THE CONCILIAR DOCTRINE OF MARSIGLIO
OF PADUA: AN IMPORTANT BIBLICAL ARGUMENT

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The identification of the Church with the state deeply changed the very notion of power in the Church. It was shaped more and more after the juridical pattern of the state, and its understanding as a charismatic ministry within the Body of Christ was consequently weakened.

Introduction

Enthusiasm for reading the works of Marsiglio of Padua often comes from his being perceived as a forerunner of post-medieval times. Because of his ambitious political programme, scholars have compared Marsiglio to modern authors and have interpreted his ideas in the context of modern social phenomena. It has been justly insisted that such comparisons may do no good to the Paduan, that he did not belong to our time and therefore parallels in that direction could go out of context or simply be wrong. At least one other serious danger can be added in this regard; the overemphasis on Marsiglio’s political concepts can overshadow other parts of the world of his ideas. Such may be the case with his ecclesiastical doctrine, which, being expounded in the strong framework of Marsilian political philosophy, seems to be merely its logical continuation.

Bearing in mind this potential problem, this paper will focus on one of the chief aspects of Marsiglio’s view of the Church, his teaching about the generale concilium Christianorum, the general council of faithful Christians. By shedding some light on a rather problematic use of the fifteenth chapter of the Acts of the Apostles, which Marsiglio situated at the centre of his conciliar argument, I

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1 This is a shortened version of a paper presented at the Tenth International Medieval Congress (University of Leeds, July 2003).


shall attempt to demonstrate a way in which the Biblical argumentation he used may offer a deeper insight into his “conciliarism.”

The Conciliar Thesis and Its Argumentation in *Defensor pacis*

To briefly outline the course of the argument, Marsiglio made his leading conciliar statement in the middle of the second *Dictio* of *Defensor pacis*, developing around it a series of chapters that one can indeed consider as a separate “conciliar treatise” inside the whole work. By chapter nineteen he had already discussed the crucial problems concerning the relationship between priestly and secular power (chapters 3 to 10), ecclesiastical poverty (chapters 11 to 14), and the limits and nature of priestly power (chapters 15 to 17). In the central chapter, eighteen, Marsiglio defended the central thesis of the treatise in the form of a compressed historical sketch. He maintained that the papal claim to *plenitudo potestatis* not only did not accord with the true nature of the priestly office and the mission of Christ’s Church, but was in fact a result of gradual and illegal usurpation of authority by popes. Firstly, the bishop of Rome, like all ecclesiastics in principle, was subject to the power of the secular ruler; secondly, the bishop of Rome possessed no exclusive authority over the other bishops. The claim to *plenitudo potestatis*, therefore, was false, not only in its civil, but above all in its ecclesiastical dimensions.

It was at this point that Marsiglio faced the conciliar question. His initial proposition was the existence of certain “doubtful questions or sentences of Scripture,” the interpretation of which was necessary for men’s salvation and for keeping the unity of the faith. The opinions of learned men on such questions often went in diverse directions and, without proper interpretation, schisms and quarrels arose among Christians and the people were led into error. How was

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5 This expression (“der Konzilstraktat des Marsilius,” referring to chapters 18–22 from the second *Dictio*) was coined by Hermann Sieben, see his *Die Konzilsidee des lateinischen Mittelalters (847–1378)* (Paderborn: Ferdinand Schöningh, 1984), 370 (henceforth Sieben, *Die Konzilsidee*).

6 The discussion developed in *Defensor pacis* II.xviii.3–7.

7 “primum [ostendere volumus] quod dubios sensus sive sententias scripturae sacrae … praesertim circa fidei articulos … sit expediens et necessarium terminare. Quoniam expediens est, quinimo necessarium, sine quo fidei unitas minime salvaretur, error et schisma contingeret circa fidelem inter Christi fideles.” (*Defensor pacis* II.xx.1; the Latin text, but in classical spelling, is given according to Scholz’s edition: Marsilius von Padua, *Defensor pacis*, edited by Richard Scholz (Hannover: Hahnsche Buchhandlung, 1932). On the salvific function of these determinations, see n. 10.
this problem to be resolved? Marsiglio’s attention turned to the Christological and Trinitarian discussions of the first four ecumenical councils. Following their example, he stated that

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\text{huius determinationis auctoritas principalis [that is, concerning doubtful questions of Scripture], mediata vel immediata solius sit generalis concilii Christianorum aut valentioris partis ipsorum vel eorum, quibus ab universitate fidelium Christianorum auctoritas haec concessa fuerit.}^8
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But how was one to understand this \textit{concilium generale Christianorum} and the disjunctions that followed it? Marsiglio answered in the same paragraph:

