiter: equaliter Pa

106 revertatur: revertant Pn, Pa

111-112 clericis - clericis: clerici ius eligendi debent perdere ed., L

112 Et ibi multa bona om. ed., L 118 quare etc. om. ed., L

96-7 D'Ailly does not advert to the fact that among those to whom the Romans were able to transfer this right, Ockham mentions the general council.

102 vel cardinalibus: cf. *De potestate ecclesiastica*, loc. cit., col. 932, where d'Ailly amends this to *maxime cardinalibus*

105-12 cf. *De potestate ecclesiastica*, cols. 931-2; again, d'Ailly seems to be relying on *Dial.* rather than *Abbrev.*

Decimum capitulum tractat *numquid* cardinalibus seu aliis electoribus pape revertentibus ad catholicam fidem 120 post lapsum in heresim, ipsi recuperant *idem ius* eligendi. Et arguit pro opinione que tenet quod non. Ibi nota quod *heretici non* ex sola constitutione ecclesie amittunt ecclesiasticas dignitates quantum ad omnia que a viatoribus amitti possunt, quia etiam pape eas amittit. 125 & Et arguit quod tale ius possit recuperari absque nova collatione; et solvit ad obiecta. Et ibi multa bona. Ibi (nota) quod *Romani ex ordinatione speciali Christi et iure gentium habent ius papam eligendi*; sed non sic cardinales, sed solum *ex ordinatione humana*, scilicet 130 *ex concessione pape vel Romanorum*. Ideo si ab heresi revertantur ad fidem, non recuperant *ius eligendi* sicut Romani.

Undecimum capitulum ostendit quod si cardinales omnes qui soli nunc habent eligere fierent heretici, *ius* 135 *eligendi* reverteretur ad Romanos. Et ibi ostendit quod electores summi pontificis quandoque propter hereticam pravitatem fuerunt illa potestate privati, et patet de imperatoribus.

120 fidem *om.* Pa

124 amittunt: admittunt Pn, Pa

126 Et: Item Pa

127 Et ibi multa bona *om. ed.*, L

128 nota *supplevi*

129 habent: habebunt *ed.*, L

134 si *om.* Pa

135 habent eligere: haberent potestatem eligere *ed.*, L

129-31 *cf. Tractatus de materia concilii generalis*, ed., Oakley, *op. cit.*, p. 328; but N.B. d'Ailly's claims for the position of the cardinals in the ecclesiastical hierarchy, *De potestate ecclesiastica*, *loc. cit.*, cols. 929-33, 946

134 *sqg.* *cf.* d'Ailly's discussion of the devolution of the right to elect the pope in the event of the normal electors being deprived of the right, *De potestate ecclesiastica*, *loc. cit.*, cols. 932, 937; but N.B. col. 932 for d'Ailly's rider that in this situation it seems more probable that the right to elect the pope would belong to the general council - which Ockham does not mention in this context, although he has mentioned it earlier, in a different context - *cf. Abbrev.* III, 3, 7, 96-7

Duodecimum capitulum querit si ius eligendi papam 140
 revertitur ad Romanos, electoribus privatis iure eligendi,
 et non existente papa qui de electione valeat ordinare,
 ad quos Romanos revertitur. Et circa hoc ponit 4^{or}
 assertiones. Una est quod revertitur ad imperatorem
 Romanorum, quia ante cardinales habuit ius immediate 145
 eligendi. Alia est quod revertitur ad canonicos ecclesie
 ubi est sedes pape, quia cessante privilegio recurrendum
 est ad ius commune. Alia est quod devolutum ad totum
 clerum Romanum, quia quod soli clerici cathedralis
 ecclesie habeant tale ius est ex privilegio papali, non 150
 ex iure communi. Alia est quod ad populum et clerum
 Romanum ita quod ad omnes revertitur ius eligendi, non
 quod omnes eligant, sed ut de communi consensu omnium
 expresso vel tacito ordinetur quis vel qui vice omnium
 papam eligant; et pro hac arguit. Et ibi nota quod ius 155
 gentium cum iure divino simul quo Romani potuerunt
 eligere Romanum episcopum non potest penitus abrogari.

