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## The Defense of Principates: The English Appropriation of Marsilius of Padua's 'Defensor Pacis'

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The Defense of Principates: The English Appropriation of Marsilius of Padua's *Defensor Pacis*

A thesis submitted in partial fulfillment  
of the requirements for the degree of  
Master of Arts in History

by

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Harding University  
Bachelor of Arts in History, 2018

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University of Arkansas

This thesis is approved for recommendation to the Graduate Council.

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## Abstract

Marsilius of Padua's *Defensor pacis* is widely thought to be one of the most important texts to emerge in late medieval Europe. Initially purposed as a defense of Holy Roman Emperor Ludwig IV's rights against the claim of the papacy's claim to possess a 'plenitude of power', *Defensor pacis* is one of the most sophisticated arguments against the centuries of abuse of papal authority. Marsilius, though condemned as a heretic during his lifetime, remains a pivotal figure for medieval and early modern European historians, and is perhaps best remembered by the ways that his ideology influenced subsequent generations of political thinkers. Along that thread, this thesis examines the translation of *Defensor pacis* into English during the reign of King Henry VIII, just over two centuries after it was originally written in Latin. Through this examination, with the support of secondary literature, I will hope to determine the ways in which Marsilius' tract was appropriated or changed to reflect the political and religious realities of Reformation England.

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## Table of Contents

Introduction.....	1
Chapter One: Comparison of <i>Defensor pacis</i> Translations.....	12
Chapter Two: Marshall's Translation and Henry VIII's Royal Supremacy.....	58
Chapter Three: An Attack on Priestly Orders.....	73
Chapter Four: Placing Marshall's Translation in Context.....	91
Conclusion.....	111
Bibliography.....	114

## Introduction

As Europe evolved from the vast Medieval period into a more discernable modern era, a prominent theme of this transition was the adoption of more critical attitudes toward the relationship between the papacy and secular monarchies. In the centuries leading up to the Protestant Reformation, a tireless debate arose between apologists for both sides. This was not a dispute between two distinct powers, but one that pitted separate national monarchies against the Roman bishopric. At the heart of the issue was the need to determine the proper relationship between the terms *regnum* and *sacerdotium*. As papal advocates would use entrenched Catholic scriptural tradition to argue, *regnum*, or temporal authority that belonged to earthly princes, was subordinate to the spiritual authority, or *sacerdotium*, which was ultimately possessed by the Roman bishop. Therefore, the spiritual authority encompassed the temporal, and the papacy laid claim to supreme coercive jurisdiction over secular princes.

The tension that existed between these powers was the result of centuries of the consolidation of papal authority, often at the expense of national rulers. A term that was frequently adopted in the late twelfth and early thirteenth centuries to characterize this authority was the ancient notion of *plenitudo potestatis*, or fullness or plenitude of power.<sup>1</sup> This power was all-encompassing, and placed the pope in a position of supreme authority in all matters spiritual and earthly. As he addressed Pope Eugenius III about this *plenitudo potestatis*, Bernard of Clairvaux wrote that “[t]he power of others is confined within certain limits, [but] yours extends even over those who have themselves received power over others.”<sup>2</sup> A popular way that supreme papal authority was justified was that “inasmuch...as spiritual things, which justify secular

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<sup>1</sup> Francis Oakley, *The Emergence of Western Political Thought in the Latin Middle Ages*, vol. 3, *The Watershed of Modern Politics: Law, Virtue, Kingship, and Consent (1300-1650)*, (New Haven: Yale University Press, 2015), 88.

<sup>2</sup> Bernard de Clairvaux, *De consideratione*, II, 8:16; ed. Leclercq and Rochais, 1963. 424, in Oakley, *The Watershed of Modern Politics*, 88.

things, are worthier than secular things, so the priesthood is of greater dignity than the kingship, which it constitutes and ordains.”<sup>3</sup> Therefore, since the pope was the highest authority of a more distinguished cause, his power exceeded that of the authorities of lesser, or temporal, causes. This theorized expansion of papal power was notably expressed in 1302 with the Bull *Unam sanctam*, written by Pope Boniface VIII in an assertion of absolute authority over Philip IV of France. In the famous bull, Boniface uses the Catholic interpretative tradition of the spiritual and temporal swords in Luke 22 to conclude that the temporal (i.e. the secular authority) should be subject to the spiritual, and therefore that “it is absolutely necessary for salvation that every human creature be subject to the Roman Pontiff.”<sup>4</sup>

The publication of this bull was met with staunch opposition not only in France, but in other parts of the continent. The overarching purpose of these writers was to mediate the relationship between *regnum* and *sacerdotium*, the conflicted nature of which threatened the tranquility and peace of kingdoms. What the papacy claimed was an absolute coercive authority over all Christian realms, which was something that polemicists for national monarchs argued was a threat to their jurisdictional power. Philip IV of France had John of Paris write an immediate response to *Unam sanctam*, entitled *Tractatus de regia potestate et papali (On Royal and Papal Power)*, which was released in late 1302. In his tract, John rejects the entrenched idea of Christendom as an enmeshed political-ecclesiastical society. He conceded that the spiritual authority may well have more dignity than the secular, but any superiority of one over the other was contained within that spiritual authority, and that in terms of temporal matters, they were

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<sup>3</sup> Honorius Augustodunensis, *Summa Gloria*, cap. 2, 10, 11, 15, 17, and 18; *MGH: Libelli de Lite*, 3:65-72, in Francis Oakley, *The Emergence of Western Political Thought in the Latin Middle Ages*, vol. 2, *The Mortgage of the Past: Reshaping the Ancient Political Inheritance (1050-1300)*, (New Haven: Yale University Press, 2012), 34.

<sup>4</sup> Boniface VIII, *Unam Sanctam*, 1302, in Fordham University Medieval Sourcebook, ed. Paul Halsall (1996), accessed June 24<sup>th</sup>, 2020, <https://sourcebooks.fordham.edu/source/B8-unam.asp>.

independent.<sup>5</sup> A similar cause was taken up by Dante Aligheri between 1309 and 1313, who wrote against the papacy in support of the Holy Roman Emperor and the Italian city-states. In his *De monarchia*, Dante appeals to the restoration of ‘the quietude and tranquility of peace’, and places the conflict between the papacy and secular monarchs as the primary obstruction to that cause. Of the two final goals for man to achieve in this life, one was salvation in the life to come, and the other was happiness in this present life, which could be obtained under unhindered and just Imperial rule, and was threatened by the papal usurpation of secular jurisdiction. He concludes that ‘only under a Monarchy is mankind self-dependent and not dependent on another’.<sup>6</sup> In these writings as with others, as Quentin Skinner explains, we begin to see the early ruminations of modern European statehood, the evolution of which was dependent on how the conflicting notions of *regnum* and *sacerdotium* were reconciled.

It was in this pregnant context of caesaropapism that the primary text of this thesis was produced: the *Defensor pacis* of Marsilius of Padua. The early life of Marsilius is difficult for historians to trace. It is certain that he was born in Padua between the years 1275-80, to a family of lawyers. Other than that, he prominently appears in 1313 as the rector of the University of Paris, and was involved in pro-imperial politics by 1319.<sup>7</sup> The imperio-papal dispute intensified at this time over the election of Ludwig IV of Bavaria as King of the Romans in 1314. While the decision was split between the electors of the Holy Roman Empire, the title King of the Romans was a preliminary designation, and tradition required that he be crowned by the pope to officially become Emperor. This proved to be an issue, as Pope John XXII had thrown his support behind

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<sup>5</sup> Oakley, *The Mortgage of the Past*, 213.

<sup>6</sup> Quentin Skinner, *The Foundations of Modern Political Thought*, vol. 1, *The Renaissance*, (Cambridge University Press, 1998), 16-17.

<sup>7</sup> Marsilius of Padua, *The Defender of the Peace*, ed. and trans. Annabel Brett, (Cambridge University Press, 2005), xi-xii.



the other electors who had chosen in favor of Frederick of Austria. This was not to deter Ludwig IV, who assumed the royal title after his victory in the 1322 battle of Mühldorf. He was promptly threatened with excommunication, which went into effect in 1324 along with John XXII's condemnation of Ludwig as a heretic.<sup>8</sup> This episode was a direct exercise of the conflicting powers that both the emperors and popes claimed to possess. Ludwig IV had the advantage of military strength on his side, while John XXII wielded his threat of excommunication to achieve his political ambitions. As an answer to this perceived overreach of papal authority, Marsilius wrote the *Defensor pacis*, which was completed in the same year as Ludwig's excommunication.

As Francis Oakley points out, Marsilius' *Defensor pacis* is perhaps the most impressive work of political philosophy that was produced in the middle ages.<sup>9</sup> This assertion is a tribute to its considerable size as well as its revolutionary nature. The text is broken into three parts, or discourses, of varying size, and reflects a remarkable synthesis of ancient philosophy with the contemporary realities of the Italian city-states to provide an original argument against the usurpation of imperial jurisdiction by the papacy. It seems that while he briefly studied medicine at Padua prior to his re-location to Paris, Marsilius gained a broad understanding of Aristotle, which had recently been extensively translated and provided a new way of thinking about the ways in which cities could be governed.<sup>10</sup> In the first discourse, therefore, Marsilius lays out a political theory that is heavily influenced by Aristotle and sympathetic to the intricacies of his world of origin. Similar to Dante in *De monarchia*, Marsilius draws from Aristotle's *Politics* to explain that the central goal of a civil community is not only to live, but to live well, which derives from a state of peace and tranquility.<sup>11</sup> He then explains the causes of strife that Aristotle

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<sup>8</sup> Oakley, *The Watershed of Modern Politics*, 36-7.

<sup>9</sup> *Ibid*, 37.

<sup>10</sup> *Ibid*; Brett, Introduction, xiv.

<sup>11</sup> Brett, 3-4.

lists that prevent civil communities from attaining that tranquility, such as when individuals put their own needs above those of the community, before amending this with a ‘singular cause of strife’. This amendment is necessary because this ‘singular cause of strife’ (which he later defines as usurpation of political authority by Roman bishops) did not exist at the time of Aristotle, and it is therefore Marsilius’ purpose “to lift the veil in such a way that it can hereafter be easily excluded from all realms and civil orders” so that “virtuous princes and subjects can live in tranquility more securely.”<sup>12</sup> Therefore, Marsilius would perhaps have best viewed his work as an amendment to the *Politics*, picking up with the philosopher’s logic and applying it to an issue that Aristotle pre-dated.

With his purpose stated, Marsilius uses the rest of the first discourse to enumerate his political theory. While he spends some time enumerating the essential functions and offices of a civil community, the most important part of for his argument, and indeed regarding the papal-imperial dispute, is the coercive power of the community. For Marsilius, as with Aristotle, the sovereign authority of a community rests in the community itself. The legislative expression of the will of the community is the ‘human legislator’, which he defines as “the people or the universal body of the citizens or else its prevailing part.”<sup>13</sup> There is a strong electoral distinction in this claim, as the ‘prevailing part’ is added to reflect the will of the majority if, as is almost always the case, the entire community can not agree on one decision. Marsilius’ strong subscription to Aristotle in this political construction is not surprising, considering the medieval government of Padua from which he originated. The city was largely governed by a *consiglio maggiore*, a council of around 5,000 individuals that would have been relatively highly

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<sup>12</sup> Brett, 9, 135.

<sup>13</sup> Ibid, 66.

representative of the will of the community.<sup>14</sup> In fact, much of the first discourse is focused on proving that an electoral political system is the best way to reflect the will of the people. He explains in chapter nine that while certain kinds of monarchies have their advantages and disadvantages, “the elected kind of principate is superior to the non-elected,” because “election can never fail, so long as the human race does not.”<sup>15</sup> Any other form of government would be inferior and unjust, because anything that is instituted by a form other than election does not reflect the will of the universal body of citizens, to which Marsilius believes there is no superior.

The second discourse of *Defensor pacis* is by far the longest of the three. Well over half of the book, this discourse is where Marsilius takes his political theory and uses it, along with scriptures and interpretations of the saints, in an attempt to arrive at the truth of the papal abuse of power. He uses these interpretations to argue, among other things, that it was never the will of Christ for Peter or any of his successors to hold coercive jurisdiction on this earth, and that Christ actually forbade it.<sup>16</sup> Instead, any powers that bishops possess are purely sacramental, such as the binding and loosing of sins, though no bishop is superior to another in this regard.<sup>17</sup> Marsilius maintains that the coercive jurisdiction in temporal matters so often claimed by popes belongs to the human legislator alone, or the prince by its authority, while any disputes over spiritual matters should be resolved by a general council of the faithful.<sup>18</sup> The result is an unprecedented effort that exposes the papacy for all of the faults that Marsilius believes are contrary to scripture. He completely denies the primacy of the Roman bishop, and presents the practices of the Church against the standard of poverty to which they are called. The coercive jurisdiction

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<sup>14</sup> Brett, Introduction, xiii.

<sup>15</sup> Ibid, 48.

<sup>16</sup> Ibid, 172-5.

<sup>17</sup> Ibid, 310-18.

<sup>18</sup> Ibid, 376-7, 367-75.

that he strips away from the pope is then granted to the ultimate secular prince, or more specifically, the Holy Roman Emperor for whom he writes. As Oakley mentions, Marsilius does not distinguish between the priesthood of the Catholic Church and that of Aristotle's time, because it is meant as a fulfilment of Aristotle's philosophy.<sup>19</sup> In this way, he grounds his work not in the precarious discourse of his time, but on what he holds to be universal truths that predate the papacy itself.

The third discourse is the shortest of the three in the *Defensor Pacis*, and consists of forty-two boiled down conclusions, distilled from the arguments in the first two, which Oakley views as an ultimatum set for the reader.<sup>20</sup> As his first conclusion, Marsilius reiterates that it is necessary before considering the other points of his argument to believe as truth only "divine or canonic scripture...and the interpretation of it that has been made by a common council of the faithful."<sup>21</sup> If this disclaimer was not adopted by the reader, then his resulting claims would fall on deaf ears. In the following conclusions, he comprehensively strips the Roman bishop of any claims to coercive power, whether through the passage of decretals or the attainment of political authority, and grants it instead to the human legislator or someone else by its authority. Furthermore, he concludes that the Roman bishop has no power to manipulate the salvation of any of the faithful, aside from what is granted them by scripture. The other topic that merits quite a bit of Marsilius' attention in his conclusions is the authority of a general council, which he claims should be the legislative authority on matters that pertain to the church.<sup>22</sup> Once finished with his conclusions, Marsilius briefly explains the title of the work. It is presented as a guide to preserving peace and tranquility in a civil community. The reader, whether prince or servant, is

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<sup>19</sup> Oakley, *The Watershed of Modern Politics*, 214-15.

<sup>20</sup> *Ibid*, 186-7.

<sup>21</sup> Brett, 547.

<sup>22</sup> *Ibid*, 548-55.

meant to understand by this treatise how to remove the singular cause of strife that prevents the tranquility of Christian communities, thereby becoming a defender of the peace.<sup>23</sup>

That Marsilius' treatise struck a chord in the discourse against papal authority is evident by the reactions to it. That it particularly rankled Pope John XXII is expressed by the passage of the bull *Licet iuxta doctrinam* in 1327, in which he condemned the author of *Defensor Pacis*. On the other hand, it must have pleased Ludwig IV, who kept Marsilius close for the following years as his vicar in spiritual matters.<sup>24</sup> Though considerably censored in Catholic circles, Marsilius' treatise was highly influential for those who would continue to break the yoke of papal power in the following centuries. His contribution played a major radical role in shaping early modern constitutionalism, and provided ideological support for the independence of the Italian City Republics.<sup>25</sup> Centuries later, Machiavelli would use familiar Marsilian terminology in the *Prince*, lamenting the outside causes of strife that consistently plagued the City Republics of Italy, maintaining that secular power must overcome ecclesiastical power for the sake of stability.<sup>26</sup> *Defensor pacis* was a polarizing text, drawing enthusiastic support from some circles and vehement condemnation in others. However, the focus of this thesis is not to address the ways in which Marsilius changed the scene in which he was writing, but to analyze how it was used in an entirely different dispute, over two centuries later and for a national hereditary monarch.

Two hundred years after *Defensor pacis* was released on the continent, Henry VIII of England was in desperate need of a male heir, and was committed to divorcing his wife of two decades, Catherine of Aragon, who had only managed to provide him a daughter. However,

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<sup>23</sup> Brett, 557.

<sup>24</sup> Ibid, Introduction, xiii.

<sup>25</sup> Skinner, vol. 1, 65.

<sup>26</sup> Ibid, 55; John M. Riddle, *A History of the Middle Ages: 300-1500*, 2<sup>nd</sup> ed, (Lanham, MD: Rowman and Littlefield, 2016), 442.

Henry had the pope against him, who would not sanction the divorce out of fear of repercussions by Catherine's uncle Charles V, the Holy Roman Emperor. After years of attempting to placate the pope, Henry decided to take matters into his own hands. He repudiated the pope's authority and declared himself the Supreme Head of the Church of England, freeing himself from the shackles of marriage and the yoke of Rome in one fell swoop. Understandably, his actions were met with staunch opposition from Catholics, both in England and abroad, and his ministers took quick steps to justify this measure with polemical writings.

Enter William Marshall, who in 1533 presented himself to Thomas Cromwell as translator of books 'for the defacing of the Pope of Rome'. He was part of a popular propaganda campaign led by Cromwell in which writers who were hostile to the Church were commissioned by the government to justify Henry's cause in print.<sup>27</sup> Little is known of Marshall's life, but we can glean a couple of details regarding his religious leanings from his writings. That he translated Valla's *De falso credita et ementita Constantini Donatione* reflects a skepticism of the roots of papal authority, just as *A treatyse declarynge and showynge that images are not to be sufherd in churches* suggests an iconoclastic mindset. Finally, *A prymer in Englysshe...for all people that understande not the Laten tongue* is replete with Lutheran language, which further illuminates his religious leanings.<sup>28</sup> Other than these texts, there is a scarcity of resources on the details of Marshall's life. Nevertheless, he received a loan from Cromwell of £12 to translate *Defensor pacis* into English for the first time, which was published by Robert Dwyer in 1535.<sup>29</sup>

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<sup>27</sup> Quentin Skinner, *The Foundations of Modern Political Thought*, vol. 2, *The Age of Reformation*, (Cambridge University Press, 1978), 100-101.

<sup>28</sup> Shelley Lockwood, "Marsilius of Padua and the Case for the Royal Ecclesiastical Supremacy: The Alexander Prize Essay, *Transactions of the Royal Historical Society*, Vol. 1 (1991): 90.

<sup>29</sup> Skinner, vol. 2, 101.

With the stage set, the purpose of this thesis is to examine the ways in which Marsilius' *Defensor pacis* was decontextualized and appropriated as an anti-papal polemical tool during the English Reformation of the sixteenth century. The investigation that follows is fueled by a couple of essential questions. For instance, in what ways does William Marshall tamper with the original text? What conclusions can we draw from these discrepancies that inform us of the realities of the Henrician regime, and how it differed from the scene in which Marsilius wrote? How did Marshall's translation fit into the surrounding discourse, both pro-Henry and pro-papal, of the time? Finally, do the omissions and changes of Marshall's translation do a disservice to Marsilius' original intent, or are they evidence of a translator who cleverly decontextualized a work to fit into a different context?

To best answer these questions, this thesis is divided into four chapters. The first chapter presents the findings of a comprehensive comparison of Marsilius' work with Marshall's 1535 translation. For the purposes of this thesis, a reading of the original *Defensor pacis* was not possible, and instead the 2005 translation into English by Annabel Brett, entitled *The Defender of the Peace* is used to best represent Marsilius' true message and intent. Brett's translation is used for two reasons. First, it is the most recent translation of the work into English, and Brett's footnotes reflect her engagements with previous translations as she attempts to objectively capture Marsilius' true meaning in points of contention. Second, the level of scholarship of Brett's work, which is comprised of tireless references that not only reflect Brett's understanding of the historiography surrounding the original work, but also that of Aristotle, the Church Fathers, and the world that Marsilius was writing in, makes her translation the authoritative English representation of *Defensor pacis*. With this disclaimer in mind, the aim of the first chapter is to describe the discrepancies that were found between the two texts, in an attempt to

achieve a comprehensive understanding of the elements of Marsilius' work that were deemed either unnecessary or unacceptable for the religious and political climate of the English Reformation.

The following chapters will take the insights from the first and analyze them as they relate to different themes of the Henrician Reformation. The second chapter will present the differences in Marshall's translation that point toward the Royal Ecclesiastical Supremacy of Henry VIII. While Marsilius' text was essentially anti-papal, the political climate of Tudor England was very different than that of the Holy Roman Empire in the fourteenth century, and many of Marshall's changes reflect this reality. The third chapter focuses on the religious scene of England, and seeks to explain Marshall's treatment of religious orders and traditional practices and beliefs of medieval Catholicism that some began to criticize as superstitious. Finally, the fourth chapter places Marshall's translation of *Defensor pacis* in its proper historical context, bringing in other writings of Cromwell's popular propaganda campaign, as well as the positions of the English Catholic faithful in resolute opposition. Hopefully, through this discussion, the realities of political writing at the time will be made clear. None of these writings were perfect, but each reflect an astute ability to adapt to the pressures that were placed on them. Hopefully in this thesis, a clear narrative will emerge that places many of Marsilius' ideals into an unfamiliar political climate, while rejecting the ones with which it cannot reconcile. Marshall's world is not one of honest scholarship, but of manipulating a preceding text to justify a contemporary cause. But that does not make his translation any less significant from an historical perspective.



## Chapter One

### **Comparison of *Defensor pacis* Translations: *The Defense of Peace* (1535) by William Marshall and *The Defender of the Peace* (2005) by Annabel Brett**

#### The First Discourse

*Defensor pacis* is separated into three discourses. The first discourse, which consists of nineteen chapters, serves as the foundation for Marsilius' political theory, which he continues to refine and build on throughout the work. Drawing heavily from Aristotle's *Politics*, along with other works from the philosopher, the first few chapters of this discourse address the ways in which civil communities are formed, the purposes that civil communities fulfil, the categorization of essential offices in a city, etc. While these preliminary chapters are important for medieval political scholars, they are better suited to the purpose of this thesis to simply explain that Marsilius (with a highly Aristotelian influence) viewed the final cause (or purpose) of the city as the protection of a tranquility of life for its members or inhabitants, so that the members of the community "do not just live – which beasts or slaves do – but live well."<sup>30</sup> His stated goal for this discourse is to "demonstrate what I intend by sure methods discovered by human ingenuity, consisting of propositions that are self-evident,"<sup>31</sup> in his overarching goal to "expose only this singular cause of strife" (i.e. the abuse of papal authority) that threatens the tranquility of civil communities.<sup>32</sup> His subsequent arguments throughout the book consistently point back to the ways in which they serve this final cause.

In the first eight chapters, there are no significant discrepancies between Marshall's translation and Brett's. It is when Marsilius begins to explain his preferred method of protecting

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<sup>30</sup> Brett, 3, 18.

<sup>31</sup> By this, Marsilius is referring to the reasoning of Aristotle, on which he relies heavily throughout the first discourse.

<sup>32</sup> Brett, 9.

the tranquility of the civil community, in chapter nine and afterward of the first discourse, where Marshall begins to take exception. Here, the discrepancies tend to revolve around the theme of a correctly instituted monarchy, as chapter nine deals directly with the institution of the office of prince or governor in a civil community. As a servant of the Holy Roman Emperor, Marsilius' naturally opts for election as the best method of institution, because it better reflects the will of the polity than oligarchy or hereditary monarchy. In the fourth section of chapter nine, a careful reader begins to detect hints of the extent to which Marshall is willing to follow Marsilius. Here, Marsilius presents the system of rule in Asia as an example of a tyrannical hereditary monarchy. While Marshall is consistent with Brett's translation that the presented system "is somewhat Tyrannical: because the lawes of it are not made vtterly or onely to the commune profyte, but all togyther to the profyte of the kynge or gouernour," he does not include that "inhabitants of that part of the world endure a principate of this kind without grievance because of their barbarous and servile nature."<sup>33</sup> To include that specific assertion would perhaps draw an unwanted conclusion toward the European subjects of hereditary monarchs.

For further evidence, one need not look further than the next section to find further support of his unwillingness to subscribe to Marsilius' opinion that election is the best way to establish a prince. Marshall omits much the middle of section 1.9.5,<sup>34</sup> where Marsilius accuses any monarch who was not instituted by election as tyrannous if they rule over subjects whose will is not represented. This lack of consent from the people, Marsilius asserts with the support

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<sup>33</sup> William Marshall, *The defence of peace: lately translated out of laten in to englysshe*, (London: Robert Wyer, 1535), 21; Brett, 45.