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\text{omnes mundi provinciae seu communitates notabiles secundum sui legislatoris humani determinationem … et secundum ipsarum proportionem in qualitate ac qualitate personarum viros eligant fideles, presbyteros primum et non presbyteros consequenter, idoneos tamen, ut vita probatioris et in lege divina peritiores, qui … vicem universitas fidelium reprezentantes … per universitas auctoritate concessa convenient ad certum orbis locum … in quo simul ea quae circa legem divinam apparuerint dubia, utilia, expedientia et necessaria terminari, diffiniant, et reliqua circa ritum ecclesiasticum seu cultum divinum … habeant ordinare.}^9
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The determinations of the general council thus convoked were in no wise lower than Holy Scripture; in the same way, they had to be perceived and followed with irrevocable faith:

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\text{Est autem hoc, quod nullam scripturam irrevocabili verum credere vel fateri tenere de necessitate salutis aeterni, nisi eas, quae canonicae appellantur, vel eis, quae ad has ex necessitate sequuntur, et scripturarum sacrarum sensum dubium habentium eis interpretationibus seu determinationibus, quae per generale fidelium seu catholicorum concilium essent factae, in his praeest, in quibus error damnationem aeternam induceret, quales sunt articuli fidei Christianae.}^{10}
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Scholars have justly emphasised the council’s ultimate dependence on the authority of the secular ruler with regard to the procedure of its convocation as given by Marsiglio. From this point of view Hermann Sieben, in his study on the history of the conciliar idea in the Latin Middle Ages, correctly characterised one of the peculiarities of this position as a transition “vom consilium pontificis zum consilium principis.”^11 Marsiglio’s immediate argumentation, however, fell within

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^8 \text{Defensor pacis II.xx.2.}
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^9 \text{Defensor pacis II.xx.2.}
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^10 \text{Defensor pacis II.xix.1}
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^11 \text{Sieben, \textit{Die Konzilsidee}, 369.}
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the field of theology. First he turned to the concluding verse of Matthew’s Gospel: *Et ecce ego vobiscum sum omnibus diebus, usque ad saeculi consummationem.* Having quoted the gloss to the passage, Marsiglio interpreted the Lord’s promise in the sense that, in order to preserve faith, the Holy Spirit was always present among the faithful. This was confirmed by a second reference, to the fifteenth chapter of Acts of the Apostles; the narration stated that the decision regarding the circumcision of gentiles had been taken in accordance with the will of the Holy Spirit: *Visum est enim spiritui sancto et nobis.* The general council of the faithful, ran Marsiglio’s argument, truly represented by succession the congregation of the apostles and the other Christians from ancient times. As in the primitive Church, therefore, the virtue of the Holy Spirit, through its presence, directed and assisted the deliberations of faith made by the general council. Marsiglio claimed that the same conclusion could also be drawn by infallible deduction supported by Scripture; had Christ allowed the gathering of the faithful to be fallible in determining things that concern eternal salvation, the entire law of the New Testament would have been given in vain. Since this was impossible, conciliar determinations truly originated from the supernatural assistance of the Holy Spirit and were free of error.

On the basis of these arguments Marsiglio was further able to enlarge the council’s competencies, endowing it with full responsibilities for the religious life of the Christian community. The final conclusion hereupon was clear: only

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13 “Ubi Rabanus: *Ex hoc intelligitur, quod uisque in finem saeculi non sunt defuturi in mundo, qui divina mansione et inhabitatione sunt digni*; *quibus scilicet ad fidei conservationem spiritum sanctum pie tenendum est semper adesse.*” (Defensor pacis II.xix.2)
15 “Cum igitur fidelium congregatio seu concilium generale per successionem vere praepostet congregationem apostolorum et seniorum ac reliquorum tunc fidelium, in determinandis scripturae sensibus dubiis … quinimo certum est, deliberationi universalis concilii spiritus sancti dirigentis et revelantis adesse virtutem.” (Defensor pacis II.xix.2)
16 “quoniam frustra dedisset Christus legem salutis aeterne, si eius verum intellectum, et quem credere fidelibus est necessarium ad salutem, non aperiret eisdem hunc querentibus … sed circa ipsum fidelium pluralitatem errare sine reret. … Et ideo pie tenendum, determinationes conciliorum generalium in sensibus scripturae dubiis a spiritu sancto suae veritatis originem sumere ….” (Defensor pacis II.xix.3)
17 The general council was responsible for ordinances regarding ecclesiastical ritual, fasting, canonisation and veneration of saints, regulations concerning marriage (Defensor pacis II.xxi.4–8), excommunication and imposing interdicts (Defensor pacis II.xxi.9), appointment of ecclesiastics (Defensor pacis II.xxi.9), and, of course, for all kinds of changes of decisions taken by earlier councils (Defensor pacis II.xxi.10).
The Conciliar Doctrine of Marsiglio of Padua: An Important Biblical Argument