Decimum tertium capitulum ostendit qualiter hec ultima
 assertio respondet ad rationes oppositas. Et ibi nota de
 imperatore quod ipse et alii Romani sunt quodam modo 160
 pares in electione pape; tamen in hoc alii deberent sibi
 in multis deferre, sicut in aliis electionibus
 sapientioribus defertur.

142 et non: nec ed., L electione pape add. ed., L

147 iuris privilegio add. ed., L 148 est devolutum add. ed., L

148 totum om. ed., L 149 quia: ita Pa

150 persone ante papali del. Pn papali: persone populi ed., L

153 ut om. ed., L 157 potest om. Pa

157 abrogari: abnegari ed., L 160 Romani om. Pn, ed., L

Quartum decimum capitulum recitat opinionem que dicit
quod non solum pro heretica pravitate sed etiam pro 165
fautoria heretice pravitatis ius eligendi potest reverti
ad Romanos. Item aliam opinionem quod non solum propter
hoc sed etiam si per malitiam vel negligentiam
cardinalium in notabile detrimentum et periculum
Christiane religionis differretur electio pape, quia 170
non minus provisum est ecclesie Romane quam aliis
ecclesiis contra pericula que possunt ei accidere.

Decimum quintum capitulum solvit aliquas rationes
superius inductas. Ibi (nota) *quod pro omni favore*
heretice pravitatis qui non est in favente sine heretica 175
pravitate, essent cardinales privati iure eligendi, sed
pro alio favore non essent privati sed privandi. Ibi
(iota) *quod omnes scismatici quamdiu sunt scismatici*
non sunt capaces ecclesiasticarum dignitatum. Ideo
cardinales per hoc non perderent ius eligendi, licet non 180
deberent eligere quamdiu in scismate perseverarent.

164 que dicit *om. ed., L*

168 *malitiam: ignorantiam Pn, ed., L*

170 *differretur: defertur ed., L*

174 Item ibi *add. ed., L nota supplevi*

177 *alio: aliquo ed., L privandi: puniendi ed., L*

178 *nota supplevi quamdiu - scismatici om. Pa*

181 in scismate *om. ed., L*

179-81 Ockham's discussion in chs. 14 and 15 of the situation of the cardinals and how their electoral rights are affected in the event of schism would have been of more than passing interest to d'Ailly after 1378. This very perfunctory reference in *Abbrev.* suggests that it was of no more than academic interest at the time; it would appear that later, however, when it was a real issue, d'Ailly returned to these chapters of *Dial.*; cf. *De potestate ecclesiastica, loc. cit., col. 937*

Decimum sextum et ultimum capitulum querit an
imperator super papam iam in summo pontificio constitutum
habeat aliquam potestatem, et specialiter an ratione
imperatorie dignitatis sit in aliquo casu iudex 185
ordinarius pape. Et arguit pro opinione que tenet quod
non. Et inducit multas auctoritates.

Et non plus de hoc notabili opere potui reperire.

Explicit abbreviatio dyalogi Okan quam fecit magister
 Petrus de Alliaco, episcopus Cameracensis et postea 190
 cardinalis.

- 182 et ultimum *om. ed., L* 184 *ratione: Romane ed., L*
 187 auctoritates valde notandas *add. cd., L*
 188 Et - reperire *om. ed., L*
 189-91 Explicit abbreviatio dyalogi Okan quam fecit magister Petrus
 de Alliaco, episcopus Cameracensis. Deo gratias i q.X.e.m.o. Pa

188 D'Ailly is referring not only to his inability to find any more
 of Book 3, but also to his inability to find Books 4 and 5
 referred to in the prologue of *IusIIIae Dial.*; cf. *Abbrev. III*,
 prologue, 12-23. There is nothing to suggest that d'Ailly was
 aware of *IusIIIae Dial.*; cf. Little, *op. cit.*, p. 231 and n.4;
 Roberts, "The Theories of Cardinal Pierre d'Ailly", pp. 191-2.

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