<sup>34</sup> For the purposes of this project, references to sections in Brett's *The Defender of the Peace* will appear in this format. The three numbers represent the discourse, chapter and section in question, respectively. If a reference only includes two numbers, then it refers to the entire chapter in question. The divisions are taken from Brett's translation, because Marshall's translation does not separate the chapters into sections, and many of the sections in Brett's version are entirely omitted by Marshall.

of Aristotle, “separate[s] tempered and flawed principate.”<sup>35</sup> Also present in this section is an addition by Marshall, regarding the institution of a monarch outside of election. Where Marsilius presents the attainment of other forms of monarchy in “due fashion” as less ideal alternatives to election, Marshall inserts that such monarchs rule “rightfully.”<sup>36</sup> With the insertion of this one word, Marshall manages to mitigate Marsilius’ assertion that the only right way to best represent the will of the polity is through election. The significance of this addition is made clear through the rest of the chapter, as Marshall completely omits the last six sections of chapter nine. The subject of Marshall’s omission is Marsilius’ defense of elected principates as the best possible kind of monarchy. In these sections, Marsilius reiterates that “election can never fail, so long as the human race does not,” and that “election is the superior mode [of instituting principates] simply speaking.”<sup>37</sup> Compounding Marshall’s attribution to other forms of monarchy as “right” with his complete omission of the remaining parts of the chapter serve to completely change Marsilius’ original meaning.

At this point, it is necessary to delve further into Marsilius’ theory of election, as he uses it to establish the authority of the community in the decision-making process, and it serves as the main point of contention between Brett’s translation of *Defensor pacis* and Marshall’s translation of 1535. In chapter 12, Marsilius introduces the “primary and proper efficient cause of the law” as the ‘human legislator,’ or “the people or the universal body of the citizens or else its prevailing part.”<sup>38</sup> These terms are used interchangeably throughout the work. As Brett explains in her Introduction, Marsilius almost always qualifies ‘universal body of citizens’ with ‘or its prevailing part (*valientor pars*)’, because “it would be unacceptable in the city to allow a few

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<sup>35</sup> Marshall, 21; Brett, 47.

<sup>36</sup> Marshall, 22; Brett, 47.

<sup>37</sup> Marshall, 22; Brett, 48-50.

<sup>38</sup> Brett, 66.

deformed natures to impede decisions for the common advantage,” and so “these must be excluded.”<sup>39</sup> This ‘prevailing part’ carries with it the legislative authority of the community as a whole, as “it is not always easy or even possible for all persons to agree upon one opinion.”<sup>40</sup> The logic behind this legislative authority is that all laws passed by the ‘human legislator’ will be observed better by the community, “because any citizen will better observe a law that he seems to have imposed on himself.”<sup>41</sup> However, this theory does not necessarily mean that ‘majority rules’ in the conventional sense of the term, as Marsilius not only stresses the numerical majority in decision making but also the quality of the person. Basically, as Francis Oakley explains, “not everyone’s vote is equal.”<sup>42</sup>

As Marsilius develops his theory of popular election in chapter 12, Marshall further evades this electoral thread. In the following passage from 1.12.3, Brett’s translation reads:

And in consequence of this I say that laws and anything else *instituted by election*<sup>43</sup> must receive their necessary approval from the same primary authority and no other: *whatever may be the situation concerning various ceremonies or solemnities, which are not required for the results of an election to stand but for their good standing, and even without which the election would be no less valid.* I say further that it is by the same authority that laws and anything else *instituted by election* must receive any addition or subtraction or even total overhaul, any interpretation and any suspension...

Here, as Marsilius follows Aristotle’s *Politics* closely to establish the authority of the ‘human legislator’, Marshall mentions the same “pryncypall auctoryte” but leaves out any mention of institution by election.<sup>44</sup> Instead, he substitutes the ‘prevailing part’ of the universal multitude with the ‘generall congregacyon parlyament’, which surely would have been a foreign term to Marsilius, as he never mentions ‘parliament’ in his work. Another subversion of the authority of

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<sup>39</sup> Brett, Introduction, xxiii.

<sup>40</sup> Brett, 68.

<sup>41</sup> Brett, 70.

<sup>42</sup> Oakley, *The Watershed of Modern Politics*, 192.

<sup>43</sup> Italics in this passage are my own, and they indicate parts that Marshall omits.

<sup>44</sup> Marshall, 28; Brett, 67.

the human legislator occurs in section six of the same chapter, where Marshall omits Marsilius' qualification that the 'universal body of citizens' *alone* or its prevailing part has the authority to impose obedience to a law.<sup>45</sup> Further, the final couple of sentences of the chapter are omitted by Marshall, who concedes that the "approbacyon (approval), interpretacyon, [and] suspencyon of the lawe" among other things belong to the authority of the "lawe maker or parlyament," but ignores that this primary authority is established by election.<sup>46</sup> By inserting the anachronistic and culturally specific 'parlyament' and omitting anything that argues for the sovereignty of the people in communal decision-making, Marshall is able to secure a Henrician flavor to his translation while diluting Marsilius' original argument.

In chapter 14 of the same discourse, Marsilius explains the qualities or characteristics that should belong to an ideal prince, to ascertain what kind of man should be instituted by election to govern a civil community. It is important here to realize, as Marsilius explains in the following chapter, that the duly elected prince is ceded the legislative authority of the human legislator by proxy so that important decisions can be made more swiftly, but that the authority ultimately remains in the hands of the 'universal body of citizens or its prevailing part.'<sup>47</sup> This will become more evident in the discussion of chapter 15, but it is necessary to relate this now as it will ease the understanding of Marshall's omissions in chapter 14. In the beginning section, Marsilius explains the previously stated purpose of this chapter, and sets it in direct opposition to section 1.11.5, which equates non-elected monarchy with tyranny. Here, Marshall reduces 1.14.1 into just one sentence. He neglects to mention anything about election in this passage, nor to mention the authority that would come of a man who was chosen by election. He seems content here only

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<sup>45</sup> Marshall, 29; Brett, 70.

<sup>46</sup> Marshall, 29; Brett, 72.

<sup>47</sup> Brett, 90.

to focus on the characteristics that would make a good prince.<sup>48</sup> Marshall then follows Marsilius' elaboration in the following sections of the two virtues of the perfect future prince, which are "prudence and moral virtue, especially justice."<sup>49</sup>

The two translations next diverge in the eighth section, where Marsilius makes specifications about the kind of armed force the prince should possess. He cites Aristotle's *Politics* again to claim that the prince "should have such a force that it is greater than that of individuals, both of one and of more together, but smaller than that of the multitude." Here, Marsilius is obviously protecting the interest of the human legislator, so that the prince cannot enforce his will over its authority, but Marshall omits any mention that the army should be smaller than that of the multitude. He also omits the rest of the eighth section of this chapter, as well as the ninth section, moving directly into the tenth and final section. Of the omitted material is Marsilius' assertion that the armed force not be granted to the prince until *after* his election, as the possession of a force before any election would possibly influence the outcome. Again, Marshall omits any mention of election.<sup>50</sup> In this chapter, while Marshall is consistent with the ideal virtues of a prince, he continues to avoid the importance placed on election while disabling Marsilius' theorized system that enables the human legislator to check the power of a prince who betrays these virtues.

Marshall omits the first four sections and most of the fifth section of chapter 15, and he even changes the title of the chapter to incorporate these changes. Brett's chapter is entitled "On the efficient cause of the best way of instituting a principate, which will also reveal the efficient

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<sup>48</sup> Marshall, 32; Brett, 81.

<sup>49</sup> Marshall, 32; Brett, 81.

<sup>50</sup> Marshall, 33; Brett, 85-7.

cause of the other parts of the city,”<sup>51</sup> while Marshall has “How y<sup>t</sup> prynce in a cōmunyte & kyngdome is as the herte in a sensyble creature & y<sup>e</sup> without a kynge or prynce no cōmunytie or kyngdome can stande & partly of a prynces duetye.”<sup>52</sup> The main subject of these omitted sections is a reiteration of Marsilius’ assertion that the prince’s authority is granted to him by the legislator (or the prevailing part thereof) by means of election. A glaring omission takes place in 1.15.3, where Marsilius blatantly asserts that “an elected prince, and one without hereditary succession, is given authority in the polity by a method that is without qualification superior to the one involved in non-elected princes.”<sup>53</sup> Marsilius also makes clear in 1.15.4 what was mentioned above, that the elected prince basically serves as the legislator by proxy, “[f]or when these individuals do something, the entire community does it: since those who exercise the function of prince do it in accordance with the determination (sc. legal) of the community; and because they are few or one in number, legal matters are more easily carried out.”<sup>54</sup> In these sections, Marsilius resolutely pits hereditary succession against elected monarchy, and throws the theoretical weight of the authority of the ‘universal body of citizens’ behind the latter; therefore Marshall has omitted them.

As Marshall’s modified title suggests, the remainder of chapter 15 consists of an extended metaphor<sup>55</sup> that compares the civil community and its parts to the body of an animal and its parts. Marshall abruptly begins his chapter toward the end of 1.15.5 with the comparison of the prince to the heart of an animal, because it “is fyrst fourmed” and “is more noble & more perfyte in his qualytes & dysposycions, than al the other par|tes of the sensyble creature.”<sup>56</sup> Much

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<sup>51</sup> In Previt -Orton’s Latin edition, the title reads: “De causa factiva potioris institutionis principatus, unde apparet etiam effectiva causa reliquarum partium civitatis.”

<sup>52</sup> Marshall, 34; Brett, 88.

<sup>53</sup> Brett, 89-90.

<sup>54</sup> Brett, 90.

<sup>55</sup> Marsilius references Aristotle’s *Parts of Animals* and Galen’s *On the Genesis of an Animal*

<sup>56</sup> Marshall, 34; Brett, 91.

like the function of the heart, “without the presence of the principate a civil community cannot survive or at least not long survive.”<sup>57</sup> Marshall’s translation is consistent in the extension of this metaphor, which Marsilius uses to explain that just like the various parts of an animal, which each function for the benefit of the whole, the various offices of the civil community should be held by people who possess the appropriate virtues to perform their respective tasks, lest the community fail. However, when speaking to the purposes of the respective parts, Marsilius contends that “the determination or institution of the offices and parts of the city belongs to the legislator, while the judgement, command and execution of that determination is a matter for the prince in accordance to the law.” Where Brett’s translation has ‘legislator’, the corresponding passage in Marshall’s translation qualifies it with “in y<sup>e</sup> parlyamēt assēbled by [the prince’s] cōmaundement.”<sup>58</sup> Further, while Marshall is consistent in 1.15.9 that the authority of passing laws belongs to the universal multitude, he omits Marsilius’ further assertion that it also has the authority to institute the prince.<sup>59</sup> Taking these discrepancies into account, Marshall entirely perverts Marsilius’ intended purpose for chapter 15. The metaphor of a civil community as the body of an animal remains largely intact, but the qualifications that place the prince as an elected official at the grace of the human legislator is entirely missing. Instead, Marshall places the universal body of citizens in a bubble that corresponds to the structures of his own political environment, and transplants the (unelected) monarch into the position of supreme authority.

Half of chapter 16 is missing from Marshall’s translation. As was the case with the previous chapter, the nature of the omissions is evident in the chapter titles of Brett’s and Marshall’s translations, respectively. The title of Brett’s chapter is: “Whether it is better for a

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<sup>57</sup> Marshall, 34; Brett, 92.

<sup>58</sup> Marshall, 34-5, Brett, 94.

<sup>59</sup> Marshall, 35; Brett, 95.



polity to adopt a monarch by a new election each time, or to elect only one man together with his entire posterity, which is usually called hereditary succession.”<sup>60</sup> The title of Marshall’s chapter 16 is completely different: “That is most expedyent to the cōmune weale (commonwealth or common will), to haue onely one certayne man to be prynce or gouernour, hym selfe with all his posteryte whiche they call cōmunelye the successyon of kynred or blode.”<sup>61</sup> As can be concluded from the difference in the chapter titles, Marsilius aims to compare the two stated ways of instituting a monarch, while Marshall fully sides with hereditary succession. The omissions in Marshall’s translation entirely affirm this conclusion. Marsilius enumerates eleven reasons that a community might opt for a hereditary monarchy followed by eleven rebuttals, one for each of those reasons, that argue why an electoral monarchy would be better in each case. For instance, in 1.16.1, Marsilius explains that a community might opt for a hereditary monarch “because a monarch by hereditary succession will take more care of the commonwealth, as it is in some sense his own and his inheritance.”<sup>62</sup> However, he refutes this in 1.16.14, arguing that “a monarch elected by a new election every time is more likely to do this, since it is agreed that he will more often be a prudent and good man, as is clear by induction. For an election can always adopt a virtuous man produced by succession, whereas the converse is not the case.”<sup>63</sup> Marshall has twisted Marsilius’ argument to assert the exact opposite. Marshall’s translation is consistent with the eleven arguments for the hereditary monarchy, but he promptly ends the chapter there, completely omitting sections 11 through 25. The result is that instead of weighing the advantages of both kinds of monarchy and making a decision on the superior mode of institution, Marshall

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<sup>60</sup> In Previt -Orton’s Latin edition, the title reads: “An magis expediat politicae monarcham quemlibet per novam electionem singillatim sumere, vel aliquem quendam solum eligere cum omni posteritate sua, quam generis successionem vocare solent.”

<sup>61</sup> Marshall, 35; Brett, 98.

<sup>62</sup> Marshall, 36; Brett, 99.

<sup>63</sup> Brett, 105.

has only included the advantages of hereditary monarchy, all of which were disproven in favor of electoral monarchy by Marsilius.

Marshall's translation is consistent for all of the 17<sup>th</sup> chapter except for the final section, which he completely omits. This chapter argues for the importance of a singular principate in each community, and for the numerical unity of the primary offices of the city. Marsilius explains that numerical unity in leadership is essential for various reasons, but most importantly because a plurality of principates would obstruct justice, which would result in "fighting, disintegration and ultimately the destruction of the city or realm."<sup>64</sup> Marshall seems not to have any objection to this discussion on the unity of principates. However, he does not include any of the thirteenth and final section, which references chapters 9, 12, 13 and 15 of the first discourse to reiterate that "no individual person...nor any collective body has any principate or coercive jurisdiction over anyone in this world unless that authority has been given to him or it directly by the divine or human legislator."<sup>65</sup> Once again, Marshall picks the conclusions and arguments of Marsilius that is relevant to his own purpose, while ignoring the foundation of election on which they are founded.

Chapter 18 is a singular case of omission for this discourse, as Marshall omits the whole chapter from his translation. Entitled "On bringing the prince to account, and for what reason, how, and by whom he should be constrained if he transgresses the law,"<sup>66</sup> Marshall instead simply states "The. xviii. chapytre we haue lefte out all togyther as nothyngge appertaynyng to this realme of Englande."<sup>67</sup> At the beginning of the chapter, Marsilius admits that it is necessary

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<sup>64</sup> Brett, 116-7.

<sup>65</sup> Brett, 122.

<sup>66</sup> In Previt -Orton's Latin edition, the title reads: "De principantis correptione, et propter quam causam, qualiter, et a quibus, legem transgrediens debet arceri."

<sup>67</sup> Marshall, 40; Brett, 123.

to determine to whom or to what authority it belongs to judge princes with coercive power. He goes on to extend the metaphor of the prince's role in the community being similar to the heart of an animal, as the prince is the 'standard and measure of any civil act whatsoever.' Therefore, according to Marsilius, ideally the prince would never commit any act that required correction. But since the prince is human, any action of his that requires correction should be judged according to the law by the legislator, or by persons appointed by the legislator. He then distinguishes between acts committed by the prince that are either serious or slight in nature. If they are serious, then they must be judged according to the law, and if there is no law on the matter, then in the way that the legislator sees fit. If they are slight and few in nature, then they should be overlooked, as Aristotle claimed that 'It is manifest, that legislators and princes must be allowed a few misdeeds.' However, if they are slight and common, then it should be defined in law, and the prince should be corrected by the appropriate penalty.<sup>68</sup> The fact that this chapter is missing is entirely consistent with the other changes that Marshall makes throughout the first discourse, and supports the conclusion that he was writing for a hereditary monarch who was supreme, and had no intention of admitting any authority to the universal body of citizens over which he was sovereign.

If Marshall's discrepancies in the first discourse are viewed alone, they seem to completely reject the authority Marsilius attributes to the 'human legislator', and perhaps has even constructed a different meaning for the term. There is certainly no consideration for the argument that an elected principate is superior to all other forms. But to take such a view would beg the question: Why was *Defensor pacis* so important that Thomas Cromwell felt the need to have it translated, even at the expense of gutting the political theory that serves as the foundation

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<sup>68</sup> Brett, 123-6.

of the work? To answer this, we must shift our gaze to the second discourse, as Marsilius does in the 19<sup>th</sup> and final chapter of discourse one. In this chapter, to which Marshall closely adheres, Marsilius finally defines the causes of tranquility and intranquility in a city or realm. He makes short work of these causes that were either already covered in previous chapters or referenced in Aristotle's *Politics*, before coming to his point. This chapter is really about a "certain unusual cause of the intranquility or discord of cities or realms." It is unusual because it is a phenomenon that none of the classical philosophers could understand or predict, and it "hinders in a singular way because of its custom of hiding its malignity."<sup>69</sup> Marsilius is referring to the claim for the universal coercive jurisdiction (both spiritual and temporal) of Roman bishops, "which they assert is due to them from the plenitude of power handed them (as they say) by Christ."<sup>70</sup> Marsilius' aim for the rest of the work is to build on his conclusions in the first discourse by bringing in testimony from the scriptures and church doctors to prove that no such coercive jurisdiction belongs to the Roman bishop or to any other bishop for that matter. This rejection of the temporal jurisdiction of the Roman bishops and the spiritual and political stranglehold that they held over Christian princes, is the subject of the second discourse and the reason for Marshall's translation of the work. Therefore, he translates this chapter clearly.

### The Second Discourse

The Second Discourse is Marsilius' *magnum opus*, a full 30 chapters of anti-papal polemic that argues against the 'plenitude of power' that medieval Roman bishops claimed to hold over all of Christendom, supposedly giving them universal coercive jurisdiction over all other principates. While the first discourse demonstrated methods "discovered by human ingenuity," Marsilius' purpose in the second discourse is to demonstrate "testimonies of the truth

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<sup>69</sup> Brett, 129.

<sup>70</sup> Brett, 135.

founded upon eternity, and also with authoritative passages of the saints, its interpreters, and other approved doctors of the Christian faith.”<sup>71</sup> The second, as Francis Oakley puts it, would have been the most popular of the three discourses during Marsilius’ lifetime.<sup>72</sup> Interestingly, Marsilius unfolds his argument in the opposite way of medieval papalist arguments. Where the argument of papal apologists proceeded first through revelation (i.e. scripture, interpretation of church doctors and saints, etc.) and then through human reasoning, Marsilius establishes his argument first through reason and then through revelation.<sup>73</sup> Because of this, Marsilius does not include any theological reasoning until the second discourse. This would not have been lost on his contemporaries, as he means to show that the correct institution of the church would not have contradicted any of Aristotle’s writings, even though the philosopher could not have perceived the historical events that precipitated the founding of the church. In this instance, Marsilius can solidify his argument with Aristotle’s support because he would claim that the diversion of the church from his works occurred through human perversion after the events of the New Testament.

The size and complexity of the second discourse dictates that it is not convenient to present the discrepancies of Marshall’s text in sequential order, as was done with the first discourse. This was possible because the two themes of divergence (i.e. elected principates as the best kind of monarchy and Marsilius’ establishment of the human legislator) largely complemented each other, and because of the shorter size of the first discourse. This will not be possible here, as such a sequential approach would necessarily make this chapter longer than it already is. As stated at the beginning of the chapter, the goal here is not necessarily to explain the

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<sup>71</sup> Brett, 9.

<sup>72</sup> Oakley, *The Watershed of Modern Politics*, 187.

<sup>73</sup> Harry S. Stout, “Marsilius of Padua and the Henrician Reformation,” *Church History* 43, no. 3 (September 1974): 310.

intricacies of Marsilius' argument, which many historians have already attempted, but to present the discrepancies of Marshall's translation in a comprehensive and organized fashion. Therefore, the omissions, additions, and other changes have been organized into groups, and we will proceed thematically.

The first type of discrepancy that will be addressed in this discourse picks up where the first left off. Marshall's continued aversion of the human legislator is by far the discrepancy committed the most throughout the book. There are four main methods that Marshall uses to subvert the authority of the legislator, one of which often falls into the other three categories. The first, and most common of these, is a complete omission of the human legislator and the authority that Marsilius grants it. The first instance occurs in the eighth section of chapter five, where Marsilius grants coercive authority to kings, dukes or other secular princes over priests, who can be evildoers as much as non-priests. Since the punishment of evil transgressions is reserved for secular rulers, priests should have no exemption from this, referencing Saint Peter in I Peter 2:13-15 that 'so' (i.e. to obey princes and rulers) 'is the will of God'. Marshall is consistent that priests must be subject to secular judgment for breaking human laws, but he completely omits Marsilius' qualification in this section that these secular princes must be established by the authority of the human legislator, as shown in chapter 15 of the first discourse.<sup>74</sup> It is important here to note that the reference back to a previous chapter is also omitted by Marshall, because this is another of the methods that Marshall uses to subvert the legislator's authority, and becomes a consistent theme throughout the second discourse. Here, he is covering his tracks well, as the part of chapter 15 that Marsilius refers to was omitted by Marshall.

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<sup>74</sup> Marshall, 59; Brett, 191.

Marshall further subverts the authority of the human legislator in chapter 10 of the second discourse. In this chapter, Marsilius addresses where the authority lay to pass coercive judgment over acts of heresy, which the tradition of the church claimed to belong to the priesthood. Marsilius grants that “it belongs to a priest (i.e. a priest or bishop) to discern the crime of heresy,” but maintains that the coercive judgment of heretics “belongs to the prince alone by the authority of the human legislator.” Marshall omits that final qualification in this section, as well as in sections three and six.<sup>75</sup> In these sections, Marsilius is painting a scenario as to how the priest and the prince can work together to judge a case of heresy while each staying in their lanes according to the varying significations of ‘judge’ that he accords each of them. He basically says that the priest is a judge of heresy in the first signification in that he is an expert on what things are or are not considered heretical, much like a physician would be an expert on the subject of whether or not a man is leprous. In this signification of judge, the authority on the topic has no coercive power against the transgressor, but can make a definitive prognosis based on their expertise. The prince, on the other hand, is a judge in the third signification. In this sense, he is not expected to be an expert on what makes someone a heretic or not, but he should be an expert on what sorts of things should be punishable by coercive judgement, which is his responsibility and right to carry out, as given to him by the human legislator. Marshall here omits that the prince owes his right to judge in this sense to the authority of the human legislator, and also omits the part about the prince knowing about the law in the last and proper signification, which carries with it some moral component to the law.<sup>76</sup> Marshall commits this same kind of omission two other times in 2.10.8 and 2.10.11, each time attributing the right of judgment in the third

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<sup>75</sup> Marshall, 73; Brett, 232.

<sup>76</sup> Marshall, 73-4; Brett, 234-6.

signification to the prince and neglecting to mention that he derives this authority from the human legislator.

Other omissions of this kind take place further in the second discourse in chapter 25. In 2.25.7, Marsilius asserts that in the early church, the bishops both of Rome and other provinces lived in the likeness of Christ and his apostles by submitting themselves to the coercive jurisdiction of secular rulers. Marshall includes this assertion, but fails to mention Marsilius' qualification that the prince held his office "by the authority of the human legislator." He commits this same kind of omission later in the section, where he also omits essential references to chapters 12 and 13 of the first discourse and chapter 21 of the second, which eliminates the evidence that Marsilius uses to trace the authority of the legislator.<sup>77</sup> Further, in 2.25.8, Marshall omits about half of this section from his translation, likely because it says that if any secular prince had the power to institute a bishop or priest, it would only be because that authority was given to him by the authority and will of the human legislator. It is not surprising that he omits this, because all the references that Marsilius uses of previous chapters were either altered heavily or omitted entirely.<sup>78</sup> There is also a nod to conciliarism in this passage, which will be addressed as a separate kind of discrepancy. Other examples occur in 2.25.8 and 2.25.9, regarding exemption of the clergy from certain civil responsibilities and the investiture of bishops and archbishops, respectively.<sup>79</sup> In each instance, Marshall attributes a power to the prince without including Marsilius' constant disclaimer that he only has that authority by virtue of the human legislator.

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<sup>77</sup> Marshall, 103; Brett, 437.

<sup>78</sup> Marshall, 104; Brett, 438.

<sup>79</sup> Marshall, 104-5; Brett, 438-41.