The concilium generale, convoked in accordance with the given conditions, possessed the full authority to control the life of the faithful within the Church. No single person (such as the Roman bishop) or partial congregation of persons (such as the pope together with the cardinals) possessed any fullness of ecclesiastical power. The conciliar discussion from the second Dictio thus completed Marsiglio’s work on the main theme of the treatise, the disproof of the papal claim to plenitudo potestatis.

The Argument from Acts 15

Scholars have continuously interpreted Marsiglio’s conciliar thesis as a mere transposition of the secular political principles of the Defensor. A closer look, however, at the arguments that Marsiglio applied to the ecclesiastical case, on the one hand, and to the secular, on the other, would prove such a “derivative” approach to be in need of revision. One possibility in this regard would be moving the specific argumentation from the second Dictio of the treatise much closer towards the focus of the analysis. While omitting the most provocative question, that is the context and possible external sources of Marsiglio’s own ecclesiastical theory, it is interesting to focus additional attention on one important Biblical argument used in direct support of his conciliar thesis. The conciliar practice of the Church was, he stated, a Biblical truth:

18 See, in the first place, the classic studies of Alan Gewirth, Marsilius of Padua and Medieval Political Philosophy (New York: Columbia University Press, 1951), 283, sqq. and Jeannine Quillet, La philosophie politique de Marsile de Padoue (Paris: Librarie Philosophique J. Vrin, 1970), 168, sqq. See also Karl Hirsch, Die Ausbildung der konziliären Theorie (Vienna: Verlag von Mayer, 1903), 29 (one of the first studies on the genesis of the conciliar theory in the period before the Great Schism), Hermann Segall, Der ‘Defensor Pacis’ des Marsilius von Padua. Grundfragen der Interpretation (Wiesbaden: Franz Steiner, 1959), 67 (a text which reconsiders the whole tradition on Marsiglio from the 1880s onwards), and Sieben, Die Konzilsidee, 370, sqq.

19 Just a starting example: while secular legislation was all-inclusive in principle (cf. Defensor pacis I.xii.3, I.xii.5), conciliar membership was to be limited only to those who were “more experienced” in matters of faith (Defensor pacis II.xx.2). Hence, the way that conciliar determinations proceeded stood rather in contrast with the principles of popular sovereignty of Marsiglio’s civil theory.

20 Insofar as the second Dictio is concerned, such an attempt has been made with regard to the ecclesiastical poverty theory, see Kerry Spiers, “The Ecclesiastical Poverty Theory of Marsilius of Padua,” Il pensiero politico 10 (1977): 2–21.
Sic namque fecerunt apostoli cum senioribus de hiis quae dubia circa evangelium occurrerunt, ut apparet Actuum 15o .... Non enim dubium illud de circumsicione beatus Petrus aut alter apostolus seorsum aut singulariter diffinivit, sed convenerunt super hiis omnes apostoli et seniores sive peritiores in lege. (emphases mine, M.O.)

This parallel, by no means original, played a central role in the whole conciliar discussion, first in the Defensor pacis, and also later in the Defensor minor. The “true representation by succession” of the ancient apostolic community by the contemporary general council, which provided Marsiglio with the strongest argument for the council’s inerrancy, was claimed and affirmed on the basis of the example taken from the fifteenth chapter of Acts. Then later, while producing his provocative disproof of Ockham’s “paralogism” in Defensor minor, Marsiglio did not enlarge the circle of his Biblical material and drew on the same passage. On the other hand, the reference also had a broader contextual function. The entire network of Marsiglio’s argumentation with regard to