The singular discrepancy of this category in chapter 26 follows the same theme. Section five of chapter 26 points out that if the Bishop of Rome had the authority to establish the Emperor (as papal arguments asserted), then the purpose of the seven electors of the Holy Roman Emperor would be pointless. Marsilius claims that the Roman bishop deprives them of their due authority. Most of this section corresponds between translations, but Marshall makes some changes in the last couple of sentences. Marsilius gives the authority to the electors by the consent of the human legislator, whose authority it ultimately is. However, Marshall omits the part about the human legislator, and he also omits Marsilius' reference back to chapters 12 and 13 of the first discourse.<sup>80</sup> It is interesting that Marsilius connects his political theory to the electors of the Holy Roman Empire, which ties into his entire discourse on the 'prevailing part' of the universal body of citizens, when in fact they constituted only a 'tiny minority' of the empire that they represented.<sup>81</sup> Nevertheless, it does reflect some notion of collective sovereignty, which Marshall is keen to avoid.

In Chapter 28, Marshall omits the final sentence of section 26. Here, Marsilius writes that Christ repeatedly mentioned how none of the apostles were over the others in priestly dignity, and he argues that even if Christ had given that higher dignity to Peter, there is still no scriptural basis that that dignity would pass on to another person after Peter's death. This opens up for Marsilius to reiterate his claim that that authority belongs to the human legislator or to a council through human election, referencing chapters that help to prove that point. Marshall leaves out Marsilius' concluding sentence here.<sup>82</sup>

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<sup>80</sup> Marshall, 108; Brett, 453.

<sup>81</sup> Oakley, *The Watershed of Modern Politics*, 193.

<sup>82</sup> Marshall, 129; Brett, 516.

Finally, Chapter 30 is where Marsilius brings the errant strands of his argument together, applying his conclusions to the contemporary political climate and the rivalry between the Holy Roman Empire and the Papacy. Two times in section four, Marshall omits a reference to the human legislator, attributing its authority instead to the prince. In the second instance, instead of omitting ‘human legislator’, Marshall omits the qualification of the prince being instituted in the correct manner, which Marsilius would see as election by the universal body of citizens or its prevailing part.<sup>83</sup> The final sentence of 2.30.6 is omitted by Marshall, which mentions the authority of the human legislator to correct the prince for overstepping human laws. Also omitted here is a reference to Chapter 18 of the first discourse, which Marsilius uses in support of this claim, and Marshall omitted in its entirety.<sup>84</sup> The eighth and final section of Chapter 30 is entirely omitted in Marshall’s translation, which is problematic because it serves as the culmination of the first two discourses, weaving in the recently mentioned contemporary conflict between Pope John XXII and Ludwig IV, Holy Roman Emperor and Duke of Bavaria, with many of the conclusions that he references back to in previous chapters. It also seems to serve as his ultimate reiteration of the authority of the human legislator, and the reader can certainly sense the frustration with which he accuses the Roman bishops of assuming a power and authority that simply does not belong to them.<sup>85</sup> Marshall connects the last sentence of the second to last paragraph of section seven with the final sentence of section eight, thereby cutting out the final part of section seven and almost all of section eight from his translation, and effectively decontextualizing Marsilius’ argument for a different audience.

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<sup>83</sup> Marshall, 136; Brett, 536-7.

<sup>84</sup> Marshall, 136; Brett, 538-9.

<sup>85</sup> Marshall, 137; Brett, 541.

The second way in which Marshall undermines the human legislator is by substituting it for another term, usually ‘prince’ or ‘governor’. The difference between this kind of discrepancy and the one previously discussed is that the first mode actively omits Marsilius’ claim that the prince derives his authority from the human legislator, while this method directly substitutes the prince as that authority, where Marsilius made no mention of the prince. This first occurs in the ninth section of chapter eight, where Marsilius explains that no person who enjoys conveniences such as the protection of the human legislator in a civil community should be exempt from the jurisdiction and decisions of that same legislator. Each time Marsilius mentions the legislator here, Marshall substitutes ‘chief governor’ and ‘same governor’, respectively.<sup>86</sup> Further in Chapter 10, when Marsilius explains the authority to judge people in the third signification as mentioned earlier, he confirms that this judgement must be “in accordance with the determination of the human legislator or law.” Marshall simply has “accordynge to the determinacyon of the lawe of man.” However, he adds a sentence that is not present in Brett’s translation, claiming that “[a]ll these thynges (I say) belonge onely to the prynce & gouernour or his deputie.”<sup>87</sup> This discrepancy is essentially a substitution, as Marshall omits ‘human legislator’ and places the ‘prynce’ or ‘gouernour’ in its position of authority. Marshall remains consistent in his method of substitution in the very next sentence, at the beginning of section 2.10.10. Where Marsilius mentions that Paul was judged in Acts 25 by a judge who was “established for this purpose by the authority of the human legislator,” Marshall’s translation reads “by the [authority] of the gouernour.”<sup>88</sup> In each instance here, Marshall has not only

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<sup>86</sup> Marshall, 69; Brett, 220.

<sup>87</sup> Marshall, 75; Brett, 239.

<sup>88</sup> Marshall, 75; Brett, 240.

omitted the authority of the legislator, but he has attributed its authority to a governor where Marsilius did not intend to.

Marshall uses this method of substitution further in the second discourse to attribute powers to individuals that Marsilius solely reserves for the legislator. In 2.15.7, Marsilius explains that while the scripture confirms that all priests and bishops should be of equal status, it is sometimes necessary for one bishop to be elected to ‘regulate’ the actions of the others. This does not grant that bishop an elevated status, it rather places him a position of administrative responsibility. However, in this position’s relation to coercive power, Marsilius maintains that it is reserved for the mandate of the human legislator. Here, instead of ‘human legislator’, Marshall simply substitutes ‘kyngge’.<sup>89</sup> Further, in 2.17.17, Marsilius affirms the practice in France of managing the temporal goods of vacant ecclesiastical sees, concluding that “divine law does not prohibit a legislator or prince from instituting and conferring or distributing [ecclesiastical benefices],” but that in “perfected communities of the faithful this authority derives from the concession of the legislator.” The first time ‘legislator or prince’ is mentioned, Marshall substitutes ‘prynce or cheyfe gouvernour’, and in the second instance he substitutes ‘legislator’ for ‘prynce or perlyament’.<sup>90</sup> Present here is a clear swapping of terms that completely changes the meaning of the sentence regarding where the authority lay in a kingdom to administer the temporal goods of vacant episcopal sees.

In Chapter 23, Marsilius enumerates the various significations of the term ‘plenitude of power’, and explains the ways that the papacy began to develop and use this claimed power where there was no scriptural precedent for its existence. Explaining the development of this argument for ‘plenitude of power’, Marsilius shows that certain ordinances of Roman bishops

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<sup>89</sup> Marshall, 83; Brett, 315.

<sup>90</sup> Marshall, 93; Brett, 349.

throughout the centuries were spontaneously accepted by the laity because of their pious devotion. As these ordinances, which were initially papal requests, became embedded customs, Marsilius claims that the Roman bishops began to impose them in the manner of commands. They further enforced these ordinances “without any license from the human legislator” against those who transgressed them “with the terror of vocal anathema or excommunication...all the while under the appearance of piety or divine worship.” Here, Marsilius is clear that the fault lay with the Roman bishops, who over the years exploited the ‘pious devotion’ of the laity. While Marshall is consistent with this anti-papal train of thought, he substitutes ‘human legislator’ with ‘worldly princes’.<sup>91</sup> He repeats this kind of substitution in 2.23.13, where Marsilius argues that the adoption of the term ‘decretals’ for papal ordinances that carried with them the threat of some penalty in the present world should be reserved for the power of human legislators.<sup>92</sup> Marsilius even claims in 2.25.16 that the pope and the clergy themselves are aware that the power to confer the trappings that they enjoy rests with the human legislator, which Marshall substitutes with ‘prynces and theyr parlyaments.’<sup>93</sup>

Other substitutions reflect Marshall’s continued purpose to divert Marsilius’ authority of the legislator, in 2.26.17, 2.27.12 and 2.29.1, respectively.<sup>94</sup> In each instance, ‘human legislator’ is replaced with ‘prince’ or ‘parliaments’ to subvert Marsilius’ maintained conclusion about which actual authority the Roman bishops have usurped. Therefore, by making these substitutions, Marshall implants his own assertion that it was not the universal body of citizens against whom the papacy transgressed, but the worldly princes.

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<sup>91</sup> Marshall, 97; Brett, 414.

<sup>92</sup> Marshall, 97; Brett, 417.

<sup>93</sup> Marshall, 105; Brett, 444.

<sup>94</sup> Marshall, 113, 118, 130; Brett, 467, 482, 520.

The third way that Marshall undermines the authority of the human legislator is the trickiest mode to determine, because he actually translates the word correctly, as ‘legislator’ or ‘lawe maker’, but has omitted the necessary references or qualifications that Marsilius uses to construct his meaning of the term. In some of these examples, the translations are entirely consistent, which immediately raises a red flag for a careful reader, because there is almost always a change of meaning involved whenever the human legislator is mentioned. For instance, as Marsilius builds his metaphor of the priest and the physician as judges of their respective fields in the first signification in 2.7.4, he reiterates that the physician practices the art of medicine by the authority of a judge or the human legislator. Perhaps because of the triviality of this qualification, Marshall translates it accurately, as ‘human lawe maker.’<sup>95</sup> However, no other mention of the human legislator to this point has escaped Marshall’s editorial pen, so why should this one? Perhaps, he translates it in this instance as ‘human law maker’ because it simply does not hold any substantial political authority. Or, he could have left the term in his translation here to open it up to a wider interpretation. Nevertheless, since he almost always replaces ‘human legislator’ with ‘prince’ or ‘governor’, or omits it entirely, its inclusion here cannot be traced back to Marsilius’ original meaning for the term.

Every other instance that Marshall translates legislator correctly involves the addition of ‘prince’ to the power that Marsilius reserves for the human legislator alone. This serves as the inverse of the first mode, in which Marshall omits that the prince derives his authority from the legislator. This first occurs in 2.9.10, where Marsilius attributes the authority to institute a judge of human laws to the human legislator, while Marshall simply adds ‘or prince’.<sup>96</sup> This happens three more times in Chapter 12, sections four, seven and ten, where Marshall adds ‘or prince’ to

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<sup>95</sup> Marshall, 66; Brett, 211.

<sup>96</sup> Marshall, 72; Brett, 229.

various specifications of the law that Marsilius says can only be permitted by the human legislator.<sup>97</sup> This mode is further used in 2.25.3, where Marsilius claims that the members of the early church followed the ordinances of the Roman bishops out of necessity because the “human legislator was at that time almost everywhere infidel,” to which Marshall adds “or prynces.”<sup>98</sup> And again in the fifth section of the same chapter, Marshall qualifies the special favours that were granted to the church by the human legislator after the time of Constantine with “or prynces.”<sup>99</sup> Each time that Marshall translates ‘human legislator’ consistently, he either does so out of lack of apparent necessity or immediately inserts the prince as an equal partner in that authority that Marsilius reserves solely for the legislator. Why he opted to add ‘or prince’ to ‘human legislator’ instead of merely substituting the two terms in the manner that was previously discussed is unclear. Perhaps he did so because there was no possible way for the reader of his translation to trace ‘human legislator’ back to the ‘universal body of citizens or its prevailing part’, as he effectively avoided Marsilius’ construction of the term in the first discourse.

This brings us to the final mode that Marshall uses to undermine the authority of the human legislator, in which he is consistent in translation, but omits references that point back to that authority. As mentioned earlier, the omission of references is present in almost every mode that has been discussed so far, but those instances always included a substitution or omission of the human legislator. This example is more subtle, because Marshall is able to effectively make the same conclusions as Marsilius while ignoring the reference on which they are founded. The primary example of this occurs in 2.8.7, where Marsilius asserts that “any priest or bishop who is a transgressor of the human law should have justice done to him and be constrained by the judge

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<sup>97</sup> Marshall, 79, 80; Brett, 252, 253, 254.

<sup>98</sup> Marshall, 102; Brett, 434.

<sup>99</sup> Marshall, 102; Brett, 435.

who has coercive power over transgressors of human law in this world.”<sup>100</sup> Here, Marshall is very consistent in translation when he calls the judge the “secular prince or governor,” i.e. the prince. The suspected reasoning for his consistent translation is because this is a rare occasion in Brett’s translation thus far where Marsilius attributes this authority to the secular prince without tracing his authority to the universal body of citizens. Perhaps Marsilius did not find this necessary because he refers back to chapters 15 and 17 of the first discourse, which both constantly assert that the prince or secular ruler owe their power to and should be instituted by the human legislator. Marshall omitted considerable portions of both referenced chapters from his translation, and omits Marsilius’ reference back to them in this section, as there would have been no support to his claim here.

These examples that subvert the authority of the human legislator between the first and second discourses are the most common type of discrepancy in Marshall’s 1535 translation of *Defensor pacis*, and occur no less than 36 times in the second discourse. They change his translation in a way that grants coercive jurisdiction on earth in all matters not to the priesthood or the universal body of citizens, but to the unelected, hereditary monarch in each kingdom. Also present are references to ‘parliament’ which is found nowhere in Brett’s translation, and could only have been a weak contemporary concession to republican ideology along Marshall’s own terms. However, there are many other kinds of discrepancies between translations, some that fall into this theme, which must be explored.

As Marsilius develops the authority of the ‘human legislator’ in matters relating to human law, he similarly constructs a ‘faithful human legislator’ as the ultimate authority in a community that professes the Christian faith as a whole. In the same way that the ‘human legislator’ is made

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<sup>100</sup> Marshall, 68; Brett, 217.



up of the ‘universal body of citizens or its prevailing part’, the ‘faithful legislator’ owes its authority to the ‘universal body of believers’, and the position is conditionally filled by the faithful prince. As Brett explains in her introduction, the historic event that mapped the faithful legislator onto the human legislator was the Christianization of the Roman Empire under Constantine the Great in the year 312.<sup>101</sup> Tracing Marsilius’ political argument, the conversion of Constantine changed the Roman Emperor from the ‘human legislator’ to the ‘faithful human legislator’, and the Roman Empire from the ‘universal body of citizens’ to the ‘universal body of the faithful. This plays directly into his purpose to argue that the papacy does not have any temporal coercive jurisdiction, but are instead subject to the ‘faithful human legislator’, or the Holy Roman Emperor as the rightful successor of Constantine’s legacy. This faithful human legislator also best expresses its authority through the will of a council, as first demonstrated in the Council of Nicaea (325 CE), which settled among other things the errant teachings of the Alexandrian monk Arius.<sup>102</sup> It is clear that Marsilius has tailored his political theory to incorporate important historical events so that it appears that the natural course of history was for this authority to fall to the Holy Roman Emperor.

As one would expect, Marshall often omits most of Marsilius’ references to the faithful human legislator and all of the conciliar approach that idealizes the proper usage of this body of authority. This first occurs in 2.5.3, with an examination of Paul’s command in Titus to ‘set priests in every city.’ Marsilius points out that Paul conjugated the verb for ‘to set’ in the plural form, indicating that he was speaking to all of the faithful, or else he would have used ‘set’ in the singular.<sup>103</sup> Marshall’s translation here omits Marsilius’ analysis of Paul’s conjugation of the

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<sup>101</sup> Brett, Introduction, xxx.

<sup>102</sup> Brett, 367-8.

<sup>103</sup> Marshall, 55; Brett, 178.

verb, therefore undermining his assertion that it belongs to the universal body of believers to institute priests. He does this again in sections 12 and 13 of chapter six, remaining consistent that priests do not have the power to pass coercive judgement for any spiritual transgression, but omitting the continued assertion that this authority belongs to the multitude of the faithful.<sup>104</sup> Marshall even goes so far in section 13 to attribute this authority to a vague ‘hygher power’, but gives no clue in this section what that higher power might be.<sup>105</sup> Surely he leaves that authority open for the reader to interpret as belonging to the prince.

This kind of discrepancy is most often committed in chapter 17 of the second discourse. The purpose of this chapter is to define where the authority to institutes bishops and others ministers of the church resides. Marshall’s translation is consistent in section seven, where Marsilius argues that in times when the multitude of the community (human legislator) were few, or if they were uneducated about what would make a good priest or bishop, or if there were only one or two viable candidates, as was often the case in the early church, then it was okay for a single priest or bishop, or a couple of them together, to institute another priest or bishop, in the interest of the otherwise incapable multitude. However, Marshall comes to a different conclusion in his interlinear gloss, praising the fact that at the time of writing, there were more Christian princes who could make such a sound judgement.<sup>106</sup> While this may have been true, Marshall’s conclusion in the gloss attributes the authority to establish bishops directly to the prince without the consent of the faithful legislator. Further in section eight, Marshall grants the power to establish a bishop or priest to the prince based on the authority granted to him by the faithful legislator, but omits Marsilius’ primary assertion that the multitude could make that decision

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<sup>104</sup> Marshall, 64; Brett, 204.

<sup>105</sup> Marshall, 64; Brett, 205.

<sup>106</sup> Marshall, 91; Brett, 340.

through election without the necessary intervention from the prince. Instead, Marshall's adds in his gloss "[a]s it is [granted to the] most gracyous souerayne lorde [and] kynge by acte of [parliament]."»<sup>107</sup>

In the next section, regarding the establishment and promotion of ecclesiastical positions, Marsilius maintains that the authority to do this belongs to the 'multitude of the faithful', or the official elected by the authority of the legislator. Marshall, however, attributes this power to the king or his deputies, or the chief highest governor, ignoring Marsilius' stipulation that he is handed that authority by the will of the legislator.<sup>108</sup> But in the next sentence, where Marsilius claims that he will demonstrate this assertion first from Holy Scripture, then with probable reasoning, Marshall's translation is not consistent. Instead, Marshall's next sentence corresponds with the first sentence of 2.17.15, meaning that Marshall omitted sections 10 through 14 of the chapter. A brief description of the omitted chapters follows, to gain a better understanding of the nature of Marshall's omission.

In 2.17.10, Marsilius uses the account from Acts 6 to prove his assertion that the ordination of new priests or bishops belongs to the multitude of the faithful. In this passage of Acts, the 'disciples' (as the multitude of the faithful were called at that time, according to the gloss) elected Steven and Philip to positions of authority. Here, Marsilius asserts that election was used as a manner to institute bishops even at the time of the apostles, inferring that this authority does not belong to the king or prince, unless granted by the legislator. In section 11, Marsilius blatantly asserts that a group of the faithful should better be able to choose a bishop or priest than any single person, because the more people there are, the more they should collectively know what is best for them. And since the election of a good or bad priest could

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<sup>107</sup> Marshall, 91; Brett, 340-1.

<sup>108</sup> Marshall, 91-2; Brett, 342.

have a bearing on the status of salvation or damnation for so many people, it is therefore best for the multitude of the faithful to elect the priest or bishop that would best represent their interests in eternal matters.

Section 12 further supports the authority of the legislator to institute a priest or bishop along the same terms as it has the authority to establish a prince. He justifies this by explaining that even though a corrupt prince can cause detriment in the present world, a corrupt priest or bishop can bring a more serious detriment, i.e. eternal death. Therefore, according to Marsilius, it makes sense that the universal body of the faithful should work together to determine the best viable option. Section 13 is only one sentence long, and merely references accounts from Saints Gregory and Nicholas that serve as further testimony to Marsilius' assertion. Section 14 is also omitted from Marshall's translation, which refutes any potential claim that a council of priests could elect or institute a new priest just as well as the universal body of the faithful. Here, Marsilius claims that "it cannot be inferred from this that the college of priests by itself has a surer judgement of these matters than the whole multitude of which it is a part." He says that the judgement of the college of priests in the first signification (as experts on the matter) should be enough to educate the multitude so that the multitude, which includes the college of priests, should be able to make the best decision.<sup>109</sup>

Marshall covers his tracks well, as he leaves no trace of Marsilius' argument for the authority to approve or reject those persons who are to be promoted to ecclesiastical orders. After all, these sections were full of claims that stripped the initial authority from the prince and gave it to the faithful legislator. Marsilius begins section 15 building on the conclusion from these sections that the prince receives his coercive authority from the legislator. Marshall picks back

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<sup>109</sup> Brett, 342-7.

up his translation in the same vein, connecting the initial couple of sentences from section 9 (that were fabricated to give the legislator's authority to the prince) to the opening sentences of section 15, which seemingly continue that thread, though he has left out pages of Marsilius' argument without the slightest indication to the reader that he has done so.

As one would expect, following a section of considerable omissions, Marshall changes quite a bit in the section directly after. Four times in section 15, Marshall substitutes the authority of the legislator (faithful in this instance, as he distinguishes it at one point from the infidel legislator) with that of the prince, and even adds the very English 'parliament' in one instance. He also omits that these proofs are taken "both from Holy Scripture and from human reasoning," because none of that reasoning was included in previous sections.<sup>110</sup> The very next section, which deals with the responsible distribution of ecclesiastical benefices by the human legislator, is also heavily changed. Marshall's translation attributes the authority over ecclesiastical benefices to the 'kings and their most honorable and discrete counsels,' before entirely omitting the part about the human legislator responsibly dividing them. With this omission he not only strips the legislator's authority and gives it to the king, but also neglects to attribute the threat of eternal damnation to one who does not distribute them responsibly. He then threads his invented authority attributed to the king into Marsilius' claim later in the section that they should provide suitable food and clothing, which denotes a sense of charity and responsibility that replaces Marsilius' more urgent assertion. Again in this section, Marshall cuts and pastes sections that are unsavory to his contemporary political climate, delicately papering over the cracks to make the omission appear seamless and attributing a nonchalant domination of ecclesiastical benefices to the monarch for whom he is writing.

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<sup>110</sup> Marshall, 92; Brett, 347-8.

Marshall is also careful to omit anything that has to do with conciliarism, or the convocation of general councils of priests or bishops as the prevailing part of the universal body of believers. In Marsilius' opinion, this method is the most proper manifestation of the faithful legislator, as the council would be made up of judges of spiritual matters in the first signification (as experts on the matter) and temporarily hold the coercive authority of judge in the third signification, as ceded to them by the legislator. With this authority, the council would be able to resolve all matters of concerning church ritual and divine worship, as well as make authoritative interpretations of the disputed meanings of certain scriptures, in order to preserve the quiet and tranquility of the body of the faithful.<sup>111</sup> As he does with the human legislator and the faithful legislator, Marshall largely omits any reference to conciliar ideology.

The first time that Marsilius mentions a general council is in the eighth and final section of chapter 18. This entire section is omitted from Marshall's translation, which is significant because in Marsilius' reckoning, this section actually deals with the meat of the issue that he is trying to discuss. Marsilius actually uses this section to open up the discussion that the next few chapters address. Of the things that he promises to talk about in this section, Marsilius first establishes that it is necessary to put an end to doubtful senses and opinions of divine law, and that the authority belongs to the human legislator to assemble a general council to resolve these issues, using coercive power if necessary. He also promises to discuss how it only belongs to the human legislator or the council instituted by its authority to establish other priests or bishops, distribute temporal goods or benefices, or coerce any prince, province or community under pain of interdict or excommunication, etc. None of these powers, according to Marsilius, belong to any one bishop or priest. Finally, Marsilius says that it is necessary to institute a principal head

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<sup>111</sup> Brett, 368.

bishop or church to provide guidance in spiritual matters, though to that person belongs no coercive jurisdiction, or plenitude of power, or the power to change church doctrine, etc. These powers instead are reserved for the general council of bishops or priests as instituted by the legislator.<sup>112</sup> Without this section, Marshall's inclusion of this chapter serves only to contextualize his thread of the historical dominance of the Roman Bishops. Since chapter 19 serves as another preliminary to the coming conclusions, and the following three chapters are omitted by Marshall, it is understandable that he would omit this section entirely.

As just mentioned, chapter 19 also serves to set the stage for the discussion on general councils in chapters 20 through 22, which are completely omitted by Marshall. Therefore, parts of chapter 19 are also heavily doctored by Marshall to incorporate these omissions. He omits the last couple of sentences of section one, which assert the necessity for a council to determine matters of spiritual significance.<sup>113</sup> The very next sentence in Marshall's translation corresponds with the first sentence of 2.19.4, indicating that Marshall has completely omitted sections two and three. 2.19.2 points to the importance for Christians to believe holy scripture, especially the things that were in doubt and that were settled through conciliar methods. 2.19.3 further pushes that assertion, and of these sections carry the implication that interpretation of scripture that were made outside of a council or that could not have been claimed to be universal carried with them the risk of damnation. Therefore, while Marshall is able to pick back up along that thread, he does so without mentioning Marsilius' assertion that "the resolutions of general councils concerning doubtful senses of Scripture derive the source of their truth from the holy spirit."<sup>114</sup>

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<sup>112</sup> Marshall, 94; Brett, 357-9.

<sup>113</sup> Marshall, 94; Brett, 360.

<sup>114</sup> Marshall, 95; Brett, 361-2.

This underrepresentation of general councils is further present in Marshall's omission of 2.19.6, as it reiterates the authority of a general council regarding decisions over which scriptures are canonical, which it receives from the legislator.<sup>115</sup> An indication of the effect of these omissions is present in section 10 of the same chapter. Where Brett's translation reflects Marsilius' understanding that the employment of a general council is one of the defining characteristics that makes the church 'catholic' or 'universal', Marshall makes changes to completely flip that understanding. Brett's translation focuses on the catholic church's interpretation of Christ's sayings as authoritative, while Marshall references Paul that the gospel is simply "the sayenge or reuelacyon of chryste," and that "althoughe the holy churche had preached any other gspell that is to say a contrary gspell, it shulde not haue ben true."<sup>116</sup> Present here is not only a subversion of Marsilius' claim for the importance of a general council, but also a systematic difference in belief regarding the interpretative authority of the church. It is likely for this reason that he calls it the 'holy churche' instead of the 'universal church'. This will be further discussed in a separate chapter.

These changes were made so that there would be no loose ends to have to explain the next glaring omission from Marshall. This brings us to chapters 20, 21 and 22 of the second discourse, which were all three omitted in their entirety in Marshall's translation. Each chapter addresses various rights and authorities granted by the faithful legislator through the employment of a general council, and Marshall leaves them out for the professed reason that they are "not of moche value, and to auoyde the offence of some spyrytuall persons, that beare peper in theyr

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<sup>115</sup> Marshall, 95; Brett, 363.

<sup>116</sup> Marshall, 95; Brett, 366.



noses, & [that] iudge euery truth to be spoken of malyce.”<sup>117</sup> A brief description of these chapters follows in order to better understand the content that Marshall does not feel necessary to include.

In chapter 20, Marsilius presents that it is necessary to define any doubtful meanings of scripture, for the sake of the unity of the faith. He uses the heresy of Arius as an example of a differing interpretation of scripture that necessitated an authoritative decision on what was right. Marsilius claims that this authority belongs to a general council of Christians or their prevailing part or those to whom this authority has been granted by the universal body of faithful Christians. He asserts that those who have been selected by that authority should be at the council, whether they want to or not. According to Marsilius, a council that is formed in this way has the authority to define and ordain what is true regarding differing interpretations of scripture, and that this is the way in which the apostles went about it. He then argues that this authority should not pertain to the Roman bishop alone, or to his company of cardinals, on the chance that a heretic is adopted to the Roman pontificate, along with the likelihood that his cardinals would be complicit in his errors. Marsilius offers a contemporary example, citing Pope John XXII’s 1323 bull, *Cum inter nonnullos*, and Boniface VIII’s *Unam Sanctam* to assert that it is possible for a pope to be a heretic.<sup>118</sup> He closes this chapter by affirming that it is indeed appropriate that the general council can consist of non-priests as well, because it was often the case in Marsilius’ time that priests had their position based on who they were or who they knew, and not necessarily by any education or even literacy.<sup>119</sup>

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<sup>117</sup> Marshall, 95.

<sup>118</sup> According to Brett’s footnote here, *Cum inter nonnullos* ‘explicitly declared that the opinion that Christ and his apostles had nothing is heretical.’ Boniface’s *Unam Sanctam* declared that every human creature be subject to the Roman bishop. Marsilius would consider both of these to be heretical, because they openly flout scripture with the purpose of consolidating the authority of the Roman bishop.

<sup>119</sup> Brett, 367-75.

Chapter 21 begins with a few affirmations from Marsilius about what was said in the previous chapter, culminating in the claim that if the emperor as the embodiment of the authority of the faithful legislator has the power to call the council, then that authority does not belong to the Roman bishop, and that it in fact belongs to the legislator to ordain the apostolic see. This, according to Marsilius was once the practice, as the Roman bishop once urgently requested this of the emperor. This evidence is used by Marsilius to reiterate the claim that the only licit way for an individual to coerce anyone to a penalty in this present world is through the authority of the human legislator or the prince to which it has deferred this authority. Marsilius further concludes that any definitive decision of this general council of the faithful cannot be changed, or added to by any authority except for another general council. Further, that it does not belong to any bishop or priest, but rather to a general council or the universal body of the faithful to make decisions on the dispensation of benefices and the appointing of ecclesiastical offices, in order to put an end to simony. He claims that the Roman bishop handles these benefices and secular principates (which he has usurped) in an illicit way so that he is able to stir up massive sedition among Christendom. Marsilius then concludes the chapter with the assertion that it belongs to the legislator to handle these temporal goods called benefices and to make sure that the priests have enough to get by with, but not so much control over them that they are distracted from their ministry by avarice and greed. Finally, he claims that many of the rights that the bishops have claimed for themselves, such as granting licences to teach and the veneration and canonization of saints can licitly be re-claimed by the faithful legislator, which initially conferred these rights to the bishops in ancient times.

Chapter 22 is where Marsilius explores the ways in which there actually should be a single bishop or college of priests as head or principal of the rest. He begins with a disclaimer

that he must distinguish the different modes in which they can be understood to be the head of the others, in ways that do not infringe on the authority of the legislator. Many of these have already been discussed by Marsilius, and involve hypothetical situations in which primary bishops can be understood to actually have temporal authority, most cases of which he denies. He concludes these hypotheticals by claiming that no bishop or church can be principal or head of the others by the authority of Scripture, but that one can be understood to be principal or head by the authority of a general council or the faithful human legislator for certain situations, such as an emergency of the faith. He likens this position to a church administrator, but with no actual coercive authority, to where the said person can facilitate a smooth running of a council but where the actual legislative authority ultimately belongs to the council itself. He goes on to claim that the bishop that should be instituted in this manner should be the one with the greatest purity of life and the highest achievement in holy learning. However, for several reasons, the fictitious donation of Constantine being one of them, this position has gravitated to the Roman province. He then reiterates that this was not in Constantine's authority to donate this privilege in perpetuity, but it would belong instead to the human legislator. Therefore, the only reason that the Roman bishop acquired priority was through extended tradition, and the election of the Roman bishop by the other churches and bishops has no scriptural basis. What has followed since Constantine's alleged donation was that the Roman bishops gradually extended their authority, especially when the imperial seat was vacant and they were able to claim that vacant imperial authority to the extent that it caused the sort of sedition among Christians against which Marsilius is writing.<sup>120</sup>

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<sup>120</sup> Brett, 391-407.

In the same way that he treats the ‘human legislator’ and ‘faithful legislator’, Marshall omits almost every mention of general councils, effectively nullifying its meaning to a reader of his translation. Marsilius often refers back to these chapters when making certain conclusions in the second and third discourses. Many of these references, and their omission by Marshall, are also counted here as subversions of the faithful human legislator. For instance, Marsilius asserts in 2.23.4 that “[p]lenitude of power does not...belong to the Roman bishop or to any other priest as such, unless perhaps they want to call ‘plenitude of power’ the priority or principality that we demonstrated (in chapter 22 of this discourse) belongs to the above-mentioned bishop and his church over all the others by the authority of the faithful human legislator.” Here, Marshall is consistent with the assertion that the Roman bishop has no claim to a ‘plenitude of power’, but omits the reference to chapter 22 (which was omitted entirely) and the power that Marsilius gives the faithful legislator over the Roman bishop in that chapter.<sup>121</sup> He does this again in the same section, maintaining Marsilius’ conclusion that the seventh and eighth modes of ‘plenitude of power’ do not belong to any bishop or priest, but omitting the references to chapters 20, 21 and 22 that Marsilius uses to prove that assertion.<sup>122</sup>

Though there are many other examples where Marsilius’ argument for general councils is omitted from Marshall’s translation, these will have to suffice for the sake of brevity. It is important to point out that there are also points where Marsilius does not mention general councils or the faithful or human legislators, but there is an omission by Marshall of an electoral claim. For instance, in 2.28.5, Marsilius considers the ways that others might consider Peter to be superior to the other apostles, and Marshall omits that it could have been granted to him through

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<sup>121</sup> Marshall, 96; Brett, 412.

<sup>122</sup> Ibid.

human election.<sup>123</sup> He also continues to omit references that would point back to electoral authority, as he does by omitting a reference back to chapter 17 in 2.25.6.<sup>124</sup> The constant use of these methods, along with all of the evidence so far presented indicates that Marshall's translation has no room for any sovereignty that Marsilius grants to the universal body of citizens or believers. Furthermore, he remains consistent in any assertion that strips authority from the Roman bishop, but hesitates instead to grant the legislative authority of the church to anyone but the prince, least of all a general council. Therefore, Marshall's subversion of the legislator (both human and faithful) can be found at all levels, not only through direct substitution or omission, but by complete omissions of chapters and the references that point back to them. In doing this, Marshall is able to dilute Marsilius' overall intent by keeping the anti-papal opinions, but striking all trace of anything that does not support a despotic centralized principate.

While all of the evidence just presented reflects an evasion of Marsilius' political theory, it is not the sole target of Marshall's editorial pen. He also makes changes regarding any attribution of powers or authority (or lack thereof) that Marsilius claims for the priesthood. This is first evident in the last chapter of the first discourse, where Marsilius claims that there are some people who should not be elected as princes, namely those who are already in the priesthood. Marshall is consistent in translation for almost all of this chapter, but omits a quote from Aristotle that the spiritual authority and the political authority remain separate, "[f]or those are political responsibilities...[w]hereas these [i.e. the priesthood] are domestic."<sup>125</sup> However, Marsilius claims in chapter nine of the second discourse that Christ and his apostles were judged by the princes of the world, and how then could the priests their successors refuse to accept the

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<sup>123</sup> Marshall, 119; Brett, 486.

<sup>124</sup> Marshall, 103; Brett, 436-7.

<sup>125</sup> Marshall, 42; Brett, 135-6.

jurisdiction of earthly princes and even claim to have power over them. He brings in this same quote to show that Aristotle would have been of the same opinion, and while Marshall is consistent with these conclusions, he actually omits the quote from Aristotle.<sup>126</sup> In this instance, while Marshall is quick to agree that members of the priesthood should not have any coercive authority, he is less willing to concede that princes remain detached from spiritual matters.

This is further evident in chapter four, where Marsilius interprets the passage from Matthew 17:23-26 in which Christ pays the ‘didrachm’ tax for both himself and Peter by having Peter search the mouth of the first fish that he caught to encounter the money. While Marshall includes the commentary of Ambrose and Bernard of Clairvaux that Christ’s payment of the tax was his employment of the ‘render to Caesar the things that are Caesar’s’ principle, he neglects to include Marsilius’ assertion that Origen’s interpretation is more consistent with scripture than the others. Origen claimed that since Christ was a descendant of David, he was not necessarily subject to this tax, but the fact that he paid it was an indication that Christ wanted to pay tributes even if they were at certain places and times not due, “rather than contend about such things; and to teach the apostle and his successors to pay them too.”<sup>127</sup> Marshall’s omission here eliminates any claim that Christ could have been exempted from paying the tax, focusing instead on the contention that Christ’s payment for himself and Peter indicated that he subjected himself and his followers to the secular authority. A couple of sections later in 2.4.13, Marsilius challenges both political and spiritual authorities to “go ahead and dare to usurp the apostolic office as a lord, or as an apostle to usurp dominion...you are clearly forbidden to do either,” for “if you want to have both of these at the same time, you will lose both.” Interestingly, Marshall’s translation is consistent here, but where Marsilius concludes that “dominion is forbidden to the apostles,”

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<sup>126</sup> Marshall, 72; Brett, 227.

<sup>127</sup> Marshall, 52-3; Brett, 169-70.

Marshall adds in his translation “so that they may not be lordes.”<sup>128</sup> These examples indicate an emphasis in Marshall’s translation that scripture denies any temporal jurisdiction to apostolic successors, where he is less emphatic with Marsilius’ paired assertion that secular rulers should not delve into spiritual matters.

Another matter that Marshall tends to evade is Marsilius’ attribution of a certain ‘character’ that is imprinted on the souls of ordained priests and serves to distinguish the priesthood from other offices of the city. The omissions that relate to this are most notably found in chapter 15 of the second discourse. Marshall omits the first section of the chapter, in which Marsilius explains the problem that he wishes to solve regarding the institution of the priesthood. While in other chapters, he explained that the human legislator was the active cause of the institution of all civil offices, he also claimed that the priestly office of the new law was first instituted by Christ alone.<sup>129</sup> Marsilius introduces this ‘priestly character’ as the resolution to this problem, which is therefore the reason for Marshall’s omission of the first section and the beginning sentences of the second. The exact wording in Brett’s translation that is omitted from Marshall’s is that “the priesthood denotes a certain disposition of the soul, which the learned doctors of Holy Scripture call a ‘character.’”<sup>130</sup> This is further explained in 2.15.4 to be the “power of performing the sacrament of the eucharist or body and blood of Christ, and also the power of binding or loosing men from their sins.” While Marshall maintains that these sacraments belong to the power of the priest, he refuses in this case and in all others to refer to it as the character that God imprints upon the soul of the priest.<sup>131</sup> This occurs once again in 2.15.10, and notably in 2.16.13, where Marsilius claims that any bishop is indifferently the

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<sup>128</sup> Marshall, 54; Brett, 175.

<sup>129</sup> Marshall, 82; Brett, 309-10.

<sup>130</sup> Marshall, 82; Brett, 310.

<sup>131</sup> Marshall, 82; Brett, 312.

successor of any apostle, reasoning from Paul's words in 1 Corinthians "And ye are Christ's" the meaning that "you are internally stamped by Christ." In each case, while Marshall may admit that the power or authority to administer the sacraments belongs to the priesthood, he refuses to mention that it is because of an inherent character that is stamped onto the soul by God or Christ.

Also absent from Marshall's translation are chapters 13 and 14 of the second discourse, which discuss the status of supreme poverty and the rights extended to religious orders that observe this kind of poverty. In his own words, "The. xiii. and. xiiii. chapytres ben omytted as contaynyng no matter moche necessarye."<sup>132</sup> With the use of numerous scriptural references, the thirteenth chapter discusses the differing modes of poverty, and presents all of Marsilius' significations of right, possession, and dominion, etc. Marsilius goes further to explain that Christ observed this kind of poverty, and commanded it of his apostles as well. This all seems to be an attack on the riches and some of the claims from Pope John XXII.<sup>133</sup> The fourteenth chapter addresses some objections to the previous chapter, addressing first that this vow of poverty, especially for priests and bishops, who must be provided for, does not mean that they have to give what they have dominion over at the time to the first person who has need of it, regardless of the situation. In this way, they can guard themselves against the uncertainties of the future. He also shows that Christ and his apostles observed vows of poverty but still had dominion over temporal things for their use. He then goes on to explain the various ways that Christ observed poverty but still had dominion over certain things. The rest of the chapter goes on to counter certain objections and this chapter also seems to take on the form of a contemporary dispute between theologians and the papacy at the time.<sup>134</sup> Recent scholarship

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<sup>132</sup> Marshall, 82.

<sup>133</sup> Brett, 262-286.

<sup>134</sup> Brett, 287-308.



suggests that these chapters were omitted by Marshall because of his Lutheran beliefs “as they were an example of a mediation between God and man so odious to followers of Luther.”<sup>135</sup>

Although there are dozens of other changes in the second discourse of Marshall’s version, they all fall largely under the categories that have been tirelessly enumerated in this chapter. Most of them are omitted references to chapters or sections that, if traced, would reveal some earlier omission regarding the human legislator or some other topic that Marshall did not find appropriate for his translation. Hopefully, it has been proved here that Marshall did not have any place for the human or faithful legislator in his work, but that this subject was not the sole nature of his omissions. Also present is an unwillingness to represent Marsilius’ discussions on general councils and monastic poverty as well as certain other characteristics that illustrated the medieval understanding of the ordained priesthood.

### The Third Discourse

Marsilius’ third discourse is the shortest of the three, and consists of forty-two boiled down conclusions that he claims “follow of necessity from what was determined in the previous discourse.”<sup>136</sup> While Francis Oakley takes issue with Marsilius’ claim to have drawn these conclusions directly from his argument in the second discourse,<sup>137</sup> they are fairly comprehensive, and Marshall gives them the same treatment as he did in the previous two discourses. For a person who casually engages Marshall’s translation to gain a brief knowledge of how it diverts from Marsilius, he would gain a prominent understanding of both Marsilius’ argument and the parts that Marshall has no room for by reading this discourse.

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<sup>135</sup> Lockwood, 108.

<sup>136</sup> Brett, 547.

<sup>137</sup> Oakley, 187.

Perhaps the most telling discrepancies in the third discourse are the twelve conclusions that are completely omitted, as they show exactly what Marshall has no room for. Remaining consistent with the previous discourse, Marshall omits anything that has to do with Marsilius' theory of election, any conciliar authority to interpret scripture, the rights granted to religious persons under oaths of supreme poverty, etc. A couple of examples follow to prove this. In Marsilius' second conclusion, he establishes:

That only a general council of the faithful or its prevailing multitude or part should determine the senses of divine law where there is doubt over the definition, especially those matters which are called the articles of the Christian faith, and anything else that must be believed of necessity of salvation; and that no other partial collective body or individual person, of whatever condition they may be, has the authority for the determination just mentioned. The certainty of this is given in chapter 20 of the second discourse, sections 4-13

Marshall omits this conclusion in its entirety, as he omitted everything in the second discourse where Marsilius granted interpretative authority to general councils.<sup>138</sup> He also omits the ninth conclusion, that “elected principate, or any other office, depends solely upon the election of the body that has the authority for it, and upon no other confirmation or approval,”<sup>139</sup> and the thirteenth, that “no one who exercises the office of prince...has plenitude of command or power over the personal or civil acts of others without the decision of the mortal legislator.”<sup>140</sup> He treats monastic poverty in the same vein, omitting Marsilius' thirty-eighth conclusion that “one whose duty it is to observe the evangelical perfection of supreme poverty can have no immoveable goods in his power without the specific intention of selling any such thing at the first opportunity...etc.”<sup>141</sup> Marshall does the same on eight other occasions, each time completely omitting a conclusion with which he cannot reconcile.

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<sup>138</sup> Marshall, 138; Brett, 547-8.

<sup>139</sup> Marshall, 138; Brett, 549.

<sup>140</sup> Marshall, 138; Brett, 549-50.

<sup>141</sup> Marshall, 139; Brett, 555.

Just as telling a discrepancy is committed each time Marshall maintains a conclusion, but substitutes ‘prince’ or ‘governor’ in the place of ‘human legislator’ or a similar term, which completely twist the meanings of some of these conclusions. For instance, Marsilius claims in his seventh conclusion that “the decretals or decrees of the Roman or any other pontiffs, laid down...without the concession of the human legislator, oblige no one with temporal penalty or punishment.” While Marshall is consistent that the Roman bishops have no coercive power, he places the ‘prynces’ in the place of the human legislator, thereby maintaining his own claim that the Roman bishops are not subject to any one prince, but to all who have the ability to coerce them.<sup>142</sup> Using this method of substitution, Marshall completely changes the meaning of the sixth. While Marsilius in Brett’s translation claims that the universal body of citizens is the human legislator, which is so important in almost every assertion that Marsilius makes, Marshall changes this to the “prynce or his perlyament”. He also mentions the universal body of citizens or its prevailing part, but relegates it to a place of secondary importance in the making of laws, and only in places that such a method is used, i.e. not England.<sup>143</sup> Marshall does this a total of twenty-one times in the thirty of Marsilius’ conclusions that he retains in his translation. Of the rights and powers that Marsilius grants for the human legislator, Marshall reserves most if not all for the prince, including but not limited to: the authority to give dispensations to human laws, coercive jurisdiction over all offices, including the clergy, the authority to legitimate bastards, the authority to take ecclesiastical offices and benefices, to judge candidates for promotion to ecclesiastical orders, etc. In each instance, where Marsilius takes these authorities from the hands of the Roman bishop and gives them (theoretically) to the people, Marshall instead gives them to

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<sup>142</sup> Marshall, 138; Brett, 548.

<sup>143</sup> Marshall, 138; Brett, 548.

the king, making him the ultimate authority with supreme coercive jurisdiction in all matters, both earthly and spiritual.

As he does repeatedly throughout the second discourse, Marshall also omits Marsilius' references that point back to previous chapters as evidence for these conclusions. The vast majority of these references are to chapters that were either heavily edited or entirely omitted by Marshall, hence his omission here. Of the twenty-six references that occur too often to repeat here, it is important to note that while many of them are part of an entire conclusion that was omitted, some were the only part that was omitted in a conclusion. For instance, in Marsilius' twenty-fourth conclusion, Marshall's translation is consistent that no bishop has the authority to institute notaries or other public officials, and he even keeps the preliminary reference to chapter 15 of the first discourse. But he omits other references to chapters 2, 3, 10 and 21 of the second discourse that Marsilius uses as further evidence.<sup>144</sup> By doing this, Marshall is able to keep the actual material of a conclusion (or at least doctor it a bit, by substituting legislator for prince) without having to trace it to the supporting evidence. If he did leave these references in, then a diligent reader would have no trouble finding that much of that support is missing from Marshall's translation.

This brings us to the final and least common characteristic of the relationship between Marsilius' conclusions and those of Marshall's translation: the conclusions that correspond completely, at least in material. While they are few, these conclusions are useful because they should tell us the points on which Marshall and Marsilius completely agree, in order to pinpoint the exact reason that Marshall undertook this translation. The fourteenth conclusion is striking in the sense that both the material and the references correspond with dead-on accuracy. In it,

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<sup>144</sup> Marshall, 138-9; Brett, 552.

Marshall is consistent that “no bishop or priest, as such, has any principate or coercive jurisdiction over any clergyman or layperson, even if that person is a heretic.”<sup>145</sup> That this is accurately translated is unsurprising, because it serves as the answer to both Marshall’s and Marsilius’ respective problems, i.e. the abuse of power of the Roman pontiffs. The seventeenth conclusion is also translated consistently, that “all bishops are of equal authority directly through Christ, and neither can it be persuaded according to divine law that there is any pre-eminence or subordination amongst them in spiritual or in temporal things.”<sup>146</sup> Other than an omitted reference to chapter 14 of the second discourse, Marshall maintains in the thirty-ninth and fortieth conclusions that bishops and other ministers of the gospel should be provided for with what is necessary, but not with tithes or anything that is more than they need.<sup>147</sup> The other couple of conclusions that correspond between translations either fall into these same subjects, or have already been mentioned. Therefore, it is evident that the point on which Marshall remains entirely consistent with Marsilius is on the subject of priestly authority, and the ways in which priests can best perform their duties as defined by scripture without devolving into corruption.

Looking at this work as a whole, it is easy to be swept away into small points of contention and side channels to the extent that it blurs the intended purpose. This chapter has attempted to keep the purposes of both authors in mind, while laying out the major discrepancies which distinguish their works. It is important to remember that Marsilius of Padua was writing in the fourteenth century for the Holy Roman Emperor, an elected official whose historical relationship with the papacy was a volatile power struggle, as both claimed to fulfil the legacy of the ancient Roman Empire. William Marshall wrote his translation almost two full centuries

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<sup>145</sup> Marshall, 138; Brett, 550.

<sup>146</sup> Ibid.

<sup>147</sup> Marshall, 139; Brett, 555.

later, for a national hereditary monarch who had no use for Marsilian electoral political theories, though nevertheless resented the extended reach of the papacy into his own affairs. This text, therefore, should not be judged as an extremely dishonest translation of Marsilius' work.

Marshall's tireless omission of sections, chapters and references show that he knew exactly what he was doing and exactly what to include to incorporate the religious and political realities of Henry VIII's England in the 1530s. Instead, Marshall's translation should be judged and analyzed in the ways that it decontextualized Marsilius' arguments for an appropriate audience as an addition to the surrounding discourse of a contemporary issue. The aim for the remaining chapters of this thesis is to do just that: to examine the outside influences that dictated many of these discrepancies, and to place his work in the proper context of the surrounding discourse.

## Chapter Two:

### **Marshall's Translation and Henry VIII's Royal Supremacy**

Having described the various ways in which William Marshall considerably distorted much of Marsilius' intent in his 1535 translation of *Defensor pacis*, it is now necessary to explain these alterations as they relate to the English Reformation. The aim of this and the following chapters will be to assess the various themes and shifts of Henry VIII's split from the Catholic Church as they relate to Marshall's translation, and to contextualize his work in the surrounding discourse of anti-papal arguments. This, the second chapter will examine the doctrine of Royal Supremacy that Henry VIII and his advisors developed throughout the 1530s, in order to achieve a clear understanding of Marshall's repeated subversion of Marsilius' human legislator. The subject of this endeavor has been notably addressed in a 1990 article by Shelley Lockwood, entitled "Marsilius of Padua and the Case for the Royal Ecclesiastical Supremacy." While the aim of this chapter is not necessarily to disagree with any of Lockwood's meticulously researched assertions, it will instead use her article along with surrounding literature of the Henrician Reformation to place Marshall's translation as a defense of Henry VIII's supremacy, just as much as it denied the authority of the pope.