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21 Defensor pacis II.xx.5.
22 It would suffice to quote the Glossa ordinaria to the passage in question: “Conveneruntque apostoli. Hic datur exemplum faciendi conventus, ad discernenda ea quae fidei sunt necessaria.” (MPL, vol. 114, col. 456D). Marsiglio did not refer explicitly to the gloss here (as he did on other occasions), but the logic of his argument appears to be the same.
23 Marsiglio situated his argument in the context of Acts 15: “Idem aperte convincitur ex Actuum 15o, dicente apostolorum et fidelium congregatione post ambiguitatis illius determinationem: Visum est enim spiritui sancto et nobis. Asseruerunt enim et asserit scriptura ipsorum determinationem in dubiate illa circa fidem factam esse a spiritu sancto. Cum igitur fidelium congregatio seu concilium generale per successionem vere repraesentet congregationem apostolorum et seniorum ....” (see note 15, above) (Defensor pacis II.xix.2).
24 Roughly summarised, Ockham’s objection reads as follows: it was impossible that the council’s members, taken individually, could not err in matters concerning faith; possible fallibility was therefore to be predicated of the whole conciliar gathering, in analogy with the individual fallibility of some of its members (cf. the discussion of Marsiglio’s opinion in Ockham’s Dialogus, Part 3, Tract. 1, Chapters 8–11). To this, Marsiglio replied: “nam ex auditu unius ad alterum excitabitur mens ipsorum invicem, ad considerationem aliquam veritatis, ad quam nequaquam perveniret ulla ipsorum seorsum existens sive ab alis separatus: et rursum ... hoc videtur esse atque fuise ordinatio divina, et factum in ecclesia primitiva. Unde Actuum legitur ....” (what followed was the example from Acts 15) (Defensor minor xii.5; Latin text quoted after Marsile de Padoue, Œuvres mineures: Defensor minor, De translatione Imperii, ed. Colette Jeudy and Jeannine Quillet (Paris: Editions du Centre national de la recherche scientifique, 1979)).
The Conciliar Doctrine of Marsiglio of Padua: An Important Biblical Argument

ecclesiastical affairs pursued the ultimate aim of restoring the ancient apostolic practice of the primitive Christian Church, the point of view from which all the crucial problems in the second *Dictio* of *Defensor pacis* were resolved. Arriving at the conciliar problem, therefore, Marsiglio remained faithful to this basic principle, building his argumentation on the story from Acts 15, the necessary apostolic justification without which the conciliar discussion could not have developed.

What is interesting is the structure of this parallel. For Marsiglio it was not a problem to affirm that the conciliar practice recommended in *Defensor pacis* was the true apostolic practice insofar as the members of the council, those elected in their quality of being *vita probationis et in lege divina peritiores*, corresponded to the *seniores* from Acts and, further, the conciliar gathering of both clerics and non-clerics corresponded to the gathering of the apostles and the “elders.” It is no surprise that in the Biblical text the *seniores* stood for πρεσβύτεροι, a word that the Latin variant kept transliterated in other places. For example, the story in Jerusalem began thus:

> And certain men came down from Judea and taught the brethren, “Unless you are circumcised according to the custom of Moses, you cannot be saved.” Therefore, when Paul and Barnabas had no small dissension and dispute with them, they determined that Paul and Barnabas and certain other of them should go up to Jerusalem, to the apostles and elders (apostolos et presbyteros), about this question.

Then there was the verse to which Marsiglio referred:

> And the apostles and elders (apostoli et seniores) came together for to consider of this matter.

Paul’s advice on what the personal qualities of these “elders” had to be was given in the Epistle to Titus, a text that is closely related to the two passages from Acts:

> For this reason I left you in Crete, that you should set in order the things that are lacking, and appoint elders in every city as I commanded you—if a man is blameless, the husband of one wife, having faithful children not accused of dissipation or insubordination.

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25 See above, n. 9.
26 Acts 15:1–2 (New King James Version). The Latin text, here and in the next quotation, is given according to the Vulgate.
For a bishop must be blameless, as a steward of God; not self-willed, not quick-tempered, not given to wine, not violent, not greedy for money, but hospitable, a lover of what is good, sober-minded, just, holy, self-controlled, **holding fast the faithful word as he has been taught**, that he may be able, by sound doctrine, both to exhort and to convict those who contradict. [emphases mine, M.O.]28

 Returning to the Paduan’s own position with that in mind, one faces a correspondence and, as it seems, an inconsistency, perhaps the most serious one with regard to the Biblical argumentation of the conciliar thesis. As for the correspondence, it is notable that in his own requirements for the personal qualities of the council’s members, Marsiglio appears to have adhered to the instructions from Titus. As Paul put it, so too Marsiglio required that the *seniores* be “persons of most blameless lives, having deep experience in matters of faith.”29 Direct reference to the apostle was not made, but it is well arguable that Marsiglio had this passage in mind while writing the instructive section on how the council was to be composed.30 But then, according to the passage from Acts, the *seniores* were precisely members of the ecclesiastics’ community.31 Earlier in the *Defensor pacis*, Marsiglio had shown himself to be aware of the connection:

    Verum ubi communis litera canonis habet senior aut consenior, beatus Hieronymus … habet presbyter aut conpresbyter, quoniam bis nominibus tamquam synonymis utebantur apostoli.32

 While drawing on Acts 15 later, however, he brought forward a neutral meaning of the word *senior* and, taking on an equivocation, referred it to the personal proficiency in matters of faith, his main criterion for conciliar membership; henceforth the clarifying addition *sive in lege divina peritiores*. The argument on behalf of the council was then easily built on this basis: the clerics and the (proficient) non-clerics who comprised the conciliar gathering nowadays corresponded to the *apostoli et seniores* who had once gathered in Jerusalem. The contemporary general council therefore succeeded and truly represented the

28 Titus 1:5–9. See also I Timothy 3:1, and following verses.
29 See n. 9.
30 Titus 1 was quoted only a few paragraphs later, in the middle of the conciliar discussion (*Defensor pacis* II.xx.13).
31 According to the gloss: “Huius rei gratia. Primo dicit quid agere debeat et quales ordinare presbyteros, incipens ita, huius rei gratia. … Presbyteros. Pluraliter dicit presbyteros, non autem singulariter, ut scilicet pastoralis curae onus facilius sustineatur, per multos divisum.” (MPL, vol. 114, col. 639A)
32 *Defensor pacis* II.xv.5.
ancient Apostolic gathering and, by virtue of this, received the supernatural assistance of the Holy Spirit by the same token as had happened in the apostles’ own time. This guaranteed the council’s inerrancy in confessional issues and endowed it with the sole right to deal with the determinations of doubtful questions of faith.

In other words, Marsiglio interpreted “selectively” by picking up one particular verse from the Biblical text that seemed to fit quite well within the tenor of his argument, but could have had completely different consequences if taken in its proper context. Still, given the ideological network of the Defensor, the argument based on Acts 15 worked well. One should probably take into consideration the fact that the status of these seniores itself appeared to be a problem for Marsiglio. Truly, according to the Biblical text the “elders” were only clerics and therefore the gathering at Jerusalem did not at all correspond to the conciliar formula presbyteri primum et non presbyteri consequenter. But at this point, Marsiglio had changed his whole perspective: it was not the ecclesiastical status of those men that mattered, but their personal proficiency regarding problems of faith. The fact that in Jerusalem it was only clerics that gathered together was for the reason that in those times only such persons had the necessary “qualification” in accordance with the apostle’s instructions from Titus. Marsiglio quoted the passage here and concluded that:


Propter quod tales existentes sacerdotes [that is, as the Apostle described them in the Epistle to Titus] ad difficilia vel dubia circa scripturam et fidem interpretanda et diffinienda quasi soli convenire solebant.\(^{33}\)

Leaving aside the purely nominal context of their being πρεσβύτεροι in the strict sense, that is, members of the ecclesiastics’ community, Marsiglio actually focused on the description from Titus, and hence his reference to Acts 15 remained internally coherent. The “elders” were, above all, men proficient in matters of faith and divine law. From this point of view there was no essential difference between them and the members of the Paduan’s own concilium generale.

Practically, one can understand the full potential of Marsiglio’s argument by taking into consideration this complex use of Biblical material. The conciliar thesis had, as already noted, the central ambition of restoring the true, ancient practice of the Christian Church. The exact procedure, however, through which this restoration was to be achieved now appears to be a speculation over Acts 15 elaborated in the context of a peculiar interpretation of the relevant passage from Paul’s Epistle to Titus.

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33 *Defensor pacis* II.xx.13.
Conclusion

Having looked at Marsiglio’s conciliar position from the point of view of the important argument based on Acts 15, we should briefly conclude by pointing out the importance of, and the perspective on, such an approach. Indeed, the Biblical argumentation appears to be an appropriate way to overcome the reductionism of interpreting Marsiglio’s conciliar position as merely deriving from the general principles of his secular political theory. But not only that; after all, whenever ecclesiastical theory proper is concerned, the ultimate foundation of every discussion should be traceable back to Scripture. Biblical interpretations were thus a powerful source of argumentation in a number of other crucial places in Marsiglio’s discussion: the nature of priestly power, the sacraments of the Church, and ecclesiastical poverty. While the personal religious feelings of the Paduan will justly remain secret from us, the way he read and used the Bible can enlighten us a great deal about his own theological views and their influence on this fascinating part of his theory, the teaching about the nature and functions of Christ’s Church.