It is first necessary to discuss how Henry VIII and his counsellors constructed his Royal Supremacy over the Church of England, to gain a better understanding as to why Marshall felt the need to undermine Marsilius' concept of popular sovereignty. While numerous biographies of Henry VIII lay out his desperation for a male heir and his desire to end his marriage to Catherine of Aragon, it will suffice the purposes of this thesis to explain that by 1532, Henry was resolute in his drive to rid himself of a barren wife, and was in search of any theoretical

framework that would justify such a measure.<sup>148</sup> While Pope Clement VII would have been a distant figure to most Englishmen, he was at the time a captive of Charles V, the Holy Roman Emperor and uncle of Catherine. According to J.J. Scarisbrick, the pope's dependence on Charles V at this time caused difficulties for Henry's divorce campaign.<sup>149</sup> Therefore, largely for diplomatic reasons, Henry was not able to secure an annulment from the Pope for a marriage that he claimed should never have taken place in the first place.<sup>150</sup>

He solved his problem by taking the matter of the divorce into his own hands, or rather, into the hands of the people of England, over whom he claimed that he was sovereign both in secular and religious matters. He justified this jurisdictional authority in all matters by appealing to the notion of *imperium merum*.<sup>151</sup> This was the medieval idea of 'whole and entire monarchy', belonging to the Christian prince and usurped throughout history by the Roman bishops.<sup>152</sup> One can begin here to draw connections to Marsilius, as this idea was often the argument of jurisdictional disputes between the Holy Roman Empire and the Papacy. He distinctly covers this in the twenty-sixth chapter of the second discourse, where he explains that some Roman emperors after Constantine naively used Papal approval to solidify their rule among the Christian faithful, and that the Roman bishops gradually abused this honor that was given to them to assert their own dominance over the Emperors, even usurping their jurisdictional authority when the imperial seat was vacant as a way of consolidating their own power.<sup>153</sup> Almost the same

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<sup>148</sup> G.W. Bernard, *The King's Reformation: Henry VIII and the Remaking of the English Church*, (New Haven: Yale University Press, 2005), 51-2.

<sup>149</sup> J.J. Scarisbrick, *Henry VIII*, (New Haven: Yale University Press, 1997), 198.

<sup>150</sup> Catherine was first married in 1501 to Henry's older brother, Arthur, who died a year later. She then later married Henry in 1509 and gave birth to one surviving child, Mary. Decades later, as Henry fought for an annulment, his primary argument was that the marriage could not be legitimate because he asserted Catherine and Arthur had consummated their marriage, which she vehemently denied. Clement VII did not find this a valid excuse, because two decades of marriage indicated that this only became a concern when it was convenient to Henry.

<sup>151</sup> Act of Appeals 24 HVIII c. 12, in Lockwood, 92.

<sup>152</sup> Scarisbrick, 389.

<sup>153</sup> Brett, 448-50.



argument is used to justify Henry's break from Rome: "Rome's pre-eminence had been the work of ambitious, megalomaniac popes, exploiting accidental advantage of history and geography, the disorders of past times, the weaknesses of other[s]." Furthermore, there was never any evidence that Peter was ever in Rome, or that he enjoyed any primacy himself. Or if he did, it would have been a personal attribute, a means of showing respect for his experience and age.<sup>154</sup> These arguments, compiled by J.J. Scarisbrick, of Henrician propagandists were used to dispute the Pope's authority in any matters as a 'historical accident', and can also all be found within the pages of *Defensor pacis*.<sup>155</sup> Notably, Marshall included all of these arguments in his translation.

It is not clear from where Henry's political theorists rooted their claims that England was an empire. Scarisbrick acknowledges that the sources are vague on this subject, hearing only of 'diverse sundry old authentic histories and chronicles' which have 'manifestly declared and expressed that this realm of England is an empire'.<sup>156</sup> Whatever the justification, it would have been argued that this had always been the case, and that the acknowledgement of England as an empire was merely the restoration of a long-lost right order, despite Scarisbrick's assertion that it was a "violent breach with several centuries of the immediate past."<sup>157</sup> These arguments attempted to place England historically as an empire with a past full of examples of self-preservation from papal reach, so that Henry's theoreticians could further assert – as one Henrician pamphleteer argued – that the bishops of Rome never actually had any authority in England, and that English kings (as emperors) were also victims of the Roman usurpation of imperial authority.<sup>158</sup> Here, the words of Marsilius in *Defensor pacis* seem almost prophetic,

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<sup>154</sup> Scarisbrick, 387.

<sup>155</sup> For instance, see Brett, 332 for Marsilius' argument that there is no scriptural evidence that Peter was specifically the Roman bishop, or that he was ever at Rome.

<sup>156</sup> 24 Henry VIII c. 12 (*Statutes of the Realm*, iii 427), in Bernard, 70 and Scarisbrick, 314.

<sup>157</sup> Scarisbrick, 390.

<sup>158</sup> *Treatise proving by the King's laws that bishops of Rome had never right to any supremacie within this realm* (1534), in Scarisbrick, 390.

when he points out the importance that the Roman bishops' usurpation of the Roman principate also affects other nations, because "once they have subjected this principate to themselves (so they think) the way will be open for them easily to subjugate all other realms."<sup>159</sup> Therefore, by appealing to the idea of *imperium merum*, Henry positioned himself as the inheritor of this victimhood initially realized by the Holy Roman Emperors, the unjust nature of which it was his natural duty to overthrow.

Henry's claim to be the head of *imperium merum* made its most prominent entry into English political discourse as early as 1533, when Parliament passed the Act in Restraint of Appeals. The preamble to the act declared that 'this Realme of Englonde is an Impire'.<sup>160</sup> Its body proclaimed England's self-sufficiency in all jurisdictional matters, claiming 'causes' such as Henry's marriage suit to be under no jurisdictional authority but that of the sovereign national state in which they took place, i.e. England.<sup>161</sup> Henry now had his justification to complete his divorce, which was confirmed by Thomas Cranmer on 23 May 1533.<sup>162</sup> But that did not make him the Supreme Head of the Church of England. The English legislature had defied the Pope's supremacy, but it had not placed Henry in the position of supreme authority. This was achieved gradually through the passage of other acts of Parliament between the years 1533 and 1535. First came the act of Conditional Restraint of Annates in 1533, which slashed the annual taxes that were paid to Rome. Then the act for the Submission of the Clergy and the Heresy act, both passed in 1534, effectively declared that the English clergy were no longer subject to Rome, and made it no longer a crime of heresy to deny the papal primacy. Finally the act of Supremacy,

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<sup>159</sup> Brett, 449.

<sup>160</sup> Act in Restraint of Appeals to Rome (1533: 24 Henry VIII, c.12) in Lockwood, 92.

<sup>161</sup> Scarisbrick, 310.

<sup>162</sup> *Letters and Papers*, vi, 461, 495-6, 525, 529, 661, in Scarisbrick, 312.

passed later that year, declared Henry the unconditional head on earth of the English Church.<sup>163</sup>

This effectively cut all ties with Rome, and made Henry answerable to virtually no one in all matters, both secular and spiritual, within his own realm.

With the development of Henry's supremacy briefly explained, it remains now to show how the intricacies and ambiguities of his unique authority made it necessary for William Marshall to make so many changes in his translation of the work that was meant (at least in part) to justify his actions. As Lockwood so concisely put the question, "why did Marshall choose a work so apparently unsuited to his task?"<sup>164</sup> To aid this investigation, we must first examine who it was that made the production of this translation possible. While the king himself would surely have been interested in the project, he doubtlessly had greater things on his mind than to interfere in such a meticulous undertaking. That responsibility either fell to or was taken up by Thomas Cromwell, Henry's vice-regent in spirituals and vicar-general, who utilized the recent innovation of the printing press to direct a governmental propaganda campaign to re-educate the English people in support of the Supremacy.<sup>165</sup> Reportedly, his willingness to finance Marshall's proposal to translate *Defensor pacis* into English resulted from his own admiration of Marsilius' writing.<sup>166</sup> However, Lockwood claims that there is no evidence that Cromwell instructed Marshall on how exactly to translate the work, and it seems that Marshall was the one who approached Cromwell with an offer to translate, rather than the other way around.<sup>167</sup>

With this in mind, there was an ambiguity in the ways that Henry's Supremacy was characterized to justify the break with Rome. The King himself viewed his ecclesiastical and

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<sup>163</sup> Scarisbrick, 317; 324.

<sup>164</sup> Lockwood, 92

<sup>165</sup> Peter Marshall, *Heretics and Believers: A History of the English Reformation*, (New Haven: Yale University Press, 2017), 215; Scarisbrick, 392.

<sup>166</sup> Stout, 309.

<sup>167</sup> *Letters and Papers*, VII, 422, 423; XI, 1355, in Lockwood, 90.

political authority in simple top-down terms, descending from God to himself and then further downwards to the polity.<sup>168</sup> This ideology was echoed by Stephen Gardiner, the bishop of Winchester and author of *De Vera Obedientia*, who wrote that the Ecclesiastical Supremacy was vested in the person of the king alone.<sup>169</sup> Cromwell and other writers such as Christopher St Germain, however, subscribed to the Marsilian idea that Henry's Supremacy sprung upwards from the authority of the polity, and was exercised through Parliamentary authority.<sup>170</sup> While Henry may not have directly subscribed to this idea of popular sovereignty, he certainly used it to his advantage when it was convenient. For instance, in a circular letter distributed in 1535, Henry asserted that the abolition of papal authority in England was justified "both upon most just and virtuous foundations grounded upon the laws of almighty god and holy scripture...as by the nobles and commons temporal of this our realm assembled in our high court of parliament and by authority of the same."<sup>171</sup> What is unclear here is whether Henry actually viewed Parliament as the source of this authority, or merely as a means of expression of popular consent for his policies. Scarisbrick seems to hold that the latter was more accurate, and while the king and Parliament seemed to cooperate easily on the surface, "there is a strong impression of a largely unenthusiastic, conservative nation being manoeuvred into radical action."<sup>172</sup>

This ambiguity in the source of the Royal Supremacy is reflected in Marshall's translation of *Defensor pacis*. Marshall makes concessions from both sides, while siding largely with the king as the ultimate authority. On the one hand, there is no room for the Marsilian argument that the prince be corrected by the authority of the community, as Marshall completely

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<sup>168</sup> Scarisbrick, 395.

<sup>169</sup> Stephen Gardiner, *Obedience in Church and State*, ed. and trans. Pierre Janelle, (New York: Greenwood Press, 1968), 161.

<sup>170</sup> P. Marshall, 205.

<sup>171</sup> British Library, Cotton MS, Cleopatra E vi fo. 218 (*Letters and Papers*, VIII 921), in Bernard, 71.

<sup>172</sup> Scarisbrick, 329.

omits chapter eighteen of the first discourse. This chapter, which Marsilius uses to explain the ways in which the prince can be brought to account, places the law of the community above the king, and makes him subject to that law. For instance, Marsilius claims if the prince commits a serious offense, that “[i]f it is defined by law, then he should be corrected according to the law.”<sup>173</sup> However, Marshall rejects the idea in his translation that the king be subject to a higher authority, simply stating instead that this “chapyre we haue lefte out all togyther as nothyng apertaynyng to this realme of Englande.”<sup>174</sup> He supplements this by making other omissions in chapter 14 of the same discourse, leaving out Marsilius’ condition that the prince’s army should be smaller than the whole community of citizens, so that they could resist the measures of a prince who lapsed into tyranny.<sup>175</sup> These omissions, compounded with the numerous occasions in which Marshall equates the prince alone to Marsilius’ human legislator, reflect a tendency to view Henry’s supremacy as answerable to no one except God alone.

On the other hand, there seem to be concessions to popular sovereignty in Marshall’s translation, characterized by the unique addition of ‘parliament’ in lieu of mentioning the human legislator. These additions are decidedly the most ‘English’ aspects of Marshall’s translation, and seem to be an attempt by Marshall to maintain at least some sense of republican ideology, or at least to placate the arguments of Henrician theorists who viewed the king’s supremacy as vested in Parliament. While they are littered throughout the first two discourses, this insertion of ‘parliament’ is noticeably prominent in its use to make a conclusion in the third discourse. In Marshall’s fourth conclusion (Marsilius’ sixth), he says that only the “prynce or his perlyament” are the “hymayne or worldly maker[s] of lawes.” But he does not equate parliament to the

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<sup>173</sup> Brett, 125.

<sup>174</sup> Marshall, 40.

<sup>175</sup> Marshall, 33; Brett, 85.

“whole...congregacyon of Cytezens,” which was Marsilius’ original conclusion, but instead relegates the universal multitude’s authority to countries “where it is so vused.”<sup>176</sup> In other conclusions where Marsilius has ‘human legislator’ or ‘universal body of citizens’ as the supreme legislative authority, there is no substitution by Marshall with ‘parliament’, but a complete delegation of that authority to the prince without qualification.<sup>177</sup> Here there is a clear discrepancy between the way that Marshall uses ‘parliament’ and the ways in which the Henrician theorists of ascending supremacy (and Marsilius) viewed its role. In Marshall’s translation, the English Parliament is not the source of Henry’s supremacy, but a tool in which he can express his authority with the label of popular consent.

Therefore, the ambiguous and indecisive nature of the Royal Supremacy found its way into Marshall’s translation of *Defensor pacis*. It reflects a rejection of the main points of Marsilius’ theory that the king derives his authority from the people, but provides weak concessions to those theoreticians who saw the Supremacy best represented by the King-in-Parliament. It is best understood in the sense that it was a work of propaganda, whereby it justified the absolute authority of the king by appealing to a conventional understanding of popular consent. The authority that Marshall weaves into his use of the term ‘parliament’ is nominal, just as Henry’s was when he used it to justify the abolition of the pope’s authority. It was merely a convenient method of presenting Henry’s case as legitimately ordained by the English people.

That Marshall’s work reflects the regime’s desire to portray the Royal Supremacy as sanctioned by the English people begs the question: what did the English citizens actually think about the break from Rome? While the following chapter will address the religious context of the

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<sup>176</sup> Marshall, 138; Brett, 548.

<sup>177</sup> For instance, see Marshall’s 6<sup>th</sup> and Marsilius’ 8<sup>th</sup> conclusion in Marshall, 138 and Brett, 549.

English Reformation, it is important to realize as Ethan H. Shagan points out, that the actualizing principle of the Reformation is that it was inherently political.<sup>178</sup> The Royal Supremacy was declared by acts of State, and the papal authority which Henry (and Marsilius) vehemently opposed was a plenitude of both spiritual and political power, to which they claimed the Roman bishops had no right. The fight for the divorce was a political issue, over which Henry claimed (and Marsilius agrees in the nineteenth conclusion) the Roman bishop had no authority. Were the people of England a largely conservative Catholic nation, who owed their allegiance to the Pope over the King? Were they largely ‘Catholic’ though not necessarily ‘Papists’? Or did they openly accept Henry’s supremacy, as he wished to show through his workings with Parliament? Whichever category of loyalty different groups of English people fell into, the ability to distinguish between the religious and political elements of Henry’s break with Rome would inform the ways that they reacted to the Royal Supremacy.

There were a few who were unable to see the Reformation as anything other than a religious upheaval, which threatened the very unity of the church. They saw the repudiation of the Pope’s authority as potentially damning for the souls of those who went along with it. The two most well-known cases of this unwillingness to accept the King’s supremacy were Thomas More and John Fisher, both huge political and religious figures who were beheaded for refusing to accept the validity of Henry’s divorce and for refusing to take the Oath of Succession.<sup>179</sup>

Another famous example was that of Elizabeth Barton, known as the Maid of Kent, who had numerous visions that were critical of Henry’s divorce, including a vision that the king was denied the sacrament from God himself while celebrating mass at Calais.<sup>180</sup> She was duly hanged

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<sup>178</sup> Ethan H. Shagan, *Popular Politics and the English Reformation*, (Cambridge University Press, 2003), 29-32.

<sup>179</sup> P. Marshall, 215; Shagan, 32.

<sup>180</sup> Bernard, 89.

and beheaded, and her head was placed on London Bridge.<sup>181</sup> Others, such as Reginald Pole, fled the realm between 1534 and 1536 as an alternative to accepting the Royal Supremacy.<sup>182</sup> While a further investigation of Pole's work along with others who argued for or against the Royal Supremacy will follow in chapter four, it is important to realize here that some who saw the issue as ultimately religious rather than political, and opted to flee rather than fall into heresy.

While the previously mentioned examples were high profile instances of resistance to the royal supremacy, there were many of the common folk who felt similarly, and expressed their grievances as the realities of the English Reformation crept into their daily lives. In some cases, the potentially dramatic consequences for denial of the royal supremacy were matched by the dramatic ways in which faithful 'papists' – to use the term that would have been applied to them – defended the status quo. For example, in July 1535, when the articles on the royal supremacy were read in front of the congregation of the parish church of Gisburn, one angry parishioner 'came violently and took [the] book first of the priest's hands and pulled it in pieces'.<sup>183</sup> Furthermore in the same year, a man named Robert Augustyn said that he would regard anyone who wrote intolerantly against the pope as 'a schismatic, paynim, or Jew'.<sup>184</sup> Again, a Scottish Friar in Newark claimed that '[s]uch books as were made *cum privilegio*' (with royal privilege), such as Marshall's translation of *Defensor pacis*, 'were heresies', and that 'if the king and his council and my lord of Canterbury do that which is agreed by parliament and contrary to the holy pope of Rome and the whole churche there, it is heresies'.<sup>185</sup> These examples reflect the fact that

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<sup>181</sup> Charles Wriothesley, *A Chronicle of England during the Reigns of the Tudors, A.D. 1485-1559*, By Charles Wriothesley, *Windsor Herald*, Ed., W.D. Hamilton, Camden Society (1965), Vol. I, 24, in Bernard, 98.

<sup>182</sup> Shagan, 35.

<sup>183</sup> Public Record Office, London, *State Papers Published under the Authority of His Majesty's Commission, King Henry VIII*, 1/94, fols. 22v-23r [*Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, 1509-47*, VIII 1024], in Shagan, 33.

<sup>184</sup> Public Record Office, London, *State Papers* 1/84, fols. 111r-v [*Letters and Papers* VIII, 754], in Shagan, 32.

<sup>185</sup> Public Record Office, London, *State Papers* 1/82, fol 235r [*Letters and Papers* VII, 261], in Shagan, 35.



there were those within the commonwealth who resisted the supremacy of the king, and perhaps even threatened their own comfort and livelihoods by defending the papal primacy.

However, just as there were Englishmen who believed that they were defending the Catholic faith by resisting the royal supremacy through word or deed, there were also those who were able to reconcile their beliefs with the new order. Perhaps this was because they would rather their heads remain attached to their bodies, but it could have stemmed from the ways in which the English Church differed from the church on the continent. This is the conclusion adopted by Peter Marshall, who attributes the relative lack of overt hostility of the English Reformation to prove that the Pope held very little importance to English Catholics. He points out that the clear majority of Englishmen would never have come close to the person of the pope, and that he was hardly involved in the daily lives of the people other than enticing them to buy indulgences, to conclude that within the realm of England, the pope “was, in every sense, a distant figure.”<sup>186</sup> This assertion is echoed by Shagan, who characterizes the English Church as based in Catholic tradition and the community, but not necessarily in doctrine or papistry. He concludes that most English Catholics valued a style of piety based in humanism rather than obedience to Rome, and were therefore largely unaffected by the royal supremacy.<sup>187</sup>

These explanations are the attempts of historians to explain the inaction of the English Catholic faithful toward the repudiation of papal authority. However, other than the propagandists employed by Cromwell (who will be further discussed in chapter four), no examples of the staunch defense of Henry’s supremacy jump out from the pages quite as well as those who made daring expressions against it. Perhaps this is the nature of conformity, such that those commoners who acquiesced to the authority that most threatens them are not as well

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<sup>186</sup> P. Marshall, 69-70.

<sup>187</sup> Shagan, 29.

remembered. The most attractive explanation for the lack of concentrated resistance among the English public comes from Shagan, who reiterates that acceptance of the supremacy was the result of a political process rather than a religious one. Evidence of this assertion comes from the use of *praemunire*, rather than treason, as the charge with which the regime labeled people who remained loyal to the pope. *Praemunire* refers to the allegiance to a foreign monarch, which Shagan asserts was exactly what Henry VIII defined papism to be.<sup>188</sup> This process, in which Henry's regime encouraged the development of the least ideological strand of medieval English Catholicism while suppressing the less ecumenical strands, divided the Catholic faithful, effectively crippling any possibility of a unified resistance against the supremacy.<sup>189</sup> In simpler terms, and with the evidence shared above as proof, it seems a necessary conclusion that this was the way in which Henry was able to claim that his supremacy was ordained and approved by popular consent. Admittedly, there were those who completely believed that the pope had no jurisdictional authority over secular rulers, but the examples made of More, Fisher, and others indicate that Henry's regime suffered from anxiety that the body of citizens would not acquiesce to the new order. Members of Parliament could be threatened, and opinionated citizens could be coerced. Therefore, it seems likely that Marshall's inclusion of 'parliament' in his translation is a reflection of the Henrician regime's empty appeal to a legitimacy approved by the people, when in fact it repressed any expression of popular opinion that was critical of the royal supremacy.

Another point of contention as it related to Henry's supremacy was the authority of General Councils of the church, references to which were almost completely omitted by Marshall. At first glance, it is confusing to see why there would be no inclusion of General

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<sup>188</sup> The act extinguishing the Bishop of Rome's authority is 28 Henry VIII, c. 10, printed in *Statutes*, III, 663-6, in Shagan, 52.

<sup>189</sup> Shagan, 32.

Councils in Marshall's translation. Regarding the refutation of the authority of the pope, as Lockwood explains, the doctrine of conciliarism contained a treasure-trove of anti-papal propaganda, undermining the papal supremacy by appealing to episcopal equality and replacing the Pope as the final place of appeal for ecclesiastical matters.<sup>190</sup> This seems to be the mindset of Henry VIII at first, who initially appealed to a General Council to resolve his marriage issues.<sup>191</sup> The reason behind his push for a Council in 1534 was to use it as an alternative to the pope's authority, because scriptures showed that the pope had no authority than that of another bishop, and because Christian princes had done themselves 'to great injury' by allowing it to continue.<sup>192</sup> Here, we sense a concession from Henry toward the points that Marsilius makes in the twentieth and twenty-first chapter of the second discourse, and in multiple of his final conclusions that not only are all bishops of equal authority directly through Christ, but that many of the decisive authorities that were claimed by the popes belonged instead to the determination of a General Council.<sup>193</sup> Many of Marsilius' arguments regarding General Councils seem to favor Henry's cause, so why were almost all of them, with the exception of the equality of bishops, omitted from Marshall's translation?

The answer lies in the way that the nature of the authority of General Councils conflicted with that of Henry VIII's supremacy. Appealing to a General Council was useful in the repudiation of the authority of the pope, but it would naturally submit Henry's cause to the determination of that Council. It was argued by Henry that the proper way to summon a general council was in the way that the early councils were convened, by the authority of emperors,

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<sup>190</sup> G. Nicholson, 'The Nature and Function of Historical Argument in the Historical Reformation', Cambridge University. Ph.D. thesis, 1977; in Lockwood, 104.

<sup>191</sup> Scarisbrick, 265-6; 286.

<sup>192</sup> Public Record Office, SP1/83 fos 78-9 (*Letters and Papers*, VII 462), in Bernard, 266.

<sup>193</sup> Brett, 376-390, 550, 553.

kings and princes.<sup>194</sup> After all, the first General Council was convened not by the authority of the Roman bishop, but by that of the Roman Emperor, Constantine. This was a point that Marsilius made clear in the twenty-first chapter of the second discourse.<sup>195</sup> That the authority to call a General Council belongs to the ‘prynces and gouernours in the communytes of christen people’ is not disputed by Marshall, as it is the only one of Marsilius’ conclusions regarding General Councils that he keeps in his translation.<sup>196</sup> However, as Lockwood rightly points out, the point of contention between the two translations, and between Henry’s supremacy and conciliarism, is where the coercive authority lay. As has been vigorously shown in the previous chapter, Marshall consistently substitutes the human legislator with the prince or governor, where Marsilius derives the authority of one directly from the other. He does this clearly in the conclusion just mentioned, leaving out Marsilius’ qualification that the prince derives this authority from the faithful legislator. The effect is that in Marshall’s translation, Henry has the power along with other Christian princes to summon a General Council, but is by no means required to submit to any decision that is made by that Council. It is for this reason that Marshall leaves out Marsilius’ discussion on conciliarism, because while it could prove helpful to reject the supremacy of the pope, it would necessarily damage the king’s supremacy. That would make a General Council the ultimate authority of the church, and as Lockwood explains, for Marshall, “the only head of the church apart from Christ was the king in his own realm.”<sup>197</sup>

The purpose of this chapter has been to discuss the changes that Marshall makes in his translation of *Defensor pacis* in the context of Henry VIII’s Royal Supremacy. Henry’s

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<sup>194</sup> *Epistle of the moste mighty and redouted Prince Henry the VIII...to the Emperor’s Majesty, to all Christian Princes and to all those that trewly and sincerely profess Chrystes religion.* (1538), in Scarisbrick, 391.

<sup>195</sup> Brett, 377.

<sup>196</sup> Marshall, 139; Brett, 554.

<sup>197</sup> Lockwood, 107.

Supremacy was absolute, evolving from a fight against papal authority over his realm to placing himself in that position of authority. While Marsilius would likely applaud the way in which Henry broke away from the yoke of Rome, he would nevertheless be shocked in the way that his work was misrepresented to justify Henry's unchecked rule over the polity. While the will of the people was weakly invoked by references to parliament, there is clear evidence of intimidation aimed at the people at all levels of the social hierarchy who would oppose his break from the church. This again prompts the question: why did Marshall choose a work to translate as propaganda for Henry's supremacy that required so many changes? The obvious answer is because of its tireless rejection of papal authority. Lockwood posits that he used it to "satisfy his own desire to see a Lutheran solution to the king's 'great matter',"<sup>198</sup> which could also explain his omission of the authority of General Councils to interpret doubtful meanings of scripture. In many cases, the jury is still out, as we will never know the exact reasons that motivated Marshall to translate the work. It is easy to view his translation as a perversion of Marsilius' intent, but he does remarkably well to present the king's case against papal authority in ways that would be appropriate for the regime.

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<sup>198</sup> Lockwood, 110.

## Chapter Three

### **An Attack on Priestly Orders: The Religious Implications of Marshall's Translation**

To this point, we have examined Marshall's translation of *Defensor pacis* as it relates to Henry VIII's Royal Supremacy. Merely to stop there would be to view the nature of the English Reformation as how many historians view it, as inherently political. While it is hard to ignore the vast amount of evidence that supports this assertion, there is a case to be made that the Henricians were also concerned with religious reform. There was, after all, a glaring problem that faced Henry VIII and his councilors regarding the society of the priesthood, and the ways in which it should continue now that it had been separated from its connection to Rome. While in the second chapter, we largely agreed with Shelley Lockwood's brilliantly researched argument concerning the Royal Supremacy, she claims in one of her footnotes that it would be to overstate the claim that Marshall's omission of chapters thirteen and fourteen of *Defensor pacis* has any direct connection to the dissolution of the monasteries that took place in the later half of the 1530s.<sup>199</sup> Though she may have a point, this chapter will at least make an argument for that case, as she otherwise fails to provide a detailed explanation of the reason for their omission, simply citing that to include the chapters would concede a mediation between God and man that Marshall's Lutheran tendencies would not have tolerated. This chapter will examine the attitude of Henrician reformers toward the medieval traditions and practices that characterized English Christianity, to assess whether or not Marshall's translation includes concessions toward reform. His Lutheran beliefs have already been addressed, but this chapter will largely focus on the parts that Marshall omits regarding the rights of bishops and priests, to see the ways in which these omissions reflect the overall attitude of the regime toward the clergy.

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<sup>199</sup> Lockwood, 108, note 119.

First, we must understand the significance of Marsilius' thirteenth and fourteenth chapters. Though an explanation has already been made in the first chapter of this thesis, a further clarification of Marsilius' argument is necessary so that we may move forward with precision. The subject of these chapters is the observation of meritorious poverty by religious orders, which Marsilius claims to constitute a sense of 'evangelical perfection'. He defines meritorious poverty as a "virtue by which a person, for the sake of Christ, wills to be deprived of and to lack all those temporal goods that people usually call 'riches'."<sup>200</sup> It is meritorious in the sense that it benefits the person who observes this kind of poverty, because it eliminates the vice of avarice from the life of the observant, thereby freeing them to better serve Christ without the opportunity for material gain.<sup>201</sup> Here, we see Marsilius' intent clearly as an attack on the avarice of popes and other ecclesiastical authorities, who padded their pockets with income that they gathered from pious believers. He goes further to explain that this was the express will of Christ, whose observation of this kind of poverty was the definitive characteristic of his life that he lived to perfection.<sup>202</sup> Marsilius brings in copious amounts of scriptural references in support, to claim that "it cannot be persuaded, on the basis of Holy Scripture, that Christ...had the said dominion or possession of temporal things either as proper to himself or in common, even though some of the saints are believed to have been of this opinion."<sup>203</sup> In this sense, Marsilius overwhelmingly argues not only that the proper way to follow Christ is to observe meritorious poverty as he did, but also that the authority of scripture overrules the interpretations of the saints.

He then opens the fourteenth chapter with a discussion on possible objections to the previous one, primarily the concern that those who observe meritorious poverty must have food

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<sup>200</sup> Brett, 271.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid, 281.

<sup>203</sup> Ibid, 284.

and clothes to for the basic necessities of life. Marsilius brings in the various significations of ‘dominion’ that he enumerated in the twelfth chapter to assert that it is possible to maintain this kind of poverty while possessing certain essential items. He uses a passage from I Timothy 6<sup>204</sup> in support, to assert that “those who receive the gospel (i.e. the laypeople) ought to daily supply food and clothing to its preacher if they can.” However, he qualifies this by claiming that “none of the faithful, according to Scripture, have any obligation to those who preach the gospel with respect to anything else, be it a tenth or any part of their revenues.”<sup>205</sup> Therefore, those who practice meritorious poverty are allowed to possess food and clothing for the sake of sustenance, but not anything that is superfluous, which could lead to the accumulation of riches and allow avarice to creep into their lives. While there are other objections that Marsilius resolves, they largely point back to this conclusion, that those who minister to the faithful ought to observe this kind of poverty, so that they can perfectly evangelize to their flock.

With these two chapters briefly explained, they seem at first glance to be useful for Marshall’s purposes. They are overwhelmingly based on scripture, and they reject the accumulation of riches for popes and all other ecclesiastical persons. However, they imply a certain status of ‘evangelical perfection’ toward those who claim to observe this kind of poverty, and maintain the responsibility of the laity to take care of and allow the liberal existence of those who adhere to it. The concept that Marsilius develops here is highly theoretical, and naturally no religious orders in England were living according to the high standard that he places for the clergy, though they would all claim that they observed it, due to the oaths of poverty that defined the rules of various orders. But they would have used this status to claim exemptions from secular interference. Furthermore, these chapters attacked the ecclesiastical elite, who amassed

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<sup>204</sup> I Timothy 6: 8, ‘And having food and raiment let us be therewith content’.

<sup>205</sup> Brett, 291.



ridiculous amounts of wealth throughout the development of the Reformation. A discussion of the religious scene in England at the time follows, so that we may divine clues as to why Marshall left these chapters out of his translation.

When assessing the religious scene of England, it is necessary to first look at the way Henry VIII viewed the existing traditions of the realm, and the lack of sympathy that he had for religious orders. This is best examined by G.W. Bernard, who explains that the supremacy issue was not the sole point of contention with Henry's rift with Catholicism.<sup>206</sup> Henry was considerably influenced by Erasmus, and therefore believed that the church was desperately in need of reform, even before the break from Rome.<sup>207</sup> This is best characterized by a sense of skepticism toward monastic orders as a whole, and the ways in which they enticed believers to make offerings at shrines and embark on pilgrimages as expressions of their piety. That Henry was skeptical of this traditional means of expressing one's faith is evident in his relative lack of pious spending. For instance, while going on pilgrimages was a common practice in England at the time for those who were sick, there is no evidence that Henry ever went on one, nor intended to when the sweating sickness spread through the country between 1516 and 1518.<sup>208</sup> Likewise, his charitable donations to religious institutions seem to have usually been made for the sake of essential maintenance, with the odd exception of standard offerings of six shillings and eight ducats to churches that he encountered in his path. This relative lack of pious spending stands in stark contrast to that of his father, Henry VII, who provided for numerous religious projects out of his own pocket. It was also dwarfed by the secular projects that Henry himself paid for, such

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<sup>206</sup> Bernard, 237.

<sup>207</sup> Ibid, 228.

<sup>208</sup> Brewer, J.S., Gairdner, J., and Brodie, R.H., eds, *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* (1862-1932), II ii 3747, in Bernard, 233.

as the elaborate palaces of Nonsuch, Whitehall and Hampton Court.<sup>209</sup> All of this indicates that even before the break with Rome, Henry VIII was less preoccupied with supporting the intricacies of the traditional Catholic faith, and that he perhaps even regarded them as outdated suspicion. This supports the conclusion from Shagan that prominent elements of medieval Catholicism, “such as monasticism and many outward forms of ceremonial observance...were inessential to traditional religion, as well as Bernard’s conclusion that Henry VIII’s understanding of religion was not simply ‘Catholicism without the pope’, as many historians have tried to characterize his Reformation.<sup>210</sup> Instead, he was interested in reforming the parts of the church that he believed were antiquated and that he and his advisors would relegate to mere superstition.

This skepticism over the more traditional elements of the Catholic faith was mixed with an overall concern for the state of the monastic orders in England. This topic was not new on the scene, as the privileges of priests and monks, and whether they were justified, had been a regular topic of debate for years before the break from Rome.<sup>211</sup> The most well-known critic of monasticism in Europe at the time was Erasmus, who was entirely unsympathetic toward priests, regarding much of the tradition of the Church with skepticism.<sup>212</sup> Henry was influenced by Erasmus’ views, and he and his councilors viewed the monasteries as the centerpieces of the kind of religion that Erasmus satirized.<sup>213</sup> This mindset was echoed by Thomas Starkey (secretary to Reginald Pole turned Henrician Reformer) who viewed monasteries as full of ‘ill-occupied’ inhabitants, and in need of ‘good reformation’.<sup>214</sup> This also seemed to be the view of Cardinal

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<sup>209</sup> Bernard, 233-5.

<sup>210</sup> Shagan, 30; Bernard, 237.

<sup>211</sup> P. Marshall, 51.

<sup>212</sup> Ibid, 54.

<sup>213</sup> Bernard 228, 255.

<sup>214</sup> Thomas Starkey, *A Dialogue between Pole and Lupset*, ed. T.F. Mayer (1989), 99, 103-4, 133-4, in P. Marshall, *Heretics and Believers* 54.

Wolsey, who in the 1520s appointed deputies to investigate alleged corruption and slanderous living in nunneries, and who even planned to visit the London Greyfriars himself, which shows a strong belief for his cause.<sup>215</sup> So there was a strong belief, at least in and around Henry's immediate circle, that something needed to be done about the monasteries, a belief which stepped closer to actual reform than the break from Rome, and showed that there were actual contentions over religious issues, and not just over the nature of ecclesiastical jurisdiction. But, before we discuss what was done about the monasteries in England, we must first briefly address the actual modes of corruption and superstition that existed or were believed to have existed in the monasteries that made them in such need of reform.

One of the main points of contention was the traditional religious encounters that can be generally categorized as 'superstition'. The practices that were believed to be superstitious were largely the veneration of the holy relics of saints and the gaining of profit from pilgrims who travelled to different monasteries to express their piety. For instance, the nuns at Grace Dieu in Leicestershire revered the girdle and part of the tunic of St Francis, which was supposed to help the lying-in period for women who had just given birth. Similarly, at Selby Priory, they claimed that they had the belt of St Mary. Further, at Wetherall, Nunkeeling and Bridlington, each of these monastic houses claimed to possess pieces of the true cross, and profited from the popular expressions of piety toward these items by the gullible faithful.<sup>216</sup> The most important pilgrimage shrines were found in monasteries, such as at Haltemprice, where a pilgrimage to the grave of Thomas Wake was believed to cure fever.<sup>217</sup> At the Abbey of Hailes in Gloucestershire housed a famous vial filled with the blood of Jesus Christ. Supposedly, the blood of Hailes was only

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<sup>215</sup> *Letters and Papers*, III ii 1690, in Bernard, 228-9; Peter Gwyn, *The King's Cardinal* (1990), 276-7, in Bernard, 232.

<sup>216</sup> *Letters and Papers*, X 364, in Bernard, 254-5.

<sup>217</sup> *Ibid.*

visible to those pilgrims who were free from sin, so many pilgrims naturally travelled to Hailes to determine whether they were with or without sin.<sup>218</sup> Regardless of whether these items were real or not, they provided much of the income for the maintenance of these religious houses. Suffice it to say that within these orders, monks could technically observe their oaths of poverty while the corporation of the monastic house itself padded its coffers, thereby ensuring a more comfortable life for all of those within it. An observation of the ways in which the contemporary priesthood fell short of the high standards set for them comes from John Skelton, who writes of ‘delinquent bishops, ignorant parish priests, worldly monks, gluttonous hypocrite friars, determined to grasp for every penny’.<sup>219</sup> Therefore to attack these shrines and relics with ridicule and scorn was to strike at the livelihood of the monastic orders, who perhaps enjoyed more comfort and wealth than their claims for ecclesiastical exemption justified.

Of the four evils that Dean Colet claimed blighted the Church – devilish pride, carnal concupiscence, secular business and worldly covetousness<sup>220</sup> – the last two could be viewed as responsible for the ways in which the monasteries abused the donations of their pious parishioners and pilgrims. However, the Henricians were also skeptical to the extent with which the second evil crept into the lives of the members of religious orders. While an examination of the actual findings of the visitations conducted by Henry’s commissioners will follow, it is necessary here to explain that the extent to which religious persons violated their vows of chastity was the topic of both debate and common jest. On the eve of the Reformation, as Peter Marshall explains, the moral character of priests is hard to ascertain. Parish clergy in early medieval times were often married, and reform efforts in the late eleventh and early twelfth

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<sup>218</sup> St Clair Baddeley, ‘The Holy Blood of Hayles’, *TBGAS*, 23 (1900), 282, in Shagan, 165-6.

<sup>219</sup> John Skelton, *The Complete English Poems*, ed. John Scattergood (1983), 268-9, in P. Marshall, *Heretics and Believers*, 64.

<sup>220</sup> J.H. Lupton, *Life of John Colet* (1887), 293-304, in P. Marshall, *Heretics and Believers*, 42.

centuries by Pope Gregory VII had little effect in the neighboring kingdoms of Wales and Ireland. However, these efforts seem to have taken hold in England, and by the 1520s, there was relatively little evidence of clerical fornication. In fact, Marshall concludes that a minimum of twenty-five and a maximum of 102 priests out of 1,006 parishes were believed to be sexually active, which suggest that well over 90 per cent of the clergy were maintaining their chastity.<sup>221</sup>

However, as far as the English laity were concerned, they strongly suspected the clergy to be up to less good than they ought. While some expressed their concerns in a serious fashion, others chose to express their criticisms in the form of witty jokes or rhymes, often at the expense of the priests. For instance, Dean Colet lamented that priests in England hardly differed from laymen ‘except for their tonsured hair and crown’.<sup>222</sup> On the other hand, at least five editions of the *Canterbury Tales* were produced between the years 1478 and 1526, and the ballads of Robin Hood were also popular at the time.<sup>223</sup> These publications would have proved fresh reminders of many of the negative stereotypes of priests to the laity. Perhaps one of the more striking criticisms comes from Thomas More himself, who proverbially claimed that if a good priest preached, ‘a short tale will serve us...but let a lewd friar be taken with a wench, we will jest and rail upon the whole order all the year after’.<sup>224</sup> Therefore, while Peter Marshall claims that there was not much evidence for widespread fornication among priests, there is clear evidence that the beginning years of the reformation were saturated with commentary and speculation on how many in the priesthood were falling short of their scriptural and societal expectations.

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<sup>221</sup> P. Marshall, 45.

<sup>222</sup> John Gleason, *John Colet*, (Berkeley, CA, 1989), 181-4, in P. Marshall, *Heretics and Believers*, 42.

<sup>223</sup> Sean Field, ‘Devotion, Discontent, and the Henrician Reformation: The Evidence of the Robin Hood Stories’, *Journal of British Studies*, 41 (2002), 6-22, in P. Marshall, *Heretics and Believers*, 63.

<sup>224</sup> Thomas More, *A Dialogue Concerning Heresies*, ed. T.M.C. Lawler et al. (New Haven, 1981), 296-7, in P. Marshall, *Heretics and Believers*, 64.

With the general attitudes toward the perceived corruption of English monasticism explained, we can now address what was done about the monasteries. While Scarisbrick refuses to go into the depth that Peter Marshall and Bernard do to explain Henry's action toward the monasteries, he nevertheless asserts that "English monasticism was a huge problem...and that a purge of the religious orders was probably regarded as the most obvious task of the new regime."<sup>225</sup> To that end, the decision to reform the monasteries was an expression of Henry's authority – granted to him by the Act of Supremacy – to 'visit, redress, reform, correct, restrain, and amend' any problems or abuses within the Church of England.<sup>226</sup> This opens up a point of contention within the historiography of the English Reformation over whether the dissolution of the monasteries was merely a financial ploy by the crown to usurp the funds of religious orders, or whether it was indicative of actual reform. Scarisbrick is of the former opinion, along with the combative scholarship of Christopher Haigh, and for this reason both authors exclude any discussion of anticlericalism as it relates to religious reform.<sup>227</sup> On the other side, G.W. Bernard and Peter Marshall fly in the face of this historiographical trend, arguing that Erasmian criticisms of monastic wealth were directly related to Henry's action against the monasteries. For instance, in his preface, Marshall explains that "it is an unapologetic assumption of what follows that the conflicts of the Reformation were indeed principally about religion; that questions of the faith were not merely a convenient covering for more fundamental or 'real' concerns about political power, social domination or economic assets."<sup>228</sup> Bernard also rejects this historiographical trend as too simple, arguing that Henry, as "has been insufficiently recognized...[was] committed to

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<sup>225</sup> Scarisbrick, 337.

<sup>226</sup> Henry Gee and William J. Hardy, eds, *Documents Illustrative of English Church History* (1896), 243-56, in P. Marshall, *Heretics and Believers*, 215.

<sup>227</sup> Christopher Haigh, 'Anticlericalism and the English Reformation', in Christopher Haigh (ed.), *The English Reformation Revised* (Cambridge, 1987), p. 56.

<sup>228</sup> P. Marshall, Preface, xi.

purifying reform,” and that “financial considerations were not the most significant factor.”<sup>229</sup> In the description of the dissolution of the monasteries that follows, this thesis will largely adhere to the arguments of the latter two historians, primarily because it best serves our purpose to present Marshall’s omissions from a mindset of reform, and also because Bernard and Peter Marshall each explain the process to the fullest extent.

With this in mind, Henry VIII enforced his newly granted supremacy over the Church of England, and his rights to visit, redress, reform, etc. that came with it, to order an exhaustive visitation of the monastic orders, known as the *Valor Ecclesiasticus*. There had been precedent of concern over the condition of the monasteries before the break from Rome, largely conducted by Cardinal Wolsey, who was made papal legate in 1524 for the formal reason of reforming the religious orders.<sup>230</sup> Wolsey’s visitations were relatively tame, but were more concerted than those of other pre-reformation bishops, and largely focused on the smaller religious houses.<sup>231</sup> That the smaller houses were specifically targeted is evident from a papal bull in 1528 that allowed Wolsey to combine any monasteries or nunneries that were worth fewer than 6,000 ducats, and had fewer than twelve inmates, a symbolic number that represented the twelve apostles.<sup>232</sup> Likely, the motivation behind this was the belief that any monastery that fell below this number lacked the appropriate personnel to operate effectively, and that merging them with another house would reduce the chance of corruption. Instead of pocketing the vacated revenues of these monasteries, Henry allowed Wolsey and his deputies to reallocate funds from the smaller monasteries to create and support colleges and universities.<sup>233</sup> These measures were

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<sup>229</sup> Bernard, 242, 247.

<sup>230</sup> Gwyn, *The King’s Cardinal* (1990), 272-3, in P. Marshall, *Heretics and Believers*, 56.

<sup>231</sup> Gwyn, *The King’s Cardinal*, 464-70, 477-9, in P. Marshall, *Heretics and Believers*, 55.

<sup>232</sup> *Letters and Papers*, IV ii 4900, iii 5266, 5638-9, ii 4921, in Bernard, 231.

<sup>233</sup> Bernard, 232.

willingly endorsed by other bishops, such as Alcock of Ely, Fox of Winchester, and Fisher of Rochester.<sup>234</sup> Bernard concedes that the reallocation of money from nunneries to all-male colleges and universities may be criticized as sexist from a modern feminist, that does not make these visitations any less reforming in nature.<sup>235</sup> It was under this recent context of previous monastic reform that Henry's commissioners began their visitations of the monasteries in the mid-1530s, and it indicates that Henry was just as concerned with the state of the religious orders in the previous decade.

As the *Valor Ecclesiasticus* got underway in January of 1535, the skepticism of religious orders that was previously explained is evident in the kinds of questions that Henry and Cromwell's commissioners asked at each monastery. They asked no less than eighty-six questions, that ranged from inquiring about the number of members in each house to whether the monks slept in the same bed together.<sup>236</sup> As Bernard explains, whether or not the commissioners visited each monastery with the sole purpose of digging up the corruption that they expected to find there, the reports that they made damaged the reputations of the monasteries even further. What follows is a quick discussion on what Henry's government reported from the *Valor Ecclesiasticus* that tarnished the image of monastic life in England to a point from which it could not return, and eventually led to their dissolution.

As Peter Marshall puts it, the visitations that were made by Henry's commissioners can be mined for eye-catching scandal.<sup>237</sup> This perhaps is best realized by reports of how many monks and nuns were breaking their vows of chastity. According to Bernard, it was not the

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<sup>234</sup> John Alcock, *an exhortacyon made to Relygyous systers in the tyme of theyr consecracyon* (Westminster, 1497), A2v, in P. Marshall, *Heretics and Believers*, 55.

<sup>235</sup> Bernard, 231.

<sup>236</sup> D. Wilkins, ed., *Concilia Magnae Britanniae et Hiberniae* (4 vols, 1737), iii 786-9, in Bernard, 249-51.

<sup>237</sup> P. Marshall, 53.



reports of financial mismanagement that were so damning for the monasteries, but those of sexual misconduct.<sup>238</sup> His account provides the best researched compilation of these reports. In some cases, the members of the orders would be implicated by the leadership. For instance, the abbot of Warden, who was frustrated with the undisciplined nature of his subordinates, would complain that five of the monks were common drunkards, and had regular sexual relations with boys or women.<sup>239</sup> But this sexual promiscuity was not reserved to the regular members alone, and in some cases, the abbots were worse than the rest. Apparently, the prior of Maiden Bradley kept six children and even had a license from the pope to keep a whore.<sup>240</sup> Again, the prior at Shulbrede had seven women, and his monks four or five each.<sup>241</sup> And so on.

The way that the commissioners reported their findings indicates that they fully expected to find these things. For instance, when Richard Layton reported that in Yorkshire, the nuns were taking abortifacients and the monks were practicing *coitus interruptus*, he included that he fully expected to find the same kind of corruption at St Mary's in York, where he was to visit next.<sup>242</sup> This approach is also evident in the categories into which the commissioners listed offenders of sexual misconduct in the *Compendium Compertorum*, the document which recorded the visitors' findings for the dioceses of York, Coventry and Lichfield. Here, both P. Marshall and Bernard agree that the category for 'sodomy' incorporated various other kinds of sexual offences to further discredit the monastic orders. While at first glance, the act of sodomy appears to have been a huge problem within the monasteries, Marshall notes that a marginal annotation shows that out of the 184 cases of sodomy, 170 were sodomites *per voluntaria polluciones*

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<sup>238</sup> Bernard, 256.

<sup>239</sup> *Letters and Papers*, IX 1167, in Bernard, 256.

<sup>240</sup> *Ibid.* 168, in Bernard, 257.

<sup>241</sup> *Ibid.* 533, in Bernard, 257.

<sup>242</sup> Thomas Wright, ed., *Three Chapters of Letters relating to the Suppression of Monasteries* (1843), 97, in Peter Marshall, *Heretics and Believers*, 228.

(masturbation).<sup>243</sup> Bernard reaches the same conclusion, admitting that where there are a couple of cases of sodomy *cum pueris* (with boys), or *passus sodomitica* (someone who has submitted in the act), the vast majority of the cases refer to *per voluntaria polluciones*.<sup>244</sup> While masturbation would certainly have been viewed as an unchaste act, it is curious that the commissioners seemed eager to equate it with some of the more taboo sexual offences. After all, much of the criticisms and jokes that were made at the expense of monks centered on their sexual promiscuity with women or boys, rather than their individual actions. Is this evidence that the commissioners were determined to make the sexual offences of monks and nuns seem worse than they actually were? Was this an unbiased effort to present the findings in as honest a way as possible, showing no partiality to different kinds of sexual offences? Or was it a carefully plotted measure that came from the King himself and stemmed from his desire to get rid of the religious orders? Whatever motivations drove the investigations of the commissioners, the evidence indicates that they fully expected to find corruption within the religious houses, and their findings are presented in a way that supports those efforts.

The other prominent theme in the visitor's reports was the overall superstition that was exploited by the monasteries, who abused phony relics to entice the laity into bolstering their finances. While many in the religious orders may have believed that these relics were real and actually carried powers to cure and otherwise influence the daily lives of those in the community, the official stance of the government was that they were an outdated form of medieval superstition. This seems to have been first brought to the King's attention by Anne Boleyn, toward the beginning of the summer progress of 1535.<sup>245</sup> As has been noted, Henry VIII

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<sup>243</sup> A.N. Shaw, 'The *Compendium Compertorum* and the Making of the Suppression Act of 1536', University of Warwick PhD thesis (2003), chs 3-4, in Peter Marshall, *Heretics and Believers*, 228.

<sup>244</sup> Bernard, 258.

<sup>245</sup> P. Marshall, 228.

personally saw little value in expressions of piety toward the relics of saints or even toward the power of pilgrimage. That the commissioners of the *Valor Ecclesiasticus* either inherently felt or were instructed to feel the same way is evident in their reports. For instance, when Layton confiscated a stone on which it was claimed Jesus was born from Maiden Bradley Priory in Wiltshire, his skepticism was evident when he claimed that ‘belike there is in Bethlehem plenty of stones and some quarry, and [they] maketh there mangers of stone’.<sup>246</sup> The language of their findings show further evidence for this skepticism, as they refer to powers that were *supposed* to belong to certain items, and that articles of clothing were *pretended* to have belonged to certain saints.<sup>247</sup> Therefore, the investigations carried out by the commissioners contained little sympathy for what they viewed as a money-making scheme in which the religious orders abused the naivety of their parishioners.

Perhaps the most remarkable case of a bogus relic was uncovered at the Abbey of Hailes in Gloucestershire. The Cistercian Abbey there was founded three centuries earlier, by Richard, the Earl of Cornwall, the brother of Henry III. However, its fame came from the vial that was believed to contain the blood of Christ, which was brought back from France in 1267 by Richard’s son, Edmund.<sup>248</sup> The abbey soon became a center of pilgrimage, as flocks of the faithful travelled to Hailes to test the claim that the blood was only visible to those free from sin. The money brought into the abbey by these pilgrims helped to maintain its existence through the turbulence of the Wars of the Roses, and it was still a popular place of pilgrimage at the time of Henry’s reign.<sup>249</sup> However, while the abbey enjoyed great fame from its popular relic, it did not escape criticisms throughout those years. None other than Thomas Aquinas was one of the first

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<sup>246</sup> Wright, *Letters*, 58-9, in P. Marshall, *Heretics and Believers*, 228.

<sup>247</sup> *Letters and Papers*, X 364 (1), in Bernard, 254.

<sup>248</sup> Baddeley, ‘The Holy Blood of Hailes’, 276-84, in Shagan, 165.

<sup>249</sup> Shagan, 166.

to doubt the relic's veracity, as he claimed in his *Summa Theologiae* that relics such as these could not possibly contain the actual blood that Christ spilled in his Passion.<sup>250</sup> The matter was the issue of a debate between three Franciscan and three Dominican monks before Pope Pius II, who declined to pass judgment.<sup>251</sup> It was singled out by Wyclif's followers as particularly odious and absurd, and one Lincolnshire man speculated that '[t]he blood of Hailes is but the blood of a dog or a drake, and goeth by a vice, and all that liveth upon it shall go to the devil'.<sup>252</sup> Suffice to say that while the blood of Hailes enjoyed great fame throughout the centuries of its existence, it was not without its skeptics, and was just as controversial as it was popular.

For some reason or other, the commissioners of the *Valor Ecclesiasticus* chose to make a special example of the blood of Hailes, to expose it as a fraud and belief in its powers as mere superstition. It seems that Anne Boleyn took special interest in the relic, as she ordered her own chaplains to travel there to inspect it. Her appeals to the King reveal that they suspected it to be a fake, and it was promptly removed from public view.<sup>253</sup> Perhaps because of this special royal interest, Henrician reformers chose Hailes as a test case for their attack on the 'merchants' and 'jugglers' of Rome.<sup>254</sup> Present within the criticisms were highly theoretical theological arguments. Hugh Latimer asked that if the actual blood of Christ was present in the consecrated wine of mass, why did pilgrims make such a fuss to travel to see the same blood in a vial at Hailes? William Tyndale asserted that the Christ who should be worshipped is the entire body of Christ, who 'sitteth on the right hand of the father', whereas the blood of Hailes could only be (if

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<sup>250</sup> Thomas Aquinas, *Summa Theologiae*, gen. ed. Thomas Gilby, 61 vols. (Cambridge, 1964-1981), part 3, question 54, article 3, in Shagan, 166.

<sup>251</sup> Baddeley, 'The Holy Blood of Hailes', 278-9, in Shagan, 167.

<sup>252</sup> Lichfield Record Office B/A/1/12, fol. 166v; Lincolnshire Archive Office Episcopal Register XX, fol. 61r., in Shagan, 166-7.

<sup>253</sup> Maria Dowling, ed., 'William Latymer's Cronickille of Anne Bulleyne', *Camden Miscellany XXX* (1990), 60-1, in P. Marshall, *Heretics and Believers*, 226.

<sup>254</sup> Shagan, 169.

it were real) a portion of Christ, and not ‘animate with the soul of Christ’. This was to equate the worship of the blood of Hailes with the sin of idolatry, which was echoed in a sermon by John Hilsey at St Paul’s Cross in 1538.<sup>255</sup> Nevertheless, the blood was inspected by Latimer, who sent a letter to Cromwell that ‘it seemeth to be an unctuous gum and compound of many things...and though it seemeth somewhat like blood while it is in the glass yet when any parcel of the same is taken out it turneth to a yellowness and is cleaving like glue.’<sup>256</sup> Therefore, the famous blood of Hailes was denounced as a fake, and a public display was made so that the people there could see for themselves, and condone by their presence, the government’s assertion that the blood enabled idolatry.

This evidence presents a government that was committed to eradicating the English church of corruption and superstition. Though a discussion of the full dissolution of the monasteries may be useful, for the purposes of this thesis and for the sake of brevity it is necessary to simply explain that Henry used the findings of the *Valor Ecclesiasticus* to justify first the suppression of the smaller monasteries in the realm, as they were reportedly the most corrupt.<sup>257</sup> A draft bill in 1535 reflects the concerns of the commissioners, as it would “ban monks from alluring or seducing anyone into coming on pilgrimage, from giving ‘any peculiar office to any saint’, and from setting forth any images or relics for lucre.”<sup>258</sup> Many of the smaller monasteries were absolved, though there were some who obtained exemptions from Henry VIII to continue their operations, and others were absorbed into larger religious houses.<sup>259</sup> Henry would follow with the dissolution of the larger houses toward the end of the decade and the

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<sup>255</sup> *Wriothesley*, i 75, in Shagan, 170.

<sup>256</sup> W.H. St John Hope, ‘Notes on the Holy Blood of Hayles’, *Archaeological Journal*, 68 (1911), 170-1, in Shagan, 171.

<sup>257</sup> Bernard, 265.

<sup>258</sup> Public Record Office, SP6/1/25 fos 249-50/117-18 (*Letters and Papers*, X 246 (16)), in Bernard, 266.

<sup>259</sup> 27 Henry VIII, c. 28 (*Statutes of the Realm*, iii 575-7), in Bernard, 268.

beginning of the 1540s, after the Pilgrimage of Grace rebellion, during which Henry was to equate monastic influence with unrest and sedition.<sup>260</sup> However, Bernard claims that the dissolution of the smaller monasteries was not an indication of Henry's desire to eventually rid the country of monasticism. Rather, the tendency to grant exemptions and transfers from the smaller monasteries indicate that he was actually interested in reform.<sup>261</sup> Bernard's argument is compelling, and while it is not without its critics, it presents Henry as a religious reformer once the matter of his Supremacy had been solidified.

How does this tie in with William Marshall? Marshall's translation of *Defensor pacis* was not published until 1535, which predates the dissolution of the monasteries. In this sense, Lockwood is right that his omission of the thirteenth and fourteenth chapters of the second discourse are not directly connected to the dissolution of the monasteries. However, I am arguing that the main reason behind the dissolution of the monasteries was the general sense of skepticism and over monastic orders as a whole, and that Marshall omitted these chapters out of the same feeling of skepticism. While there is nothing in the chapters that deal with relics and monastic celibacy, I believe that Marsilius raises objections to the riches of certain bishops and popes, while maintaining a sympathetic attitude toward and reserving right for monasticism as a whole. Further evidence of Marshall's possible skepticism comes from his complete omission of Marsilius' claim that the priesthood is set apart from the other offices of the city because it "denotes a certain disposition of the soul, which the learned doctors of Holy Scripture call a 'character'".<sup>262</sup> This priestly character could only refer to the sacrament of ordination, after which the priest becomes a walking icon of Christ. Because of a priest's sacramental character

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<sup>260</sup> Bernard, 440.

<sup>261</sup> Ibid, 274.

<sup>262</sup> Marshall, 82; Brett, 310-12.

given to him through ordination, Peter Marshall asserts that the mass of an immoral priest was as valid as that of a living saint.<sup>263</sup> By leaving out any reference to this character, Marshall affirms his skepticism of the corruption of priests. Therefore, the evidence presented in this chapter is used not to argue with Lockwood's claim, but to amend it. Marshall's omission of these chapters and certain discussions regarding priests may have no direct connection to the dissolution of the monasteries, but it is indicative of the skepticism that called for reform of the religious orders, and suggests that Marshall's translation concerns itself with more than just the conflict over the supremacy of the Church.

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<sup>263</sup> Peter Marshall, 41-2.

## Chapter Four

### Placing Marshall's Translation in Context

With the previous two points resolved over Marshall's translation as it relates to the Royal Supremacy and religious reform, it now remains to place his work in its proper context. As previously mentioned in Chapter Two, this work should not be valued as an honest translation of *Defensor pacis*, but in the way that it used Marsilius' work to provide an answer for a contemporary issue. In the sense that it was an attack against the abuses of the power of the papacy, it was but a cog in the surrounding discourse of the Henrician Reformation, which consisted of arguments that hinged on the privileges of the Roman bishops in relation to secular monarchs. These arguments focused heavily on the interpretation of scripture as well as the long-standing tradition of the Catholic Church, and the emphasis that each author placed on either one of these justifications is indicative of their motives. With this in mind, the aim of this chapter is to explain the writings that emerged in the 1530s that both justified and condemned Henry's break from Rome, to provide a better understanding of how Marshall's translation of *Defensor pacis* would have been understood.

As has briefly been explained, Marshall's translation was no mere convenience to the Henrician regime as a text that had already been translated and was modified to fit the political structures of Tudor England. Instead, it was a concerted effort to bring an already existing text into the English public discourse as a justification for Henry's cause. It was part of a popular propaganda campaign, envisioned by Thomas Cromwell, made up of texts by a group of radical humanists who also harbored Lutheran sympathies. These works supplemented the immediately previous works by prominent clergymen, notably Richard Sampson, Edward Foxe, and Stephen Gardiner, who each wrote original tracts that argued against the papal supremacy. What is



interesting to note here is that while Cromwell was the patron of these works, each of the propagandists took the initiative to volunteer their services rather than the other way around, which provides an insight into their hostility to the Church and their willingness to throw their lot in with Henry's dilemma.<sup>264</sup> Nevertheless, the support that Marshall's text along with those of the other propagandists received from the government stands in stark contrast to the arguments for the opposition. Of those opposed, John Fisher, Thomas More and Reginald Pole stand at the forefront, and while Fisher and More were imprisoned and eventually executed for their efforts, Pole was only able to present his efforts from the safety of the continent. Therefore, the majority of the texts addressed in this chapter were used in support for Henry's case, as they were openly published without threat of censorship or imprisonment. The writings for the opposition are less prominent, as they would have been repressed if published in England, though Pole's *De unitate* provides a significant example that proved to be a constant annoyance to Henry VIII.

In the first half of the 1530s, as the Succession Act and the Act of Submission of the Clergy polarized the population over the issue of the King's supremacy and the legitimacy of his second marriage, Cromwell engineered a propaganda campaign that would flood the country with anti-papal literature. While in the 1520s, Henry was largely preoccupied with securing papal approval to carry out his divorce, it seems that by the turn of the decade, the efforts of the Henry and his ministers were focused less on justifying the divorce to the pope, and had decided that a break from Rome was necessary to accomplish their goal. This is evident in the trip that Cromwell's servant, Stephen Vaughan, took to Flanders in 1530-31. While his professed mission was to convince William Tyndale to return to England, Michael Everett presents evidence that Vaughan was also under instructions to keep his eyes open for any other anti-papal works that

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<sup>264</sup> Skinner, vol. 2, 100-3.

were circulating through the area, and to report any religious radicals whose services may prove useful in providing support for the king's 'great matter'.<sup>265</sup> Another point that supports this assertion is the fact that in the first phase of Cromwell's propaganda campaign, the arguments that he enlisted were directed against canon law, and the emphasis that it placed on the jurisdictional authority of popes, rather than attempt to further justify Henry's divorce. As Quentin Skinner points out, this was a considerable coup for Cromwell and the King, because this first wave of propaganda used established religious figures and canon lawyers to justify Henry VIII's supremacy according to canon law.<sup>266</sup> It is the writings of these religious persons that we will first address.

Though there were nearly fifty books that were published in the 1530s to justify Henry's break from Rome, it will best suit our purposes to focus on the most significant ones. In the first wave of Cromwell's campaign, the prominent figures who wrote in support of the King were Richard Sampson, Edward Foxe and Stephen Gardiner. It was just stated that their defenses of the King's Supremacy were valued because of their occupations, and would have been presented as re-interpretations of canon law by persons of ecclesiastical authority who were not necessarily known as radical. However, it is important to realize that in this first phase, these authors did not exactly write their defenses because of any sincere compulsion that Henry VIII's case was right. Rather, there were personal motives. For instance, both Foxe and Sampson seemed to have taken up their tasks with the promise of a promotion, and each of them were duly given bishoprics in Hereford and Chichester, respectively, once their works were finished.<sup>267</sup> Gardiner, bishop of Winchester, was rumored to have only agreed to write against the papacy after he was threatened

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<sup>265</sup> Everett, 233.

<sup>266</sup> Skinner, vol. 2, 93.

<sup>267</sup> G.R. Elton, *Policy and Police: the Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge University Press, 1972), 182, in Skinner, vol. 2, 94.

with imprisonment and death. The King had already found reason not to trust Gardiner who, when Parliament passed the Supplication of the Ordinaries in 1532, drafted convocation's initial response that reflected no intention from the ecclesiastical elite to yield any of their customs or practices that preyed on the laity. Interestingly, Everett asserts that it was Gardiner's fall from grace during this episode that initiated the rise of Cromwell into Henry's good graces.<sup>268</sup> That Henry VIII was suspicious of what he called Gardiner's 'coloured doubleness' was justified after the deaths of the King and his son Edward VI, when Gardiner did homage to Mary, and even became Lord Chancellor in 1553 during the Catholic revival.<sup>269</sup> Therefore, it is important to realize that these people were used by Cromwell not because of any affinity for Henry's break from Rome, but because of their knowledge of canon law, which Cromwell hoped to manipulate to reflect the King's desires.

The first to publish his defense of the Royal Supremacy was Richard Sampson, who issued his *Oratio qua Docet Anglos Regiae Dignitati ut Obediant* (oration teaching the English obedience to the kingly dignity) in 1534. Of the three, Sampson's tract was the shortest, and consisted of what Glenn Burgess claims was "little more than a set of bald assertions."<sup>270</sup> However, this may have been because it was at the forefront of the discourse around the relatively un-theorized concept of the Royal Supremacy. Burgess as well as Andrew Chibi offer this as an explanation for the simplicity and caution of Sampson's arguments. Chibi claims that since Sampson was writing before the actual rights and powers that were vested in the Royal Supremacy were worked out, he did little to distinguish 'royal' from 'papal' authority.<sup>271</sup> A

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<sup>268</sup> Everett, 226.

<sup>269</sup> Lacey Baldwin Smith, *Tudor Prelates and Politics, 1536-1558* (Princeton University Press, 1953), 184, 142, 216, in Skinner, vol. 2, 94.

<sup>270</sup> Glenn Burgess, *British Political Thought, 1500-1660: The Politics of the Post-Reformation* (New York: Macmillan, 2009), 36.

<sup>271</sup> Andrew A. Chibi, "Richard Sampson, His 'Oratio,' and Henry VIII's Royal Supremacy," *Journal of Church and State* 39, no. 3 (Summer 1997): 548.

discussion of that distinction would later come in Foxe's writing, but Sampson's *Oration* simply dealt with the authority of a king within his own realm. In his argument, the pope had no authority *extra provinciam* (outside of his own kingdom) meaning that he had no more power in England than the archbishop of Canterbury had in Rome.<sup>272</sup> It was Sampson's early effort that Reginald Pole was to attack so vehemently, hurling insult after insult at his intelligence and using Church tradition as the main point of attack at his general defense of the King's Supremacy.

The next to publish was Edward Foxe, whose *De Vera Differentia Regiae Potestatis et Ecclesiasticae* (on the true difference between regal and ecclesiastical power) was finished later in the same year. As the title suggests, Foxe's *De Vera Differentia* set out to accomplish what Sampson could not, and provide a clear distinction between royal and ecclesiastical authority. He appeals to scripture as the proper source for understanding these two authorities, and lays out his argument accordingly, backing up each assertion with scriptural references. First, he spends a good deal talking about the cases of kingship in the Old Testament, which he uses to assert that 'God did give with His own mouth kings to be rulers of His people'.<sup>273</sup> using the passage from Matthew 16, Foxe argues that while Christ undeniably gave Peter the keys to the kingdom of heaven, Peter did not represent the anachronistic Roman bishop, but the universal Church.<sup>274</sup> Foxe uses these references and further support from Paul's Epistle to the Romans to conclude, among other things, that the temporal authority claimed by the Roman bishops was merely a result of unchecked tradition, and that evidence from both testaments of scripture confirm that this power in both matters spiritual and secular belonged to the King alone.

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<sup>272</sup> Richard Sampson, *Oratio*, 167, in Burgess, 36.

<sup>273</sup> Edward Foxe, *De Vera Differentia*, fol 56, in Skinner, vol. 2, 95.

<sup>274</sup> *Ibid*, fols 14, 15, in Burgess, 37.

Finally, Stephen Gardiner's *De Vera Obedientia, Oratio* (oration on true obedience) arrived the next year, in 1535. Of the three, Gardiner's tract was the most accomplished intellectually. He begins his *Oration on True Obedience* by explaining the necessity of obedience, claiming that "to obeye truly is nothing elles but to obey unto the truthe," and that "God is the truthe (as scripture recordeth) wher in he geveth his chief lighte vnto vs." Therefore, he equates obedience to God as the true form of obedience, and further references Paul's epistle to the Romans that one cannot be truly faithful unless they practice this sort of obedience.<sup>275</sup> He then goes on to explain the relationship between masters and servants, and to express Paul's claim that "the autoritie of maistres ouer their seruauntes sholde not be changed or diminished through professing of Christ." This allows him to press the matter that in a community of the faithful, obedience to the Christian ruler in that community is the best way to be obedient to God, making the king "Goddess lieftenaunt" in the realm and marking the claim that "[t]he kinge...is headed of the realme but not of the churche" as an absurdity. To support this claim, he inserts the standard argument from the New Testament that Christ commanded that tribute be paid to Caesar to affirm that "the dominion and autoritie perteyneth to non but to princes."<sup>276</sup> Further, after addressing and attempting to disprove pro-papal arguments, he brings in support from the Old Testament, citing that "Kinge Salomon...ordained the offices of the priesters in their ministeries, and Levites in their ordre," to further establish the Biblical tradition that secular rulers possessed spiritual authority.<sup>277</sup> He then goes on to explain the prince in the realm's authority over the Church of England as the supreme head of a specific community of the overall church, just as the kingdoms of France, Spain and Rome are not the whole church but separate congregations of the

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<sup>275</sup> Gardiner, *De Vera Obedientia*, 73-5.

<sup>276</sup> *Ibid*, 97-9.

<sup>277</sup> *Ibid*, 109

universal church, over which their respective princes are heads.<sup>278</sup> Gardiner's form of obedience is limitless, requiring that princes be obeyed in all matters, both earthly and spiritual, without dissent, and that any of his mistakes were not matters for any other man to judge, but that "they (i.e. princes) have a lorde (i.e. God)...that shall one daye sitte in iudgement even of them."<sup>279</sup>

The rest of Gardiner's *De Vera Obedientia* is dedicated to denying the spiritual authority of the Roman bishops. Here he uses familiar arguments, many of which can be found in *Defensor pacis*. For instance, to those who would say that "[p]rinces haue acknowlaged the Bishop of Rome to be the headde of the vniversal church," Gardiner retorts that "these dedes were not hole nor perfite...but had a greater appearaunce of truthe than true in dede and tokens of honoure rather borrowed than payde."<sup>280</sup> In other words, the honor given by princes to the early Roman bishops had been manipulated and twisted to justify their contemporary claims to temporal jurisdiction. He also explains the will of Christ that the points of office of a faithful priest are "not to beare rule but to be in subieccion not to commaunde princes but to acknowlage him selfe to be vnder their power and commaundement."<sup>281</sup> While there are plenty of other examples in which Gardiner defends the prince's right to be obeyed over the Roman bishops, these should be enough to suit the purposes of this thesis.

Between these three works, we see a concerted effort from experts in canon law to justify Henry's independence from Roman jurisdiction. The remarkable connection, as pointed out by Chibi, is the influence that Marsilius' *Defensor pacis* had on these writers.<sup>282</sup> This is evident from the outset, as all three begin their works by asserting that the only proper source for settling

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<sup>278</sup> Ibid, 115.

<sup>279</sup> Gardiner, 101.

<sup>280</sup> Ibid, 121-3.

<sup>281</sup> Ibid, 131.

<sup>282</sup> Chibi, 543-4.

matters of political authority in a Christian realm is scripture alone.<sup>283</sup> Their entire arguments rested on this qualification, as did Marsilius', whose first conclusion asserts the very same point.<sup>284</sup> The similarities go deeper. Marsilius' seventeenth conclusion (which is one of the few that Marshall keeps exactly the same) states that "all bishops are of equal authority directly through Christ, and neither can it be persuaded according to divine law that there is any pre-eminence or subordination."<sup>285</sup> This point, reinforced by scriptural evidence in the fifteenth and sixteenth chapters of the second discourse, is echoed by both Foxe and Sampson in their tracts.<sup>286</sup> Further evidence that they were influenced by Marsilius is clear in the reinterpretations that were made of the concepts of *potestas ordinis* and *potestas jurisdictionis* (power to ordain and jurisdictional power). As Skinner explains, each of these writers re-define the meanings of these terms, twisting the language of canon law against the orthodox canonists.<sup>287</sup> Where tradition held that *potestas ordinis* and the *potestas jurisdictionis* both belonged to the Papacy, the Henrician apologists conceded that while the priesthood is a group set apart with the power to administer the sacraments, this in no way entitled them to any kind of temporal jurisdictional authority, and that any claims to such an authority was 'usurped'. In short, they argue that all jurisdictional authority falls under secular matters, and that the Church possesses authority but not dominion.<sup>288</sup> The intricacies of this argument are heavily addressed by Marsilius, who concedes in chapter fifteen of the second discourse that priests are imbued with a sacramental character by God, but explains in chapter eighteen the ways in which the Roman bishops usurped temporal jurisdiction over the course of centuries. His necessary conclusion is that "no bishop or priest, as

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<sup>283</sup> Skinner, vol. 2, 94-5.

<sup>284</sup> Marshall, 138; Brett, 547.

<sup>285</sup> Marshall, 138; Brett, 550.

<sup>286</sup> Chibi, 548.

<sup>287</sup> Skinner, vol. 2, 97.

<sup>288</sup> Ibid, 96-7.

such, has any principate or coercive jurisdiction over any clergyman or layperson.”<sup>289</sup> Therefore, there are plenty of examples in which the Henrician apologists took parts of Marsilius’ argument to supplement or even inform their own. This supports Stout’s assertion that “Marsilius, not Machiavelli, Wyclif, Erasmus or Tyndale provided the prevailing ideological framework within which the Henrician Reformation was justified.”<sup>290</sup>

Understandably, each of these works had their own objective weaknesses. As previously mentioned, Sampson’s *Oratio* was written before the legal aspects of the Royal Supremacy had been made clear. Foxe, while delving deeper into the difference between royal and ecclesiastical authority, was unable to unwrap himself from the contemporary issue of Henry VIII’s marriage crisis, and undermined his own purpose by maintaining the pope’s official title in his work, instead pleading with Clement VII to resolve his relationship with the King.<sup>291</sup> Gardiner’s own argument that scripture does not suggest any limitation to the princely authority has been criticized as too simple an explanation.<sup>292</sup> The important point is that these works were not perfect justifications of the king’s repudiation of papal authority. Instead, they reflect an effort among the Henrician regime’s experts on canon law to provide an interpretation of that law that flew in the face of the entrenched traditions of the Church. Perhaps Marshall’s translation of *Defensor pacis* was so readily funded by Cromwell because he believed that it would help to synthesize these arguments, to be used as a lens through which to view these works, picking up and providing further explanation where each one fell short.

The backbone, as Quentin Skinner explains, of Cromwell’s propaganda campaign was a second phase of political tracts, of which Marshall’s translation of *Defensor pacis* was one. Of

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<sup>289</sup> Brett, 309-18, 352-9, 550.

<sup>290</sup> Stout, 308.

<sup>291</sup> Chibi, 548.

<sup>292</sup> Burgess, 38-9.



the writers from this phase, Thomas Starkey, Richard Morison and Richard Taverner were some of the more influential participants. Once the secretary to Reginald Pole, Thomas Starkey seems to have been in touch with Cromwell about the same time as William Marshall, deserting Pole's entourage in Padua to provide written support for the King's case.<sup>293</sup> In 1535, he published *An Exhortation to the People*, which instructed 'them to unity and obedience'.<sup>294</sup> Starkey also seems to have been heavily influenced by Marshall's translation of *Defensor pacis*, as he wrote to Pole:

Thes thyngs I thynke shal be somewhat in your mynd confermyd by the redying of Marsilius, whom I take, though he were in style rude, yet to be of grete iugement and wel to set out thys matter both by the authoryte of scripture and gud reysonys groundyd in phylosophy and of thys I pray you send me your iugement.<sup>295</sup>

Provided here is stark evidence that Marshall's translation was used by other Henrician apologists, and even wielded in an attempt to bring Pole to reason.

Morison was the next to leave Pole's circle in Padua, likely because of the success that Starkey had in switching sides.<sup>296</sup> He would become the most combative of the pamphleteers, writing and issuing no less than four works in the second half of the 1530s. His *Remedy for Sediton* argued that it was sinful to resist the new regime, and his *Lamentation* showed 'what ruin and destruction comes of seditious rebellion'.<sup>297</sup> The difference between this group of writers and the first phase of propaganda was that these were specifically geared to appeal to popular opinion rather than exclusively the educated elite. This second phase of works were almost always written in English rather than Latin, and while Sampson, Foxe and Gardiner tended to focus on a more personal supremacy, these pamphleteers pushed the notion that it must

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<sup>293</sup> Skinner, vol. 2, 101.

<sup>294</sup> W. Gordon Zeeveld, *Foundations of Tudor Policy* (Cambridge: Harvard University Press, 1948), 128, 149, in Skinner, vol. 2, 102.

<sup>295</sup> Sidney Herrtage, ed., *England In the Reign of King Henry the Eighth*, Part 1: *Starkey's Life and Letters* (London, 1878), p. xxv, in Stout, 309.

<sup>296</sup> Zeeveld, *Foundations of Tudor Policy*, 157, 165, in Skinner, 102.

<sup>297</sup> Elton, *Policy and Police*, 200-1, in Skinner, vol. 2, 102.

be vested in the King in Parliament.<sup>298</sup> They also stressed the authority of General Councils, albeit with advisory instead of executive powers, to help to resolve some of the problems that had arisen in the last decade,<sup>299</sup> which indicates an appeal to a more widespread method of conflict resolution than those who viewed the struggle in terms of the two central figures. In all, the work of these pamphleteers was purposed to consolidate the efforts of the canon lawyers after the aspects of the Royal Supremacy were properly codified, providing a theoretical framework that retrospectively justified the intricacies of the break with Rome.

Having explained the theoretical discourse in support of Henry, it now remains to explain the writings of those opposed. As previously mentioned, there was not as much written from an Englishman's perspective against Henry's ecclesiastical supremacy, because the nature of the regime censored and went so far as to eliminate those who would dissent. This was best exemplified by the high profile executions of John Fisher and Thomas More. Fisher, who was the Bishop of Rochester, was implicated for his noncompliance, and his example provides a glimpse of what might have faced Gardiner if he had not written his *De vera obedientia*. He was seen as the staunchest advocate for Catherine of Aragon and critic of the king's position, writing a book against the divorce around 1528.<sup>300</sup> He would continue his diligence by relentlessly studying canon law well into the 1530s, admitting in 1535 that he had written and published several books.<sup>301</sup> That Fisher was brave in his repudiation of the Royal Supremacy is perhaps marred by a bit of imprudence. In 1533, he appealed to the Holy Roman Emperor, Charles V, to intervene into the situation. While Bernard claims that it is not clear what exactly Fisher wanted Charles to do, whether to invade England or to set up a trade embargo, his efforts seem to have

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<sup>298</sup> Skinner, vol. 2, 103-4.

<sup>299</sup> Skinner, vol. 2, 105.

<sup>300</sup> Richard Rex, *The Theology of John Fisher* (Cambridge, 1991), 260, in Bernard, 105.

<sup>301</sup> Dowling, *Fisher of Men: A Life of John Fisher, 1469-1535* (Basingstoke, 1999), 148, in Bernard, 105.

been noticed by the king.<sup>302</sup> Further, upon the imprisonment of Elizabeth Barton, the Nun of Kent, Fisher was cited by one of those implicated as having wept for joy upon hearing her prophecies that denounced the king.<sup>303</sup> However helpful Fisher may have been in opposition to the Henry VIII's divorce, these episodes indicate a lack of diplomatic prudence and strategy that has not gone unnoticed by historians. That Fisher's impudence annoyed the king is evident by the claim of his early biographer that Henry 'thirsted after his life',<sup>304</sup> which was to become a common occurrence for those who opposed him. His association with the Nun of Kent, compounded with a refusal to swear the Oath of Succession was enough to have Fisher sent to the tower.<sup>305</sup> The nail in the coffin was essentially Henry's refusal that Fisher be allowed to swear a partial oath, along with the fact that Pope Paul III created Fisher a cardinal in an attempt to save his life. Upon hearing the news, a proud Henry swore that 'he would give him another hat, and send the head afterwards to Rome for the Cardinal's hat'.<sup>306</sup> Perhaps because of Henry's pride, but more likely out of necessity that the Act of Succession be enforced, Fisher was beheaded on June 22, 1535.

Another thorn in Henry's side was Sir Thomas More, who succeeded Archbishop Wolsey as Lord Chancellor of England. Once a mentor and friend of the king, More was a famed Erasmian humanist and, as was mentioned in the previous chapter, a critic of many of the outdated traditions of the Church. The hinge on which More's opposition turned was that he could not reconcile the king's matter with his own conscience. The origin of this can be traced to an encounter at Hampton Court Palace in 1527, where in More's own words Henry 'laid the

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<sup>302</sup> Bernard, 115.

<sup>303</sup> Dowling, *Fisher of Men*, 151, in Bernard, 116.

<sup>304</sup> 'Early Life of Fisher', x 108, in Bernard, 118.

<sup>305</sup> Bernard, 118.

<sup>306</sup> Dowling, *Fisher of Men*, 159-67, in P. Marshall, 223.

Bible open before me and there he showed the words that moved his highness and other erudite persons so to think'.<sup>307</sup> While Bernard explains that it is unclear what exact opinion More gave the king during this encounter, he points out that there is no mention that More had been convinced to Henry's case.<sup>308</sup> He seems to have spent the following years avoiding having to take a stance on either side, and though Chapuys reports that he was very much Queen Catherine's friend, More commented on Henry's marriage to Anne Boleyn that he would 'neither murmur at it, nor dispute upon it,' but 'faithfully pray to God for his Grace and hers both'.<sup>309</sup> Therefore, More did not seem to have found the issue of the divorce as beyond reconciliation with his conscience, as Fisher did.

Instead, the matter on which More was unable to reconcile was Henry's claim to be the supreme head of the Church. It was for this reason, in 1532, that he resigned the chancellorship in which his conscience would not allow him to remain.<sup>310</sup> He engaged in a polemical dispute against Christopher St German to defend the continued jurisdictional independence and legislative powers of the Church.<sup>311</sup> While professedly guarding his conscience, More tended to take a neutral stance over the king's marriage dispute and the act of succession. However, for some reason or other, More refused in 1534 to swear the oath of succession. His famous silence toward the matter allowed him to maintain some plausible deniability, which he expressed to Fisher's servant that he had not refused to swear to the succession.<sup>312</sup> While imprisoned, he admitted that he was prepared to swear in part, though he was not able to swear the oath he was

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<sup>307</sup> E.F. Rogers, ed., *The Correspondence of Sir Thomas More* (Princeton, 1947), p.497, in Bernard, 128.

<sup>308</sup> Bernard, 128.

<sup>309</sup> Vienna, Haus-, Hof- und Staatsarchiv, England, Karton 4, Berichte, 1530, fo. 339 (*Cal. S.P., Spanish*, IV ii no. 641; *Letters and Papers*, V 112), in Bernard, 132; Rogers, *Correspondence*, 497, in Bernard, 133.

<sup>310</sup> Scarisbrick, 300.

<sup>311</sup> Bernard, 135.

<sup>312</sup> Bernard, 141.

offered.<sup>313</sup> It was when he was sentenced at his trial that he finally revealed his conscience, protesting that his indictment was invalid because it was:

grounded upon an act of Parliament directly repugnant to the law of God and his Holy Church, the supreme government of which, or of any part whereof, may no temporal prince presume by any law to take upon him, as rightfully belonging to the See of Rome, a spiritual pre-eminence by the mouth of Our Saviour himself, personally present upon earth, only to Saint Peter and his successors.<sup>314</sup>

This speech was irrevocably damning, as More had finally revealed his conscience to align with the Papal Supremacy, and though he may not have found Henry's marriage to Anne Boleyn worth protesting, it was the act of Parliament that set that marriage against the unity of the Church that he could not accept. Henry responded to his one-time mentor's effrontery with characteristic impartiality. He was beheaded on July 6, fourteen days after Fisher, protesting that 'he died the King's good servant but God's first'.<sup>315</sup>

While Fisher and More did not write the formal kind of responses to the Royal Supremacy that are characteristic of those examined in support, their executions provide examples of how Henry's regime responded to domestic opposition. They indicate that at least in the realm of England, the matter of the Supremacy was a one-way debate, and that any opinions against it would be forcibly removed. The further significance of their deaths was that they spurred the most famous of the works written against Henry during his reign, the *Pro ecclesiasticae unitatis* (shortened to *De unitate*) of Reginald Pole.

If there was anyone from the realm of England who would have been able to change the king's mind, it would surely have been Reginald Pole. An accomplished theologian, Pole studied

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<sup>313</sup> Rogers, *Correspondence*, 503, in Bernard, 141.

<sup>314</sup> William Roper, 'The Life of Sir Thomas More', in Richard S. Sylvester and Davis P. Harding, eds, *Two Early Tudor Lives* (New Haven, 1962), 248, in P. Marshall, 225.

<sup>315</sup> Peter Marshall, *Religious Identities in Henry VIII's England* (Aldershot, 2006), 123-33, in P. Marshall, *Heretics and Believers*, 224.

at the University of Padua between 1521 and 1526.<sup>316</sup> He was connected to Henry through familial ties, as his father was a cousin to Henry VII, and he was directly descended from the brother of Edward IV. That Pole had the blood of both the Tudors and the Plantagenets in his veins gave him in many ways, as Joseph Dwyer points out, a better claim to the throne than Henry himself.<sup>317</sup> Whether it was because of his theological clout, or a need to publicly secure a relative's allegiance, Henry was eager to obtain some sort of support from his cousin to justify his divorce. This culminated in an interview in late 1530 or early 1531, where Henry offered Pole the newly vacant Archbishopric of York,<sup>318</sup> if he would give a favorable opinion on the divorce. Pole respectfully declined the King's offer, claiming that his conscience would not allow him to side in favor of the divorce.<sup>319</sup> Apparently for Pole, one of the biggest hang-ups was that he could not act as though two decades of the marriage had not happened.<sup>320</sup> However, instead of staying in England and subjecting him to the same possible fate as Fisher or More, Pole returned to the continent in 1532 to resume his studies.<sup>321</sup> There he remained for the rest of Henry's life, and he remained silent on the matter for the first half of the 1530s, while the King completed his divorce and asserted his supremacy over the church. However, his hand was forced in 1535, when letters from Thomas Starkey – Pole's former chaplain turned Henry's servant – and Thomas Cromwell reflected the King's desire that Pole share his opinion on the "causes of matrimony and concerning the authority of the Pope." It was the king's "express commandment" that Pole use his knowledge and learning to write something favorable for the

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<sup>316</sup> Bernard, 213.

<sup>317</sup> Reginald Pole, *Pole's Defense of the Unity of the Church*, trans. Joseph G. Dwyer, (Westminster, MD: The Newman Press, 1965), xiii.

<sup>318</sup> Thomas Wolsey died in November 1530.

<sup>319</sup> Dwyer, 'Introduction', xiv.

<sup>320</sup> Bernard, 216.

<sup>321</sup> Dwyer, 'Introduction', xv.

king, avoiding “dissimulation which his Grace most princely abhorreth.”<sup>322</sup> It was under this commission, and in light of the recent executions of Fisher and More, that Pole began to write the opposite of what Henry wanted, and less than a year later produced the *De unitate*.

In his book, Pole declares his love for the King while ruthlessly attacking his position and the writings of his advisors. He characterizes Henry’s actions as an ‘affliction’ or ‘illness’, and cites his own loyalty and care for the King’s soul as his reason for writing, stating that: “[w]ere I to keep silent about [Henry’s deeds] I would hardly be doing my duty as a faithful servant.”<sup>323</sup> Pole then goes on to attack Henry’s usurpation of the Ecclesiastical Supremacy, largely using Church tradition as the justification for the continued preeminence of the pope. For instance, when Pole points out Henry’s claim that the honor of supreme headship was conferred on kings by the authority of Scripture, he retorts that “among all of your predecessors would there not have been one king sufficiently attentive and informed in Scripture to note and seize upon such words so clearly referring to this greatest honor?”<sup>324</sup> His argument that can best be described as condescending is full of further examples that reiterate the traditional Catholic interpretations of scripture in a way that attempts to make Henry and his advisors foolish and evil. That this lends confidence to his assertions is evident when he loosely uses a passage from Deuteronomy 32 to claim that the will of God is reflected in church custom: “Look at the custom of the Church. If the will of God might be declared in the Church, where could we better understand this than in the custom of the Church?”<sup>325</sup> In this sense, Pole can afford to be slightly careless in his arguments, as the support of the universal Church and the Christian nations help to prop them up. This is perhaps the main difference between Pole’s tract and those who wrote in favor of Henry.

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<sup>322</sup> Ibid, ‘Introduction’, xv.

<sup>323</sup> Ibid, 4-5.

<sup>324</sup> Ibid, 12.

<sup>325</sup> Ibid, 105.

The Henrician theorists saw God's will as evident through scripture alone, while Pole used God's will to justify the thousands of years of papal primacy. We see this in the differing interpretations of the verses that seem to justify the supremacy of the Roman bishops. In Matthew 16, Christ says to Peter, "And I will give to thee the keys of the kingdom of heaven" and in John 21, "Peter, lovest thou me? Feed my lambs."<sup>326</sup> While Marsilius and the Henrician apologists would argue that these examples do not necessarily grant any specific authority to Peter, especially not any sort of coercive temporal authority, the position of the Church as explained by Pole is that these words present the "most valuable testimony on behalf of Peter's entrusted authority."<sup>327</sup> The interpretations that are made by each side indicate the emphasis that they put on the literal meaning of scripture, and were clearly set up to justify the respective arguments. All of the theology in the world could not resolve the impasse that resulted from this difference in viewpoint.

Pole makes his sharpest jabs toward Richard Sampson, using his limited understanding of how to characterize the Royal Supremacy against him. He uses the vague notion of Valerius Maximus that "religion be conspicuous in honor in affairs of supreme importance" to conclude that "imperial decrees have not hesitated to be subservient to things sacred" and "that the function of the emperor is to be a servant to the priestly function."<sup>328</sup> Further, he declares that it is God's will that priests have higher dignity than kings, and that since "the priest prescribes what the king should do in his royal office, we cannot doubt which of the two is superior."<sup>329</sup> He also uses the case of the Roman Emperor Nero, asking that if you followed Sampson's argument on royal authority to its natural conclusion, "[w]hat other possibility is there except to conclude

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<sup>326</sup> Matthew 16:19; John 21:17.

<sup>327</sup> Dwyer, 44.

<sup>328</sup> Ibid, 53.

<sup>329</sup> Ibid, 63.



that Nero was head of the Church?”<sup>330</sup> Meanwhile, while Sampson is attacked for some of his logical fallacies and for corrupting Henry’s mind, it bears mentioning that he did pose a challenge for those who would argue against him to “bring forth evidence from sacred Scripture for just one kind of power greater than a king’s.”<sup>331</sup> While Pole addresses this challenge, and he brings in plenty of the opinions by the authority of Catholic tradition or the church doctors, he seems largely unable to present much bare scripture as evidence. The best he can muster is a commentary on those traditional passages on which the Catholic Church bases the Petrine Supremacy, though he largely supplements these verses with the centuries of Catholic tradition by which their interpretation is retrospectively affirmed. Pole’s argument, while passionate, seems at times to be overwhelmed by his personal disputes with Sampson, and his points on the Papal supremacy seem more bent toward bringing Sampson and Henry to heel rather than providing any original argument. If Sampson’s argument can be criticized for its weakness, the shortcoming of Pole’s argument was his undiplomatic fanaticism.

Needless to say that Pole’s *De unitate* was not received well in England, though it remained important to English Catholics for a long time. It was originally meant for the King to view alone with his councilors, but was eventually printed in 1538.<sup>332</sup> Henry’s response to Pole’s impudence reached farther than just calling for his head. In the later 1530s, Reginald’s family was implicated for their suspected loyalties. His brother Henry, Lord Montagu, was imprisoned and eventually executed for the professed reason that ‘someone had to suffer for the annoyance caused to the king by the rebellious cardinal’.<sup>333</sup> Furthermore, his other brother, Sir Geoffrey

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<sup>330</sup> Ibid, 25.

<sup>331</sup> Dwyer, 41; 27.

<sup>332</sup> Bernard, 221.

<sup>333</sup> C. Höllger, ‘Reginald Pole and the legations of 1537 and 1539: diplomatic and polemical responses to the break with Rome’, University of Oxford D. Phil. Thesis (1989), 105, in Bernard, 410.

Pole, was arrested for corresponding with Reginald without the knowledge of the King's censors, warning him that he was in danger of assassination. He eventually cracked under interrogation and gave up their mother as well. While she never admitted to any kind of treason or to helping her son overseas, she was accused of treason and executed at the Tower of London.<sup>334</sup>

Having examined the discourse surrounding the construction of the Royal Supremacy, of which Marshall's translation of *Defensor pacis* was merely a part, it is necessary to draw a couple of conclusions regarding the realities of political writing during this time. First, it seems that Henry is best characterized as a tyrant, in the way that he encouraged works that supported the Royal Supremacy, he just as energetically pursued those who spoke against it. For this reason, Richard Sampson and Edward Foxe enjoyed much more comfortable lives once they released their respective tracts in support of the King, just as Reginald Pole likely feared for his life for the rest of Henry's reign. Marshall would have also ideally benefited from his work, as he received £12 to translate Marsilius' work, and he enjoyed royal privilege with other writings.<sup>335</sup> Another conclusion that we can make is that these tracts were written with the desire of the two separate sides to convince the other to their cause, when in reality this would never have been achievable. The point on which the argument seems to have hinged was not the Royal Supremacy, but the emphasis that is placed on the authority of scripture. The fact that the two sides disagreed on the interpretation of scripture ensure that every debated point after that would further polarize the discussion. It is in this context that we must understand Marshall's translation. One can view his omission of the human legislator as a subversion of Marsilius' political theory, but it is best understood as a necessary measure by a man who understood the realities of the regime that he was working for, and made the necessary changes to the things that

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<sup>334</sup> Bernard, 413-27.

<sup>335</sup> P. Marshall, *Heretics and Believers*, 219.

would not have been tolerated. In this respect, the omissions and changes that he makes are actually quite skillfully done, and reflect an educated effort to re-appropriate the work for a tyrannous hereditary monarch.

## Conclusion

William Marshall's translation of *Defensor pacis* is a curious text. On the one hand, it reflects the prominence and lasting effect that Marsilius' writing achieved centuries after his death. On the other, there are core aspects about Marsilius' original that are completely disagreeable to the notions of Royal Supremacy cultivated by Henry VIII. So can Marsilius' anti-papal arguments support themselves once the authority of the human legislator has been substituted to the prince? According to Marshall, they can. At the end of his translation, he retrospectively states his purpose, "to helpe further and profyte the chrysten cōmen weale," which "is and before this tyme hath ben iniustly molested [vexed] and troubled by the spyrytuall & ecclesyastycall tyraunt." The reader will find in this work "the Image of these our tymes most perfytyly and clerlye expressed and set out," and "that euen afore these dayes, euery one of the beste Emperours hath ben contynually sore vexed & troubled with the same tyrannye."<sup>336</sup> Marshall's language indicates that he views the usurped coercive jurisdiction of Roman bishops as a universal issue for all European monarchs. While Marsilius' anti-papal argument served to ultimately vindicate disputed claims of a Holy Roman Emperor, Marshall through his numerous changes argues that these assertions can be extrapolated for any Christian ruler or community who are 'vexed and troubled' by papal ambitions.

Marshall's omissions and changes to Marsilius' *Defensor pacis* reflect an acute awareness of the intricacies of the English Reformation, which had yet to be fully understood at the time of its publication. Inherent in this awareness was an expression of the King's supremacy that rivaled those of the most learned polemicists employed by Cromwell, as well as a general skepticism toward certain religious traditions. But to what extent were the religious aspects

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<sup>336</sup> Marshall, 140.

independent of the Royal Supremacy? That Marshall had Lutheran tendencies is well noted among historians, but some would argue that certain chapters on General Councils and monastic poverty were left out of his translation because they were incompatible with Henry VIII's absolute authority. Viewed through this lens, reliance on a General Council would undermine the King's claim to be the Supreme Head of the Church of England, just as the continuance of the monasteries would have been too reminiscent of papism. Interpretations such as these support the historiographical tradition that the English Reformation was inherently political, which is why it often receives less ideological attention than those of Luther or Calvin in the context of the broader Protestant Reformation.

Parts of this thesis are purposed to suggest the opposite. Along with a detailed analysis of Marshall's discrepancies that largely affirms the political thread, it proposes that there were elements of true religious reform inherent in not only Marshall's translation, but the English Reformation as a whole. The skepticism of entrenched Catholic tradition such as the condition of the monasteries and the superstition shown in the veneration of relics and the importance of pilgrimage attest to this argument. If Henry's reformation had been solely purposed to achieve his divorce and subsequent supremacy, then he would have left these aspects of English religious life alone once he had achieved this independence from Rome. That he had his ministers conduct visitations, and did not seem to personally value the power of pilgrimage and pious spending, suggests that he viewed these religious practices with skepticism. In many ways, the jury is still out, and we will never know the exact motivations that lay behind the actions of Henry's reformation. However, considering Marshall's understanding of these political and religious

realities as he translated the *Defensor pacis*, I agree with Lockwood's conclusion that "he did not deserve to be remaindered."<sup>337</sup>

Despite Marshall's efforts, *The Defense of Peace* did not sell well, as he was unable to pay back the loan from Cromwell two years later.<sup>338</sup> Perhaps this was because of its considerable length, which made it much more of a commitment to read than the works of the Henrician pamphleteers. Many of their works, after all, contained distilled examples of Marsilius' argument. Nevertheless, the fact that Cromwell paid for its production, and that Thomas Starkey sent it to Reginald Pole for his consideration, reflects the influence of Marsilius' anti-papal arguments on established Henrician reformers. This example of the appropriation of the *Defensor pacis* to help justify England's break from Rome stands as a testament to the importance of Marsilius' work as a defining text that helped to usher Medieval Europe into the Early Modern period.

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<sup>337</sup> Lockwood, 111.

<sup>338</sup> *LP Henry VIII*, vol. 11, no. 1355, in *Oxford Dictionary of National Biography*, s.v. "William Marshall (d. 1540?)," accessed June 27<sup>th</sup>, 2020, <https://www.oxforddnb.com/view/10.1093/ref.odnb/9780198614128.001.0001/odnb-9780198614128-e-18153?rskey=9SxIpU&result=9>.

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